1879-009
Nansemond Co. (Suffolk)

Chancery Causes: James E. Walters vs Admr of John Walters etal

Laurence, Tucker, Laurence

Costs

| | |
|---|---|
| Clk. | $10.00 |
| Atty Fees | 14.50 |
| Sh'ff. | 3.50 |
| Comm't | 10.00 |
| | $40.00 |

Cools

Walters case.

# 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 Three Hundred and fifty (350) 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 12th day of November in the year one thousand eight hundred and seventy-eight, and in the 103rd year of the Commonwealth. And we hereby waive our Homestead exemption, as to this obligation.

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

who has by ~~this day qualified before the~~ a Decree of the Circuit Court of Nansemond County, pronounced on the 12th day of October 1878, in the Chancery Cause of James E Walters, Plaintiff, against John L. Fulghum, Sheriff of Nansemond County and Personal Representative of John Walters deceased, & others, Defendants, been appointed Special Commissioner to collect and receive certain moneys, 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.

Wilbur J. Kilby (Seal.)

W. K. Wallace Kilby (Seal.)

(Seal.)

(Seal.)

(Seal.)

Wilbur J. Kelby, Comm'th.

To } Bond

Commonwealth.

---

Nov: 12th: 1878 Executed Filed

# Know all Men by these Presents,

That we, John R. Kilby and Wilbur J. Kilby,

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the just and full sum of Three Hundred and fifty ——— Dollars, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 10th day of November in the year one thousand eight hundred and Seventy-Seven, 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 John R. Kilby

who has ~~this day qualified before the~~ by a Decree of the Circuit Court of Nansemond County, pronounced on the 10th day of October, 1877, in the Chancery Cause of James E. Walters, Plaintiff against John L. Pitzhugh, Sheriff of Nansemond County and Personal Representative of John Walters, deceased & others, Defendants, been appointed Special Commissioner to sell certain Real Estate in said Cause described, shall faithfully discharge his duties, as such Commissioner, under said Decree, and all other Decrees he may be required to execute in said Cause

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

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

John R. Kilby {Seal.}
Wilbur J. Kilby {Seal.}
{Seal.}
{Seal.}
{Seal.}

John R. Kilby, Sh: Comm'th
[illegible]

Ja[illegible] Bond

Commonwealth.

---

1877
Nov. 10 th: Executed Sheriff

Virginia:

At Rules held in the Clerk's Office of the Circuit Court of Nansemond County, on Monday, the 5th: day of February, 1877.

James E. Walters . . . . . Complainant.

against } In Chancery

John L. Fulghum, Sheriff of Nansemond County and Personal Representative of John Walters deceased; Kezia B. Walters, John J. Walters, John T. Lawrence and Martha E. his wife; Charles C. Walters and Leonidas R. Tucker and Mary C. his wife: (the said Charles C. being under twenty-one years of age . . . . . Defendants.

On the motion of the Complainant, by Counsel, Peter B. Prentis is appointed guardian ad litem to defend the infant Defendant in this suit; and it is ordered that notice be given the said guardian of his appointment, by serving on him a copy of this order.

Teste,

Peter B. Prentis. Clerk

1877. Feby: 5th: I acknowledge service of the foregoing order, and that I have received a copy of the same.

Peter B. Prentis.

Guar: ad litem

James E. Walters

~~vs~~ } Order upldg: gdn: ad litem
to ~~in~~ Comp. dispt.

John L. Fulghum, Admr:
& Perl Refs: of Jno: Walters,
decd Lal:

# THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON John L. Fulgham, Sheriff of Nansemond County and Personal Representative of John Walters deceased; Keziah Walters, John J. Walters, John F. Lawrence and Martha E. his wife; Charles C. Walters, and Leonidas R. Tucker and Mary C. his wife; (the said Charles C. being under twenty-one years of age)

to appear at the Clerk's office of our Circuit Court for the County of Nansemond, on the first Monday in February next, 1877, being rule day, to answer a bill in chancery, exhibited against them by

James E. Walters

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 24th day of January 1877, and in the 101st 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.

Copy for,
John J. Watters

# THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON John L. Fulgham, Sheriff of Nansemond County and Personal Representative of John Walters deceased; Keziah Walters, John J. Walters, John [illegible] Lawrence and Martha E, his wife, Charles C. Walters, and Lemidas R Tucker and Mary C, his wife: (the said Charles C. being under twenty-one years of age

to appear at the Clerk's office of our Circuit Court for the County of Nansemond, on the first Monday in February next, 1877, being rule day, to answer a bill in chancery, exhibited against them by

James E. Walters

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 24th day of January 1877, and in the 101st 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.

Feby 21st

Execution & copy delivered to Kizeiah Walters John J Walters, ~~Horace~~ John Lawrence Martha & his wife Charles C Walters Leonard R Lucken & Mary C his wife

J L Fulghum Shff

I acknowledge service of same
J L Fulghum personal representative
of John Walters dec'd

Jones & Walters.

vs.

Summons in Chy

John L. Phillips Exec. &c. Defts & als:

To February Rules, 1877.

Bro: B. No: 1. Page 94
Civil Co:

Mr. John Watkins, District No. 1,

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

| | Dols. | Cts. |
|---|---|---|
| To State Tax on 60 acres Land, value $ 150, at 50 cts. on $100... | | 75 |
| To State Tax on Personal Property, value $ , at 50 cts. on $100... | | |
| Total State Tax on Land and Property | | 75 |
| To County Levy, 50 per cent. on State Tax | | 38 |
| To Parish Levy, 20 per cent. on State Tax | | 15 |
| To County and District School Tax on Property 6¼ cts on $100 | | 10 |
| State Capitation $1, County Capitation 50 cts | | |
| Total Tax on all subjects | 1 | 38 |
| December 1st, five per cent. added | | |

RECEIVED PAYMENT.

THOMAS A. HOWELL, *Assessor.*

Wm H. Eley, *Treasurer.*

*Deputy.*

John Walters

#1,388

214

#3502

Mr. John Wallace, District No. 2,

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

| | Dols. | Cts. |
|---|---|---|
| To State Tax on 23½ acres Land, value $ 70, at 50 cts. on $100... | | 33 |
| To State Tax on Personal Property, value $ , at 50 cts. on $100... | | |
| Total State Tax on Land and Property | | 33 |
| To County Levy, 50 per cent. on State Tax | | 18 |
| To Parish Levy, 20 per cent. on State Tax | | 7 |
| To County and District School Tax on Property 6¼ cts on $100 70 | | 4 |
| State Capitation $1, County Capitation 50 cts | 1 | 50 |
| Total Tax on all subjects | 2 | 14 |
| December 1st, five per cent. added | | |

RECEIVED PAYMENT.

A. W. TURNER, *Assessor.*

Wm H. Eley, *Treasurer.*

*Deputy.*

John Watkins

2.14

2.14
28
44
132
40.24

Rec'd of Rehoam Butler
three dollars ~~and~~ fifty
cents. in full of
of account against estate
of Dno. walters -

Chas. H. Barnes

$3.00

John Wallace Ex Estate

1876 To Isham Bates

| | | | |
|---|---|---|---|
| Dec 4 | 2½ | Clyde Bleached Cottons | 75 |
| ¼ | 1 | Collar | 05 |
| 1 | ½ | 2 Candles | 10 |
| | | | 90 |

Paid

23
412.

Sept 16 1875

Rec'd of Isam Gulber in full
of the within Note

Abram Duke.

Rec'd J H Daughty

$ 57.27 cts

On demand we or either of us do promise to pay or cause to be paid unto Rans Bro or order the sum of fifty seven dollars and 27 cts it being for value rec'd of them as witness my hand & seal this 1st April 1858

Test

W D Baldon
J A Latchem as to
Jno Waters

his
Keziah + Walters (Seal)
mark
his
Elijah + Walters (Seal)
mark
his
John + Walters (Seal)
mark

Oct 27th 1860 Rec'd eleven dollars
in part of expenses

$11.00

Edwin S Rauch

---

Dec 12th 1876 Jno. Adams Esq.

Account Current

Edw. S. Rauch

Mrs. D. Mitchell
Bought of
Cr. 57 47
11.00
$46.22

Mr. John Walters, Estate

June 6th 1876 — To Richard Eley Jr.

To making coffin for self $8.00

July 1st 76 Paid payment by Joshua Burton Admr

of John Walters Estate Richard Eley

J Walters
Estate $ 8.00

Received of Abram Butler Six dollars + Sixty cts $6.60/100 in full of acct against the estate of John Wales.

Left 20/76

Whole Amt $32.09

A. W. Ballard Jr

1876 | John Walters Decd
June 4th | To Kissiah Walters Dr

To Washing. Mending Cooking & furnishing Lodging
five Year At $60 per Year $300.00

1876
June 4th

John Walkers Decd

To Isham Butler — D°

To Digging one grave — $1.00

Sept the 22 the 1876
Received of Isham Butler
twelve Dollars and fifty cts
for corn and fodder in full to date
$12.50 Corn and fodder $12.50
Corn [illegible] [illegible]
[illegible] [illegible] $ 12.50

Paid By Isham Butler for Edey
walters Acting as Administrater
on John Walters Estate

Mills H Hallam

$ 50 cts

On demand I promise to pay or cause to be paid unto L.E. Walter or order, the just and full Sum, of Fifty Dollars, for Value Received, Witness my hand and I do agree to Waive my State and homestead exemption as to this debt,

Witness my hand & Seal [SL]

This 1st Day of March, 1876

Witness
E.B. Winborne

John D. Walter

50,
Inv 4,00
54 50

1876

July

Mr John Wallers

To W. J. Phillips

To for 2 mds (Sept) 1.00

" mdse 2 mds " 3.00

" for 1 mds " 1.00

5.00

Sept 25th 1876

#2) Rec'd Two (2) dollars for the above acc

W. J. Phillips

$20.75 On demand I promise to pay or cause to be paid unto Lehan Butler or order the just and full sum of Twenty dollars & seventy five cents for Value received of him witness my hand & seal this 3rd day of June 1876. and do hereby waive my homestead exemption as to this debt

his
John X Walker
mark

Witness
E Cisko Bu Timbare

Fiske & Brother, Printers.

$ 1189 100

May the 10th 1876

On demand ~~Days after date~~ I promise to pay unto

F. T. Holland his heires, administrators or assigns,

without offset, Eleven Dollars & 50/100 Dollars,

for value received; and it is agreed upon by the parties that the interest on this Note shall be at the rate of Six per centum per annum, payable in advance; and we, maker and endorser, hereby waive the benefit of our Homestead Exemptions as to this debt.

Credit the maker.

Wit S. K. Butler

John Walton Seal

John. Watkins Note
$1185-
Given May. 10th 1876

Rec'd of J. Stamps Butler
the within note
T. J. Hilliard
Sept 25 76 Com S R B

16.00

$ 73.2 a 100

Int. 4 50
$79.50

I Buchan Jr

Am indebted to promise to pay

unto W. H. Hollums & Co his heirs,

executors, administrators, or assigns, the just and full sum of seventy five

Dollars and ..... cents, for value received; for the payment of which I bind

my self my heirs, executors and administrators, firmly by these presents; and I hereby waive

the benefit of my Homestead Exemption as to this debt and obligation.

As witness my hand and seal this 9 day of October in the year of our

Lord one thousand eight hundred and seventy five.

Witness:

W. C. Butler John Mallett [SEAL.]

[illegible] Notes
Notes & Bonds
in Trust 218
1115

Walters

vs. } chy.

Walters Ref. & als

vouchers.

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

James E. Walker . . . . . Plaintiff

Against } In Chancery

John L. Fulgham, Sheriff of Nansemond County and Personal Representative of John Walker deceased, Keziah Walker, John J. Walker, John F. Lawrence and Martha E. his wife, Charles C. Walker and Leonidas R. Tucker and Mary C. his wife (the said Charles C. being under twenty one years of age . . . . . Defendants.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of special commissioner John R. Kilby, being a Report of the collection and deposit of money and on the Report of commissioner, Wilbur J. Kilby, being a Report of additional debts, 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 who is hereby appointed special commissioner, for that purpose in place of said commissioner John R. Kilby receive of the cashier of the Commercial Bank, or its other proper officer, (who will pay to the said

C. [illegible] Commissioner Wilbur J. Kelly) the sum of $362.56 deposited there to the credit of said John R. Kelly as commissioner in this cause as appears by the certificate of deposit filed with his said Report, and that said commissioner, Wilbur J. Kelly receive of the Clerk of this Court (who will deliver to and take a receipt from him for) said certificate of deposit and that said commissioner deliver the same to said cashier upon payment by the latter to him of said sum of $362.56. and all interest thereon. And the court doth further adjudge, order and decree that said Commissioner Wilbur J. Kelly with said sum of $362.56 pay first all unpaid costs and expenses of this suit and then pay, out and distribute the residue pro rata in payment or on account of the following debts due by John Walters deceased or his estate to the following parties: To James Oley, Walters the sum of $273.15 with interest on $262.65 part thereof from the first day of September 1877, or his pro rata part thereof: To Reyiah Walters the sum of $16.50 with interest on $15.00 part thereof from the first day of September 1877, or her pro rata part thereof: and to Mc. H. Holland the sum of $5.25 with interest on $5. part thereof from the first day of September 1877 or his pro rata part thereof. - which said debts are shewn to be due and owing by said John Walters

1

deceased, or his estate by the two Reports of Commissioner Wilbur J Kilby made respectively in pursuance of the decrees of this court pronounced at the April Terms thereof respectively in the years 1877 and 1878 in this cause.

And said Commissioner, Wilbur J. Kilby will make report to court of his proceedings under this decree and before proceeding to execute this decree, will execute before the Clerk of this Court in his office a Bond in the penalty of $3350. with good personal security payable to the Commonwealth of Virginia and conditioned for the faithful execution of this decree and all other decrees he may be required to execute in this cause

A Copy,

Teste,

Peter B. Prentis. Clerk

Unpaid Costs

Commr's fee $10.00

X-md

Waller

Vs E Corby Deane

Waller

1878

Oct Term

Bond executed

12 Nov 1878

To the Circuit Court of Nansemond County, Virginia.

In pursuance of a decree of said Court pronnced at the October Term thereof, in the year 1878 in a cause in Chancery in said Court depending between James E. Walters Plaintiff, and the Personal Representative of John Walters deceased and others Defendants, a copy of said decree being hereunto annexed; the undersigned, Special Commissioner respectfully reports to Court that he has received of the Clerk of said Court the certificate of deposit filed with and described in the Report of Commissioner, John R. Kilby, made in said cause under decree of April Term 1878 of said Court. - said certificate shewing a deposit of $362.56 at The Commercial Bank of Suffolk, Va. to the credit of said cause, and that he has delivered said certificate to the cashier of said Bank and has received of said cashier said sum of $362.56 and, after paying all unpaid costs and expenses of said cause, has paid out and distributed the residue of said sum of $362.56 pro rata on account of the debts due by said John Walters deceased, or his estate as proven in said cause, as ~~said~~ said decree of April Term 1878 of

said Court directs and as the following statements and annexed vouchers will fully shew:

Statement No. 1.

| | | |
|---|---|---|
| By amount received of Cashier of said Bank as aforesaid. | | $ 362 56 |
| To 5 per cent commissions. | $ 18 23 | |
| " fee for Report of debts made 9th. Sept. 1878 in said cause by the undersigned as Commissioner in Chancery. | 10 00 = | $ 28 23 |
| Balance = | | $ 334 33 |
| To paid Jas. E. Walters 71 per cent (per rect.) of $291.23 = | $ 206 77 | |
| " " Kezziah Walters do. " of 174.05 | 123 57 | |
| " " M. H. Holland do. " of 5.62 | 3 99 = | $ 334 33 |
| | $ 470.90 | |

Statement No. 2.

Being a statement of the debts paid as above.

| | | |
|---|---|---|
| Debt due Jas. E. Walters | | $ 273 15 |
| Interest on $262.65 part thereof from 1 Sept. 1877 to 16 Nov. 1878. - 1y. 2m. 15ds. | | 18 08 |
| | | $ 291 23 |
| Debt due Kezziah Walters. | $ 165 00 | |
| Interest as above. | 9 05 | 174 05 |
| Debt due M. H. Holland. | $ 5 25 | |
| Interest as above. | 37 | 5 62 |
| Total debts = | | $ 470 90 |

Respectfully submitted this 20th. day of November 1878.

Wilbur F. Kilby
Special Commissioner

1878 Nov. 20th. Received of Wilbur J. Kilby Comr. the respective sums of money charged as paid to us in the foregoing Report and set opposite our names as follows:

| | | |
|---|---|---|
| | James, D. Walters | $ 204 77 |
| witness as to ——— | Kiezich for J. D. Walters | $ 125 57 |
| W. R. Butler | | |
| | Miles H. Hallam | $3. 77 |

Jas. E. Walters

vs. } Chy.

John Walters' Admr. &al.

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Report of Payments

20th. Nov. 1878

1878. Decr. 11th filed

At a Circuit Court held for Nansemond County, the 11th: day of April, 1878.

James E. Walters . . . . . Plaintiff.

Against } In Chancery

John L. Fulgham, Sheriff of Nansemond County, and Personal Representative of John Walters deceased; Kezia Walters, John J. Walters, John F. Lawrence and Martha E. his wife; Charles C. Walters and Leonidas R. Tucker and Mary C. his wife: (the said Charles C. being under twenty-one years of age) . . . Defendants.

This Cause came on this day to be again heard on the papers formerly read therein, and on the Report of Special Commissioner John R. Kilby, made in pursuance of a Decree of this Court, pronounced in this Cause, at the October Term thereof, in the year, 1877: and was argued by Counsel.

On consideration whereof the Court doth confirm the said Report, to which no exception has been filed, and doth adjudge, order and decree, that said Commissioner, John R. Kilby receive of the Clerk of this Court (who will deliver to him and take a receipt from him for) the Bond of Mills H. Holland and James S. Holland, his security, filed with said Report, being a Bond for the sum of $345.30, dated the 12th: day of November, 1877, and payable six months after date with interest from date, and that said Commissioner proceed to collect the principal and interest of said Bond, when the same shall have became due, or receive the same, before said Bond shall have became due, should said obligors desire to pay the

same before maturity, and that said Commissioner deposit said money in the Commercial Bank of Suffolk, Virginia, to the credit of this Cause, and take from the Cashier of said Bank, a Certificate, shewing said deposit, and make Report to Court of his proceedings under this Decree, filing said Certificate with his Report; and said Commissioner will make to said Mills H. Holland, after said bond and all interest due thereon shall have been paid in full, a Deed with special warranty in the usual form, conveying to him the land purchased by him, under proceedings had in this Cause. And the Court doth further adjudge, order and decree, that a Commissioner of this Court, take and settle, at his Office, a further account of the debts due by said John Walters, deceased, or his Estate, according to their priorities, and make Report thereof to Court, filing with said Report such evidence and proof of said debts as he may take or have before him.

A Copy.
Teste,
Peter B. Prentis. Clerk

James E. Walters
Copy Decree
John Walters' Personal
Representative Adm.

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 James E. Watters, Plaintiff, and the Personal Representative of John Watters deceased, and others, defendants, a copy of said decree being hereunto annexed; the undersigned reports to Court that, as directed by said decree, he has received of the Clerk of said Court and given said Clerk a receipt for the Bond of Mills H. Holland and James S. Holland his security filed with the Report of the undersigned made in said cause in pursuance of a decree of the October Term of said Court 1877, - said Bond being for $345.30, dated the 12th. day of November 1877 and payable six months after date with interest from date; and that the undersigned has collected the principal and interest of said Bond and has deposited the same in the Commercial Bank of Suffolk, Virginia, to the credit of said cause, as will appear by the certificate of the cashier of said Bank hereunto attached and as the following Statement will more fully shew:

Statement,

| | | |
|---|---|---|
| By principal of said Bond, | | $ 345 30 |
| " Interest from 12 Nov. 1877 to 12 September 1878 - 10 M. | | 1726 |
| | | $ 36256 |
| To deposit at Commercial Bank of Suffolk, Va per certificate, | | $ 36256 |

(over)

The undersigned further reports to Court that he has, as directed by said first named decree, made to said Mills H. Holland a deed with Special Warranty in the usual form conveying to him the land purchased by him under proceedings had in said cause.

Respectfully submitted this 13th. day of September 1878.

John R. Kilby
Comr.

1878 Nov. 20th. Received of P. B. Prentis, Clerk of the Circuit Court of Nansemond County the certificate of deposit filed with and described in this Report shewing deposit of $362.56 at the Commercial Bank of Suffolk as set forth in this Report. - said certificate being received by me under decree of Oct. Term of said Court in the year 1878 in the cause referred to herein.

Wilbur J. Kilby, Comr.

Walters
vs.
Walters' Exr. Rep. &c.

In Chy.

Report of collection and deposit
13 Nov. 1878

1878. Sept. 13th. Filed.

At a Circuit Court held for Nansemond County the 11th. day of April, 1878.

James E. Wallers . . . . . Plaintiff.

against } In Chancery

John L. Fulgham, Sheriff of Nansemond County and Personal Representative of John Wallers deceased; Reguil Wallers, John J. Wallers, John F. Lawrence and Martha E. his wife; Charles C. Wallers, and Leonidas R. Tucker and Mary C. his wife. (the said Charles C. being under twenty-one years of age.) . . . . . Defendants.

This Cause came on this day to be again heard on the papers formerly read therein, and on the Report of Special Commissioner, John R. Kilby, made in pursuance of a Decree of this Court, pronounced in this Cause, at the October Term thereof, in the year, 1877, and was argued by Counsel

On consideration whereof, the Court doth confirm the said Report to which no exception has been filed, and doth adjudge order and decree that said Commissioner, John R. Kilby receive of the Clerk of this Court (who will deliver to him and take a receipt from him for) the Bond of Mills H. Holland and James S. Holland, his security, filed with said Report, being a Bond for the sum of $345.30 dated the 12th. day of November, 1877, and payable Six months after date with interest from date, and that said Commissioner proceed to collect the principal and interest of said bond when the same shall have become due, or receive the same

before said Bond shall have become due, should said obligors desire to pay the same before maturity, and that said Commissioner deposit said money in the Commercial Bank of Suffolk, Virginia, to the Credit of this Cause, and take from the Cashier of said Bank a Certificate shewing said deposit, and make Report to Court of his proceedings under this decree, filing said Certificate with his Report; and said Commissioner will make to said Mills H. Holland, after said Bond and all interest due thereon, shall have been paid in full, a Deed with special warranty, in the usual form, conveying to him the land purchased by him, under proceedings had in this Cause.

And the Court doth further adjudge, order and decree, that a Commissioner of this Court, take and settle, at his Office, a further account of the debts due by said John Walters deceased, or his Estate, according to their priorities, and make Report thereof to Court, filing with said Report, such evidence and proof of said debts, as he may take or have before him.

A Copy:

Teste,

Peter B. Prentis. Clerk

James E. Walters
vs
John Walters. Pet. Rec. Cal.

# Commissioner's Office,

**SUFFOLK, NANSEMOND COUNTY, VA.**

20th August 1878

To James E. Walters. _____

Plaintiff.

and John L. Fulgham, sheriff of Nansemond County and Personal Representative of John Walters deceased Kezia Walters, John J. Walters, John F. Lawrence and Martha E. his wife, Chas. C. Walters and Leonidas R. Tucker and Mary C. his wife (the said Chas. C. being under twenty one years of age) Defendants.

You are hereby notified that I have fixed upon the 5th. day of September next, to take and settle, at my office, the following account, to-wit:

A further account of the debts due by said John Walters deceased, or his estate, according to their priorities, together with proof thereof.

required to be taken by the decree of Nansemond County Circuit Court, rendered on the 11th. day of June 1878 in a suit in Chancery depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

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

Wilbur J. Kilby
Commissioner in Chancery.

(over)

1878 Aug. 21st. Service of the within notice is hereby acknowledged for all parties, both plaintiffs and defendants, represented by me,

John R. Kilby

atty

M. H. Holland.

$ 5

Buckhorn, Va., April 7 1876

On or before the 1st day of November, next, I promise to pay to **M. H. HOLLAND,**

Five Hundred Dollars,

for value received in Commercial Fertilizers, and I hereby waive the benefit of the Homestead Exemption as to this debt. (Seal.)

(Seal.)

John Walker

---

Buckhorn, Va., April 7 1876

*I have this day obtained of M. H. Holland an advance of Commercial Fertilizers, for which the above bond was given, and in pursuance of Section 3d, of Chapter 59 of the Acts of the Assembly of Virginia, approved February 24th, 1874, and in consideration of said advance, and in compliance with the terms thereof, I hereby promise that I will deliver to the said M. H Holland, or his agent, in the village of Buckhorn, my crop of Cotton and Peanuts (or sufficient thereof to pay him) grown, raised or gathered on all lands owned by me, in possession of or under my management or supervision, in the county of* Mecklenburg *in the State of Virginia. And I hereby give the said M. H. Holland full and legal control of said crops, waiving all right of Homestead Exemption therein, with power to transfer this lein, and if not paid at maturity to bear interest from date hereupon.*

*Witness my hand and seal.*

(Seal,)

*Executed in presence of*

John Walker

John Watson

John Walters

To

Keziah Walters Dr.

1876

Jan. 4 To Board and lodging, and washing and mending clothes, and cooking for 5 years @ $30 per year. $150 00

Int. from 1 Jan. 1876

State of Virginia

Nansemond County, To wit:

We, Isham Butler, and E. B. Winborne, who are, and have been, neighbors of said Keziah Walters for more than ten years, do swear and make oath, that we have had personal knowledge of, and know the fact that said John Walters lived with said Keziah Walters for five years, that during that time she furnished him board, and lodging and did his washing &c. and cooking and that the above account, shewing charges therefor is to the best of our belief true & just and correct and has not been paid and should be paid out of the estate of said John Walters, our deceased.

Given under our hands this 21st. Febmary 1878

Isham Butler

E. B. Winborne

Subscribed and sworn to before me this day. - 21st. Febmary 1878

Wilbur J. Kilby Comr. in Chancery

over

1878 Feb. 26. The undersigned, Melissa Scott, upon her oath, says that during the five years while John Walters lived with Keziah Walters, she was employed by said Keziah Walters to do the washing of herself and said John Walters and did the same for at least four of the said five years and was paid for it by Keziah Walters aforesaid; that said John Walters lived with said Keziah Walters for at least five years and that the latter furnished board and lodging for that time and cooked for him during that time.

Witness:
Wilbur J. Kelly.

her
Melissa X Scott
mark

Subscribed and sworn to, before me this 26 February 1878.

Wilbur J. Kelly
Master in
Chancery

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 James E. Walters Plaintiff, and the Personal Representative of John Walters deceased and others, defendants, a copy of said decree being hereunto annexed; the undersigned, Commissioner of said Court, having given notice to the parties to said cause, as will appear by the endorsation on the notice herewith returned, proceeded on the 5th. day of September 1878 to take and settle at his office a further account of the debts due by said John Walters deceased or his estate, as required by said decree, and having at length completed the proceedings, now herewith respectfully submits the result thereof together with the evidence and proof of said debts as the papers hereunto attached and the following statement will more fully shew:

Statement.

Shewing further or additional debts due by John Walters deceased or his estate.

| | | |
|---|---|---|
| A debt due to Keziah Walters per acct. | | $ 150 00 |
| Int. from 1 Jan. 1876 to 1 Sept. 1877. - 1y. 8m. | | 15 00 |
| | | $ 165 00 |
| A debt due to M. H. Holland per note | $ 5 00 | |
| Int. from 1 Nov. 1876 to 1 Sept. 1877. - 10m. | 25 | $ 5 25 |
| Total = | | $ 170 25 |

Respectfully submitted this 9th. day of September 1878.

Wilbur J. Kilby
Comr. in Chancery

Comrs' fee $10.-

Walters

vs } In Chy.

Walters' Per. Rep. &als.

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Report of debts

No. 2

9 Sept. 1878

1878. Septr. 9th. Filed.
CK.

1877 Nov. 30 Received of Jno. R. Kilby Comr.
ten dollars. being fee of undersigned for
Report in Chay. cause of Jas. E. Walters &c.
vs. Walters &als.

$10.

Wilbur J. Kilby
Comr.

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. Jno R. Kilby Town

# To "Suffolk Herald," Dr.

## Newspaper and Job Printing Establishment,

1877 WASHINGTON SQUARE NEAR MAIN ST.

| | | | | |
|---|---|---|---|---|
| Oct | 31 | Ad Walter's land, near Buckhorn, 4 sq. 3t | 6 | 00 |
| " | " | Print 50 Bills same | 1 | 50 |
| | | | $ 7 | 00 |

1877 Rec'd Pay't

Received payment
Elam & Hathaway
per Alphonso Royster

(This was in Oct 31st according to file)

Mr John Walters Est., District No 1,

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

| | Dols. | Cts |
|---|---|---|
| To State Tax on 60 acres Land, value $ 150 at 50c, on $100 | | 75 |
| To State Tax on Personal Property, valued $ at 50c on $100 | | |
| Total State Tax on Land and Property | | 75 |
| To County Levy, 50 per cent. on State Tax | | 38 |
| To Parish Levy, 20 per cent. on State Tax | | 15 |
| To County and District School Tax on Property 6¼ cts. on $100 | | 10 |
| State Capitation $1, County Capitation 50 cts | | |
| Total Tax on all subjects | 1 | 48 |
| December 1st, five per cent. added | | 2 |
| | 1 | 50 |

RECEIVED PAYMENT, Wm. Eley, *Treasurer.*

THOMAS A. HOWELL, *Assessor.* , *Deputy.*

John Walters Esq,

$ 1,4 2/2

1,40

Received of J. R. Kelly Commissioner
five Dollars for selling the John
Walters Land Nov 6th 1899
Geo F Porter Com

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

James E. Walters . . . . . Plaintiff.

Against } In Chancery

John L. Fulghum, Sheriff of Nansemond County and Personal Representative of John Walters deceased; Keziah Walters, John J. Walters, John F. Lawrence and Martha E. his wife; Charles C. Walters; and Leonidas R. Tucker and Mary C. his wife: (the said Charles C. being under twenty-one years of age . . . . . 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, made in this Cause, in pursuance of a Decree of this Court, pronounced at the April Term thereof, in the year, 1877: and was argued by Counsel:

On Consideration whereof, the Court doth confirm said Report to which no exception has been filed, and doth adjudge, order and decree, that John R. Kilby, who is hereby appointed a special Commissioner for that purpose, proceed to sell at public auction before the Court House door of Nansemond County, Virginia, on some Court day the Real Estate of which John Walters died seised and possessed, described as a small parcel of land, containing about Eighty-three acres, more or less, and situated in Nansemond County, Virginia, and bounded by the lands of Thos. P. Winborne, on the West, Elijah Holland, on the South-West: Alonzo W. Ballard,

on the South: Jas: R: Purvis on the East: and the Seaboard and Roanoke Rail Road on the North.

And the Court doth further adjudge, order and decree that said Commissioner before proceeding to sell said real estate, advertise the day and time of said sale, by notice to be published once a week for three successive weeks, in some newspaper printed in the Town of Suffolk, Virginia, and by printed Notices posted at the Court House Door of said County, and in the neighborhood of said land, and that said Commissioner sell said land on a credit of six months, and for Cash only, to pay the Costs of this suit and the expenses of the sale, and take from the Purchasers bond with good personal security in evidence of the deferred payment to be made Six Months after the date of said Bond, with interest from the day of sale, and that said Commissioner retain the title to said land, until the further order of the Court, and make report to Court of his proceedings under this decree.

And said Commissioner, before he proceeds to sell said land in pursuance hereof, will execute before the Clerk of this Court in his Office, a Bond, in the penalty of the sum of Three hundred and fifty dollars, 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.

A Copy:

Teste,

Peter B. Prentis. Clerk

Costs

Clk $10:00
Atty 31.50
Stff 3.50
Commr 10:00
$55:00

# LAND NEAR
# BUCKHORN
# FOR SALE!

By virtue of a decree of the Circuit Court of Nansemond county, Va., pronounced at the October Term thereof, 1877, in a cause depending in said Court between James E. Walters, Plaintiff, and the Administrator of John Walters, deceased, and others, Defendants, I shall sell at public auction before the Court-house door of said county on the

## 12th Day of November, 1877,

(being Court-day,) the Real Estate of which John Walters, died, seised and possessed, being a small parcel of land in said county, near Buckhorn, on the S. & R. Railroad, containing about

## 83 ACRES,

more or less, and bounded by the lands of Thos. P. Winbourne on the west, Elisha Holland on the southwest, A. W. Ballard on the south, Jas. R. Purvis on the east, and said Railroad on the North.

## TERMS :

Enough of the purchase money will be required in cash to pay costs of suit and expenses of sale and the residue at the end of six months, the purchaser to give Bond with good security, bearing interest from day of sale, and title to said land will be retained until further order of Court.

JOHN R. KILBY,
SPECIAL COMMISSIONER.

GEO. T. PARKER, Auct'r.

To the Circuit Court of Nansemond Co. Va.

The Undersigned reports to the Court that pursuant to the decree of said Court of 10th of October 1877, he proceeded to advertise the land of which John Walters died seized and possessed, in Nansemond County containing 83 acres, more or less and bounded by the lands of Mrs. P. Winborne, Elijah Holland, Alonzo W. Ballard, Jas. R. Purvis & the Seaboard Roanoke Rail road, as described in said deed, and did on Monday, the 12th day of December 1877 (being Court day) sell at auction before the Court house door of said County, the said land, when the same was purchased by Mills H. Holland at the price of $135.00

| | | |
|---|---|---|
| To 5 per ct. comm on $300 | $15.00 | |
| " 2 do. on on $135.00 Bal. | 2.70 | |
| " Herald for handbills & print | 5.00 | |
| " Geo. D. Parker auctioneer " | 3.00 | |
| " paid Wm Ely, Taxes to Rail | 4.00 | |
| " " for deed to purchaser " | 3.00 | |
| " " ~~Court House~~ " | ~~5.00~~ | |
| " Taxes costs per decree | 33.00 | 89.70 |

$345.30

To Mills H. Holland's bond at 6 mos with Int. from date with Jas. S. Holland as security $345.30

Respy submitted

John R. Kilby Comr

(over)

1878 Sept. 5th. Received of P. B. Prentis, the Clerk of the Circuit Court of Nansemond County, Va. in pursuance of a decree of the April Term of said Court 1878 in the Chancery cause of Walters vs. Walters' Per. Rep. & others, the Bond of Mills H. Holland and James S. Holland for $345.30 filed with this Report, dated 12th. November 1877 and payable to the undersigned six months after date with interest from date; re= ceived for collection under said decree,

John R. Kilby Comr.

Walters &c

vs

Walters &c

Report of
Sale

1878 Jany 16th Filed
Clk

To the Circuit Court of Hanse=
mond County, State of Virginia,

In pursuance of a decree
of the Circuit Court aforesaid
pronounced at the April Term
thereof in the year 1877, in a cause
in Chancery in said Court depend=
ing between James E. Walters as
Plaintiff, and the Personal Rep=
resentative of John Walters deceas=
ed and others, as Defendants, a
copy of said decree being hereunto
annexed; the Undersigned, Com=
missioner of said Court, having
given notice to the parties to said
cause, as will appear by the in=
dorsations on the notice herewith
returned, proceeded on the 5th,
day of September 1877 to take
and state, and did take and
state at his office the accounts
specified in said decree and
now hereunto reports the result
of the proceedings as follows:

(over)

Accnut No. 1

An Accnut of the transactions of John L. Fulgham, Sheriff, as Committee of the Estate of John Walters deceased.

Your Commissioner reports that as said Fulgham has received no estate of said John Walters deceased for administration, he has no accnut of any transactions of said committee to state.

Accnut No. 2

An Accnut of the debts due by said John Walters deceased, or his estate, according to their priorities.

| | | |
|---|---|---|
| A debt due to James Eley Walters, as per acct. and vouchers. | | $ 262 65 |
| Interest from 1 Jan. 1877 to 1 Sept. 1877 — 8 m. | | 10 50 |
| | | $ 273 15 |

Your Commissioner has no knowledge of any debts other than the above due by said John Walters deceased, or his estate.

## Account No. 3

An account of the real estate of which said John Walters died seised and possessed together with its fee-simple and annual values.

Your Commissioner reports that said John Walters did seised and possessed of a small parcel of land, containing about 83 acres, more or less, situated in Nansemond County, Virginia, and bounded by the lands of Thos. P. Winborne on the West, Elijah Holland on the Southwest, Alwyo W. Ballard on the South, Jas. R. Purvis on the East and the Seaboard and Roanoke Railroad on the North, - its fee-simple value being about $175. 00
and its annual value $15.

## Account No. 4

An account of the heirs of said John Walters deceased, shewing who they are.

Your commissioner reports that said John Walters died in June 1876 leaving the following heirs of his estate, to wit: his mother

Keziah Walters, heir of one-third of his estate. Your Complainant, his brother James E. Walters, heir of one third, and the children of his deceased brother Wilkinson Walters, to wit: John J. Walters, Martha E. wife of Jno. F. Lawrence, Mary E. wife of Lemidas R. Tucker, and Chas. E. Walters, an infant under twenty one years of age, heirs jointly of one third of his. the said John Walters; estate.

Respectfully submitted this 6th. day of September 1877.

Wilbur J. Kilby
Commissioner.

Commissioner's fee $10

At a Circuit Court continued and held for Nansemond County, the 12th day of April, 1877.

James E. Wallers . . . . . Plaintiff

Against E. H. Chauncey

John L. Fulgham, Sheriff of Nansemond County and Peisonal Representative of John Wallers, deceased: Keziah Wallers, John J. Wallers, John T. Lawrence and Martha E. his wife, Charles E. Wallers and Leonidas R. Archer and Mary E. his wife, the said Charles E. being under twenty one years of age. . . . . Defendants.

This cause came on this day to be heard on the Bill of the Complainant taken for confessed as to the adult defendants on whom process had been duly executed, they yet failing to appear and make defence, and on the answer of the infant defendant made by Peter B. Prentis his guardian ad litem, and on general replication to said answer and on the exhibits filed with said Bill, and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that a Commissioner of this Court, having first given notice to the parties, proceed to take and settle at his office the following accounts to wit:

1. An account of the transactions of John L. Fulgham Sheriff, as Committee of the Estate of John Wallers deceased
2. An account of the debts due by said John Wallers deceased, or his estate, according to their priorities.

3- An Account of the real estate of which said John Wallers died seised and possessed together with its fee simple and annual values

4- That said Commissioner ascertain and report to Court who the heirs of said John Wallers deceased are. and said commissioner will make report to Court of his proceedings under this decree.

A Copy:

Teste,

Peter B. Prentis. Clk

Wallers &c
vs
Chancery Decree
Wallers Admrs

Commissioner's Office,

SUFFOLK, NANSEMOND COUNTY, Va.

26th July 1877

To James E. Walters

Plaintiffs;

and John L. Fulgham, Sheriff, and personal representative of John Walters deceased, Keziah Walters, Jno. J. Walters, Jno. T. Lawrence and Martha E. his wife, Leonidas R. Tucker and Mary C. his wife and Charles C. Walters, the last named being an infant under twenty-one years of age —— Defendants.

You are hereby notified that I have fixed upon the 5th day of September next, to take and settle, at my office, the following accounts, to-wit:

1. An account of the transactions of John L. Fulgham, Sheriff, as Committee of the estate of John Walters deceased.
2. An account of the debts due by said John Walters deceased, or his estate, according to their priorities.
3. An account of the real estate of which said John Walters died seised and possessed together with its fee-simple and annual values.
4. An account of the heirs of said John Walters deceased, showing who they are.

required to be taken by the decree of Nansemond Circuit Court Court, rendered on the 12th day of April 1877 in a suit in Chancery depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

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

Wilbur J. Kilby
Comr.

1877 July 28th. Service of the within notice is hereby acknowledged for James E. Walters. plaintiff and Keziah Walters and Jno. J. Walters. and Jno. T. Lawrence and Martha E. his wife. and Lemidas R. Tucker and Mary C. his wife.

John R. Kirk atty.

1877 July 28th. Service of the within notice is hereby acknowledged for Charles C. Walters the infant defendant.

Peter B. Prentiss. gdn: ad litem

1877 July 28th. Service of the within notice is hereby acknowledged.

J L Fulgham Sh'ff

Walters &c
vs. } chy.
Walters' Refs. &als.

Commissioner's Report
of
Debts &c

6 Sept. 1877

No. 1

1877. Sept. 6th: Filed.
clk.

Walters

vs.

Walters Per. Ref. & als.

This cause came on this day to be again heard on the Papers formerly read therein and on the Report of Special Commissioner John R. Kilby, being a Report of the collection and deposit of money, and on the Report of ~~debts~~ Commissioner, Wilbur J. Kilby, being a Report of additional debts, 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 de= cree that ~~John R. Kilby~~ Wilbur J. Kilby, who is hereby appointed Special Commissioner for that purpose in place of said Commissioner John R. Kilby, ~~John R. Kilby~~, receive of the Cashier of the Commercial Bank, or its other proper officer, (who is hereby ordered to pay ~~the~~ to said Commissioner ~~John R.~~ Wilbur J. Kilby) the sum of $367.56 deposited there to ~~his~~ the credit of said John R. Kilby, as Commissioner in this cause

as appears by the certificate of de-
posit filed with his said Report, and
that said Commissioner ~~John R.~~ M. Gilbert Kelby re-
ceive of the Clerk of this Court. (who
to and take a receipt from him for
use deliver ~~to him~~, said certificate
of deposit and that said Commissioner deliver the
same to said cashier upon payment
by the latter to him of said sum of
$362.56 and all interest thereon.

And the Court doth further ad-
judge, order and decree that said
Commissioner, ~~John R.~~ M. Gilbert Kelby, with said
sum of $362.56 pay first all
unpaid costs and expenses of
this suit, and then pay out
and distribute the residue pro rata
in payment of, or on account of
by John Walters deceased or his estate
the following debts due to the fol-
lowing parties: To James Eley
Walters the sum of $273.15 with
interest on $262.65 part thereof from
the first day of September 1877, or his
pro rata part thereof; to Keziah Wal-
ters the sum of $165.00 with interest on
$150. part thereof from the first day of
September 1877, or her pro rata part there-
of; and to M. H. Holland the sum of
$5.25 with interest on $5. part thereof

from the first day of September 1877, or his pro rata part thereof. - which said debts are shewn to be due and owing by said John Walters deceased, or his estate by the two Reports of Commissioner Wilbur J. Kelly made respectively in pursuance of the decrees of this Court pronounced at the April Terms thereof respectively in the years 1877 and ~~the April Term in the year~~ 1878 in this cause.

And said Commissioner, ~~John R.~~ Wilbur J. Kelly will make report to Court of his proceedings under this decree.

And ~~said Commissioner Wilbur J. Kelly~~ before proceeding to execute this decree, will execute before the Clerk of this Court in his office a Bond in the penalty of $350, with good personal security payable to the Commonwealth of Virginia and conditioned for the faithful execution of this decree and all other decrees he may be required to execute in this cause.

Walters

vs. } Chy.

Walters' Per. Rep. Sals.

Nansemond County

Circuit Court

October Term 1878

Decree

To be entered.

Geo. T. Blow.

Entered O.B. No 1 p 409.

Walters &c.

vs.

Walters Pers. Rep. & als.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Special Commissioner, John R. Kilby made in pursuance of a decree of this Court pronounced in this cause at the October Term thereof in the year 1877 and was argued by counsel

On consideration whereof the Court doth confirm the said Report to which no exception has been filed and doth adjudge, order and decree that said Commissioner, John R. Kilby, receive of the Clerk of this Court (who will deliver to him and take a receipt from him for) the Bond of Mills H. Holland and James S. Holland his security, filed with said Report, being a Bond for the sum of $345.30, dated the 12th. day of November 1877 and payable six months after date with interest from date, and that said Commissioner proceed to collect the principal and interest of said

Bond when the same shall have be=
come due, or receive the same
before said Bond shall have be=
come due, should said obligors de=
sire to pay the same before maturity,
and that said Commissioner ~~shall~~
deposit said money in The Com=
mercial Bank of Suffolk Vir=
ginia to the credit of this cause
and take from the cashier of
said Bank a certificate show=
ing said deposit and make
report to Court of his proceedings
under this decree, filing said
certificate with his Report.

And said Commissioner will
make to said Mills H. Holland after
said Bond and all interest due
thereon shall have been paid in
full, a deed with special warranty
in the usual form conveying to
him the land purchased by him
under proceedings had in this
cause.

And the Court doth further
adjudge order and decree that
a commissioner of this Court
take and settle at his office

a further account of the debts due by said John Walters deceased & his estate, according to their priorities ~~filed~~ and make report thereof to Court, filing with said report such evidence and proof of said debts as he may have before him

Watters &c.

vs.

Watters Ref. Fals.

Nansemond County
Circuit Court
April 11th Term 1878

Decree
To be entered

Geo. T. Bloxton.

Ashe

Entered O.B. No. 1-p. 387

Walters

vs.

Walters' Admr. &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. Killby, made in this cause in pursuance of a decree of this Court pronounced at the April Term thereof in the year 1877, and was argued by counsel.

On consideration whereof the Court doth confirm said Report to which no exception has been filed, and doth adjudge, order and decree that John R. Killby, who is hereby appointed a Special Commissioner for that purpose, proceed to sell at public auction before the Courthouse door of Nansemond County, Virginia, on some court day the real estate of which John Walters died seised and possessed, described as a small parcel of land, containing about 83 acres more or less, and situated in Nansemond County Va., and bounded by the lands of Thos. P. Winborne on the west, Elijah Holland on the Southwest, Always W. Ballard on the South, Jas. R. Purvis on the East and the Seaboard and Roanoke Railroad on the North.

And the Court doth further adjudge, order and decree that said Commissioner, before

proceeding to sell said real estate, advertise the day and time of said sale by notice to be published once a week for three successive weeks in some newspaper printed in the Town of Suffolk, Virginia, and by printed notices, posted at the Courthouse door of said County and in the neighborhood of said land. And that said Commissioner sell said land on a credit of six months and for cash sufficient only to pay the costs of this suit and the expenses of the sale, and take from the purchaser bond with good personal security in evidence of the deferred payment to be made six months after the date of said Bond with interest from the day of sale, and that said Commissioner retain the title to said land until the further order of Court, and make report to Court of his proceedings under this decree.

And said Commissioner, before he proceeds to sell said land in pursuance hereof, will execute before the Clerk of this Court in his office, a Bond in the penalty of the sum of $350 with good security payable to the Commonwealth of Virginia and conditioned for the faith-

for execution of this decree and all other decrees he may be required to execute in this cause.

Walters

vs.

Walters' Per. Rep. &c.

Nansemond County

Circuit Court

October Term 1877

Decree

To be entered

Geo. [illegible]

Copied

Entered O.B. No. 1

p. 360

Mar Beckham

James E. Walters &c.

vs.

John Walters' Admr. &al.

This cause came on this day to be heard on the Bill of the Complainant taken for confessed as to the adult defendants on whom process had been duly executed, they yet failing to appear and make defence and on the answer of the infant defendant made by Peter B. Prentis ~~thro~~ two guardian ad litem, and on general replication to said answer and on the Exhibits filed with said Bill, and was argued by counsel —.

On consideration whereof the Court doth adjudge, order and decree that a Commissioner of this Court, having first given notice to the parties, proceed to take and state at his office the following accounts, to wit:

1. An account of the transactions of John L. Fulgham, Sheriff, as Committee of the Estate of John Walters deceased.

2. An account of the debts due by said John Walters deceased, or his estate, according to their priorities.

3. An account of the real estate of which said John Walters died seised and possessed together with its fee-simple and annual values. 4th. That said commissioner ascertain and ~~And said Com~~ report to Court who the heirs of said John Walters deceased are.

Watters &c
vs. Chay.
Watters' Admr. &c

Rausemond County
Circuit Court
April Term 1877

Decree
To be entered.
Jas T Sloan

Entered O. B. No 1 - p 346.

and said Commissioner will make report to Court at
his proceedings under this decree.

Jas. E. Walters

vs.

Walters' Admr. &als.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Special Commissioner, Wilbur J. Kilby, being a Report of payments 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.

Jas. E. Walters

vs. 3 In Chy.

John Walters &c

Nansemond County

Circuit Court

April Term 1879

Final decree

To be entered

Entered O.B. No-1-

p. 425-

The Answer of Charles C. Wallers, an infant, under twenty-one years of age, by Peter B. Prentis, his guardian ad litem, to a Bill exhibited in the Circuit Court of Nansemond County, by James E. Wallers, against others and himself.

This Respondent says, that being an infant and ignorant of his rights in the premises, he cannot admit any of the facts stated in the Bill. He submits his interests to the Court, and prays that no order or decree may be made in the premises, inconsistent with his rights.

(Signed)

Peter B. Prentis

Guardian ad litem

James E. Wallers

vs

Answer of Infant & Def[t]

John L. Fridgham, Sh[ff] &c
Pers. Repr: of John Wallers
dec[d] &c

At a Monthly Court held for Hanemond County the 8th: day of January, 1877,

On the motion of James E. Walters it is ordered that the estate of John Walters, deceased be committed to John L. Fulghum, Sheriff of this County for administration according to law, it appearing that the said John Walters has been dead more than three months, and no person having applied for administration on his estate.

A Copy -

Test,

Peter B. Prentis. Clerk

Copy order of Handsworth
Co. Co: committing Jobbers
Workers 5 st. to Sheffs
hands

Exhibit
("B")

John Walters Est

To Isham Butler Dr.

| 1876 | | | | | |
|---|---|---|---|---|---|
| Sep. | 25 | To paid Dr. J. J. Phillips per act. sum | | 1 | 00 |
| | | " " Miles H. Holland do " " | | 12 | 50 |
| | | " " Dr. Thos. H. Barnes per act. | | 3 | 00 |
| | | " " Z. D. Holland per note & " | | 6 | 06 |
| | | " " Isham Butler " act. | | | 90 |
| | | " " Jakey 1876 per act. | | 3 | 52 |
| | | " " A. W. Ballard " | | 6 | 41 |
| | | " " Richd. Eley, coffin bill " | | 8 | 00 |
| | | " " digging grave " | | 1 | 00 |
| | | " " Isham Butler, per Bond | | 20 | 74 |
| | | " " Jas. E. Walters " | | 54 | 50 |
| | | " " Keziah Walters " | | 3 | 00 |
| | | " " M. H. Holland " | | 7 | 35 |
| | | " " Ramey & Bro. " | | 46 | 27 |
| | | " " abm Burke & Thos Pierce " | | 17 | 00 |
| | | | Total | $262 | 65 |

Aud. from Jan 1st. 1877

Walters &

v

Walters admr

(Ex. A.)

# 270:65
Jany 1. 1877

Pay the within to
Jno. Ely Walters
1 Jan. 1877
Wm Butler

Walters

1/5 Ez x Ibis folds with
Ibis

Walters' Pearl Rabbit

All Available Text Successfully Captured

To the Hon. Geo. Blow, Judge of the Circuit court of Nansemond County Va.

Complaining shew unto the Court, your Complainant James E. Walters —

Your Complainant respectfully represents to the Court and says;

That his Brother John Walters died on the day of June 1876, Intestate, never having married, without issue, leaving no father, but leaving a mother named Kizjah Walters, and leaving ~~no brother or~~ your Complainant, his only brother, and no sister, but the descendants of Wilkinson Walters, his Brother, (now dead) to wit: John J. Walters; Martha E now the wife of Jno. H. Laurence, Charles C. Walters & Mary C. wife of Leonidas R. Tucker, his heirs at Law — That said Charles C. Walters is under 21 years of age.

That the said John Walters died left no chattle estate, but died seized and possessed of a small parcel of land containing about 83 acres of land situated in Nansemond County, Virginia, and adjoining the lands of Thos. P. Winborne on the West, Elijah Holland on the South West, Alonzo W. Ballard on the South, Jas. R. Purvis, East, & the Seaboard & Roanoke Raile road on the North, & worth about $175. That the deceased, John Walters, died indebted to various persons in small amounts, and there being no personal estate of his with to pay them, your Complainant desiring that they should be paid, proceeded to sell a piece

(Wm Isham Butler) & pray them, as your Complainant was at work in a Southern State, & could not do so in person; That the amount due him for the debts thus paid amounts to $262.65 as may be seen by account & vouchers filed herewith & marked "A"

That it will be necessary to sell the said land to pay your Complainant, as the land is of little value & has but little improvement on it & no valuable wood or timber. That the rents from said land would not in five years pay the amount due your Complainant.

That the estate of said John Walters was by order of Nansemond County Court of the 8th day of January 1877 committed to the hands of Jno. L. Dulyhan the Sheriff of said County for administration; as will be seen by a copy of the order of said Co. Ct. filed herewith and marked "B".

In consideration whereof, and as a Court of Equity alone has jurisdiction to grant proper relief. To the End your Complainant prays that John L. Dulyhan Sheriff of Nansemond County and personal Representative of said John Walters dec'd, Keziah Walters, John J. Walters, John H. Lawrence & Martha E. his wife, Charles C. Walters, Leonidas R. Tucker and Mary C. his wife, may be made defendants hereto and answer the allegations herein. That the accounts of said Jno. L. Dulyhan as personal Representative of John Walters, may

and that the heirs at law of said John Wallers deceased may be ascertained be settled; that the fee simple and annual value of said Land may be ascertained; that the said Land may be sold to pay your Complainants demand and the surplus, if any divided among the heirs aforesaid of said John Wallers decd; that some proper person, may be appointed to defend the said Charles C. Wallers, who is under 21 years of age, and that such further relief may be granted consistent with Equity &c.

James E. Wallers

by John R. Kelly, atty;

Kilby P.V

James E. Walters &

in. S/3 Bill

John Walters adm Est

James E. Walters

vs } Chy: Notes

John L. Staff & Perl Reb: of John Walters dec'd &al

1877. Janry: 24th: Sumd in Chy: ispued to Feby: Rules, 1877

" Feby: 5th: Bill &c filed - Conditional Decree vs

absent defts -

" " " Peter B. Prentis, apptd gdn: ad litem to infant

defts: who filed his answer to which there was

a gen'l: replen: & cause set for hearing as to

them:

" March 5th: Conditional Decree confirmed & Cause set for hearing

on Mo: of Pltffs' Counsel

" April 12th. Decree for Accos: &c

" Sept: 4th Report of debts filed

" Octo: 10th: Decree for Sale

" Nov: 10th: Commrs' Bond executed & filed

1878 Janry: 16th Report of Sale filed

" Apl: 11th: Decree to collect, deposit, make deed &

for further accos:

" Septr: 13th: Report of collection & deposit

" Octo: 12th: Decree to collect & pay over

" Nov: 12th: Bond executed & filed

" Decr: 11th: Report of payments filed

1879. Apl: 10th Final Decree

Chy: Notes