

1879-013  
Nansemond Co. (Suffolk)

Chancery Causes: Gdn of Lucy V. Phelps vs Ann Eliza King et al

Harrell, Daughtrey, Nelms, Fulgham, Eley, Powell

Cook's

|                      |                              |               |
|----------------------|------------------------------|---------------|
| clk                  |                              | \$15.00       |
| att <sup>y</sup> Hay |                              | 31.50         |
| shp                  |                              | 3.30          |
| Comm: in ch for shp  |                              | 10.00         |
| W. Neff -            | Richd E                      | 50            |
| "                    | Ernest H Powell              | 50            |
| "                    | Barine King                  | 50            |
|                      |                              | <hr/> \$61.30 |
| Comm: J. P. Johnson  |                              | 1.50          |
| "                    | Gertrude Semmes              | 1.50          |
| "                    | Ja <sup>s</sup> M. M. Cherry | 1.50          |
|                      |                              | <hr/> \$65.80 |

Costs

2

Virginia:

At Rules, in the Clerk's Office of the Circuit  
Court of Hanover County, on Monday, the  
4th day of March, 1878.

Hennietta Phelps, guardian of Lucy V. Phelps,  
an infant, under twenty-one years of age. . . . Complainant.

Against } In Chancery

Ann Eliza King, widow of Michael King deceased;  
Robert C. Saughton and Mary Jr his wife; Charles  
J. King, Hennietta Phelps, Robert W. Nelson and  
Martha E. his wife; John King, E. Virginia Fulyham,  
Lucy V. James Oscar, and Annie L. Phelps; the last  
five named being infants, under the age of Twenty-  
one years. . . . Defendants.

On the motion of the Complainant, by Counsel, Peter B.  
Prentiss is appointed guardian ad litem, to the infant defend-  
ants 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. Prentiss. Clerk

1878. March 4th: I acknowledge service of the foregoing order,  
and that I have received a copy thereof.

Peter B. Prentiss.

Edm. ad litem

Phelps, gdn: &

~~11~~  
25

Ana Eliza King, widow &c

Order appointing gdn:  
ad litem

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**The Commonwealth of Virginia,**

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Ann Eliza King, widow*  
*of Michael King, deceased; Robert C. Naughton and Mary F. his wife;*  
*Charles J. King, Henrietta Phelps, Robert W. Nelson and Martha*  
*E. his wife, John King, E. Virginia Fulgham; Lucy V. James Oscar and*  
*Annie L. Phelps: the last five named being infants, under the age*  
*of twenty-one years*

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in *March* next, to answer

*Bill in Chancery, exhibited against them*  
in the said Court by *Henrietta Phelps, guardian of Lucy V. Phelps, to subject*  
*the Real Estate of Lucy V. Phelps to a sale*

*Wm N. Hance & H his wife*

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *16th* day of *February* 1878, in the *102nd* year of the Commonwealth.

Teste:

*Peter B. Prentis* Clerk.

Kelly 69

Hennetta Phelps, q. r. d.

Sum. in Chy.

Mrs. Eliza King, widow of L. L.

March Rules, 1878

Executed Feb: 28th: 1878, in a true copy hereof delivered to Mrs. Eliza King, widow of Michael King deceased: Robert C. Daugherty & Mary H, his wife Charles J. King, Hennetta Phelps; and Robert W. Walker and Martha E. his wife.

J. L. Fulghum Sff

Pro. B. No. 1. page 107

Per: Cor: 13

Phelps,

# Know all Men by these Presents,

That we, Wilbur J. Kilby and L. Clay Kilby

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the just and full sum of Six Hundred (600) 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 16th day of October in the year one thousand eight hundred and - seventy-eight, and in the 103rd year of the Commonwealth. And we hereby waive our Homestead exemption, as to this obligation.

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

who has, ~~this day qualified before the~~ by a Decree of the Circuit Court of Nansemond County. pronounced on the 12th day of October, 1878, in the Chancery Cause of Hannell & wife (late Phelps), guardians of Lucy V. Phelps, Plaintiffs vs. Ann E. King, widow of Michael King dead & 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. Puntis, Clerk  
of said Circuit Court

Wilbur J. Kilby (Seal.)  
L. Clay Kilby (Seal.)  
(Seal.)  
(Seal.)  
(Seal.)

Wilbur J. Kilby, Sec.  
Comm<sup>r</sup>

To } Bond

Commonwealth

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1878  
Octo: 16th. Expires 4th

At a Monthly Court Continued and held for Nausemond County,  
the 17<sup>th</sup>: day of October, 1878.

The Court appoint William N. Harrell, guardian of Lucy W. Phelps, orphan of James A. Phelps deceased; and thereupon the said William N. Harrell entered into a bond, in the penalty of Eight Hundred Dollars, conditioned according to law, with James D. Taylor, his surety therein, who justified, on oath as to his sufficiency, and which said bond being acknowledged by the obligors therein, is ordered to be recorded.

A Copy:

Teste,

Peter B. Prentiss. Clerk

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

William N. Harrell and Henrietta, his  
wife, late Henrietta Phelps, guardian of Lucy  
W. Phelps. . . . . Plaintiffs.

against { In Chancery  
Ann Eliza King, widow of Michael King,  
deceased; Robert C. Daughtry and Mary F.  
his wife; Charles J. King; Henrietta Phelps;  
Robert W. Helms and Martha E. his wife;  
John King, E. Virginia Fulgham, Lucy W. James  
Oscar and Annie L. Phelps: the last five  
named being infants, under the age of twenty  
one years. . . . . Defendants.

This Cause came on this day to be again heard on the papers  
formerly read therein, and on the Report of Special Commissioner,  
Wilbur J. Kelly, being a Report of the sale of Real Estate, made in pursu-  
ance 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 said Commissioner, Wilbur J. Kelly, receive of the Clerk of this  
Court (who will deliver to him and take a receipt of him for)  
the Certificate of deposit filed with his said Report, showing  
the deposit of the sum of \$332<sup>70</sup>, at the Commercial Bank of  
Suffolk, Virginia to the Credit of this Cause, and that said  
Commissioner deliver said Certificate to said Bank, upon payment  
by its Cashier or other Officer to him of said sum of \$332<sup>70</sup> and

and all interest due thereon, which said Commissioner will receive and pay to Wm. N. Hannell, Plaintiff in this Cause, and guardian of Lucy V. Phelps, the same being due to her, as the proceeds of the sale of her Real Estate, after having first paid all unpaid costs of this Cause, and that said Commissioner take of said Wm. N. Hannell, guardian a receipt for said money, and file the same with his Report, which he will make of his proceedings under this decree.

And the Court doth further adjudge, order and decree, that said Wilbur J. Kelly, as Special Commissioner, aforesaid, make to Rebecca Ashburn, a Deed with special warranty, in the usual form, conveying to her, the Real Estate purchased by her, under proceedings had in this Court.

a Copy:

Teste,

Peter B. Prentiss. Clerk.

Wm. N. Hannell & wife  
Xm's

Copy Decree:  
to { Alfred Stern  
1879

Ann E. C. King & Co.

To the Circuit Court of Hansemond  
County, Virginia:

In pursuance of a decree of  
said Court pronounced at the April  
Term thereof in the year 1879 in a cause  
in chancery in said Court depending  
between W<sup>m</sup> A. Harrell and others, Plaintiffs,  
and Ann E. King and others, Defendants,  
a copy of said decree being herewith  
annexed; the undersigned respectfully  
reports to Court that he has, as directed  
by said decree, received of the Clerk of said  
Court, and given him a receipt for, the  
certificate of deposit filed with your  
Commissioner's Report made in said cause  
in pursuance of a decree of said Court  
pronounced at the October Term thereof 1878  
showing the deposit of the sum of \$332.70  
at The Commercial Bank of Suffolk Va.  
to the credit of said cause, and that  
your Commissioner has delivered said cer-  
tificate to the Cashier of said Bank and  
has received of him said sum of \$332.70  
and all interest due thereon and has  
disbursed and paid out the same as di-  
rected by said decree and as the fol-  
lowing statement and vouchers will fully  
show:

|                                                             |           |
|-------------------------------------------------------------|-----------|
| By Amount of said deposit.                                  | \$ 332 70 |
| " Int. on same from 22. Nov. 1878<br>to 22 April 1879 - 5m. | 8 30      |
| Total                                                       | \$ 341 00 |
| To fee for deed to purchaser of land.                       | 5 00      |
| carried on                                                  | \$ 336 00 |

By amount brought on  
To paid W<sup>m</sup> A. Harrell, Guar-  
dian of Lucy N. Phelps  
for said decree & her acct.

\$ 336 00

\$ 336 00

Your Commissioner further reports to Court  
that he has made to Rebecca Ashburn  
a deed with special warranty, in the  
usual form conveying to her the real  
estate purchased by her under proceed-  
ings had in said cause.

Respectfully submitted this 22. day  
of April 1879

Wilbur J. Kilby  
Commissioner

1879 April 22. Received of Wilbur J.  
Kilby, Commissioner, Three hundred and  
thirty six dollars, being the amount  
charged as paid to me in the forego-  
ing Report and Statement, for Lucy  
N. Phelps.

\$ 336 <sup>00</sup>

M. A. Harrell  
Guardian for Lucy N. Phelps

Harnell & Co.

vs. } In chy.

King & al.

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Report of collection  
and payment

. 22 April 1879

1879. April 23rd: Filed.  
clk.

*Mr. James A. Phelps for children*, District No. 2.  
 1878. To WM. ELEY, Treasurer of Nansemond County.

|                                                                                                 | Dols | Cts. |
|-------------------------------------------------------------------------------------------------|------|------|
| To State Tax on 43 acres Land, value \$ 154 <sup>80</sup> / <sub>100</sub> at 50c on \$100..... |      | 78   |
| To State Tax on Personal Property, valued \$ at 50c on \$100.....                               |      |      |
| Total State Tax on Land and Property.....                                                       |      | 78   |
| To County Levy, 50 per cent, on State Tax.....                                                  |      | 39   |
| To Parish Levy, 25 per cent on State Tax.....                                                   |      | 20   |
| To County and District School Tax on Property 6 <sup>1</sup> / <sub>4</sub> cts. on \$100.....  |      | 10   |
| State Capitation \$1, County Capitation 50 cents.....                                           |      |      |
| Total Tax on all subjects.....                                                                  | 1    | 47   |
| December 1st, five per cent. added.....                                                         |      |      |

RECEIVED PAYMENT,

A. W. TURNER, }  
 Assessor. }

, Treasurer.

*W. E. Eley* Deputy.

James A. Phelps for

Children

\$1.47

Delivered  
March 1847

Suffolk Jan 22<sup>nd</sup> 1838  
Received of W J Kilby Commissioner  
seven dollars for selling the lands  
of L V Phelps under Decree of Court  
\$7.00 Geo S Parker Crier

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

Suffolk, Va., Nov 22 1878

Mr. Niebur & Kirby Commrs.

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

TO SUFFOLK HERALD, Dr.

NEWSPAPER AND JOB PRINTING OFFICE

1878

WASHINGTON SQUARE, NEAR MAIN STREET.

|        |                                 |         |
|--------|---------------------------------|---------|
| Oct 23 | To Pub. notice of sale. Lucy.   | \$ 7.00 |
|        | V Phelps Land. 5 Inches 3 times |         |
| " 17   | 50 Hand Bills of same notice    | 1.50    |
|        | Nov 22. 78. Paid                | 8.50    |
|        | Thos. G. Elam                   |         |
|        | Publisher.                      |         |

1878 Apr. 22. Received of Wilbur J. Kilby  
Cmr. one and <sup>50</sup>/<sub>100</sub> dollars being  
fee due me as Cmr. in the  
Chancery cause of Wm. H. Harrell  
& wife vs. Ann Eliza King & al.  
\$1 .50

Joshua Simons

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

William N. Howell and Henrietta,  
his wife, late Henrietta Phelps, guardian  
of Lucy V. Phelps. . . . . Plaintiffs.

Against { In Chancery  
Ann Eliza King, widow of Michael  
King, deceased; Robert C. Daughtry and  
Mary F. his wife; Charles J. King, Henrietta  
Phelps, Robert W. <sup>Helms</sup> ~~Phelps~~ and Martha E.  
his wife; John King, E. Virginia Fillymore;  
Lucy V. James Oscar and Annie L. Phelps:  
the last five named being infants, under the age  
of twenty-one years. . . . . Defendants.

This cause came on this day to be again heard  
on the papers formerly read therein and on  
the Report of Special Commissioners, James P.  
Johnson, Joshua Senow, and James M.  
McClenny, being a Report recommending  
sale of land, made in pursuance of a de-  
cree of this Court pronounced at the April  
Term thereof in the year 1878, in this cause,  
and on the examinations of witnesses 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 William J. Kelly, who is hereby appointed Special Commissioner for that purpose, proceed to sell at public auction before the Court-house, doors of Hansemond county, Virginia on some court day, that piece or parcel of land of which Lucy P. Phelps an infant is seized being part of the land lately owned by Michael King, <sup>deceased</sup> situated on the county road in Chuckatuck Magisterial District in said County and State of Virginia and containing 48 acres, 1000 and 9 poles, and bounded by the lands of Rebecca Ashburn, Henrietta Warrell (late Phelps) Everett H. Powell and others: that said commissioner proceed to sell said land on a credit of six and nine months, except as to a sufficient part of the purchase money to pay the expenses of the sale and the costs of this suit, which he will acquire in cash and apply in payment of said expenses and costs, and that he take of the purchaser of said land two Bonds for the residue of the purchase-money with good personal security, payable to himself six and nine months from and after the day of sale with interest from that day, and file said Bonds with his Report of the sale, and retain the title to said land until the further order of court. And said commissioner before proceeding to sell said land, will advertise the day and

place and terms of sale once a week for three successive weeks in a newspaper published in the Town of Suffolk Virginia and by printed notices posted at various conspicuous places in the neighborhood of said land, and in said County and Town and at said Court-house door for at least twenty days previously to said sale and before proceeding to sell as aforesaid, will also execute before the Clerk of this Court in his office a bond in the penalty of \$600 with good personal security payable to the Commonwealth of Virginia and conditioned for the faithful execution of this decree and all other decrees he may be required to execute in this cause, and will make report to Court of his proceedings under this decree.

a Copy:

Teste

Peter B. Prentiss. Clerk

Costs.

|                        |         |
|------------------------|---------|
| Clerk                  | \$15.00 |
| Att: Tax               | 31.50   |
| Shff.                  | 3.30    |
| Comm: in Ch: for Deps. | 10.00   |
| Writs Rich: E. Lay     | 50      |
| " Everett H. Powell    | 50      |
| Darius King            | 50      |
| Comm: Jas. P. Johnson  | 1.50    |
| " Joshua Semmes        | 1.50    |
| " Jas. M. M. Cleary    | 1.50    |
|                        | \$65.80 |

Wm. H. Russell Esq. Jr. <sup>Xmas</sup>

$\frac{24}{25}$  } Co. Secre

Mrs. Eliza King Esq.

# LAND

## FOR SALE!

### In Chuckatuck District!

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By authority of a decree of the Circuit Court of Nansemond county, Va., pronounced at the October term thereof, 1878, in a cause in chancery in said court depending between Wm. N. Harrell and others, plaintiffs, and Ann Eliza King and others, defendants, I shall offer for sale at public auction, before the Court-house door of Nansemond county, Va., on the

### 11th Day of November, 1878,

(being Court day), that

## PARCEL OF LAND

of which Lucy V. Phelps, an infant, is seised, being a part of the land lately owned by Michael King, deceased, situated on the county road in Chuckatuck Magisterial District in said county, and containing 43 acres, 1 rood and 9 poles, more or less, and bounded by the lands of Rebecca Ashburn, Henrietta Harrell (late Phelps), Everett H. Powell and others.

This parcel of land for sale has on it a comparatively new dwelling, nearly completed, and various outhouses, and sufficient firewood and rail timber, and the soil is of medium quality. With little outlay the place can be made a comfortable small and profitable farm.

**TERMS:** Enough of the purchase money to pay costs of suit and expenses of sale will be required in cash, and for the residue the purchaser will give two bonds of equal sums, payable 6 and 9 months after day of sale, with interest from that day. Title will be retained until further order of Court.

## WILBUR J. KILBY,

GEO. T. PARKER, Auctioneer.

SPECIAL COMMISSIONER.

October 16, 1878.

Suffolk Herald Cheap Job Print.

To the Circuit Court of Hanseman  
County, Virginia.

In pursuance of a decree  
of said Court pronounced at the  
October Term thereof in the year  
1878 in a cause in Chancery in  
said Court depending between Wm.  
H. Harrell and wife V<sup>rs</sup> Plaintiffs  
and Ann E. King and others, Defend-  
ants, a copy of said decree being  
herewith annexed; the undersigned,  
Special Commissioner, appointed for the  
purposes named in said decree,  
respectfully reports to Court that  
on the 16<sup>th</sup> day of October 1878 he  
advertised the real estate described  
in said decree for sale, as directed  
thereby and on the 11<sup>th</sup> day of  
November 1878 at public auction  
before the Courthouse door of said  
County, did sell said real estate  
on the terms and conditions named  
in said decree, the sale having  
been advertised previously once a  
week for three successive weeks  
in the "Suffolk Herald" a newspa-  
per published in the Town of Suffolk,  
Va., and by printed notices posted  
at various conspicuous places in the  
neighborhood of said real estate  
for more than twenty days and  
at said Courthouse door, and  
at said sale Rebecca Ashburn be-

came the purchaser of said real  
 estate, she being the highest bidder,  
 at and for the sum of \$433 13  
 being the full value of the land.  
 And your Commissioner further reports  
 to Court that, said Rebecca Ashburn  
 preferring and desiring, to pay said  
 sum of \$433.13 in cash. Your Com-  
 missioner received the same, and,  
 after paying the costs of said suit  
 and expenses of said sale as directed  
 by said decree, deposited the residue  
 of said sum of money in the Com-  
 mercial Bank of Suffolk, Va., subject  
 to the future order of Court, as will  
 fully appear by the following statement  
 and the annexed vouchers:

Statement.

|                                                             |       |           |
|-------------------------------------------------------------|-------|-----------|
| By cash for said real estate<br>as set forth above.         |       | \$ 433 13 |
| To paid P. B. Prentiss, Clerk's costs, per recte            | 15 00 |           |
| " " Same, Court's fee. "                                    | 10 00 |           |
| " " Wilbur J. Kilby, Atty's fee "                           | 31 50 |           |
| " " John L. Fulgham, shff "                                 | 3 30  |           |
| " " Jas. P. Johnson, Com'r. "                               | 1 50  |           |
| " " Joshua Simons " "                                       | 1 50  |           |
| " " Jas. M. McClemy " "                                     | 1 50  |           |
| " " Richard Eley, writs &c " "                              | 50    |           |
| " " E. H. Powell " "                                        | 50    |           |
| " " Daniel J. King " "                                      | 50    |           |
| " " Geo. T. Parker, Auctioneer "                            | 7 00  |           |
| " " Taxes for 1878 "                                        | 1 47  |           |
| " " Thos. G. Elam for printing<br>advertisements of sale. " | 8 50  |           |
| " 5 per cent Coms. on \$300.00                              | 15 00 |           |
| " 2 do. do. on 133.13                                       | 2 66  | \$ 100 43 |
| Balance                                                     |       | \$ 332 70 |

By Balance brought on.  
To amount deposited in cash  
at The Commercial Bank  
of Suffolk, Va., as per  
certificate of cashier of  
said Bank herewith filed.

\$ 332 70

\$ 332 70

Respectfully submitted this 22nd. day  
of November 1878.

Wilbur J. Kilby  
Special Commissioner

1878 Nov. 22. Received of Wilbur J. Kilby  
Commr. the respective sums of money charg-  
ed in the foregoing Report as paid to  
us and set opposite our names as follows:

|                                    |          |
|------------------------------------|----------|
| Peter B. Prentiss. Clerk           | \$ 15 00 |
| Peter B. Prentiss. Commr.          | 10 00    |
| J. L. Latham Supt.                 | 3 30     |
| Wilbur J. Kilby. Atty's taxed fees | 31 50    |
| James M. McElhinney                | 1 50     |
| Jas P. Johnson                     | 1 50     |
| Richard Eley by W. J. Kilby, atty. | 50       |
| E. H. Powell by W. J. Kilby "      | 50       |
| Darius J. King by W. J. Kilby "    | 50       |

(over)

1879 April 18th. Received of the Clerk of the Circuit Court of Nausemond County the certificate of deposit filed with this Report - being the certificate of Thos. G. Elam, Cashier of The Commercial Bank of Suffolk, Virginia, shewing the deposit of the sum of \$332.<sup>70</sup> to the credit of the within named Chancery cause at said Bank as specified in this Report - received in pursuance of a decree of the April term 1879 of said Court in said cause.

Wilbur J. Kilby  
Clerk.

Wm. A. Harrell & wife

vs. } Chy.

Ann E. King & al.

Report of sale

22 Apr. 1878

not decreed to collect &  
make deed

1879. Jan'y. 30th. Filed.  
Clerk

At a Circuit Court held for Worcester County,  
The 13th. day of April 1878.

Henrietta Phelps, guardian of Lucy V. Phelps. Plaintiff.

Against } In Chancery

Ann Eliza King, widow of Michael King,  
deceased. Robert C. Daughtery and Mary  
his <sup>wife</sup>; Charles T. King, Henrietta Phelps.  
Robert W. Melms and Martha E. his wife.  
John King, E. Virginia Fulgham: Lucy  
V. James Oscar and Annie L. Phelps: the  
last five named being infants, under the  
age of twenty-one years. . . . Defendants.

It being suggested to the Court that since the institution of this suit said Henrietta Phelps has <sup>now</sup> married one Wm. W. Harrell, on motion of the defendants by counsel it is ordered that his name be inserted in the subsequent proceedings herein, and that this cause be hereafter prosecuted in the name of said <sup>Wm</sup> ~~Thos~~ W. Harrell and Henrietta his wife as Plaintiffs.

And this cause came on 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 still failing to appear and answer and on the answer of the infant defendants, by Peter B. Poentes their guardian ad ~~litem~~ <sup>litem</sup> duly appointed for them and on the Exhibit filed with said Bill and with general replications and was argued by counsel. On consideration whereof

The Court doth adjudge, order and decree that James P. Johnson, Joshua Simons, Joseph Ashburn and James M. McCleary, who are hereby appointed special commissioners for that purpose, any three of whom may act after being duly sworn, proceed to inquire and report to Court whether the interest of Lucy V. Phelps an infant under twenty-one years of age and the ward of Henrietta Harrell, late Phelps will be promoted and whether the rights of any person will be violated by a sale and the investment for the benefit of said Lucy V. Phelps of the proceeds of the sale of that certain tract of land of which said Lucy V. Phelps is seized and possessed, containing 43 acres, 1 rood, and 9 poles, situated in Wansboro County, Virginia, and bounded by the lands of Rebecca Ashburn said Henrietta Harrell, late Phelps Everett Powell and Richard Rhodes and by the county road, being said Lucy V. Phelps' share of her grandfather's, Michael King's real estate, and that said commissioners ascertain and report the fee-simple value of said land to Court, filing with their report such proofs or testimony, as they may take, and giving their reasons for such conclusions as they may reach, together with such facts as they may deem pertinent or necessary. And said Commissioners will make report to Court of their proceedings under this decree.

a Copy:

Teste,

Peter B. Prentiss, Clerk

To the Circuit Court of Staunton  
County, Virginia:

In pursuance of a decree of  
the Circuit Court of said County pro-  
nounced at the April Term thereof  
in the year 1878 in a cause in  
Chancery in said Court depending  
between Henrietta Harree (late  
Phelps), Guardian of Lucy N. Phelps  
Plaintiff, and Ann Eliza King  
and others Defendants, a copy  
of said decree being herewith  
annexed; the undersigned Spec-  
ial Commissioners appointed by said  
Court for the purposes named in  
said decree, respectfully report  
to Court that they all live in  
the neighborhood of the land re-  
ferred to and described in said  
decree as the land of Lucy N.  
Phelps and have had frequent  
observations of it; that they un-  
derstand its nature and know  
what kind of land it is; that  
said land is all woodland  
having in it a small unin-  
ished and ordinary dwelling and  
several ordinary outhouses, the

dwelling being in an unfinished condition; that said land is poor, high land, and if cleared would make a farm of medium quality only; the timber on it is such as would be sufficient to supply the occupant of the place with necessary fire wood and other wood generally used on a farm; that all things considered the land is not so situated or in such condition as to produce much if any income; that it nets for but a small sum, about <sup>all</sup> of which is necessary to keep the place in order and repair and to pay the taxes thereon; that it is therefore, of but little benefit to said Lucy N. Phelps; that the money for which said land may be sold, if invested, would produce a much larger income for the benefit of said Lucy N. Phelps; that so far as your Commissioners are advised or know, the rights of no person will be violated by said

sale; that the interest of said  
Lucy N. Phelps will undoubtedly  
be promoted by a sale of said  
land; and that your Com-  
missioners, therefore, recommend  
a sale of said land and  
the investment of the proceeds  
thereof or such other disposition  
thereof as the Court may see  
fit to make for the benefit  
of said Lucy N. Phelps, - especially  
~~do~~ your Commissioners <sup>recommend said sale as they</sup> are advised  
that a purchaser thereof may  
be had at this time, or as  
soon as the land can be sold  
who will give a just and  
fair price therefor; and that  
said land and buildings thereon  
are worth in fee-simple \$400.  
Respectfully submitted this first  
day of August 1878

Comrs. { Jas. P. Johnson  
Joshua Simons  
James M. McElenny

Commissioners' fees \$1.<sup>50</sup> each.

(over)

State of Virginia

Lawrence County, to wit:

I, Wilbur J. Kilby, a Notary Public in and for said County in said State of Virginia, do certify that Jas. P. Johnson, Joshua Simms, and James M. McElenny, Commissioners, whose names are signed to the foregoing writing, dated the first day of August 1878, this day each personally appeared before me in the county aforesaid, and made oath that the facts and statements contained and set forth forth in said writing are true and correct to the best of their knowledge and belief.

Given under my hand this 1 day of August 1878.

Wilbur J. Kilby  
Notary Public

Phelps }  
do. } chg.  
King & Co. }

Cross' Report  
1 Aug. 1878  
Recommending Sale

1878. Aug. 1. Filed  
C.K.

Harree & wife

vs.

King & al.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Special Commissioner, ~~of~~ Wilbur J. Kilby, being a Report of the sale of real estate made in pursuance of a decree of this Court pronounced at the October <sup>term</sup> thereof in the year 1878 in this cause and was argued by counsel.

on consideration whereof the Court doth confirm the said Report to which no exception has been filed, and doth adjudge, order and decree that said Commissioner, Wilbur J. Kilby, receive of the Clerk of this Court (who will deliver to him and take a receipt of him for) the certificate of deposit filed with his said Report, shewing the deposit of the sum of \$332.<sup>70</sup> at The Commercial Bank of Suffolk, Virginia, to the credit of this cause, and that said Commissioner deliver said certificate to said Bank upon payment by its cashier or other officer to him of said sum of \$332.<sup>70</sup> and all interest due thereon, which said Com-

Commissioner will receive and pay to Wm  
 N. Harree <sup>Plaintiff in this cause and</sup> Guardian of Lucy N. Phelps  
 the same being due to her as the proceeds of  
 the sale of her real estate, after having  
 first paid all unpaid costs of this cause,  
 and that said Commissioner take of said  
 Wm N. Harree guardian, a receipt for said  
 money and file the same with his Report  
 which he will make of his proceedings under  
 this decree.

And the Court doth further adjudge, or-  
 der and decree that said Wilbur J. Kilby  
 as Special Commissioner aforesaid, make to  
 Rebecca Ashburn a deed with Special warranty  
 in the usual form conveying to her the real  
 estate purchased by her under proceedings  
 had in this cause

Harree &c

vs. J. In Chy.

King fal,

Houseland County  
 Circuit Court  
 April term 1879

Decree

To be entered

Levinston

Entered O. B. No. 1-

2. 436-

chd

Hamee (late Phelps)

vs.

Kuig & als.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Special Commissioners, James P. Johnson, Joshua Simons and James M. M<sup>c</sup>Clenny, being a Report recommending sale of land, made in pursuance of a decree of this Court pronounced at the April Term thereof in the year 1878 in this cause, and on the examinations of witnesses, and was argued by counsel.

On consideration whereof the Court doth confirm the said Report to which no exception has been filed and doth adjudge order and decree that Wilbur J. Kilby, who is hereby appointed ~~a~~ Special Commissioner for that purpose, proceed to sell at public auction before the Court-house, door of Loudoun County, Virginia on some Court day, that piece or parcel of land of which Lucy V.

being part of the land lately owned by <sup>deceased</sup> Michael King  
Phelps, an infant, is seized, situated  
on the county road in ~~Chickadee~~ <sup>Chickadee</sup> District,  
in said County and State of Virginia  
and containing 43 acres, 1 rood and 9  
foles, and bounded by the lands  
of Rebecca Ashburn, Henrietta Hamer  
(late Phelps) Everett H. Powell and  
others: That said Commissioner pro=  
ceed to sell said land on a credit  
of six and nine months, except  
as to a sufficient part of the pur=  
chase-money to pay the expenses of the  
sale and the costs of this suit, which  
he will require in cash and apply  
in payment of said expenses and  
costs, and that he take of the pur=  
chaser of said land two Bonds  
for the residue of the purchase-money  
with good personal security, payable  
to himself six and nine months  
from ~~the~~ and after the day of sale  
with interest from that day, and  
file said Bonds with his Report of  
the sale, and retain the title to said  
land until the further order of Court.  
And said Commissioner before pro=  
ceeding to sell said land, will  
advertise the day and place and

terms of sale once a week for three successive weeks in a newspaper published in the Town of Suffolk Virginia, and by printed notices posted at various conspicuous places in the neighborhood of said land, and in said County and Town and at said Courthouse door for at least twenty days previously to said sale, and before proceeding to see as aforesaid, will also execute before the Clerk of this Court in his office, a Bond <sup>personal</sup> in the penalty of \$600 with good security payable to the Commonwealth of Virginia and conditioned for the faithful execution of this decree and all other decrees he may be required to execute in this cause. and will make report to Court of his proceedings under this decree.

Hamree (late Phelps)

vs. } chq.

King & als.

Hausenund County  
Circuit Court

October Term 1878

Decree

To be entered

Geo. V. Stearns

Chas.

Entered A. B. No 1 - p. 418

Henrietta Phelps Guardian,  
vs.  
Ann Eliza King & als.

It being suggested to the Court that since the institution of this suit said Henrietta Phelps has since married one ~~Thos.~~<sup>John</sup> A. Harnee, on motion of the defendants by counsel it is ordered that his name be inserted in the subsequent proceedings herein, and that this cause be hereafter prosecuted in the name of said ~~Thos.~~<sup>John</sup> A. Harnee and Henrietta his wife as Plaintiffs.

And this cause came on to be heard on the Bree of the Complainant taken for confessed as to the adult defendants on whom process had been ~~at~~ duly executed, they still failing to appear and answer and on the answer of the infant defendants, by Peter B. Prentiss their guardian ad litem duly appointed for them and on the Exhibit filed with said Bree and with general replication and was argued by counsel.

On consideration whereof

the Court doth adjudge, order and  
decree that James P. Johnson, Joshua  
Animus, Joseph Ashburn and Jas. M.  
M<sup>r</sup>. Cleary, who are hereby appointed  
special Commissioners for that pur-  
pose, any three of whom may act,  
after being duly sworn, ~~proceed~~<sup>proceed</sup>  
to inquire and report to Court  
whether the interest of Lucy V.  
Phelps an infant under twenty  
one years of age and the ward  
of Henrietta Harrell, late Phelps  
will be promoted and whether the  
rights of any person will be violated  
by a sale of ~~that certain~~ and  
the instrument for the benefit of  
said Lucy V. Phelps of the proceeds  
of the sale of that certain tract  
of land of which said Lucy V.  
Phelps is seized and possessed,  
containing 43 acres, 1 rod, and  
9 poles, situated in Hanseman  
County, Virginia, and bounded  
by the lands of Rebecca Ashburn  
said Henrietta Harrell, late Phelps  
Everett Powe and Richard Rhodes  
and by the county road, being  
said Lucy V. Phelps' share of her

grandfathers, Michael King's real estate, and that said Commissioners ascertain and report the fee-simple value of said land to Court, filing with their report such proof or testimony, as they may take, and giving their reasons for such conclusion as they may reach, together with such facts as they may deem pertinent or necessary.

And said Commissioners will make report to Court of their proceedings under this decree.

~~Henrietta~~ 9  
Hancee wife

vs.

King & als.

Hauemann County  
Circuit Court  
April Term 1878

Deceit.

To be entered

Geo. T. Snow,

Att'y

Entered O. B. No. 1-p. 396

To Ann E. King, widow of Michael King deceased, Ro. Co.  
Daughter and Mary F. his wife, Chas. J. King, Henrietta Harrell  
Ro. W. Selms and Martha E. his wife, John King, E. Virginia Ful-  
gham, Lucy N. James Oscar and Annie L. Phelps, the last five  
named being infants under the age of twenty-one years.

Take notice that we shall on the 15<sup>th</sup> day of August 1878, next, at  
the Clerk's Office of Nausemond County Court in Suffolk  
Virginia between the hours of 8 a. m. and 6 p. m. of that day, proceed to  
take the Depositions of Richard Eley, Everett H. Powell and  
Danus King and others, to be read as evidence in our behalf, in a certain suit  
in Equity —, depending in the Circuit Court of Nausemond  
County, wherein we —

— are plaintiffs, and you —  
— are defendants; and if from any cause the taking of the said Depositions be  
not commenced on that day, or if commenced be not concluded on that day, the taking of the same will  
be adjourned and continued from day to day or from time to time, at the same place and between the  
same hours, until the same shall be completed.

Respectfully,

To the Sheriff of  
County to execute.

} Wm. A. Harrell and  
Henrietta his wife (late Phelps)  
guardians of Lucy N. Phelps.

3d. August 1878

By their attorney.

1878 August 3d. Service of the within notice is hereby  
acknowledged.

Wilbur J. Kilby, atty.  
for the adult defendants.

Peter B. Prentiss, gdn: and counsel  
to the infant defendants.

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The Commonwealth of Virginia,

To the SHERIFF OF NANSEMOND COUNTY, Greeting:  
YOU ARE HEREBY COMMANDED TO SUMMON *Everett H. Powell, Maria  
King, Richard Eley and John L. Fulyard*

*Peter B. Prentiss, a Commissioner in Chancery.*  
to appear before ~~the Judge~~ of the Circuit \_\_\_\_\_ Court of Nansemond County.  
~~Clerk's Office~~ at the Court House of said County, on the *15th* day of *August* 1878 ~~next~~, to  
testify and the truth to say on behalf of *Hennetta Howell* ~~et al.~~

in a certain matter of controversy in our said Court, depending and undetermined between *Said*

*Hennetta Howell* \_\_\_\_\_

Plaintiff  
and

*Ann Eley King et al.* \_\_\_\_\_

Defendants.

And this the witnesses shall in no wise omit, under the penalty of \$100 each: and have then and there this summons.

Witness, PETER B. PRENTISS, Clerk of our said Court, at his office, this *3rd*  
day of *August* 1878, in the *103rd* year of the Commonwealth.

*Peter B. Prentiss.* Clerk.

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Green term on all of the within named parties, witnesses

1878. Aug. 10th.

J. L. Fugham Off

Henrietta Harrell &c

$\frac{4}{25}$  }  $\frac{11}{Shu}$

Ann Eliza King & al

To 15th day of Aug: 1878  
at the Clerk's Office of  
Hauseman Circuit Court

The depositions of Richard Eley,  
Everett H. Poweell and Danus King  
<sup>in the presence of the guardian ad litem of the infant defendants,</sup>  
taken before me, Peter B. Prouty  
Commissioner in Chancery for the Cir-  
cuit Court of Fauquier County,  
Virginia, pursuant to notice here-  
to annexed, at the Clerk's Office  
of said County, on the 15th. day  
of August 1878 between the hours  
of 8 o'clock A. M. and 6 o'clock P.  
M. to be read as evidence on behalf  
of the Plaintiffs in a certain suit  
in Equity depending in said Court  
wherein Wm. A. Harrell and Hen-  
rietta, his wife (late Phelps) guar-  
dian of Lucy N. Phelps are Plain-  
tiffs and Ann E. King and others  
are defendants;

Present: Wilbur J. Kilby, Attorney  
for the Plaintiffs.

Richard Eley and Everett H. Poweell  
competent witnesses of lawful ages being  
duly sworn on the Holy Evangelists of  
Almighty God, depose and say as follows:

1st. Question by Attorney for Plaintiffs,

Do you know the parties to this suit?

Answer: We do and have known them  
for some time.

2nd. Question. Examine the Report of James P. Johnson, Joshua Amis and James M. McCumy made in the above cause in pursuance of a decree of said Court, pronounced at the April Term thereof in the year 1878 and say whether the statements therein contained are true?

Answer:

After reading said decree and report which have been handed to us for that purpose we say that we live not far from the land described in said decree and have known the same for some time, that we have personal knowledge of the facts and statements of said Commissioners in their said Report and know that the same are true and correct and we concur with their opinion as therein expressed and think that for reasons stated by them a sale of said land will be to the interest of said Lucy N. Phelps and that the rights of no person will be violated thereby, And further, these deponents say not,

Richard Eley

Everett H. Powell

To other witnesses appearing the further taking of these depositions is continued until Saturday next, the 17th, day of August 1878 at the same place and between the same hours.

Peter B. Prentiss

Comptroller

17th. day of August 1878

Present: Wilbur J. Kilby, attorney  
for Plaintiffs.

Darius King a competent witness of lawful age, being duly sworn on the Holy Evangelists of Almighty God deposes and says as follows;  
First question by attorney for Plaintiffs:

Do you know the parties to this suit?

Answer: Yes. I have known them for a number of years.

Second question by Same.

Examine the Report of James P. Johnson, Joshua Simms and James M. McClemy made in the above suit in equity in pursuance of a decree of said Court, pronounced at the

April Term thereof in the year 1878  
and say whether the statements therein  
contained, are true<sup>s</sup>;

Answer:

I have read said decree and Report carefully and in the first place say that I live not far from the land described in said decree and have known the same for some time, and I have also read the foregoing depositions of Richard Eley and Everett H. Powell, and like them have personal knowledge of the facts and statements of said Commissioners in their said Report and with said Eley and Powell am prepared to say that the same are true and correct and I concur with their opinion and that of said Commissioners and think that for reasons stated by them, a sale of said land will be to the interest of said Lucy V. Phelps and violative of the rights of no one,

Darius King

State of Virginia

Household County, to wit:

J. Peter B. Prentiss, Commissioner in  
Chancery for the Circuit Court of said

County in said State of Virginia,  
do hereby certify that the foregoing  
depositions were duly taken, sworn  
to, and subscribed before me, at  
the times and place mentioned  
therein.

Given under my hand this 17th,  
day of August 1878

Peter B. Prentiss

Fees \$10.00 Comm.

Comm<sup>tt</sup> in Chg

Shff:

50 Wm. Rich<sup>d</sup>. Ely

50 " Est. Powell

50 " Dennis King



Hamrell (late Phelps)

vs Depositions

King del

1878. Sept. 2. Filed  
J.M.

Hamrell & al.

vs.

King & al.

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

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

Hamrell Sal

vs. } In Chy

King Sal.

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

Geo. Brown.

Entered O. B. Holt—  
p. 446

To The Circuit Court of Hanseman County: Va.  
The Joint and separate answer of John King, & Virginia  
Fulgham, Lucy V. James Oscar and Annie L. Phelps, infants,  
by Peter B. Prentiss, their guardian ad litem to a Bill in  
Chancery exhibited against them and others, in the said Court, by  
Henrietta Phelps, guardian of Lucy V. Phelps, an infant, under  
twenty-one years of age:

These Respondents say, that the facts set forth in said Bill,  
are, so far as they know or believe, true: but being infants, under  
the age of twenty-one years, and ignorant of their rights, they  
submit the same to the Court, and pray that no order or decree,  
may be made in the premises, inconsistent with their rights.

Signed,

Peter B. Prentiss.

Gdward litem

Phelps. 72. 1c

— 11 —

20

Ann Eliza King mother to 12

Answer of Infants

At a Monthly Court held for Hantsworth County the 10th day  
of December, 1877.

The Court appoint Henrietta Phelps guardian of Lucy  
V. Phelps, orphan of James A. Phelps, deceased, And thereupon  
the said Henrietta Phelps entered into a bond in the penalty  
of One hundred Dollars, conditioned, according to law,  
with Elliott J. Oliver, her surety therein, who justified on  
oath as to his sufficiency, and which said bond be-  
ing acknowledged by the obligors therein, is ordered to  
be recorded.

A copy:

Teste,

Peter B. Prentiss. Clerk

Phelps Jr.

vs. 3 chys.

King & als

---

"Exhibit A"

To Honorable George Blow, Circuit Court  
Judge in and for Staunton County  
Virginia:

Humbly complaining, respectfully represents and shews unto Your Honor, Your Complainant Henrietta Phelps, guardian of Lucy V. Phelps, an infant under twenty-one years of age,

That James S. Phelps and Ann V. Phelps his first wife, having departed this life leaving their only child, said infant, Lucy V. Phelps, surviving them, Your Complainant was duly appointed and did duly qualify as guardian of said infant, Lucy V. Phelps, on the 10th day of December 1877, as will appear by a duly certified copy of the order of the County Court of said county, made that day, and filed herewith as part of this Bill and marked "Exhibit A."

That the estate of said Lucy V. Phelps consisted at first of \$195.47, being her share of her grandfather's, Michael King's, personal estate; \$50.38 being her share of her uncle's, M. W. King's estate: a tract of land containing 43 acres 1 rood, and 9 poles situated in Staunton County, Virginia and bounded by the lands of Rebecca Ashburn, Henrietta Phelps (Your Complainant), Everett Povee and Richard Rhodes

and by the County road and valued at \$400.  
being her share of her said grandfather's real  
estate: and <sup>a one-third interest in the real</sup> ~~some little~~ real and personal  
estate being her share of her father, said  
James S. Phelps <sup>died, seized and possessed and in</sup> ~~estate~~: <sup>which his widow has done:</sup> ~~that the foregoing~~  
is all the estate, real and personal, of said  
Lucy V. Phelps, <sup>has at any time been seized and possessed;</sup> ~~and~~ <sup>which</sup> a considerable part of that,  
to wit, part of said money, has been expended  
for the benefit of said Lucy V. Phelps, for her  
maintenance, education, and clothing: that the  
income from the residue of said estate is not  
now sufficient for her <sup>further</sup> maintenance, education  
board and clothing, she being wholly de-  
pendent thereupon in consequence of the  
death of her father, said James S. Phelps,  
who in his lifetime provided for her inde-  
pendently of her said estate, except to a  
small extent from time to time, when it  
was necessary to expend part of her estate  
for her benefit:

Your Complainant charges that said  
<sup>containing 43 acres, 10 rods and 9 poles, being all woodland and</sup> tract of land, ~~being not partly cleared, the~~  
<sup>having in it only a small two story dwelling of four rooms, the</sup> rents and profits from it are small, and  
that after payment of taxes in the same  
and expenses to ~~cultivate and~~ keep it in  
proper order and properly enclosed, it affords  
but little income, which with the small in-  
come from the money of said Lucy V. Phelps  
and her  $\frac{1}{3}$  interest in her father's real estate aforesaid (the  
income or rent from the latter being not over \$20),

is not sufficient to enable Your Complainant as her said guardian to maintain, board, educate and clothe her; that the interest of said ward will, therefore, be promoted by a sale of said tract of land, and the investment of the proceeds of the sale, as the same may be, so as to produce a larger net income than said land produces; that said land should be sold and the proceeds, <sup>of the sale,</sup> invested as aforesaid for the use and benefit of said ward; that said proceeds in money invested or deposited in interest will produce a larger income than said land affords; and that the rights of no person will be violated by said sale.

Your Complainant further says that said real estate was inherited by said Lucy V. Phelps as her share of her grandfather's, said Michael King's <sup>real</sup> estate, her mother a daughter of said Michael King, having died before said Michael King; that the father and mother of said Lucy V. Phelps died leaving no child other than said Lucy V. Phelps; that said land having been derived by descent from the maternal kindred of said Lucy V. Phelps, her heirs, if she were dead, would be her kindred on her mother's side, to wit: her grand-

mother, Ann Eloya King, widow of said Michael King, her aunt, Mary F. wife of Ro. C. Daughtrey, her uncle, Chas. T. King, her aunt, Henrietta widow and late second wife of said James A. Phelps deceased, her aunt, Martha E. wife of Ro. W. Phelps, her uncle, John King, her first cousin, E. Virginia Fulgham, daughter of her deceased Aunt, Judith A. late wife of Jas. H. Fulgham and her half brother <sup>James</sup> Oscar and half-sister Annie L. infant children of her aunt, said Henrietta Phelps. the last four named being infants under the age of twenty-one years.

In consideration whereof, Your Com-  
plainant being without remedy save in  
a Court of Equity, prays that said Ann  
Eloya King, widow of Michael King deceased,  
Ro. C. Daughtrey, and Mary F. his wife. Chas. T.  
King, Henrietta Phelps, Ro. W. Phelps and Martha  
E. his wife, <sup>John King</sup> E. Virginia Fulgham, Lucy W.  
James Oscar, and Annie L. Phelps, the last five nam-  
ed being infants under the age of twenty one  
years, may be made parties defendant to  
this Bill and be required to answer on  
oath all the allegations contained herein,  
the adults in their proper persons and the in-  
fants by their guardian ad litem to be ap-  
pointed for them; That said tract of

land, the property of said Lucy N. Phelps  
may be sold and the proceeds of the  
sale invested for her use and benefit  
and that all further and adequate  
relief may be granted consistent with  
Equity. And, as in duty bound  
Your Complainant will ever pray &c.,

Henrietta Phelps.

Guardian of Lucy N. Phelps

State of Virginia

Household County, to wit:

I, Wilbur J. Kilby, a Notary Public  
in and for said County and State, do certify  
that Henrietta Phelps, guardian of Lucy N.  
Phelps, this day personally appeared before  
me in the county aforesaid, and made oath  
that the facts and statements set forth in  
the foregoing Bill, are true and correct to  
the best of her knowledge and belief

Given under my hand this 1st day  
of March 1878

Wilbur J. Kilby  
Notary Public

Kilby p. 2.

Hennetta Phelps

vs } In Chanc.

Ann Eliza King & als.

Bill



Chy: Notes