1879-012
Nansemond Co. (Suffolk)

Chancery Causes: Priscilla E. Jones et al vs Simon Walters et al

Harper, Benton, Babb, Parker

Plat

Oversized
Box 1
- 1 Plat

Chy: Notes

Priscilla E. Jones Ext:
vs } Chy: Notes
Simon" Walters Ext: minutes

1877. Feby: 8th: Summons in Chy: issued to March Rules, 1877.
" March 5th Bill filed — Peter B. Prentis & Lounsbel gen. al Pleas to the Defendants, who filed their answer to which there was a gen: replication & the cause set for hearing, on Mr. of Potts' Counsel
" April 10th: Decree for Partition &c
" Octo: 3rd: Report of Commrs: as to value &c filed
" " 10th: Decree for Sale
" Nov: 10th: Commrs: Bond executed & filed
1878. Jany: 1st Report of Sale filed
" Apl: 10th. Decree to collect deficiency & make Deed.
" Octo: 15th: Continued
1879. Chy: 12th continued
1879. April: 14th Report of Collection & Payments filed

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

Complaining shew unto the Court, your Complainants Priscilla E. Jones, Perry Harper & Rebecca his wife, Florence Walters & Wm Walters,

Your Complainants respectfully represent to the Court and say:

That Mrs. Margaret Walters the wife of Mr. Simon Walters of Gates County, State of North Carolina, whose maiden name was Margaret Smith, was possessed of a tract of Land in Nansemond County Virginia, containing by estimation Two hundred and eighty five acres more or less, adjoining the Lands of Kot Langston, James Langston, Elkanah Hawks, and not from the residence of Capt. E. G. Riddick (a map of which will be made by a competent surveyor & filed herein):

That the said Simon Walters, by virtue of his marital right held possession of said Land from the time of his marriage with the said Margaret till his death which happened in October 1876:

That the said Margaret died before the death of her said husband, to wit: on the 30th April 1875, leaving the following children & grand children heirs of hers & to said Land, to wit: Your Complainant Priscilla E. Jones (widow

of Wm A. Jones deceased) a daughter of said Margaret; Rebecca now wife of Perry Harper, Florence Walters & Wm Walters, and Simon Walters & Maggie Walters two children of a son, Isaac Walters. Virginia Babb, an only child of Sarah Emma, the wife of Kindred Babb), & Eugene Benton, Jethro Benton, Lee Benton, & Lizzie Benton children of Harriet, wife of Thos Benton, —— which said Isaac Walters died before his mother: and said Sarah Babb died before her mother & said Harriet also died before her said mother

That the said Simon Walters, Maggie Walters, Virginia Babb, Eugene Benton, Jethro Benton, Lee Benton and Lizzie Benton are all under twenty one years of age —

That the Land referred to has no improvements on it, and with the exception of a small "old field" grown up in Bushes, is chiefly "Pocosin" Land & has a quantity of pine wood & timber on it suitable for market, That it is some ten or twelve miles from Suffolk the nearest point to water navigation; That recently a Company called the Suffolk Lumber Co (chartered by the General Assembly of Virginia, has built a narrow gauge Rail road from Nansemond River at Suffolk about seven miles in the direction of said Land & Contemplate to extend said Rail road, which be immediately in the neighborhood of said Land,

so that whilst the said Land has been for many years of but little value, now it is believed the wood and timber will cause the said Land to bring a fair price: That it is not suited for farming purpos without an outlay more than the Land is worth, that it would be of but little value to divide up among so many heirs, no one being able to improve it and if able would not do so because of its undesirable situation & charactes, and that it would be impracticable & inconvenient to divide it so as to make it desirable.

Nevertheless, your Complainants pray that the said Land may be divided by Competent persons apointed by a surveyor if necessary, & each heir have apipned to him or her the share to which each may be entitled, if it be practicable & convenient to do so, and to the interests of the heirs. Or that it may be allotted to such one or more of the heirs who may be willing to accept the said Land and pay to the others their share thereof in money, but if this cannot be done, (as your Complainants are advised cannot) then that the said Land may be sold (as your Complainants say is best & to the advantage of all parties. That a fee for plaintiffs Attorney will be asked to be paid out of the sales of any Land ordered hereunder

In Consideration whereof and as this Court has ample power to grant all adequate relief:

To the End, your Complainants pray that the said Simon Walters, Maggie Walters, Virginia Babb, Eugene Benton, Jethro Benton, Lee Benton, & Lizzie Benton — all under twenty one years of age — may be made defendants hereto, and that some fit person may be appointed to defend them in this suit. That the prayer of your Complainants may be granted as set forth above, and all adequate relief may be granted in the premises, and your Complainants will &c

Priscilla E. Jones &
other plaintiffs
by John R Kelly Jr pq

Kelly Son & P.Q.

Priscilla E. Jones &al,

v. Bill (Bill)

Simon Walters &c.

Cir. Ct. Evans & Co.

The Joint and separate answer of Simon Wallis, Maggie Wallis, Virginia Babb, Eugene Benton, John Benton, Lee Benton & Lizzie Benton, infants by P. B. Prentis their guardian ad litem, to a Bill in Chancery Exhibited in the Circuit Court of Monroe County, Va by Priscilla E. Jones & al. against them.

These Respondents, say that they are all Infants and ignorant of their rights & incapable of defending the same, and that whilst the facts set forth in said Bill may be true so far as they know, yet they pray that no order or decree may be made in the premises, inconsistent with their rights. And, &c

Signed,

Peter B. Prentis

Edwd ad Litem

Jones Sale.

vs

Walters Sale.

Answer of
Infant defts.

Cir. Ct. Nans. Co

Priscilla E. Jones &al.

vs.

Simm Walters &al.

This cause came on this day to be again heard on the papers formerly read herein and on the Report of Special Commissioner, John R. Kilby, being a Report of final collection and payment of money, made in pursuance of a decree of this Court pronounced in this cause at the April Term thereof in the year 1878 and was argued by counsel.

On consideration whereof the Court doth confirm the said Report to which no exception has been filed, and doth adjudge, order and decree that the proceedings had in this cause be and they are hereby declard to be final and binding between the parties, ~~thereto~~, and nothing more remaining to be done herein, doth order that this cause be removed from the docket

Priscilla E. Jones Tal.

vs. } In Chy.

Walters Tal.

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

Geo. T. Bloxom
J.

Entered O.B. No. 1—
p. 446

or otherwise, whether high or low water mark, and any other fact to put the Court in possession of its real condition, and whether a sale of the said land would best promote the interests of all parties, and make report to Court.

Jones &c
vs
Walters &c.

1877
Feb. 6th
Ptf's Exhibits
To be returned
Feb 5, 1878

Endorsed Q#3. 20-1/2 331

Jones &c.

v.

Walters &c

This cause came on this day to be heard on the Bill of the Complainants ~~Bill~~ & answer of the defendants (all infants) by Peter B. Pendleton their guardian ad litem & replication to said answer and was argued by Counsel. On consideration whereof the Court doth adjudge, order & decree that Edward C. Riddick Thomas Savage, Beverly P. Baker & Jno. A. Savage, be and they are hereby appointed Commissioners for that purpose (any three of whom may act) to make partition of the Land referred to in the said bill, among the parties hereto & of which Land Mrs. Margaret Walters died seized & possessed and described as a tract of Land in Nansemond County, Virginia, containing by estimation Two hundred & eighty five acres, more or less, and adjoining the Lands of Sol. Sumpter, James Sumpter, Ekanah Harrell, and not far from the residence of Capt E. C. Riddick; That in making said partition the said Commissioners may call to their aid a competent surveyor; and if said partition cannot be conveniently made to allot the said Land to one or more of said parties who may be willing to accept the same & pay to the other parties their respective shares of the proceeds, & if neither partition nor allotment can be conveniently made, then to report to Court the fee simple & annual values of said Land with a description of the same shewing whether Cleared Land or in wood, & whether

or otherwise, whether by a law suit or not, and any other fact to put the Court in possession of its real condition, and whether a sale of the said land would best promote the interests of all parties, and make report to Court.

Jones &c
vs

Watkins &c.

1871

Chancery

Ex parte

To be entered

Jno. S. Wilson

Entered Ord. Bk. No 1 p. 331

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

And said Commissioner before proceeding to make said sale in pursuance hereof, will execute before the Clerk of this Court in his office a Bond in the penalty of the sum of $800, with good security payable to the Commonwealth of Virginia and conditioned for the faithful execution of this decree and all other

Jones &c.

vs.

Walters & als.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Commissioners E. B. Riddick T. W. Savage and B. P. Baker, 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 Courthouse door of Nansemond County, Virginia, on some court day, the real estate of which Margaret Walters, widow of Simm Walters deceased, died seised and possessed described as a tract of land situated in Nansemond county, Virginia, containing by survey two hundred and forty six acres, two roods, and thirty poles and bounded by the lands of Jethro Wiggins, James Langston, Leroy Harrell, Dempsey Harrell Jesse Langston and the Estate of David Parker deceased.

And the Court doth further adjudge

Jones & al

vs.

Watters & al

Nansemond County
Circuit Court
October 10th Term 1877

Decree
To be entered

Geo. Bloxton

Copied

Entered O.B. No. 1
P. 337

decree he may be required to execute
in this cause.

Priscilla E. Jones & als

vs.

Simm Walters & 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. Kirby, 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. Kirby receive of the Clerk of this Court (who will deliver to him and take a receipt from him for) the Bond of E. E. Jackson Esq. and Hugh Jackson their security, filed with ~~and described in~~ said Report, being ~~as~~ a Bond for the sum of $392.90 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 of said Bond and all interest due thereon, when the same shall have become due & receive the same before said Bond shall have become due, should the obligors desire to pay the same before maturity, and that said Commissioner with said money, when collected & received, pay first all unpaid costs and expenses of this cause and then pay the residue as follows, to wit; To Priscilla & Jones (~~or her assignee~~), to Florence Walters, Wm. Walters and Rebecca Harper, wife of Perry Harper, the lawfully appointed and qualified guardian of each one seventh, and to Simon Walters and Maggie Walters for each of them one-half of one seventh, the lawfully appointed and duly qualified guardian of and to Virginia Babb one-seventh for her, and to ~~Eugene Benton~~ the lawfully appointed guardian of Eugene, Luther, Lee and Lizzie Benton for each of them one-fourth of one-seventh, all of the last seven named parties being infants under twenty-one years of age.

And said Commissioner will make to said E. E. Jackson Hes., 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 them the land purchased by them under proceedings had in this cause

And said Commissioner will make report to Court of his proceedings hereunder

Priscilla E. Jones &als

vs.

Amim Watters &als.

Nansemond County
Circuit 10th Court
April Term 1878

Decree
To be entered

Geo. T. Bliss.

Entered O. B. No 1 p. 382

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

Priscilla E. Jones, Peny Harper and Rebecca his wife, Florence Walters and William Walters, . Plaintiffs

Against } In Chancery

Simon Walters, Maggie Walters, Virginia Babb, Eugene Benton, Jethro Benton, Lee Benton and Lizzie Benton: all under twenty-one years of age, Defendants.

This cause came on this day to be heard on the Bill of the Complainants and answer of the defendants (all infants) by Peter B. Prentis their guardian ad litem and on replication to said answer and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that Edward C. Riddick Thomas Savage, Beverly B. Baker and Jno. H. Savage, be, and they are, hereby, appointed Commissioners for that purpose, (any three of whom may act) to make partition of the Land referred to in the said bill among the parties thereto. and of which Land Mrs Margaret Walters died seized and possessed, and described as a tract of Land in Nansemond County Virginia, containing by estimation Two hundred and eighty-five acres more or less and adjoining the Lands of Lot Langston, James Langston, Elhanah Harrell, and not far from the residence of Capt. E. C. Riddick: That in making such partition the said Commissioners may call to their aid a competent surveyor, and if said partition cannot be conveniently made, to allot the said Land to one or more of said parties who may be

willing to accept the same and pay to the other parties their respective shares of the proceeds and if neither partition nor allotment can be conveniently made, then to report to Court the fee simple and annual values of said Land with a description of the same shewing whether cleared Land or in wood, and Timber or otherwise, whether high or low and wet Land and any other fact to put the Court in possession of its real condition, and whether a sale of the said Land would best promote the interests of all parties and make report to Court.

A Copy:

Test,

Peter B. Prentis. Clerk C

Jones Val
vs
Copy Decree
Walters Val

Mr John R. Skilly Atty for the Sale of the Simon Walters Land Dr

1877. To B. D. Baker Surv.

August 20th To Surveying the Walters Land $ 4.00

" 21st " Calculating 47 Courses and plotting the same $ 2.00

" 20th " 2 Chain Bearers. J. S. Allen & C. G. Shinn $ 2.00

" " " 1 Chopper Guthrie Triggers $ 1.00

Total for Survey — $ 9.00

Sept. 18th E. C. Riddick, Thos. W. Savage

& B. D. Baker Commissioners $200 each $ 6.00

Plat of the Simon Walker Land, lying in Cypress District, Nansemond County and State of Virginia Beginning at a Pine on Gethro Higgins Land, a corner with David Gardner dec'd Estate, (he) running along said Higgins' line N. 35° W. 2.45, (two chains & 45 links) to a Pine, Thence N. 81½° W. 4.15 to a Pine, Thence S. 58½ W. 4.53 to a Pine, Thence N. 54½ W. 6.16 to a Sweet Gum, Thence N. 82½° W. 1.20 to a Red Oak, Thence S. 3½ W. 2.70 to a Maple and Post-oak, Thence N. 84° W. 5.52, to a Pine corner of Gethro Higgins and James Langston (dec'd) Thence along Langston's line, N. 34° W. 6.22. to a Pine, Thence N. 5° W. 5.18 to a large Pine Thence N 2½° W. 3.70 to a Small Maple Thence N. 23½ W. 1.61. across the New Road to a Dead Post-Oak, Thence N. 39° W. 4.11 to a Pine, Thence N. 11½° W. 1.14 to a Pine Thence N 7½. E 5.91 to a Pine, Thence N. 2° E. 5.38. to a Dead Red Oak Thence N 38½ W. 5.34. to a Pine near James Langstons fence, Thence S 24½ W. 1.83 to a Black Gum in branch, Thence S 38° W. 1.91 to a Small Gum on Ditch, Thence along the Ditch N 57° W. 3.91 to Somerton Road, Thence along the Road, N 18½ E. 15.11 Thence N 29½ E. 5.23 to the run of Branch a corner with Leroy Harrell Thence up the Branch Harrells line, its various courses 35.25 to a Pine corner of Leroy & D. C. Harrell, Thence along D. C. Harrells line S. 64½ E. 5.11 to a Pine Thence S. 5½° E. 4.56 to a Pine Thence S. 48½ E 13.50 to a Pine blown down, Thence S. 55° E. 1.72 to a Pine, Thence S 32° E. 5.23, to a Pine Thence on James Langston's line S. 55¾° E. 2.75. to a Pine, Thence S. 61½ E. 1.44 to a Pine Thence S. 65° E. 5.52. across the New Road to a Pine Stump on Gethro Langston's Ditch, near his gate, Thence S 21° W. 5.32 to

Pine Stump Runs S. 47½ W. 3.52 to a Pine Thence S. 29½ E. 2.36 to a Pine Thence S. 6½ W. 4.75 to a Sweet Gum Thence S. 15½ W. 5.80 to a Dead Post Oak in a line a corner of Jesse Langston & Dave Parker Lds. Estate thence along said Parker Line S. 26½ W. 6.45 to a Pine Thence S. 50½ W. 2.75 to a White Oak. Thence S. 15° W. 1.75 to a Dead Post-Oak. Thence S. 16° W. 1.24 to the Beginning. — Containing Two hundred and forty Six Acres, Two Roods and Thirty Poles (246 11/16 Acres) August 20th 1877

S. C. Baker Surv:

To the ~~Court~~ of Circuit Court of Nansemond Co

The undersigned respectfully report to the Court, that pursuant to the decree aforesaid Court made 10th April 1877 in the cause pending in said Court wherein Priscilla E. Jones & others are plaintiffs and Simon Wallace & others defendants, they have proceeded to execute said decree —

That one of their number (B. P. Baker) being a ~~Surveyor~~, surveyed said Land — the map of which survey is filed herewith —

That the whole tract contains 246 acres 2 roods & 30 poles, divided by a County road called the new road leading from the Dragon road to the Somerton road — That the said land could not be conveniently divided, because of the large number of parties interested, and because the land is of unequal value, and no one of them is willing to accept the said Land & pay to the other parties their respective shares of the proceeds thereof — That neither partition nor allotment can be conveniently made —

That the fee simple value of said land is $400.00 (and the annual value $ 100

That about six acres of the said Land is cleared, the house the balance of the Land is in bushes, and timber

Part of this Land is reasonably fair when cleared & part low and wet Land — That the Land has

no improvements, & would require much expense to clear and improve it.

That in our opinion the only way for the parties to realize any thing from the land is to make sale of the same, as the proximity of the Suffolk Lumber Co's rail road may make some demand for the wood on the same.

Given under our hands Sept 16th 1875

E. C. Reed
T. M. Savage
B. P. Baker.
} Comrs.

Jones &c

vs.

Walters Sal.

Report of
Comrs. as to value
&c

1877. Octo: 3rd: Filed.
Clk.

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 Com'r

To "Suffolk Herald," Dr.

Newspaper and Job Printing Establishment,

1877 WASHINGTON SQUARE NEAR MAIN ST.

Oct	24	Ad. Walters land (Whaley's Mill) 4½ sq 31	6 50	
"	"	50 Bills same	1 50	
				$8. 00

1877 Dec 28 Rec'd pay't.
Elam & Hathaway

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

Suffolk, Va., Oct 26 1877.

Mr John R Kelly

To DUNBAR & WHITLEY, Dr.

PUBLISHERS OF

THE CHRISTIAN SUN.

Oct 26 To "ad"
— Walter's Card 3½ sq 8t $4.50

Received Payt
Dunbar & Whitley

Recind of J. R. Kelly Commissioner
Five Dollars for selling the Simon
Walters Land Nov 10th 1879

Said Register Cisco

All Available Text Successfully Captured

1877 Nov. 25. Received of Jno. R. Kilby Comr. in the Chancery cause of Priscilla E. Jones & als. vs. Amim Walters & als. two dollars being fee due me as Comr. to value land

$2.00

T. M. Savage

Mr. Simon Walker's N. Co., District No 1,

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

	Dols.	Cts
To State Tax on 285 acres Land, value $ 570 at 50c, on $100	2	85
To State Tax on Personal Property, valued $ at 50c on $100		
Total State Tax on Land and Property	2	85
To County Levy, 50 per cent. on State Tax	1	43
To Parish Levy, 20 per cent. on State Tax		72
To County and District School Tax on Property 6¼ cts. on $100		36
State Capitation $1, County Capitation 50 cts		
Total Tax on all subjects	3	36
December 1st, five per cent. added ~~Paid~~		180
	5	26
Taxes for 1876 unpaid	6	74
	$12	00

RECEIVED PAYMENT, Wm Eley, Treasurer.

THOMAS A. HOWELL, Assessor. , Deputy.

Simon Walters (N. Ca

dist $ 3.36
10
3.24

Nov. 26th 1877. Received of John R. Silby Commissioner in the case of Priscilla E. Jones against Walters & others The Sum of Two Dollars for my fees as Commissioner to view and report on the lands in said case

B. P. Baker Comm

Nov. 26th 1877. Received of John R. Silby Commissioner in the case of Priscilla E Jones against Walters and others in a Chancery case. ——
The Sum of nine Dollars for Surveying mapping and for the Chain Bearers & Chopper in said Survey —

B. P. Baker Surv.

All Available Text Successfully Captured

B. P. Baker

#2
7

#11

WOOD-LAND

FOR SALE NEAR

WHALEY'S SAW-MILLS.

By virtue of a decree of the Circuit Court of Nansemond county, Va., pronounced at the October Term thereof, 1877, in a cause in chancery depending in said Court between Priscilla Jones and others, Plaintiffs, and Walters 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 Margaret Walters, widow of Simon Walters, deceased, died, seised and possessed; being a tract of Wood-land, situated in said county, containing by survey,

246 ACRES, 2 ROODS AND 30 POLES,

and bounded by the lands of Jethro Wiggins, James Langstun, Leroy Harrell, Dempsey Harrell, Jesse Langstun and the estate of David Parker, deceased.

This land has on it a considerable quantity of timber and pine wood and is in the neighborhood of Capt. Ed. C. Riddick and Whaley's Saw-mills.

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.

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

Priscilla E. Jones, Perry Harper and Rebecca, his wife; Florence Walters and William Walters. . . . . Plaintiffs.

Against } In Chancery

Simon Walters, Maggie Walters, Virginia Babb, Eugene Benton, Jethro Benton, Lee Benton and Lizzie Benton: all 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 Commissioners E. C. Riddick, J. W. Savage and B. P. Baker, 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 Margaret Walters, widow of Simon Walters, deceased, died seised and possessed described as a tract of land, situated in Nansemond County, Virginia, containing by Survey, Two hundred and forty-six acres, two roods and thirty poles, and bounded by the lands of Jethro Wiggins, James Langston,

Levy Harrell, Dempsey Harrell, Jesse Langston,
and the Estate of David Parker deceased.
And the Court doth further adjudge, order and decree
that said Commissioner Kelly, give notice of the day
and time of said Sale, once a week for three successive
weeks, in a Newspaper published in the Town of Suffolk
Virginia, and that he post printed notices thereof, at the
Court House Door of said County, and at various places
in the neighborhood of said Land, and that said
Commissioner sell said Real Estate on a Credit of Six
months and for Cash sufficient to pay the costs of this
suit and the expenses of said Sale, and take from
the purchaser bond with good personal Security in
evidence of the deferred payment to be made six months
after date of said bond with interest from day of Sale
and retain the title to said Real Estate until the further
order of Court, and make Report to Court of his proceedings under
this Decree.
And the said Commissioner before proceeding to make
said Sale in pursuance hereof will execute before
the Clerk of this Court in his Office, a Bond in the penalty of the
sum of Eight Hundred 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

Clerk	$10.00
Atty	30.00
B.P. Baker Surveyor	9.00
E.C. Rawlings	2.00
Nat. W. Savage	2.00
B.P. Baker	2.00
	$56.50

Priscilla E. Jones Dal:

vs Copy Decree

Simon Watters Dal:
infants.

2
Lackland & Hall

To the Circuit Court of Nansemond County Va

The Undersigned Reports to the Court that pursuant to the decree made on the 10th day of October 1877 in the cause in said Court, wherein Priscilla Jones & others are plaintiffs and Simon Wallers and others are defendants, he proceeded to advertise the land referred to in said decree as directed being the land of which Margaret Wallers wife of Simon Wallers died seized & possessed said to contain 246 acres, 2 roods & 30 poles (on survey filed in the papers) and did on Monday the 12th day of November 1877 (being County Court day) sell the said land before the Courthouse door of said County, when the same was purchased on the terms of said decree, by

for the sum of five hundred & five dollars		$505.00
To 5 per cent Comr. on $300.		$15.00
" 2 do. " on $205. bal.		6.10
Paid "Sun" advertising $ acct.		4.50
" " "Herald" do. & handbills "		8.00
" " Geo. D. Parker, auctioneer "		5.00
" Wm Eley, recor. Fees (as statement)		12.00
" " deed to purchaser		3.00
" " clerk & Comr. fee,		4.00)
" " Taxed Costs per decree	$6.50	112.10
~~E. E. Jackson Jr's~~ Bal.		$392.90

" Bond of E. E. Jackson Jr's with Stph Jackson as security payable six months after date with interest from date for

$392.90

(over)

To paid B. P. Baker, Surveyor for true ... $19.00

By cash above check I Commissioner ... 4.00

Balance due J. R. Kelly ... $15.00

Respy. submitted

John R Kelly Comr

1878 June 7th. Received of the Clerk of the Circuit Court of Hanseman County the Bond of E. E. Jackson Exr. & Hugh Jackson for $392 filed with this report and payable 6 months after date & dated 12 Nov. 1877, — received under decree of April Term 1878 of said Court. John R. Kelly Comr.

Sorrendale
v.
Watkins &c.

Report of Sales &c

1878 Jun. 1 to Aug. 1 M.

14

Aug 6th 1878

John R. Kibby
Please pay to W. M. Walters
the amount of money
due me for the
Walters track of land

Leroy Boston

(Lee)

1878 July 31st. Received of John R. Kilby, Comr. fifty seven and 65/100 dollars, being my distributive share of the proceeds of the sale of the land of which Margaret Walters died seised and possessed, - paid to me by said Comr. in pursuance of a decree of Mauso= und County Circuit Court, pronounced at the April Term thereof in the year 1878 in the cause of Pris= cilla E. Jones and others, Plaintiffs, and Anna Wal= ters and others, Defendants.

$57. 65

M. Virginia Babb.

Witness:

W. W. Walters

1878 July 31st. Received of John R. Kilby Comr. fifty seven and 65/100 dollars being my distributive share of the proceeds of the sale of the land of which Margaret Walters died seised and possessed. — Said to me by said Comr. in pursuance of a decree of Nansemond County Circuit Court, pronounced at the April Term thereof in the year 1878 in the cause of Priscilla E. Jones and others. Plaintiffs and Simm Walters and others. Defendants.

$57.65

Witness: G. B. O'Rear

Rebecca Harper

1878 July 31st Received of John R. Kilby Comr. fifty seven and 65/100 dollars. being my distributive share of the proceeds of the sale of the land of which Margaret Walters died seised and possessed. — paid to me in pursuance of a decree of the Circuit Court of Nansemond County, Virginia pronounced at the April Term thereof in the year 1878 in the cause of Priscilla E. Jones & others, Plaintiffs, vs. Simm Walters & others Defendants.

$57,65

Florence Parker.

[redacted]

Witness:

W.W. Walters

1878 July 31st.

~~1879 [illegible]~~ Received of John R. Kilby, Comr. in the Chancery suit of Priscilla E. Jones & others, vs. Simon Walters and others, defendants, twenty eight and 82/100 dollars in full of the distributive share of the proceeds of the sale of the real estate sold under proceedings had in said cause, to which share of said proceeds Maggie Walters in her life time was entitled, she being now dead, and the undersigned being her administrator,

$28.82

Witnesses:

L. L. Smith.

Jno J Gaston P. A. &
Admr for Maggie Walters dec'd

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

Priscilla E. Jones, Perry Harper and Rebecca, his wife, Florence Walters and William Walters. . . . . Plaintiffs

against } In Chancery

Simon Walters, Maggie Walters, Virginia Babb, Eugene Benton, Jethro Benton, Lee Benton and Lizzie Benton: all 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 E. E. Jackson & Co: and Hugh Jackson, their security, filed with ~~xx~~ said Report: being a bond for the sum of $392:90, 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 of said bond and all interest due thereon, when the same shall have become due, or receive the same before said bond shall have become due, should the obligors desire to pay the same before maturity; and that said Commissioner with said

money, when collected or received, pay first all unpaid Costs and expenses of this Cause, and then pay the residue, as follows, to wit: To Priscilla E. Jones, to Florence Walters, William Walters and Rebecca Harper, wife of Perry Harper, each, One Seventh; and to the lawfully appointed and qualified guardian of Simon Walters and Maggie Walters, for each of them, One half of One Seventh; and to the lawfully appointed and duly qualified guardian of Virginia Babb, one Seventh, for her; and to the lawfully appointed guardian of Eugene, Jethro, Lee and Lizzie Benton, for each of them, one fourth of one Seventh: all of the last seven named parties, being infants under twenty-one years of age. And said Commissioner will make to said E. E. Jackson & Co. 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 them the land purchased by them, under proceedings had in this Cause. And said Commissioner will make Report to Court of his proceedings hereunder.

A Copy:

Teste,

Peter B. Prentis. Clerk

Priscilla E. Jones et als:
vs
Copy Decree
Simon Walters et als: infants.

To the Circuit Court of Rockbridge 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 Priscilla E. Jones and others, Plaintiffs, and Simm Walters and others, Defendants, a copy of said decree being hereunto annexed: the undersigned respectfully reports to Court that as directed by said decree he received of the Clerk of said Court the Bond of E. E. Jackson Exr. and Hugh Jackson, their security, filed with the papers in said cause, for the sum of $392.90 dated the 12th. day of November 1877 and payable six months after date with interest from date and that he proceeded to collect and did collect the principal and interest of said Bond on the 12th day of July 1878, and that having paid all unpaid costs and expenses 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 will show:

By principal of said Bond.	$ 392 90
" Interest on same from 12 November 1877 to 12 July 1878. - 8 m.	15 71
	$ 408 61
To amount of additional costs paid by, and due to, John R. Kilby, Comr., as per his Report of sale filed in said cause, 1 Jan. 1878.	5 00
Carried on	$ 403 61

By amount brought on			$ 403 61
To paid Priscilla E. Jones 1/7 of $403.61			
per said decree & per rect.	$ 57	65 6/7	
" " Florence C. Parker (late Walters)			
1/7 of $403.61 per said decree & rect.	57	65 6/7	
" " Wm W. Walters, ditto. per rect.	57	65 6/7	
" " Rebecca Harper, ditto "	57	65 6/7	
" " Simm Walters 1/2 of 1/7 of $403.61			
per said decree & per rect.	28	82 13/14	
" " Virginia Babb 1/7 of $403.61			
per said decree & per rect.	57	65 6/7	
" " Eugene Benton 1/4 of 1/7 of $403.61			
per said decree & per rect.	14	41 13/28	
" " Lee Benton 1/4 of 1/7 of $403.61			
per said decree & per rect.	14	41 13/28	
" " Wiley Wiggins, Guardian of			
Jethro Benton 1/4 of 1/7 of $403.61			
per said decree & per rect.	14	41 13/28	
" " Wiley Wiggins, Guardian of			
Lizzie Benton 1/4 of 1/7 of $403.61			
per said decree & per rect.	14	41 13/28	
" " John J. Gatling, Administrator of			
Maggie Walters, (who has died			
since said decree). 1/2 of 1/7			
of $403.61, per said decree & rect.	28	82 13/14	
	$ 403	61	$ 403 61

Your Commissioner further reports to Court that, although by said decree he was directed to pay 1/2 of 1/7 of said sum of $403.61 to the guardian of Simm Walters and 1/7 to the guardian of Virginia Babb and 1/4 of 1/7 to the guardian of Eugene and Lee Benton for each of them; yet, as the foregoing statement shews, he has paid the same direct to said Simm Walters, Virginia Babb, and Eugene and

Lee Benton, they being and having become twenty-one years of age since said decree was made.

And your Commissioner further reports to Court that although by said decree he was directed to pay 1/2 of 1/7 of said sum of $403.61 to Maggie Walters, yet, she having died since said decree was made, he has paid the same to her administrator, she having died, leaving no father and being indebted to various parties.

Your Commissioner further reports to Court that as required by said decree he has made a deed to said E. E. Jackson Co. with special warranty in the usual form conveying to them the land purchased by them under proceedings had in said cause.

Respectfully submitted this 31st. day of July 1878.

John R. Kilby. Comr.

1878 July 31st. Received of John R. Kilby. Comr. the respective sums due to us and charged as paid to us in the foregoing report and statement and set opposite our names as follows:

Priscilla E. Jones	$ 5-7,65
Eugene Benton	#14.41
W. W. Walles	57.65
W. W. Walles for Lee Benton (Per order)	14.41
Simon Walters	28.82

Wiley Wiggins guardian for Luther Benton #14.41 cts
Wiley Wiggins guardian for Lizzie Benton #14.41 cts

Priscilla E. Jones & als.
vs. 3 chy.
Simm Walters & als.

Commissioner's Report
of collection & payments

1879. April 14th. Filed
clk.

Virginia:

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

Priscilla E. Jones, Perry Harper and Rebecca, his wife; Florence Walters and William Walters. Complainants

Against } In Chancery

Simon Walters, Maggie Walters, Virginia Babb, Eugene Benton, Jethro Benton, Lee Benton and Lizzie Benton: all under twenty-one years of age. Defendants

On the Motion of the Complainants, by Counsel, Peter B. Prentis is appointed guardian ad litem to defend the Defendants, in this suit; and it is ordered that the said guardian be notified of his appointment, by serving upon him a copy of this order.

Teste,

Peter B. Prentis, Clerk

1877. March 5th: I hereby acknowledge service of the foregoing order, and that I have received a copy thereof.

Peter B. Prentis.

Gdn: ad Litem

Priscilla E. Jones Dec

11 / Vs } Order as pltg: goes ad libitum

Simeon Walters Dec
infants.

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 Eight Hundred ~~~~~ Dollars, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 10th day of 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 Priscilla E. Jones & others Plaintiffs against Simon Walters & others infants, Defendants, been appointed a 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. Scott

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

John R. Kelly Shf. Comm.

Vs

Bond

Commenced 7th

Nov 10th 1877 Executed & filed

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Simon Wallers, Maggie Wallers, Virginia Babb, Eugene Benton Jethro Benton, Lee Benton and Lizzie Benton: all 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 March next, 1877, being rule day, to answer a bill in chancery, exhibited against them by Priscilla E. Jones, Perry Harper and Rebecca, his wife; Florence Wallers and William Wallers

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 8th day of February 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.

Kelly & Son. p.q

Priscilla E. Jones Dal

vs { Sum.s in Chy:

Simeon Walker Dal.

infants.

To March Rules. 1877

Pro: B. No: 1. page 76

Cir: Co:

Costs

Clk . . .	$10.00
atto: Ferry .	31.50
B. Pat Baker (Sheriff) .	9.00
E.C. Riddle & M. Comr.	2.00
J.W. Savage "	2.00
B.P. Baker "	2.00
	$56.50

Costs

Somerlon Road

Lands of
Jerry Harrell

Branch

Pine

Ditch

Pine

Area 246 acres, 2 rods, 30 poles.

Lands of
David Langston
(Col.)

NEW ROAD

Lands of
Dempsey & Harrell

North

West

East

South

Stumps &
Ditch

Lands of
Jesse Langston
(Col.)

Dead Water Oak

Lands of
David Parker Dec'd Estate

Pine

Pine Beginning

Lands of Gethro Higgins

August 20th 1877
Plot of the Simon
Walker Land in Anderson
County Scale 8 chains to the inch
Area 246 Acres 2 Rods 30 Poles
Mag. Variation 2° 15' West
by J. S. Parker Surv.

Poor Quality Original. Best Possible Capture