1879-004
Nansemond Co. (Suffolk)

Chancery Causes: Exrs of William B. Whitehead et al vs Angevine Daugherty et al

Burr, Pinner, Harrison, Colburn, Coleburn, Colbourn, Quillen, Quillon, Quielon, Williams, Willis, Bloxsom, Shivers, Lewis, Goodloe, Duke, Pipkin, Royster, Casey

Costs

Clk.	$16.27
Attn: Hay	30.50
Sheriff	1.00
Printer	7.00
Commrs:	4.00
	$59.77

Bond

STATE OF VIRGINIA—
Nansemond County, to-wit:

In the Clerk's Office of the Circuit Court for the said county, on Friday, the 6th day of July, 1877, in vacation.

John B. Whitehead and Jno. R. Kilby, Executors of the last will and Testament of Wm. B. Whitehead, deceased; Frederick S. Burr and Susanna E. his wife, Wm. W. Pinner, P. Hudson Pinner, Owen K. Pinner and Archibald H. Pinner, and Jas. W. Harrison.....Plaintiffs.

Against — In chancery,

Angevine Daugherty and Louisa, his wife, and Mary Jane Harrison, widow of William C. Harrison, deceased, and Mary A. L. Pinner, an infant, under the age of twenty-one years. Defendants.

The object of this suit is, for a partition or sale of certain Real Estate, in the town of Suffolk, county of Nansemond and State of Virginia, in which the said parties Plaintiff and Defendant are interested.

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

A Copy

Teste,

PETER B. PRENTIS, Clerk.

WILBUR J. KILBY, p. q.

July 4t

Office of the Suffolk Herald,

Suffolk, Va., Aug 9th 1877

We hereby certify that the order, of which the annexed is a copy, has been published in the SUFFOLK HERALD in the manner prescribed by law, once a week for four successive weeks.

ELAM & HUMPHREY, Eds. Herald.

Wm. B. Whitehead's Exors:

Lal:

$\frac{4}{20}$ } Certif: of Pub:

Augustine Daugherty Lat: Sal

T. G. ELAM.—Largest Circulation of any Paper in Nansemond, Isle of Wight, Southampton and Gates Co's.—E. E. HATHAWAY.

Suffolk, Va. 187

Mr W. S. Kilby

To "Suffolk Herald," Dr.

Newspaper and Job Printing Establishment,

1877 WASHINGTON SQUARE NEAR MAIN ST.

July	11	Ord. Pub., Kilby & Whitehead vs. A. Daughtrey 4sq. 4t	$7.00

(2)

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 Twelve Hundred (1200) 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 23rd: day of April in the year one thousand eight hundred and seventy-eight, and in the 102nd 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 was, by a Decree of ~~who has this day qualified before~~ the Circuit Court of Nansemond County, pronounced on the day of April, 1878, in the Chancery Cause of Wm B. Whitehead's Exors: &c. Pltfs: against Augustus Wrenn's Exors: &c. 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, 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.
Clerk.

Wilbur J. Kilby {Seal.}
Wallace Kilby {Seal.}
{Seal.}
{Seal.}
{Seal.}

Wilbur J. Kilby, Commtt.

To } Bond

Commonwealth.

April 23rd. 1878 Executed & filed

Virginia:

At Rules in the Clerk's Office of the Circuit Court of Nansemond County, on Monday, the 6th. day of August, 1877.

John B. Whitehead and John R. Kilby, Executors of the Last Will and Testament of Wm. B. Whitehead, deceased, Frederick S. Bass and Susanna E. his wife; Wm. W. Penner, P. Hudson Penner, Owen K. Penner and Archibald H. Penner, and Jas. W. Harrison . . Complainants

against } In Chancery

Augustine Daugherty and Louisa his wife, and Mary Jane Harrison, widow of William C. Harrison, deceased; and Mary A. L. Penner, an infant under the age of twenty-one years. . Defendants.

On the motion of the Complainants, by Counsel, Peter B. Prentis is appointed guardian ad litem to Mary A. L. Penner, 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.

1877. August 6th. I acknowledge service of the foregoing order, and that I have received a copy thereof.

Peter B. Prentis.
Gdn: ad litem

Wm B. Whitehead's Exors:
Dol:

vs } Order ass[t]g: Joh: and Interim

Augustus Daugherty Dol:

The Commonwealth of Virginia,

To the Sheriff of Nansemond County---Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Augevine Daugherty and Louisa his wife, and Mary Jane Harrison, widow of William C. Harrison deceased, and Mary A. L. Pinnier an infant under the age of twenty-one years.

to appear at the Clerk's Office of our Circuit Court, for the County of Nansemond, on the first Monday in August next, 1877, being rule day, to answer a bill in chancery, exhibited against them in said Court by John B. Whitehead and John R. Kilby, Executors of the Last will and Testament of Wm. B. Whitehead deceased, Frederick S. Burr and Susanna E. his wife, Wm. W. Pinnier, P. Hudson Pinnier, Owen K. Pinnier and Archibald H. Pinnier and Jas. W. Harrison

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 6th day of July 1877, and in the 102nd 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.

On the 10th day of July 1877. I Executed The within Summons by delivering a copy of the same to Louisa Dougherty wife of Angevine Dougherty and the within named Angevine Dougherty not being found at his usual place of abode. I also delivered to his said wife a copy of the within Summons and gave information of its purport to her.

F. H. Davis Deputy for
J. L. Fulgham Shff

1877 July 10th. Service of the within summons is hereby acknowledged for the within named Mary Jane Harrison. widow of Wm C. Harrison

Wilbur J. Kilby. Atto.

Wilbur J. Kilby Esq
Atl:

Sum's in Chy

Angevine Dougherty et ux:
Def:

Aug: Rules, 1877

Rec: 13. Nov. 1877
Cert: Co.

John B. Whitehead and John R. Kilby, Executors of the last will and testament of Wm. B. Whitehead deceased, Frederick A. Burr and Susanna E. his wife, Wm. W. Pinner, P. Hudson Pinner, Owen K. and Archibald H. Pinner and Jas. W. Harrison Plaintiffs

vs. } In Chancery

Angerine Daugherty and Louisa his wife, and Mary Jane Harrison widow of Wm. D. Harrison deceased, and Mary A. L. Pinner, an infant under the age of twenty-one years Defendants.

The clerk of the Circuit Court of Nansemund County will issue processes against the Defendants above requiring them to answer the Bill of the Plaintiffs in Chancery seeking a partition or sale of certain real estate in Suffolk, ~~Virginia~~ Nansemund County, Virginia in which they are interested.

To August Rules 1877

6 July 1877

Wilbur J. Kilby
p.q.

Came to hand Life's same day
clk.

Memorandum
for
clerk;

Sec. Lots Whitehouse

Wm Stephen & Harrison's Lot.

1873 S. Town of Suffolk

11th Oct S. 108 Lin. Feet Track laid @ 17½ p ft. £18.30

Interest 3 2 0

Sept 3rd 1878 Last payment R R Smith Esq £21.5.0

Mr. J. T. Armey
will pay this Bill
and the same
will be received
by me as cash
in payment of
the Harrison lot.

Wilbur J. Kelly
Comr.

29 aug,
1878

Ann Harrison
$18.30
Interest 3.20
$21.50

2

At a Circuit Court held for Nansemond County, the 12th. day of October, 1878.

John B. Whitehead and John R. Kilby, Executors of Wm. B. Whitehead, deceased; Frederick S. Bunn and Susanna E. his wife; Wm. W. Pinner, P. Hudson Pinner, Owen K. Pinner and Archibald H. Pinner, and Jas. W. Harrison . . . . . Plaintiffs.

Against } In Chancery

Angevine Daugherty and Louisa, his wife, and Mary Jane Harrison, widow of William O. Harrison, deceased; and Mary A. L. Pinner, an infant, 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 Commissioner, Wilbur J. Kilby, being a Report of Sale of land, and on the Report of Commissioner Peter B. Prentis, being a Report of Value of life estates: both of said Reports having been 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 two said Reports, to which no exception has been filed, and doth adjudge, order and decree that Wilbur J. Kilby, Special Commissioner aforesaid, receive of the Clerk of this Court (who will deliver to him and take a receipt from him for) the two Bonds of Sarah C. Nurney and J. T. Nurney and M. L. Jones, her securities, filed with said Report of Sale of land made by said Commissioner, Wilbur J. Kilby, said Bonds, being each for the sum of $232.76, dated the 13th. day of May, 1878,

and payable six and twelve months after date, respectively, with interest from date, and that said Commissioner, Wilbur J. Kilby, proceed to Collect the principal and interest of said Bonds, at Maturity, or receive the same before maturity, should said Obligors desire sooner to pay the same, and that said Commissioner, Wilbur J. Kilby, when said Bonds shall have been collected or paid, proceed to pay first all unpaid costs and expenses of this suit, and then pay to John B. Whitehead and John R. Kilby, Executors of Wm B. Whitehead deceased, in full, the sum of $148:17, being the present value, in money of the life estate of Ann Harrison, in the land sold under proceedings had in this Cause, to which said Executors are entitled by virtue of ~~[illegible]~~ purchase from said Ann Harrison, by their Testator, said Wm: B. Whitehead, in his life time; and, that said Commissioner, Wilbur J. Kilby, pay one fourth of the residue of said money to said Executors, and one fourth, to Louisa Daugherty, and $32:80, part of another one fourth to Mary Jane Harrison, being the present value of her life Estate in said one fourth, and pay the residue of this last aforesaid one fourth, to Wm: C. Harrison; and then pay and distribute the remaining one fourth, to and among the following parties, equally, share and share alike, paying the shares of the adults to them, in their own proper persons, and the share of the infant, Mary A. L. Penner to her guardian, legally appointed, to wit: to Susanna E. Burr, wife of Frederick S. Burr, one share: to Wm: W. Penner, one share: to P.

Hudson Penner, one Share to Owen K. Penner, one Share to Archibald H. Penner, one Share, and to the guardian of Mary A. L. Penner, for her, one share of said remaining one fourth of said Money.

And the Court doth further adjudge, order and decree, that said Commissioner, Wilbur J. Kelly, make to said Sarah C. Mooney, a Deed, with special warranty in the usual form, conveying to her, as and for her sole and Separate ~~xxx~~ estate, the Real Estate purchased by her under proceedings had in this Cause, when the principal of said Bonds and all interest due thereon shall have been paid in full. And said Commissioner will make Report to Court of his proceedings under this decree.

A Copy.

Teste,

Peter B. Prentis. Clerk

Xmid

Whitehead's Exors: 4
vs 4 } Copy Decree
Daugherty Dft:

deed made

To the Circuit Court of Nansemond County Virginia:

In pursuance of a decree of said Court pronounced at the October Term thereof in the year 1878 in a cause in Chancery in said Court depending between Wm. B. Whitehead's Executors and others, Plaintiffs and Eugenia Daugherty and others Defendants, - a copy of said decree being hereunto annexed, the Undersigned respectfully reports to Court that as directed by said decree he has received of the Clerk of said Court the two Bonds of Sarah E. Nunney with J. T. Nunney and W. L. Jones her securities, named in said decree, each for the sum of $232.76 dated the 13th. day of May 1878 and payable six and twelve months after date respectively with interest from date, that he has collected the principal of said two Bonds with all interest due thereon, and that, having paid all unpaid costs of said cause, he has paid out and distributed the residue to and among the parties entitled thereto and named in said decree, as said decree directs, and as the following statement and vouchers hereunto annexed will show:

By principal of said two Bonds, each for $232.76 =		$ 465 52
" Interest on the same from 13 May 1878 to 13 Feby. 1879 - 9 m.		20 91
Total =		$ 486 43
To paid Ro. R. Smith, Sergeant of Town of Suffolk, a tax due said Town, per rect.	$ 21 50	
" fee for deed to purchaser of land.	5 00	$ 26 50
Balance carried on		$ 459 93

By Balance brought on $ 459 93
To paid John B. Whitehead, surviving
Executor of Wm B. Whitehead
deceased, per said decree & per rect. $ 148 17
$ 311 76

To paid John B. Whitehead, surviving Executor
of Wm B. Whitehead deceased
1/4 of $311.76, per said decree & rect. $ 77 94
" " Lonija Daugherty 1/4 of $311.76
as per said decree & rect. 77 94
" " Mary J. Harrison, part of 1/4
of $311.76, per said decree & rect: $32,86
" " Wm C. Harrison, balance of this
last 1/4 of $311.76, per said
decree & per rect. — $45.08= 77 94
" " Susanna E. Burr, wife of Fred=
erick S. Burr 1/6 of $77.94
per rect. & said decree.- $ 12.99
" " Wm W. Pinner, ditto, per
said decree & rect. 12.99
" " P. Hudson Pinner, ditto, per
said decree & rect. 12.99
" " Owen K. Pinner, ditto per
said decree & per rect. 12.99
" " Archibald H. Pinner, ditto,
per said decree & rect. 12.99
" " Wright Pinner, Guardian
of Mary A. L. Pinner, ditto
per said decree & rect. 12.99= $ 7794= $ 31176

Your Commissioner further reports that he has made to Sarah E. Turney a deed with special warranty in the usual form conveying to her as and for her sole and separate estate the real estate purchased by her under proceedings had in said Cause.

Respectfully submitted this 14th. day of February 1879

Wilbur J. Kilby. Comr.

1879 Feby. 14th. Received of Wilbur J. Kilby, Comr. the several sums of money charged as paid to us in the foregoing account and set opposite our names as follows:

John B. Whitehead Executor of Wm B. Whitehead deceased by Wilbur J. Kilby. Atty.	$	148 17
Same by Wilbur J. Kilby. Atty.	$	77 94
Mary J. Harrison by Wilbur J. Kilby. Atty.	$	32 86
Wm C. Harrison by Wilbur J. Kilby Atty.	$	45 08
Susanna E. Burr by Wilbur J. Kilby Atty.	$	12 99
Wm W. Pinner by Wilbur J. Kilby. Atty	$	12 99
P. Hudson Pinner by Wilbur J. Kilby. Atty.	$	12 99
Ayers K. Pinner by Wilbur J. Kilby. Atty.	$	12 99
Archibald H. Pinner by Wilbur J. Kilby. Atty.	$	12 99
Louisa Daugherty by Wilbur J. Kilby Atty.	$	77 94
Wright A Pinner guardian of Mary A J Pinner	$	12 99

Whitehead's Exors. & al.

vs. } Chy.

Daugherty & al.

Report of payments
14 Feby. 1879

1879. Feby: 14th: Filed
clk

Commissioner's Office
Suffolk, Va: 28. June, 1878

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 Wm. B. Whitehead's Executors and others, Plaintiffs, and Augustine Daugherty and others, Defendants, the undersigned reports to Court that he has ascertained the present Value, in money, of the Life Estate of Ann Harrison, in the Real Estate of which James Colebourn died seised and possessed, being a tract of land, containing six acres, more or less, situated in the Town of Suffolk, Va, and described and bounded as set forth, in said Decree; and that he has also ascertained the present value, in money, of the Dower of Mary Jane Harrison, in one fourth (1/4) part of said land; and that in ascertaining said value of said life estate and said Dower, respectively, your Commissioner has used the "Table" lately adopted and prescribed for that purpose, by the Legislature of Virginia, which may be seen by reference to Acts of Assembly, 1877-8 page 246, and that the said Life Estate and said Dower, or, rather, the present value thereof, in money, have been ascertained, and are as follows:

Said Real Estate was sold at Public Auction on the 15th: day of May, 1878, by Commr. Wilbur J. Kelly for $560.00, as will appear by this Report of said Sale filed in said cause. This Price ($560) your Commissioner believes to

the fair value of said land as the same is assessed for taxes at $600: only $40: more than it sold for:— Ann Harrison is 77 years old, and the present value, on the basis of six per cent interest of one dollar per year, for a person of her age is, as per said Table, $4.410 for the time she may expect to live. Being entitled to six per cent interest on $560 (the value of said land) per year, said Ann Harrison's annuity is ascertained to be $33.60 as each dollar of the sum of $33.60 is worth to her so long as she may expect to live the sum of $4.410: Then the whole (or her life estate in said land) is worth, at present, the product of the multiplication of $33.60 by $4.410, which gives us, as the result— the sum of $148:17

In like manner, using said Table, and taking One fourth (1/4) the value of said land, to wit 1/4 of $560.00 or $140.00 and then taking 1/3 of the $140.00 or the sum of $46.67 to the use of which said Mary Jane Harrison is entitled, as Dower, her age being 42 years, and the present value of one dollar, so long as she may expect to live being (according to said Table) $11.779, and interest at the rate of six per cent on said sum of $46.67 being $2.79, we ascertain the present value in money of the Dower of said Mary Jane Harrison in one fourth (1/4) part of said Real Estate, by the multiplication of the said sum of $11.779 by said sum of $2.72 to be $32:86

28 June 1878
Commrs. fee
$2.50

Respectfully Submitted
Peter B. Fredrick Commr.

Whitehead's Exors: Vals.

vs } Chy:

Daugherty Vals:

Commissioners' Report
of Value of Life Estate
and Dower

1878. June 28th Filed

Largest Circulation of Any Paper in Nansemond, Isle of Wight, Southampton and Gates Counties.

Suffolk, Va., May 2nd 1878

Mr Nelson J Kilby Town

THOS. G. ELAM, Editor & Prop'r.

To SUFFOLK HERALD, Dr.

NEWSPAPER AND JOB PRINTING OFFICE

1878

WASHINGTON SQUARE, NEAR MAIN STREET.

April 24 To Ad: Harrison Lot for Sale
3 In 3t 6 00
50 Hand Bills 1 50 $7 50

Paid
Thos G Elam
Publisher

Book and Job Printing, Plain or Colored, Neatly and Cheaply Executed.

Suffolk, Va., June 4 1878

Mr Wilbur J Kelly, Trustee

To DUNBAR & WHITLEY, Dr.

PUBLISHERS OF

THE CHRISTIAN SUN.

June	4	To ad sale of Havens's lot.	
		4 Sqrs 1 time	$3 00
"	4	To ad. sale of [illegible]	

Received Payt
Dunbar & Whitley

Milton J. Kelly
Harvard
$3.00
1828

Suffolk Va Jan 14th 1898

Received of N J Kirby Commissioner
Five Dollars for selling the Harrison
Lot in Suffolk Va on the 13th May 1898

Geo T Parker Cmr

T. G. ELAM.—Largest Circulation of any Paper in Nansemond, Isle of Wight, Southampton and Gates Co's.—E. E. HATHAWAY.

Suffolk, Va. 187

Mr W. J Killey

To "Suffolk Herald," Dr.

Newspaper and Job Printing Establishment,

187 WASHINGTON SQUARE NEAR MAIN ST.

187 July	11	Ord Pub. Killey & Whitehead vs A. Daughtry 4 sq 4t	7	00

Paid by W J Killey
June 14th 1878
Thos. G. Elam
per E. E. Hathaway

Algebra Problem

Wm. L. Libby

$ ACRES

6 ACRES!

A Large Lot in Suffolk

FOR SALE.

By virtue of a decree of the Circuit Court of Nansemond County, Va., pronounced at the April term thereof, 1878, in a cause in chancery in said Court depending between Wm. B. Whitehead's Executors and others, plaintiffs, and Louisa Daugherty and others, defendants, I shall offer for sale at Public Auction, before the Court House door of said county, on the

13th Day of May, 1878,

(being County Court Day), that valuable lot of land known as the

"HARRISON LOT"

containing 6 Acres, more or less, situated on Kilby street, in the town of Suffolk, Va., and bounded on the north by the S. & R. Railroad; on the east by the lots of Catharine Jones, Whitmel Jones and others, residing on Pine street of said town; on the south by said Kilby street, and on the west by the lands of Joshua Matthias and John F. Pinner.

TERMS OF SALE: Part of the purchase money, enough to pay expenses of sale and costs of said suit, will be required in cash, and the residue at the end of six and twelve months; the purchaser to give bonds for the deferred payments, with good security, waiving the benefit of the Homestead, and bearing interest from day of sale. Title will be retained until all the purchase money shall have been paid.

WILBUR J. KILBY, Special Commissioner.

GEO. T. PARKER, AUCTIONEER.

April 15th, 1878.

Suffolk Herald Cheap Job Print.

At a Circuit Court held for Nansemond County, the 10th day of April, 1878.

John B. Whitehead and John R. Kilby, Executors of Wm. B. Whitehead, deceased, Frederick S. Burn and Susanna E. his wife, Wm. W. Pinner, P. Hudson Pinner, Owen K. Pinner and Archibald H. Pinner, and Jas. W. Harrison . . . . . Plaintiffs.

Against } In Chancery

Augustine Daugherty and Louisa, his wife, and Mary Jane Harrison, widow of William C. Harrison, deceased, and Mary A. L. Pinner, an infant, 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 Commissioners A. S. Darden, Thos. G. Elam, Thos. J. Kilby and Solo. Hodges, made in pursuance of a Decree of this Court pronounced at the October Term, in the year, 1877, 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 Wilbur J. Kilby, who is hereby appointed Special Commissioner for that purpose, proceed to sell at public auction, before the Court House Door of Nansemond County, Virginia, on some Court day, the Real Estate of which James Colebourn died seised and possessed, being a tract or parcel of land, having on it no buildings, containing Six (6) acres, more or less, situated in the Town of Suffolk, Nansemond County, Virginia, on the North side of Kilby Street, and bounded on the

North, by the Seaboard and Roanoke Rail Road: on the East, by the lots or lands of Catharine Jones, Whitmel Jones and others, residing on Pine Street of said Town: on the South, by said Kilby Street; and on the West, by the lands of Joshua Matthews and John F. Pinner.

That said Commissioner before proceeding to sell said Real Estate, advertise the day, time and place of the sale thereof, once a week for three successive weeks in a newspaper published in the Town of Suffolk aforesaid, and by printed notices posted at the Court House Door of said County and at conspicuous places in and about said Town, and that said Commissioner sell said lands on a credit of six and twelve months, except as to a sufficient part of the purchase-money to pay the costs of this suit and expenses of the said Sale, which he will receive in Cash and apply in payment of said costs and expenses, and that said Commissioner take from the purchaser of said Real Estate, bonds with good personal security, waiving the benefit of the Homestead Exemption, and payable to himself, six and twelve months from the day of sale, the same to be in evidence of the deferred payments, in two equal sums, of the purchase money not required in cash, to pay said costs and expenses, and said Commissioner will retain the title to said Real Estate until the further order of this Court. And before proceeding to sell said Real Estate, said Commissioner will execute before the Clerk of this Court, in his Office, a bond in the penalty of $1200, with good 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 said Commissioner will make Report to Court of his proceedings hereunder.

And the Court doth further adjudge, order and decree, that a Commissioner of this Court ascertain the present worth in money of the life estate in the whole of said land for the life time of Ann Harrison, to which Wm: B. Whitehead died entitled; and also, the present worth in money of the Dower of Mary Jane Harrison, in one fourth part of said land, and make report to Court.

A Copy:
Teste,
Peter B. Prentis. Clerk

Costs

Clerk . .	$16:28
Atto & Fax	36:50
Sheff:	1.00
Printer . .	7.00 pd
Commrs:	4.00
	$59:78

Wm. B. Whitehead's Exors. et als:

vs } Copy Decree

Augustine Daugherty et als:

The bond required of the Commissioner under this decree has been executed & filed.

Clk:

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 Wm. B. Whitehead's Executors, and others, Plaintiffs and Augustine Daugherty 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, as required by said decree, he advertised the day, time and place of the sale of the real estate described in said decree, which he was directed thereby to sell, 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 at the Courthouse door of said County and at conspicuous places in said Town, and that, in pursuance of said advertisement, he sold said real estate at public auction on the 13th. day of May 1878 before said Courthouse door, on the terms and conditions named in said decree, — said real estate being that of which James Colebum died seised and possessed, containing six acres, more or less, and situated in said Town and bounded and described as set forth in said decree, and that Sarah E. Nunney (as and for her sole and separate estate) became the purchaser thereof, at the price of ——————— $ 560 00

(over)

By purchase-price brought on, $ 560 00
In part of which sum of $560.
she said Sarah C. Summey, paid
in cash the sum of — $94.48,
which your Commissioner
has applied and expended
as follows:

To 5 per cent comm. on	$300.	$ 15	00
" 2 ditto "	260	5	20
" paid Thos. G. Elam for advertisements in "Suffolk Herald" of sale,	per rect.	6	50
" " Dunbar & Whitley for ditto in "Christian Sun"	per rect.	3	00
" " Geo. T. Parker. Auctioneer	"	5	00
" " P. B. Prentis. Clerk's costs	"	16	28
" " John R. Kilby Son. attorney's fee &c.	"	31	50
" " John L. Fulgham. sheriff	"	1	00
" " A. A. Darden. Comr.	"	1	00
" " Thos. G. Elam "	"	1	00
" " Thos. J. Kilby "	"	1	00
" " Solo. Hodges "	"	1	00
" " Thos. G. Elam, publisher of "Suffolk Herald" for order of publication, per rect.		7	00 = $ 9448
			$ 46552

To Bond of Sarah C. Summey, with J. T.
Summey and M. L. Jones security
payable six months after date
with interest from date and dated
the 13th. day of May 1878 for $ 232 76
To one other Bond of Sarah C. Summey with
J. T. Summey and M. L. Jones, security
payable twelve months after date with
interest from date and dated the
13th. day of May 1878 for 232 76 $ 46552

Which said Bonds have been executed
by said Sarah C. Summey in evidence of

the residue of the purchase-money due by her for said real estate, as specified in said Bonds, which are herewith filed.

Respectfully submitted
Wilbur J. Kilby
Special Commissioner

16 June 1878

1878 June 16th. Received of Wilbur J. Kilby, Special Commissioner, the respective sums charged as paid to us in the foregoing Statement and Report and set opposite our names as follows:

Peter B. Prentis, Clerk	$	16 28
John R. Kilby Esq. Attys. taxed fee & writ tax	$	31 50
J L Fuqua Sheriff		1 00
A J Dryden Comr.		1 00
Thos L Law. Comr		1.00
Thos D Kilby Comr		1 00
Solo Hodges Comr		1. 50

1879 Feby. 5th. Received of P. B. Prentis, Clerk of the Circuit Court of Nansemond County Va. the two Bonds of Sarah C. Nurney and J. F. Nurney and M. L. Jones her securities filed with this Report said Bonds being each for the sum of $232.76 dated the 13th. day of May 1878 and payable six and twelve months after date respectively with interest from date and received by the undersigned in pursuance of the decree of the October term 1878 of said Court.

Wilbur J. Killy
Comr.

Whitehead's Ex'rs. & als.
vs.
Daugherty & als.
} Chy.

Commissioner's Report of Sale

16 June 1878

1878. June 16th. Filed

At a Circuit Court held for Nansemond County, the 10th day of October, 1877.

John B. Whitehead and John R. Kilby, Executors of the Last will and Testament of Wm B. Whitehead, deceased; Frederick S. Burr and Susanna E. his wife; Wm. W. Pinner; P. Hudson Pinner, Owen K. Pinner and Archibald H. Pinner, and Jas: W. Harrison! . . . . . Plaintiffs.

against } In Chancery

Eugenie Daugherty and Louisa, his wife, and Mary Jane Harrison, widow of William C. Harrison, deceased, and Mary A.L. Pinner, an infant, under the age of twenty-one years. . . . . Defendants.

This Cause, in which the Complainants have proceeded as to the defendant, Eugenie Daugherty in manner prescribed by law, against absent defendants, came on this day to be heard on the Bill of the Complainants, and on the Exhibits filed with said Bill, and on the separate answers of the adult defendants, Louisa Daugherty and Mary Jane Harrison, respectively, to said Bill, and on the answer thereto of the infant defendant, Mary A.L. Pinner, by Peter B. Scantis, her guardian ad litem, and on general replications to said answers, and was argued by Counsel. On Consideration whereof, the Court doth adjudge, order and decree, that A.S. Darden, Thos. G. Elam, Thos. J. Kilby and Solomon Hodges, who are here by appointed Special Commissioners for that purpose, any

three of whom, may act, proceed with the assistance of a competent Surveyor, if one be needed, to make partition according to law, among the devisees of James Colebourn deceased and the heirs of said Colebourn's devisees (as set forth in the Bill, in this Cause) of the Real Estate of which said Colebourn, was, in his life-time seised and possessed, and which, by his will, he gave to his daughter, Ann Harrison, for her life-time, and after her death to her Children, described as a tract or parcel of land, having on it no buildings of any kind, containing six (6) acres, more or less, situated in the Town of Suffolk, Nansemond County, Virginia, on the North side of Kilby Street, and bounded on the North by the Seaboard and Roanoke Rail Road, on the East by the lots or lands of Catharine Jones, Whitmel Jones and others, residing on Pine Street on the South, by said Kilby Street, and on the West by the lands of Joshua Watkins and John F. Penner. And, if said partition cannot be conveniently made, the Court doth order that said Commissioners, allot said parcel of land, in whole or in part to any one or more of said devisees or heirs, willing to accept the same and pay therefor to the others, such sums of money, as they may be entitled to, by reason of their interest therein. And said Commissioners will make said partition into parts of equal value, among the parties equally entitled or interested, as set forth, in the Bill, in this Cause, and will make either said partition or allotment, subject to the life estate, held by the Executors of Wm. B. Whitehead, deceased, in the whole of said parcel of

land for the life time of Ann Harrison, and also subject to the Dower of Mary Jane Harrison, in one fourth thereof.

And if no such partition or allotment can be made said Commissioners will ascertain and report to Court the value of said parcel of land, and whether by a sale of the same, and of all estates thereon, the interests of all parties interested, will be promoted.

And said Commissioners will make report to Court of their proceedings under this Decree, together with their reasons therefor.

A Copy:
Teste,
Peter B. Prentiss. Clerk.

Wm. B. Whitehead's Exors & Xmd
Jno. E. Coffey Decd
Augustine Daugherty Decd

To the Circuit Court of Rockingham County, State of Virginia:

In pursuance of a decree of said Court, pronounced at the October Term thereof in the year 1877 in a cause in Chancery in said Court depending between Wm. B. Whitehead's Executors and others, Plaintiffs and Augustine Daugherty and others, Defendants, a copy of said decree being hereunto annexed; the undersigned, Special Commissioners, having performed the duties required of them by said decree, respectfully submit the following report of their proceedings thereunder:

Your Commissioners report to Court that, after due deliberation and consideration they were unable conveniently to make partition according to law among the devisees of James Coleburn deceased and the heirs of said Coleburn's devisees and others owning interests in the real estate of which said Coleburn was in his lifetime seized and possessed and which by his will he gave to his daughter Ann Harrison for her lifetime and after her death to her children and which is described in said decree, Your Commissioners found it inconvenient to make said partition because said real estate is

only a small tract of land, containing about six (6) acres, fronting on Kelly Street in the Town of Suffolk, Virginia, 100 feet — from which said Street only is it accessible; because the parties owning interests in said real estate are ten (10) or more in number, and it would be impossible to so divide said real estate among them as to give all or more than two or three of said parties, a part thereof or shares, so located as to be of any value use or profit to them, or with an entrance or front from or on said Street; and because your commissioners could not conveniently divide so small a piece of land among so many parties as there are in interest and equalize the value of each share, on account of the diverse nature and kinds of estates held therein; the Executors of Wm. B. Whitehead deceased, holding an estate in the whole of said land for the lifetime of said Ann Harrison (now living) which, too, said Executors desire to sell; and Mary Jane Harrison holding dower, or being entitled to the same, in one-fourth of said land, after the expiration of said life estate of said Executors; and the children of said Ann Harrison and their heirs and assigns, being entitled to fee-simple estates in said land in different proportions after the expiration of said life and dower estates.

And your Commissioners further report to Court that they have not allotted said real estate, either in whole or in part to any one or more of the parties in interest, because no one of them was willing to accept the same and pay therefor to the others such sums of money as they may be entitled to by reason of their interest therein, and because they could not do so for reasons given above.

And your Commissioners, finding it inexpedient and impracticable to make said partition or allotment as aforesaid, recommend a sale of said real estate and all estates therein and a distribution of the proceeds of the sale among the parties in interest, as the most expedient and advisable disposition to be made of said land and as best promoting the interests and accomplishing the desires of the parties interested - especially as the money will afford them more immediate profit and income than said land, which now affords no income whatever. Said land is valued at $. 800.00

Respectfully submitted this 17th. day of January 1878.

A. S. Burdon
Thos. J. Clark
Thos. J. Hicks
Jno. Hodges
Commissioners

Commissioners' fees $1.00 each.

Whitehead's Ex'ors. & als.

vs.

Daugherty & als.

Report of Commissioners
Recommending Sale

1878. January 18th. Filed

John B. Whitehead and John R. Kilby, Executors of the Last Will and Testament of Wm B. Whitehead deceased, Frederick S. Bird and Susanna E. his wife, Wm. W. Penner, P. Hudson Penner, Owen K. Penner and Archibald H Penner, and Jas: W Harrison. Plaintiffs

against } Chy: suit pending in the Cir: Co: of Nansemond County

Augevine Daughety and Louisa, his wife, and Mary Jane Harrison, widow of William C Harrison deceased; and Mary A. L. Penner, under the age of twenty-one years. . . . . Defendants.

This day Wilbur J Kilby, atty: for the Plaintiffs, made oath before me, that Augevine Daughety - one of the Defendants, in the above Chy: suit, is a non resident of the State of Virginia, as he is informed and verily believes.

Teste,

Peter B. Pinner. Clerk

Clks: Off:
Nans[d] Cir: Co:
July 6th: 1877

Wm. B. Whitehead's Exrs. et al.

vs. } affidavit.

Augustine Daugherty et al.

1877
July 6th. Made & filed

Whitehead's Exrs. &als.

vs.

Daugherty &als.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Commissioner, Wilbur J. Kelly, being a Report of sale of land, and on the Report of Commissioner, Peter B. Prentis, being a Report of value of life-estates. both of said Reports having been 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 two said Reports to which no exception has been filed and doth adjudge, order and decree that Wilbur J. Kelly, Special Commissioner aforesaid receive of the Clerk of this Court (who will deliver to him and take a receipt from him for) the two Bonds of Sarah E. Nunney and J. T. Nunney and M. L. Jones her securities, filed with said Report of sale of land made by said Commissioner, Wilbur J.

Kilby, said Bonds being each for the sum of $232.76, dated the 13th. day of May 1878 and payable six and twelve months after date respectively with interest from date, and that said Commissinier, Wilbur J. Kilby, proceed to collect the principal and interest of said Bonds at maturity or receive the same before maturity should said obligors desire sooner to pay the same, and that said Commissinier, Wilbur J. Kilby, when said ~~sum of money~~ Bonds shall have been ~~to~~ collected or paid, proceed to pay first all unpaid costs and expenses of this suit, and then pay to John B. Whitehead and John R. Kilby Executors of Wm. B. Whitehead deceased in fee the sum of $148.17 being the present value in money of the life estate of Ann Harrison in the land sold under proceedings had in this cause to which said Executors are entitled by virtue of purchase from said Ann Harrison by their Testator said Wm. B. Whitehead in his lifetime; and that said Commissinier, Wilbur J. Kilby, pay one-fourth of the residue of said money to said Executors, and one-fourth to Louisa Daugh-

erty, and $32.86 part of another one-fourth to Mary Jane Harrison being the present value of her life estate in said one-fourth, and pay the residue of this last aforesaid one-fourth to Wm. L. Harrison, and then pay and distribute the remaining one-fourth to and among the following parties equally, share and share alike paying the shares of the adults to them in their own proper persons and the share of the infant, Mary A. L. Pinner, to ~~their~~ her guardian legally appointed, to wit: to Susanna E. Burr wife of Frederick A. Burr one share, to Wm. W. Pinner one share, to P. Hudson Pinner one share, to Owen K Pinner one share, to Archibald H. Pinner one share and to the guardian of Mary A. L. Pinner, for her, one share of said remaining one-fourth of said money.

And the Court doth further adjudge order and decree that said Commissioner, Wilbur F. Kilby, make to said Sarah L. Nunney a deed with Special warranty in the usual form conveying to her as Bond for her sole and separate estate, the real estate purchased by her under proceedings had in this cause, when the principal of said Bonds and all interest due thereon shall

Whitehead's Exors.

vs. } Chy.

Daugherty Exls.

Nansemond County

Circuit " Court

October Term 1878

Decree

To be entered

Geo. T. Bloss.

copied

Entered O. B. No. 1 - p. 412

have been paid in full, and said Commissioner will make report to Court of his proceedings under this decree.

Whitehead's Ex'ors. & als.

vs.

Daugherty & als.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Special Commissioners, A. S. Darden, Thos. G. Elam, Thos. J. Kelly and Silas. Hodges, made in pursuance of a decree of this Court pronounced at the October Term in the year 1877 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 Wilbur J. Kelly who is hereby appointed Special Commissioner for that purpose, proceed to sell at public auction before the Court-house door of Nansemond County, Virginia, on some Court day, the real estate of which James Colebum ~~was~~ died seized and possessed, being a tract or parcel of land, having on it no buildings, containing six (6) acres, more or less, situated in the Town of Suffolk, Nansemond County, Virginia on the North side of Kelly Street and bounded

on the North by the Seaboard and Roanoke Rail Road, on the East by the lots or lands of Catharine Jones, Whitmel Jones and others residing on Pine Street of said Town, on the South by said Kelby Street, and on the West by the lands of Joshua Matthias and John H. Pruden,

That said Commissioner, before proceeding to sell said real estate, advertise the day time and place of the sale thereof once a week for three successive weeks in a newspaper published in the Town of Suffolk aforesaid, and by printed notices posted at the Courthouse door of said County and at conspicuous places in and about said Town, and that said Commissioner sell said lands on a credit of ~~four~~ six and ~~eight~~ twelve months, except as to a sufficient part of the purchase-money to pay the costs of this suit and expenses of the said sale, which he will receive in cash and apply in payment of said costs and expenses; and that said Commissioner take from the purchaser of said real estate, Bonds with good personal security ~~and~~ waiving the benefit of the homestead exemption, and payable to himself ~~four~~ six and ~~eight~~ twelve months from the day of sale with interest from the day of sale, ~~to himself~~ the same to be in evidence of the defered

payments, in two equal sums, of the purchase-money not required in cash to pay said costs and expenses. And said Commissioner will retain the title to said real estate until the further order of this Court, and before proceeding to sell said real estate, said Commissioner will execute before the Clerk of this Court in his office, a Bond in the penalty of $1200, with good 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 said Commissioner will make report to Court of his proceedings hereunder.

And the Court doth further adjudge order and decree that a Commissioner of this Court ascertain the present worth in money of the life estate in the whole of said land for the lifetime of Ann Harrison, to which Wm. B. Whitehead died, entitled; and also the present worth in money of the dower of Mary Jane Harrison in one-fourth part of said land, and make report to Court.

Whitehead's Ex'ors. &als.

vs. } Chy.

Daugherty &als.

Nansemond County
Circuit Court
April 10th Term 1878

Decree
To be entered
Geo R Blow

r/w

Entered D.B. No. 1-p. 379-

Whitehead's Ex'ors. & als.

vs.

Daugherty & als.

This cause, in which the Complainants have proceeded as to the defendant, Virginia Daugherty in manner prescribed by law against absent defendants, came on this day to be heard on the Bill of the Complainants, and on the exhibits filed with said Bill, and on the separate answers of the adult defendants, Louisa Daugherty and Mary Jane Harrison, respectively, to said Bill, and on the answer thereto of the infant defendant, Mary A. L. Pinner by Peter B. Bentis her Guardian ad litem, and on general replications to said answers, and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that A. S. Darden, Thos. G. Elam, Thos. J. Kilby and Solomon Hodges, who are hereby appointed Special Commissioners for that purpose, any three of whom may act, proceed with the assistance of a competent surveyor, if one be needed, to make partition according to law, among the devisees of James Coleburn deceased and the heirs of said

Colebum's devisees, (as set forth in the Bill in this cause), of the real estate of which said Colebum was in his life-time seised and possessed and which by his will he gave to his daughter, Ann Harrison, for her lifetime and after her death to her children, described as a tract or parcel of land, having on it no buildings of any kind, containing six (6) acres ~~acres~~, more or less, situated in the Town of Suffolk, Nansemond County Virginia, on the North side of Kilby Street and bounded on the North by the Seaboard and Roanoke Railroad, on the East by the lots or lands of Catharine Jones, Whitmel Jones, and others residing on Pine Street, on the South by said Kilby Street and on the West by the lands of Joshua Matthias and John F. Pinner. And, if said partition cannot be conveniently made, the Court doth order that said Commissioners allot said parcel of land in whole or in part to any one or more of said devisees or heirs willing to accept the same and pay therefor to the others such sums of money as they may be entitled to by reason of their interest therein. And said Commissioners will make said partition into parts of equal value among the parties equally entitled or interested, as set forth in the

Bill in this cause, and will make either said partition or allotment subject to the life estate, held by the Executors of Wm B. Whitehead deceased in the whole of said parcel of land for the life-time of Ann Harrison, and also subject to the dower of Mary Jane Harrison in one fourth thereof.

And if no such partition or allotment can be made said Commissioners will ascertain and report to Court the value of said parcel of land, and whether by a sale of the same and of all estates therein, the interests of all parties ~~in~~ interested will be promoted. And said Commissioners will make report to Court of their proceedings under this decree together with their reasons therefor.

Whitehead's Ex'ors. & als

vs.

Daugherty & als.

Nansemond County
Circuit Court
October Term 1877

Decree
To be entered.

Geo. Bland

Entered O.B. No 1
p2-359

Whitehead's Exrs &al.

vs.

Daugherty &als.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Commissioner, Wilbur J. Kilby, being a Report of the collection and payment of money made in pursuance of a decree of this Court pronounced at the October 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 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 in this cause the Court doth order that the same be removed from the docket of this Court.

Whitehead's Exors. & als,

vs. } In Chy.

Daugherty & als

Nansemond County
Circuit Court
April Term 1879
Final decree
To be entered

Geo. P. Scott.

Entered O.B. No. 1—
p. 426

HARRISON—At his residence, on Customhouse street, between Dorgenois and Bond streets, on Saturday evening, December 14, 1872, at 26 minutes to 12 o'clock, Capt. Wm. C. Harrison, aged 52 years and 16 days, a native of Suffolk, Virginia, and for the last thirty years a resident of this city. He leaves a wife and two sons to mourn his loss.

Suffolk, Va., and Cincinnati and Dayton, O., papers please copy.

The answer of Mary Jane Harrison to a Bill in Chancery filed in the Circuit Court of Nansemond County, Virginia against herself and others by the Executors of Wm B. Whitehead deceased and others.

This Defendant says that the facts as set forth in the Bill of the Complainants are true, so far as she knows or believes: that she is willing and desires to relinquish her dower in kind in the real estate mentioned and described in said Bill, and to accept in lieu thereof the present value in fee-simple of her dower in money, and she hereby requests the Court to direct a sale of her said dower and to pay her in lieu thereof its value in money in fee-simple and she does hereby relinquish her said dower for that purpose and gives her consent to a sale of said land free of her dower.

And she declares that she is now 41. years old, having been born in the 27th day of May 1836 in Cincinnatti. Ohio ~~Notice for~~:

Mary Jane [redacted] widow of the late Capt. William L. Harrisson. My oldest son James, William, Harrisson Born in New, Orleans on 13th March - 1855. 22 years of age. Not Married.

~~John Hibbard - Hancock. Bond in Land Ad~~
~~12th Jan 1870, Died 7 March after his~~
~~father on the 17th Jan 1872,~~

~~Signed~~

~~Jane Jane Hancock~~

~~John Hibbard Hancock~~

Witness & Written by
Ino Rosa Douglas.

Whitehead Expors. & ads.
to. } In Chancery
Daughty Pals

Answer of
Mary Jane Hannum

Whitehead's Ex'ors. & al.

vs.

Daugherty & al.

The answer of Louisa Daugherty to a Bill in Chancery filed in the Circuit Court of Nansemond County, Va., against herself and others by the Executors of Wm. B. Whitehead deceased and others.

This defendant says that the facts as set forth in the Bill of the Complainants are true, so far as she knows or believes. And she answers upon oath, that she is poor and needy, dependent upon her own labor for support of herself and children, and that her husband, Augustine Daugherty, is insolvent, and that he abandoned her several years ago and left for parts unknown and has not since contributed to her support or comfort. And she prays that her interest in the real estate described in the Bill of the Complainants, may be sold, the same being of no profit to her, and that the money therefor may be settled upon and paid to, her to be used for

her own and her children's maintenance and support.

And your Respondent will ever pray &c.

Louisa Daugherty

1877 July 25th. Subscribed and sworn to, before me this day by said Louisa Daugherty.

Wilbur F. Kilby
Notary Public.

Whitehead's Ex'ors. &al.
vs.
Daugherty &als.

Answer of
Louisa Daugherty

To the Circuit Court of Nansemond Co: Va.

The Answer of Mary A. L. Prentis, an infant, under the age of twenty-one years, by Peter B. Prentis, her guardian ad litem to a Bill in Chancery exhibited in said Court by John B. Whitehead and John R. Kilby, Executors of the Last Will and Testament of Wm B. Whitehead, deceased & others, against her & others:

This Respondent says, that the facts set forth in said Bill are true, so far as she knows: but, being an infant, and ignorant of her rights in the premises, submits the same to the Court, and prays, that no order or decree may be made in the premises, inconsistent with her rights.

Signed,

Peter B. Prentis.

Guar: ad litem

10th B. H. Litchfield's Exors.
Dal:
vs } In Chy.
Augustine Daugherty Dal

Answer of Defdt

STATE OF LOUISIANA.

CITY OF NEW ORLEANS.

Be it remembered that on this, the thirteenth day of March, in the year of our Lord, one thousand eight hundred and seventy-seven, at the hour of ten o'clock, P. M., at the ST. JAMES HOTEL in the city of New Orleans, State of Louisiana. I, **William Boykin Whitehead,** of the Town of Suffolk, in the county of Nansemond, State of Virginia, of sound mind and memory, but sick and confined to my bed, do hereby proclaim and publish as my last Will and Testament or dispositions *mortis causa* in the presence of CHARLES B. SINGLETON, EUCLID BORLAND, Jr., EDMUND DORNEY, JAMES P. LONGLEY and ANDREW HERO, Jr., witnesscs of lawful age, and residents of said city of New Orleans, State of Louisiana, and have caused same to be written by ANDREW HERO, Jr., one of the said witnesses in my presence, and that of all of the aforesaid witnesses as dictated unto him by me, in the sight, presence and hearing of all of the aforenamed witnesses in the words and figures following, viz:

I bequeath to my sister MARTHA SHIVERS of Isle of Wight county, Virginia, one hundred and fifty dollars per year, during her life.

I bequeath to my sister MARY ANN ELIZA WILLS of Isle of Wight county, Virginia, one hundred and fifty dollars per year, during her life.

I bequeath to my sister ANN SHIVERS, now in the Asylum at Staunton, Virginia, in the event of the restoration of her mind, one hundred and fifty dollars per year, during her life, or during such time as she shall be in her right mind.

I bequeath to my FOUR NIECES, the daughters of my three sisters above named, as also to my SECOND COUSIN, CATHERINE E. WHITEHEAD, the daughter of MRS. DUKE the sum of one hundred and twenty dollars each per annum, during their lives.

I give unto my sister MARTHA SHIVERS, and MARY ANN ELIZA WILLS, and to my neice MRS. CASEY, the use of the farms on which they respectively reside, free of rent for the years 1877 and 1878, or for the remaining part of the year in which I may die, and the whole of the next succeeding year.

I bequeath unto the TWO COUSINS of my lamented wife Mrs. MARY ANN LEWIS, and Mrs. CATHERINE DUKE, as well as to the NEICES of my wife, Mrs. CORNELIA GOODLOE, ELLEN PIPKIN and Mrs. MARGARET ROYSTER, the sum of one hundred and twenty dollars each, per annum, during their natural lives.

I give and bequeath unto my THREE SONS, SHARE AND SHARE ALIKE, all the real estate situated in LOUISIANA, of which I may die possessed of, which will make them the entire owners, with the interest they have as heirs of their mother, of all my real estate in Louisiana; but the growing crop at the time of my death, on the plantation in ST. CHARLES PARISH, shall belong to my estate, after paying out of the proceeds thereof, all the expenses attendant upon the cultivation, manufacturing and selling of the same.

I recommend and advise my sons to sell the plantation at the most favorable opportunity, after the taking off of the crop, not deferring it more than a few years.

I also give unto my said THREE SONS out of the rest of my estate the sum of TEN THOUSAND DOLLARS EACH, to be paid unto them by my Executors or Trustees of my estate in Virginia, after they shall have paid the debts of my estate.

I desire my Executors to pay each of my sons, OVER AND ABOVE the above donations, the sum of one hundred and twenty-five dollars per month, until they shall be in possession of the revenues of my Louisiana real estate, amounting to that sum, or shall have received the above specified donation of TEN THOUSAND DOLLARS.

I give and bequeath the real estate to me belonging in DENVER COLORADO, on which my son Dr. W. R. WHITEHEAD now resides, unto HIS CHILDREN BORN, or that may hereafter be born.

All the rest and residue of all the property and effects of every nature and kind that I may die possessed of is to be administered upon and taken charge of by JOHN B. WHITEHEAD, of NORFOLK, VIRGINIA, and JOHN R. KILBY, of SUFFOLK, NANSEMOND COUNTY, VIRGINIA, as TRUSTEES of my Estate, with seizin thereof; and in the event of their death, or that of either of them, of such person or persons as either of the above named Trustees may nominate, or appoint to succeed them, to be by the aforenamed Trustees, Messrs. Whitehead and Kilby, or their successors, held, kept and maintained for the use and benefit of all the grandchildren that are now, or may hereafter be born unto me, per capita; and to which said grandchildren, I give and bequeath the aforesaid residuum of my estate, real personal or mixed, but to be kept and preserved, managed and controlled during the MINORITY of my said grandchildren, together with the revennes, gains and increase thereof, by the aforesaid Trustees, or their successors by them or either of them appointed in case of their death, as Trustees for my said grandchildren.

And during the MINORITY of my said grandchildren, I direct that my above named Trustees or those so acting, shall from time to time use and apply such part or amount of my Estate and its increase, as they may deem necessary or proper for the education and maintenance of my said grandchildren as the individual circumstance of each grand-child may require; and as each grand-child shall arrive at the age of MAJORITY or twenty-one years of age, the Trustees then acting, shall pay over and give to such grand-child becoming twenty-one years of age, the quantum of the aforesaid residuum of my estate, with the gains and increase thereof, as will prove an equal share, per capita to the grandchildren then living as near as may be. And to these ends, I desire said Trustees to be granted all such decrees, powers or orders as the Circuit Court of Nansemond, Virginia, or Court exercising Chancery jurisdiction may deem necessary or requisite to admit or authorize said Trustees to manage and control all such estate with its gains, increase or revenues and to make the aforesaid dispositions thereof.

I desire that my Trustees should hold for my grandchildren, my farm and lands near PORTSMOUTH, VIRGINIA, unless in the judgment of my Trustees it would be greatly to the advantage of my estate to sell the same, or any part thereof. My opinion being that this property will greatly enhance in value. I desire my stock in the ALBERMARLE SWAMP LAND CO., to be held or sold, as in the discretion of my Trustees may be deemed best. My other lands in VIRGINIA, I desire to be held for a few years, unless in the judgment of my Trustees it be deemed best to sell them. My lands in TEXAS, I deem it best to hold about five years.

My Real Estate in BROOKLYN, N. Y., or elsewhere, I want sold when it can be done to the best advantage, but not immediately. Any lands or other property upon which I hold Mortgages or Deeds of Trust, I authorize my Executors or Trustees to buy for the benefit of my estate unless the debt should be satisfied by the sale of the property covered by the Deed or Mortgage.

I hold a large amount of STOCKS, BONDS, SCRIPS and other evidences of indebtedness, with which Messrs LeSassier & Binder and Messrs John B. Whitehead and John R. Kilby are familiar, which I desire should be held.

Many of these Stocks, Bonds, &c., are now pledged by me, aud I do hereby authorize my Executors or Trustees to make extensions or renewals of such pledges: and for this purpose to contract other loans and make pledges of any or all the Stocks, Bonds I may own at the time of my death to secure the same; and if necessary to pay higher rates of interest than are regulated or allowed by law, and in their discretion to sell such of these Stocks, Bonds, &c., before their maturity. as can be sold to the best advantage to meet the indebtedness secured by pledges or loans; my desire being to hold as many of these Bonds, Stocks, &c., as possible until they mature, for the benefit of my grandchildren.

Should one or more of my sons attempt to set aside or annul this my last will, then and in that event, I give and bequeath so much of my estate as is herein given to such contesting son or sons, unto my grandchildren born, or to be born, and to be taken charge of and kept as herein before provided for the residuum of my estate by the herein before named Trustees.

I, nominate and appoint JOHN B. WHITEHEAD of NORFOLK, VIRGINIA, JOHN R. KILBY of SUFFOLK, VIRGINIA, and RICHARD H. BROWNE and HENRY A. LESASSIER, both of New Orleans, to be Executors of this my last Will and Detainers of my Estate with seizin.

I give MR. LESASSIER, THREE THOUSAND DOLLARS in full for all Commissions and Services entailed upon him as Executor or for brokerages; and to said R. H. BROWNE in lieu of his commissions as Executor, the like sum of THREE THOUSAND DOLLARS; and to Messrs. WHITEHEAD and KILBY, I give such commissions as the law allows them.

I nominate and appoint the aforeseid JOHN B. WHITEHEAD and JOHN R. KILBY to be TRUSTEES of such part of my estate as is bequeathed to my grandchildren, and to carry out and perform all the stipulations and trusts I have hercin made in reference thereto.

I revoke all other Wills or Codicils of Wills I may heretofore ~~here~~ made.

It was thus the foregoing will and testament was dictated by me, aforesaid WILLIAM BOYKIN WHITEHEAD in the presence and hearing of all of the herein before named witnesses, and written down by ANDREW HERO, Jr., one of said witnesses, as so dictated by said Testator, in the presence of all of said witnesses and of said Testator at one time, without interruption and without turning aside to other acts.

Thereupon the foregoing will was read by ANDREW HERO, Jr., in a loud, clear and audible voice unto said Testator and said witnesses, and in the presence and hearing of all, and the said Testator thereupon declared that he understood the same perfectly well and PERSISTED in the contents thereof.

Thus done and passed in the presence of said Testator, and all of the herein before named witnesses at the time ~~and~~, place aforesaid, and the said Testator has hereto signed his name in the presence of all of said witnesses, and each of said witnesses, at the request of said Testator, have hereto signed their names in the presence of said Testator, and each in the presence of the other. And in attestation thereof, the Testator formally acknowledged and published the foregoing as his will in the presence of all of said witnesses, who each sign at his request, and all being so done on the day aud year and at the time ~~and~~, place aforesaid, at one time, without interruption ~~and~~ without turning aside to other acts.

~~Original Signed:~~

WM. B. WHITEHEAD,
~~CHARLES B. SINGLETON~~,
~~EUCLID BORLAND, Jr.~~,
~~EDMUND DORNEY~~,
~~JAMES P. LONGLEY~~,
~~ANDREW HERO,~~ Jr.

Charles B. Singleton
Euclid Borland, Jr:
Edmund Dorney
James P. Longley
Andrew Hero, Jr.

WHEREAS, I, WILLIAM BOYKIN WHITEHEAD, of Suffolk, Virginia, of sound mind and memory, but sick, confined to my bed in New Orleans. Louisiana, have made my last Will and Testament under date of the thirteeuth day of March, A. D. eighteen hundred and seventy-seven, and being then unable, as now, from sickness to write the same myself, I had same reduced to writing from my dictation by one of the witnesses thereto (Andrew Hero, Jr.,) in my presence and that of all the other witnesses therein named, and thereafter read to me and the rest of said witnesses in my presence by said Hero, and thereupon same was signed by me and published as my last Will and Testament in the presence of all the witnesses therein named, each of whom signed the same in my presence and of each other; and whereas on this twenty-first day of April, A. D. eighteen hundred and seventy-seven, I desire to make or add a codicil thereto; now therefore I, said William Boykin Whitehead, by this instrument of writing, written by Andrew Hero, Jr. from my dictation in the presence of Richard L. Robertson and Charles H. Stocker, residents of the city of New Orleans, Louisiana, and also in my presence, do declare to be a codicil to my said last Will of March 13th, 1877, and to be taken as part thereof, the following additional dispositions, viz:

In addition to the sum of Ten Thousand Dollars in cash to each of my sons given in my will of March 13th, 1877, I give and bequeath unto them Sixty Thousand Dollars in New Orleans ten per cent Bouds, which I direct shall be divided equally between them, share and share alike, so that each shall have Twenty Thousand Dollars in Bonds, and I recommend to my sons to hold these bonds until they fall due or to refund them after the city debt is reduced to eight millions, as provided for in the Premium Bond Act of Louisiana.

In addition to the bequests made to my sister Martha Shivers under my aforesaid Will of March 13th, 1877, I devise, give and bequeath unto my said sister, Martha Shivers, the sum of Five Thousand Dollars, to be paid over to her by my Executors in the following manner, viz: fifteen hundred dollars to be paid within the first year after my death, and the remainder to be paid by them to her within the next two years after the payment of the fifteen hundred dollars, or within three years after my death.

I will and direct that my real estate in Denver, Colorado, which I gave or bequeathed in my aforesaid will of March 13th, 1877, to the children born or that might be thereafter born lawful issue of my son Dr. William R. Whitehead, shall be the property of such grandchildren, the children of Wm. R. Whitehead, already born and that shall be born lawful issue of said William R. Whitehead, prior to the date on which his son Charles Whitehead shall have arrived at the age of twenty-one years, or at the same date (in the event of his death) that the said Charles Whitehead would have arrived at the age of twenty-one years had he lived.

I give and bequeath to my niece Mrs. Casey, and to Mrs. Ann Eliza Wills, the further or additional sum of one hundred dollars each, per annum, for the three years succeeding my death, provided that they live that long, but in the event of death, prior to the expiration of said three years, this legacy shall cease and determine as to the one so dying.

I desire that the Ten Thousand dollars bequeathed to each of my three sons, in my will of March 13th, 1877, shall be paid to them in the following manner by my Executors, viz: Five Thousand Dollars of said amount to be paid to each of my said sons at the end of one year from my death, or as soon thereafter as it can be done, so as not to embarrass my estate, and the remainder when my debts are paid, or within three years. (3.)

In addition to the commissions or compensation which the laws will or may accord unto John R. Kilby as Executor or Trustee of my estate under my above mentioned will, I desire and direct that he (Kilby,) shall have and retain the further sum of three hundred dollars annually, so long as he may continue to act or be such Executor or Trustee, as additional compensation for the services I have entailed upon him by my said last will, provided, however, that this extra compensation shall not be continued longer than the year eighteen hundred and ninety when it shall cease and determine.

In consideration of the assistance and many valuable services heretofore rendered unto me by John B. Whitehead, without cost or charge to me, and in view of the labor and services, I have imposed upon him by my last will and testament of March 13th, 1877, I devise and bequeath unto him, John B. Whitehead, the additional or further sum of three thousand dollars over and above his lawful commissions as Executor or Trustee of my estate. I give and bequeath to my good and faithful servant, who was my good and faithful slave, now known as Fanny Bryant, the sum of five hundred dollars, the greater portion of which I desire her to invest in a homestead.

I desire and direct that the respective legacies made in my said last will of March 13th, 1877, to the following named persons as legatees therein, viz: to my four nieces, (daughters of my sisters Martha Shivers, Ann Eliza Wills and Ann Shivers,) to Catherine E. Whitehead, daughter of Mrs. Duke; to Mrs. Mary Ann Lewis and Mrs. Catharine Duke; Mrs. Cornelia Goodloe, Mrs. Ellen Pipkin and Mrs. Margaret Royster, shall be continued to them during their natural lives, provided that said yearly legacies shall cease and determine with the year eighteen hundred and ninety, unless they shall have been already determined or ended by the death of any or all of the said legatees.

I desire and direct that my trustees shall not be required to continue their trust for any grandchild born after the first day of January of the year nineteen hundred, and any grandchild that may be born thereafter, shall not participate or have any rights or interest in the division of my estate or participation therein as provided for among my grandchildren under or in my said will of March 13th, 1877.

I revoke all other codicils which I may have heretofore made; and lastly, it is my desire that this shall be my only codicil, and that in all other respects, than herein expressed, my aforesaid last will and testament of the thirteenth of March, last past (1877,) shall be and remain intact and unimpaired and that this codicil be annexed to and made part of my said last will and testament as aforesaid to all intents and purposes as if the same were or had been therein originally written or incorporated.

In witness whereof, after having had all of the foregoing read to me and the aforenamed witnesses by said Andrew Hero, Jr., in a loud, clear and audible voice, and in the presence of each other, I declare and publish the foregoing three pages of writing and this, as a codicil to my said last will; and in faith thereof, I have hereto made my mark in the presence of said witnesses, Messrs Stocker, Robertson and Hero, being unable to write or sign in my name from weakness or prostration caused by my present illness; and each of said witnesses have hereto signed their names in my presence and that of each other on this twenty-first day of April, eighteen hundred and seventy-seven at New Orleans, Louisiana.

~~(Signed)~~ WM. His x Mark B. WHITEHEAD

~~(Signed)~~ R. L. ROBERTSON,
C. H. STOCKER,
ANDREW HERO, Jr.

The above and foregoing was on this the twenty-first day of April, A. D. eighteen hundred and seventy-seven. written from the dictation of William B. Whitehead, and signed, sealed. published and declared by the said William B. Whitehead as and for a codicil to his will of the thirteenth of March, A. D. eighteen hundred and seventy-seven, in our presence and of each of us; and at the request of said William B. Whitehead and in his presence and in the presence of each other, we have signed our names thereto and hereto, as attesting witnesses, this twenty-first day of April, A. D, eighteen hundred and seventy-seven, at New Orleans, Louisiana.

~~(Signed)~~ R. L. ROBERTSON, New Orleans, La.
C. H. STOCKER, New Orleans, La.
ANDREW HERO, Jr., New Orleans, La.

At a monthly Court held for Nansemond county, on the 11th day of June, 1877,

This last Will and Testament of William Boykin Whitehead, a citizen of Nansemond county, State of Virginia, and dated the 13th day of March, 1877, with a codicil thereto, dated the 21st day of April, 1877, which was executed in the city of New Orleans, in the State of Louisiana, by the Testator, whilst temporarily sojourning in said city of New Orleans, and State of Louisiana, in the presence of witnesses residing in said last named city and State, was presented to the Court.

And it appearing to the Court, that the commission ordered by this Court, at the May Term, 1877, last, and issued by Peter B. Prentis, Clerk of this Court, on the 25th day of May, 1877, "To any person authorized by the laws of the Commonwealth of Virginia, to take depositions. &c," to cause the witnesses to said will and codicil to come before him and them diligently examine on the Holy Evangelists of Almighty God touching the execution of said will and codicil, and such examination to return to the county Court of Nansemond county, Virginia, with said will and codicil has been duly executed by John G. Eustis, a commissioner of deeds, depositions, &c., residing in the city of New Orleans, and State of Louisiana, and said commission and depositions showing to this Court, that the said will and codicil have been duly proved according to the Laws of the State of Virginia. It is by the Court, ordered that the said will and codicil be recorded as the last will and testament of said William Boykin Whitehead, together with said commission and depositions. And John B. Whitehead of Norfolk city, Virginia, and John R. Kilby of Suffolk, Virginia, two of the Executors and Trustees named in said will and codicil, asked leave to qualify as such Executors and Trustees, which was granted. And thereupon the said John B. Whitehead and John R. Kilby made oath as the law directs and entered into a bond in the penalty of one hundred and fifty thousand dollars, conditioned according to law, with Joseph B. Whitehead, William R. Whitehead and Richard R. Whitehead, their surcties therein, (who justified on oath as to their sufficiency) and which said bond being acknowledged by the obligors therein is ordered to be recorded, certificate is granted the said John B. Whitehead and John R. Kilby, for obtaining a probat of the said will and codicil in due form.

Teste, PETER B. PRENTIS, Clerk.

The following are the commission and the depositions referred to in the foregoing order of Court:

THE COMMONWEALTH OF VIRGINIA.—To "any person authorized by the Laws of said Commonwealth to take depositions in other cases" in the State of Louisiana. Greeting:

Know you, that we, trusting to your fidelity and provident circumspection, in diligently examining Charles B. Singleton, Euclid Borland, Jr., Edmund Dorney, James P. Longley, Andrew Hero. Jr., R. L. Robertson, C.H. Stocker and Andrew Hero Jr, or at least two of them, witnesses attesting the last will and testament and codicil thereto, of William Boykin Whitehead, deceased, hereunto annexed authorize and require you, that, at such certain day and place as you shall appoint, the witnesses aforesaid before you, you shall cause to come, and diligently examine on the Holy Evangelists of Almighty God touching the execution of the said will and codicil and their attestations thereto and their examinations unto our County Court of Nansemond county, distinctly and plainly without delay, you shall send and certify enclosed, returning also this writ, together with the said will and codicil.

Witness. Peter B. Prentis, Clerk of our said Court, this 25th day of May, 1877, in the 101st year of our foundation.

PETER B. PRENTIS, Clerk.

In re Wm. Boykin Whitehead, Will, New Orleans, State of Louisiana.

On this 29th day of May, 1877, personally came before me, John G. Eustis, a commissioner of deeds, depositions, &c., for the State of Virginia, residing in the city of New Orleans, State of Louisiana. Charles B. Singleton, Euclid Borland, Jr., James P. Longley and Andrew Hero, Jr. who being duly sworn say that this day a paper writing dated the 13th day of March, 1877, purporting to be the last will and testament of William Boykin Whitehead, a citizen of the town of Suffolk, County of Nansemond. and State of Virginia, then in said city of New Orleans, in said State of Louisiana, was shown them and is now before them that they severally witnessed the said writing in the manner stated in said will at the request of said Testator, and in his presence, and whilst all of them were present together after hearing said will read to said Testator and them and that the said Testator was in sound and disposing mind and memory

JAS. P. LONGLEY.
EUCLID BORLAND, Jr.
CHAS. B. SINGLETON.
ANDREW HERO, Jr.

Given under my hand and seal this 29th day of May, A. D. 1877.

[SEAL.] J. G. EUSTIS. Commissioner for Virginia, in New Orleans.

And on this 29th day of May, 1877, also personally came before me, John G. Eustis, the aforesaid commissioner, R. L. Robertson, C. H. Stocker and Andrew Hero, Jr., who being by me duly sworn depose and say that this day a paper writing dated 21st day of April, 1877, purporting to be a codicil to the last will and testament of William Boykin Whitehead, of date March 13th, 1877, a citizen of the town of Suffolk, County of Nansemond, and State of Virginia. then in said city of New Orleans, in State of Louisiana, was shown them and is now before them, that they severally witnessed the said writing in the manner stated in said codicil at the request of said Testator, and in his presence, and whilst all of them were present together after hearing said codicil read to said Testator and them, and that the said Testator was in sound and disposing mind and memory.

R. L. ROBERTSON,
C. H. STOCKER,
ANDREW HERO, Jr.

Given under my hand and seal this 29th day of May, A. D. 1877.

[SEAL.] J. G. EUSTIS, Commissioner for Virginia, in New Orleans.

Teste, Peter B. Prentis. Clerk

Nansemond County Court
Clerk's Office
July the 24th: 1877

a Copy. Teste, Peter B. Prentis. Clerk

xmd.

Wm. B. Whitehead's

Will

(A copy)

"Exhibit D."

This Deed made the Ninth day of January in the year of our Lord one thousand eight hundred and seventy-five. between Ann Hanison (widow of late Capt. Stephen P. Hanison of the county of Nansemond and State of Virginia, of the one part and William B. Whitehead of the other part; witnesseth, witnesseth that the said Ann Hanison in consideration of the sum of Fifty Dollars doth grant with general warranty. unto the said Wm B. Whitehead and his heirs and assigns forever the following real estate to wit: her life right and estate in and to a parcel of land on the North side of Kirby Street, in the Town of Suffolk, Nansemond County Virginia containing six acres more or less bounded South by said Street; North by the Seaboard and Roanoke Rail Road; West by the Lot of Joshua Matthias & the land of Wm R. Brothers, and East by the Quinlon Lot and others. which life right was given to said Hanison by her father the late James Coleman deceased by his will, together with all and singular the appurtenances belonging to the same. And the said Ann Hanison covenants that she has the right to convey the said land to the grantee, that the said grantee shall have quiet possession of the said land that she has done no act to encumber the said land; and that she will exe-

cute such further assurances of the said land as may be requisite

Witness the following signature and seal

Witness

Jno. M. Cowling.

her
Ann X Hanson
mark

Seal

Virginia-

County of Nansemond } To wit-

I, John M. Cowling a Justice of the Peace in and for the said County in the State of Virginia do certify that Ann Hanson whose name is signed to the writing above bearing date the 9th day of January 1875 has acknowledged the same before me in the county aforesaid.

Given under my hand this 19th day of January 1875.

Jno. M. Cowling J.P. Seal

In the Clerks Office of Nansemond County Court- 22d day of January 1875.

This deed was received duly certified and thereupon admitted to record.

Teste-

Willis E. Calhoon Clerk.

A Copy-

Teste,

Peter B. Prentis. Clerk

Xmas

Ann Harrison

To Copy Deed

Wm: B. Whitehead

"Exhibit C."

Whereas by a decree of the Circuit Court of Nansemond County, made on the ~~ day of May in the year one thousand eight hundred and seventy four, in the cause therein pending, wherein Wilbur J. Kelly assignee in Bankruptcy of E. R. Britt plaintiff and John H. Hanson and others are defendants, it was decreed and ordered that John R. Kelly (who was appointed commissioner for that purpose) proceed to sell the real estate of John H. Hanson on the terms and conditions named in the decree. And whereas the said John R. Kelly commissioner as aforesaid, pursuant to said decree did advertise the said lands as directed, and did on the 12th day of October 1874, before the Court house door of said County (being Court day) sell at auction as directed the real estate aforesaid, when the following parcel was purchased by Wm. B. Whitehead at the price of One hundred and fifty dollars That is to say one undivided one fourth of a parcel of land containing six acres more or less situated in the Town of Suffolk, Nansemond County Virginia on the North side of Kelly street, and bounded on the East by the the property of Jno. T. Rumney, on the West by Joshua Matthias North by the Seaboard & Roanoke Rail road and South by said Kelly Street. subject to the use of said land for life by Mrs Ann Hanson, and of the purchase money

to the said Wm B. Whitehead paid in cash the sum of $150. And whereas by the same decree of the said Court, made on the day of May 1874, in said cause, it was decreed and ordered that the said John R. Kelly commissioner as aforesaid on the payment of purchase money, make to the said purchaser a deed with special warranty, in the usual form, for the real estate, aforesaid; And whereas the said sum of money, with all interest thereon, has been paid; This deed therefore, made this 12th day of November one thousand eight hundred and seventy four between the said John R. Kelly as commissioner aforesaid, of the one part and the said Wm B. Whitehead of the other part, witnesseth: That the said John R. Kelly, as commissioner, aforesaid in consideration of the said premises, and in execution of the last aforesaid decree, doth grant with special warranty unto the said Wm B. White and to his heirs and assigns forever the undivided one fourth (subject to said life estate) of and to his heirs and assigns forever the lands aforesaid and its appurtenances

Witness the following signature & seal

John R. Kelly Comr. ___

In the Clerks Office of Tuscumbia County Court the 12th Nov. 1874.

This deed was acknowledged by John R. Kelly

Commissioner and thereupon admitted to record.

Teste-

Willis C. Cohoon clerk

A Copy-

Teste,

Peter B. Prentis. Clerk

John R. Kilby, Commr.
Sa } Deed
Wm. B. Whitehead :

"Exhibit B"

In the name of God, Amen. - James Colbourn
Senr of Nansemond County & State of Virginia
being in sound mind and memory thanks be to
God for the same, calling to mind the mutability
of my body and knowing that it is appointed for
all men once to die. do make this my last will
and Testament, revoking all others heretofore
made that is to say first of all recommend my
soul into the hand of Almighty God that gave it
me and every body to be buried in a christian
like manner, and as touching my worldly es-
tate wherewith it has pleased him to bless me
with, I dispose of it in the following manner
and form.

Item 1st: I lend unto my son James Colbourn the
tract of land where he now lives, with all the
fanning utensils to be enjoyed by him during
his natural life, and after his death I give
unto it to his Children lawful begotten of his body.

Item 2nd: I lend unto my Daughter Ann Har-
rison, the tract or parcel of land, where she now
lives beginning at Calvin Oliver's line at the South
quay road and running said line to the rail
road from thence as it is now layed off between
her sister Margaret together with the furniture,
and horse thereon to be enjoyed by her during her
natural life, and after her death, I give it
to her Children lawfully begotten of her
body to be enjoyed by them forever.

Item 3rd: I lend unto my Daughter Margaret Baldwin that tract or parcel of land joining my Daughter Ann Hanison beginning at the South gnay road and running to a Sickamore tree and from thence to three marked pines to the rail road thence along the rail road to the west side of Pine Street, and thence a straight line to a stone at the corner of Pine street, together with all there to be enjoyed by her during her natural life and after her death I give it to her Children Lawfully begotten of her body to be enjoyed by them forever.

Item 4th. I lend unto my Granddaughter Rosanah Williams one house & lot joining the rail road and running straight to the Lands that was Halls together with one Walnut table and one Clock and what she has now in the house to be enjoyed by her during her natural life, and after death I give it to heirs lawfully begotton of her body, if any, if there is none my will and desire that Mary Ann & Louisa Hanson should have the lot.

Item 5th: I lend unto my Grandson James Bloxom one house & lot East side of Pine street, runing from the South gnay road, to the white oak by Mary Willis line, one hundred feet wide, exclusive of the Pine street together with one Bed that I bought, one table, and some others that he has in possession to be enjoyed by him during his natural life and then I give to his heirs if any Lawful begotton of his body

if none, my will and desire is that it should be sold, and the money divided among the heirs Roze Luke, James Colburn, Ann Harrison, Margaret Quelon and Rose Williams

Item 6th I give unto William Harrison one lot South of Rus and Williams lot ninety feet wide on Pine Street and runing to Hall Canal, also I give unto my Grandson John Harrison one Lot ninety feet in front of pine of pine Street and running parreled to Halls Canal, To them & their heirs forever.

Item 7th: I Leed unto my Granddaughter Mary Wells one home and Lot where she now lives beginning at the white Oak on Pine Street and runing one hundred & ten feet northly on Pine Street, with the same breadth to the Town line, from the White Oak the line runs to another White Oak from thence to a pine at — Town line during her natural life and after her death, I give to their heirs lawful begotton of her body, if any, if none, then for it to be sold and divided among there nearest kin

Item 8th I give unto my Grandson William Colburn one lot joining James Bloxsom and runing down the South gray Road, and running to a ditch where Griffin now lives, and down the ditch to Mary Wells line and along said line to to Bloxsom line at the corner, to be enjoyed by him and his heirs forever. I also give unto Mainda Luke

one bed and furniture Bedstead &c, to be enjoyed by her forever. the balance of the estate not mentioned in this will to be sold and divided among my heirs. I also give unto Joseph Pinner, my great-grand son, Twenty five dollars in cash and for the love & esteemed that I enjoy for my neighbour Charles. F. Hoffman, I do hereby appoint him my Executor in my last will and Testament.

In witness whereof I James Colburn Senr. of Nansemond County & State of Virginia do hereby set my hand and seal this 21st day of March In the year of our Lord, one thousand Eight hundred & forty four

Witness James Colburn [seal]

Signed, sealed and
delivered In the presence
of us.

Wm. H. Quinn
John Hoffman

I, James Colburn, do add the following codicil to this my last Will & Testament in words following to wit

I give unto my son James Colburn Thirty-five dollars out of my chattle & estate to him and his heirs forever.

I also give up to my son James Colburn all accounts or obligations which I hold against-

him. I also give unto him the said James Colbum all my carpenters tools, Bricks and all such timber as may be necessary to complete his house. I also give up to my daughters. Peggy Quellen and Mary Harrison, the accounts and bonds, which I hold against their husbands I also give unto Nancy Duke one clock, one Walnut table and ten acres of land, being part of the tract purchased of Elisha Duke to her and her heirs forever.

In witness whereof I hereunto set my hand and affix my seal this 21st: day of November in the year of our Lord one thousand eight hundred and forty four

James Colburn Senr. Seal

Signed sealed and delivered
In the presence of
James M. Bailey
Wright Pinner

At a monthly Court held for nansemond County the 8th: day of September 1845.
This last will and Testament of James Colebum deceased was proved by the oathes of William H. Swinn and John Hoffman witnesses thereto, and a codicil to the said Will annexed was also proved by the oathes of James M. Bailey and Wright Pinner witnesses to the said codicil, and thereupon the said will

and codicil are ordered to be recorded.

Teste

Joseph Prentis Clerk.

At a Quarterly Court held for Nansemond County the 10th day of November 1845.

This last will and Testament and codicil of James Colebourn sen. having been proved in this Court according to Law, and ordered to be recorded: And the Executor named in the said will having by his note in writing refused to take upon himself the burthen of the execution thereof - On the motion of James B. Wills who made oath and together with Stephen S. Dandridge and Dixon W. Ketchen his securities, who justified, entered into and acknowledged a bond in the penalty of Fifteen Hundred Dollars conditioned as the Law directs: Certificate is granted the said James B. Wills for obtaining letters of administration on the said decedents Estate, with his will aforesaid annexed in due form.

Teste

Joseph Prentis Clerk.

Nansemond Office
24th Sept. 1851

A Copy
Teste
Benja Ridelick Clerk.

In the Clerks Office of Nansemond County Court.

The 24th day of January 1870.
This duly authenticated copy of the Last Will and Testament of James Colebaun deceased was produced by Wright-Pinner to the Clerk of said Court, and, upon his application is admitted to record: the Book in which the original of said Will was recorded and the said original having been destroyed by the burning of the Clerk's Office and records on the 7th day of February 1866

Teste,

Peter B. Prentis. D.C.

A Copy,

Teste,

Peter B. Prentis. Clerk

XIII.

James Colebourn's

Will

(a Copy)

"Exhibit A."

Whitehead's Ex'ors. & als.

vs. } Chy.

Daugherty & als.

4 Exhibits filed
with the Bill

To Honorable George Blow. Circuit Court Judge in and for Nansemond County in the State of Virginia:

Complaining respectfully represent and shew unto Your Honor, Your Complainants, John B. Whitehead and John R. Kilby, Executors of the last will and testament of Wm. B. Whitehead deceased, Frederick D. Burr and Susanna E., his wife, Wm. W. Pinner, P. Hudson Pinner, Owen K., and Archibald H. Pinner and James W. Harrison, that in the year 1845 James Coleburn died testate, leaving his last will and testament, which at a Monthly Court, held for Nansemond County, Virginia, the 8th. day of September 1845 was duly proved and admitted to record in the Clerk's Office of said Monthly Court, and that a duly authenticated copy thereof was admitted to record in said Clerk's Office on the 24th. day of January 1870, the original having been destroyed by the burning of said Clerk's Office and the records therein on the 7th. day of February 1866, as will appear by a duly authenticated copy of said last will and testament filed herewith as part of this Bill and marked "Exhibit A"

That, as set forth in item 2nd. of said will, said Coleburn lent unto his daughter, Ann Harrison (a widow now living) to be

enjoyed by her during her natural life, the tract or parcel of land upon which she lived at the time he made his said will, described as " beginning at Calvin Alvis's line at the South Quay road and running said line to the Railroad and from thence as it was then laid off," - thus giving his said daughter, Ann Harrison, an es= tate for her own life in the whole of said land,

That said tract or parcel of land is now here more accurately described as a tract or parcel of land, having on it no buildings of any kind, containing six (6) acres, more or less, situated in the town of Suffolk, Nansemond County, Va, on the North side of Kilby Street and bounded on the North by the Seaboard and Roanoke Railroad, on the East by the lots, or lands, of Catharine Jones, Whitmel Jones and others residing on Pine Street, on the South by said Kilby Street, and on the West by the lands of Joshua Matthias and John F. Pinner.

That the said Colebum by his said will item 2nd,, gave said tract of land, after the death of his said daughter, Ann Har= rison, to her children lawfully begotten of her body, to be enjoyed by them forever.

thus giving them jointly an equal fee-simple estate in said land, subject to the life-estate therein aforesaid of their mother, the said Ann Harrison.

That said Ann Harrison has had four (4) children, to wit: John Harrison, now alive, Wm. L. Harrison deceased, Mary Ann, deceased, late wife of Wright Primer, and Louisa Daugherty, now alive, wife of Eugene Daugherty; the interest of each of these children in said land being an undivided one-fourth (1/4) estate in fee-simple, subject to said life estate of said Ann Harrison.

That said Wm. L. Harrison died on the 14th. day of December 1872, leaving a widow Mary Jane, and a son, James W. Harrison, who are now alive, and that said Mary Ann deceased, late wife of Wright Primer, died leaving the following children, who are now alive, to wit: Susanna E., wife of Frederick A. Burr, Wm. W. Primer, P. Hudson, Owen K., Archibald H., and Mary A. L. Primer, the last one being an infant under twenty-one years of age.

That on the 12th. day of October 1874, in his lifetime, Wm. B. Whitehead deceased, purchased at public auction of Commissioner, John R. Kilby, the undivided one-fourth (1/4) fee-simple interest of said John Harrison

in said land, subject to said life estate of said Ann Harrison in the whole of said land, as will appear by a duly certified copy of the deed from said Commissioner, conveying said one-fourth (1/4) interest to said Whitehead, filed herewith as a part of this Bill and marked "Exhibit B."

And that on the 9th. day of January 1875 in his lifetime, said Wm. B. Whitehead deceased purchased of said Ann Harrison, her life right and estate aforesaid in the whole of said land, as will appear by a duly certified copy of the deed from said Ann Harrison, conveying said life right to said Whitehead, filed herewith and marked, as a part of this Bill, "Exhibit C."

That, therefore, said Wm. B. Whitehead died being the owner of said life estate of said Ann Harrison (she being yet alive), and said one-fourth (1/4) fee-simple estate of said John Harrison in said land; that said children of said Mary Ann, deceased, late wife of Wright Pinner, to wit Susanna E. wife of Frederick S. Burr, Wm. W. Pinner, P. Hudson Pinner, Owen K., Archibald H., and Mary A. L. Pinner, are the equal owners of their mother's one-fourth (1/4) fee-simple interest in said land; that said Louisa Daugherty is still the owner of her one-fourth (1/4) fee-simple

interest; and that the said James W. Harrison is the owner of his father's, the said Wm. L. Harrison's, one fourth (1/4) fee-simple interest in said land.

That said Mary Jane, widow of said Wm. L. Harrison deceased is entitled to dower in the one-fourth (1/4) fee-simple interest, last aforesaid, in said land.

That by the will of said Wm. B. Whitehead deceased (a duly certified copy of which is filed herewith as a part of this Bill and marked "Exhibit D"), his Executors aforesaid are authorised to sell certain lands, of which the interests aforesaid are part, of which he died seised and possessed in Virginia, when in the judgment of said Executors, it might be deemed best to sell them.

That said Executors, as your Complainants aforesaid, deem it best and do now desire to sell the said interests, to wit, said life and fee-simple estates in said land of which said Whitehead died seised and possessed and do hereby consent to a decree of Court, if necessary, directing a sale thereof, and pray that the present value in money of said life-estate may be ascertained and the money therefor paid to said Executors in fee-simple.

And your Complainants charge that said land is now subject to a partition or allotment among said owners thereof in fee-simple, or a sale, subject to said life estate.

That partition of said land cannot be conveniently made, because the quantity is too small (being only six acres), to admit of its being conveniently divided among so large a number of parties in interest, and because most of the shares owned be so located as to be inaccessible (and, therefore, of little or no value) by reason of surrounding lands, owned by various other parties; the only way of entrance upon said land being at the extreme Southern end on Kilby Street of the town of Suffolk. That an allotment of the whole or part of said land cannot be made as none of the parties in interest is willing to accept the same and pay to the rest the value of their interests therein. And that a sale therefore, of said land and all estates therein and a distribution of the proceeds thereof among said parties would be best and most to their advantage.

In consideration whereof Your Complainants, being without remedy save in a Court of Equity, pray that said Augustine Daugherty and Louisa, his wife, and Mary Jane

Harrison, widow of Wm. L. Harrison deceased, and Mary A. L. Pinner, the last named being an infant under twenty-one years of age, may be made parties, defendant, hereto, and be required to answer on oath all the allegations contained in this Bill, the adults in their proper persons and the infant by her guardian ad litem to be appointed for her; that, subject to the dower and life estates aforesaid, partition of said land may be made among said parties in interest; or, if that cannot be conveniently done, that said land may be allotted in whole or in part to any one or more of said parties willing to accept the same and pay therefor to the others such sums of money as they may be entitled to by reason of their interests therein; or, if no such partition or allotment can be made that said land and all estates therein may be sold and the proceeds of the sale divided among said parties according to their respective interests; that said Mary Jane Harrison may be required to state in her answer to this Bill, whether or not she is willing to relinquish her dower in the one-fourth interest of her late husband, Wm. L. Harrison deceased, in said land and to consent to ~~take~~ a sale thereof in kind and to accept in lieu thereof, in fee-simple, the present value of her said

dower in money; that the present value of ~~of~~ said estate of said Wm. B. Whitehead deceased in said land for the life of said Ann Hamian may be ascertained and the money therefor be paid to said Executors in fee-simple as they desire; And that all other adequate and general relief may be granted consistent with Equity, And, as in duty bound, Your Complainants will ever pray &c.,

Wilbur J. Kilby
S. Q.

6 July 1877.

Whitehead's Ex'ors. & als.
vs. } In Chancery
Daugherty & als.

Bill

Wm. B. Whitehead's Exors. &c.

vs

Chy. Notes.

Augevine Daugherty &c.

1877. July 6th. Sum's in Chy. issd to Aug. Rules, 1877.

" " " Affidavit made & filed as to non-residence of defts Augevine Daugherty & order of Pub. awarded thereon.

" Aug. 6th. Bill & Exhts. filed — Peter J. Crooks appointed g.r. ad litem to the infant defts. Mary A. L. Penner who filed her answer to which there was a general replication. Cause set for hearing as to her answers of the defts. Louisa Daugherty and Mary Jane Harrison (consent) filed — genl. replication & set for hearing as to them

" " 7th. Certificate of Pub. filed

" Octo. 1 Or. of Pub. having been published & proof accordingly. Cause as to defts Augevine Daugherty set for hearing

" " 10th. Decree for Partition &c.

1878. Jany. 18th. Report filed

" Apl. 10th. Decree for sale

" " 23rd. Comm'rs Bond executed & filed

" June 16th. Report of Sale filed

" " 28th Report of Value of Life Estate & Dower filed

" Octo. 12th. Money to collect & distribute &c.

1879. Feby. 14th. Report of payments filed

" Apl. 10th. Final Decree

Chy: Notes