

1882-008
Nansemond Co. (Suffolk)

Chancery Causes: Solomon Hodges & wife et al vs Louisa Cherry et al

Oliver, Houston

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Louisa Cherry,*
Washington G. Williams, Administrator of
William Cherry, deceased; and John R. Killy,
Trustee of Solomon Hodges and Ann E. his
wife, for the benefit of William Cherry, deceased;

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 *September* next, to answer a
Bill in Chancery, exhibited against *Them*
in the said Court by *Solomon Hodges and Ann E. his wife,*
Fannie Oliver and Maria Houston

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said
Court, at his office, this *4th* day of *August* 1878, in the *103rd*
year of the Commonwealth.

Teste:

Peter B. Prentis Clerk.

Executed + copy of the within delivered to Louisa Cherry
Washington ^{admirator of William Cherry died} John R Kilby, ^{Trustee for} Solomon Hodges
and Ann ~~and~~ E his wife.
J L Tulegham Shff

Kilby & Tulegham, Secy

Solomon Hodges Secy. Adm.

to E. S. S. Chy.

Louisa Cherry Adm.

To Sept. 1878.

Dec. 13. No. 1. Page 113.

Gen. A.

1882 Feby. 2, Received of Ann E. The
wife of Solo. Hodges One hundred
and fifty nine and $\frac{67}{100}$ dollars
being the balance in full of the
sum of \$743.¹⁷ due me as a dis-
tributee of the estate of W^m Cherry
deceased by said Solo. Hodges as as-
certained by the Report of Comr.
Peter B. Prentiss filed the 5th day of
April 1879 in the Chancery cause
of Solo. Hodges and wife & al. a-
gainst Louisa Cherry & al. in the
Circuit Court of Hanesmond County,
Va.

Louisa Cherry

\$159.⁶⁷

Witness: W. G. Williams

1881 Apr. 14th. Received of Ann E. the wife of Solo. Hodges Two hundred and thirty five dollars as further part of the sum of \$743.17 due me as a distributee of the Estate of W^m Cherry deceased by said Solo. Hodges as ascertained by the Report of Comr. Peter B. Prentiss filed the 5th. day of April 1879 in the Chancery cause of Solomon Hodges and wife & al. against Louisa Cherry & al. in the Circuit Court of Hanover County Va. — for which sum of \$235.00 said Solo. Hodges is entitled to credit on his Bond for \$1900. due said W^m Cherry deceased and referred to in the papers in said cause and now in the hands of Washington G. Williams Admr. of said W^m Cherry deceased, leaving a balance of \$159.⁶⁷ still due me.

\$235.⁰⁰

Louisa Cherry

At a Circuit Court held for Stanswold
County the 10th day of April 1882

Solomon Hodges wife, &c. Plaintiffs

Against } In Chancery

Louisa Cherry sol

Defendants

This cause came on this day to be again heard
on the papers formerly read and was argued by counsel

On consideration whereof the Court doth order
that one of the Commissioners of this Court do
ascertain and report to Court whether the sum
of \$743¹⁷ has been paid to Louisa Cherry, which,
as appears by the Report of Commissioner Peter
B. Pentis filed in this Cause the 3rd day of
April AD 1879, was due to her by Solomon Hodges,
together with any other ^{matters} specially stated, deemed
pertinent by himself or which any of the parties
may require to be so stated.

A Copy

Teste:

Peter B. Pentis. Clerk

Xmo
Solomon Hooby as Depy Lal

25th { Hy Bence, Apl 10/82
Louisa Cherry Lal.

Newsemond Circuit Court

To the Circuit Court of Claiborne County,
Virginia:

In pursuance of the decree pronounced the 10th. day of April A. D. 1882 in the cause in Chancery in said Court depending between Solomon Hodges and others, Plaintiffs and Louisa Cherry and others, Defendants, a copy of which decree is hereto attached; the undersigned, Peter B. Prentiss, one of the Commissioners of said Court, respectfully reports to Court that the sum of \$743.¹⁷ has been paid in full, which as appears by the Report of the undersigned filed in said cause the 5th. day of April A. D. 1879, was due to said Louisa Cherry by said Solomon Hodges and that the same was paid as follows, to wit: The sum of \$348.⁵⁰ part thereof on the 7th. day of December 1880 as will appear by the receipt of said Louisa Cherry of that date attached to the report of the undersigned filed in said cause the 7th. day of March A. D. 1881, and the sum of \$235.⁰⁰ another part of said sum of \$743.17, on the 14th. day of November A. D. 1881 and the sum of \$159.⁶⁷ the balance in full of said sum of \$743.¹⁷ on the 2nd. day of

February A. D. 1882, receipts for said
sums of \$235.⁰⁰ and \$159.67 signed
by said Louisa Cherry being hereto at-
tached.

Statement

Due said Louisa Cherry as above
stated by Solo. Hodges

Paid 7 Dec. 1880, per rect.

Paid 14 Apr. 1881 per rect.

Paid 2 Feby. 1882 per rect.

—	\$743.17
\$348.50	
235.00	
159.67	
\$743.17,	\$743.17

Respectfully submitted this 28th. day of
April A. D. 1882.

Peter B. Pentis.

Commissioner

Solomon Hodges Lux: Lal:
vs { Commrs: Repah
Louisa Cherry Lal:

1882. Apr: 29th. C. L. L.
CLK

1881 May. 2nd. Received of Washington G.
Williams Admr. of W^m Cherry deceased
Eighteen and $\frac{89}{100}$ dollars, the same
being my share of the sum of \$52. $\frac{78}{100}$
distributed and paid out by him un-
der decree of 11th. day of April 1881 in
the cause in Chancery in the Circuit
Court of Hanover County, Va. de-
pending between Solos. Hodges and
wife and others Plaintiffs, and Louisa
Cherry and others, Defendants
\$18, $\frac{89}{100}$ Louisa Cherry

At a Circuit Court begun and held for Nausemond
County, the 11th: day of April, 1881.

Solomon Hodges and Ann E. his wife;
Fannie Oliver, and Maria Houston Complainants.

Against } In Chancery
Louisa Cherry, Washington G. Williams,
Administration of William Cherry, deceased,
and Wilbur J. Kilby, Trustee of said Solomon
Hodges & wife, for the benefit of said William
Cherry, deceased Defendants.

This Cause came on this day to be again heard on the papers
formerly read therein, and on the Report of Commissioner Peter B.
Prensis, filed the 7th: day of March, AD, 1881, 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 Washington G. Williams, Adminis-
trator of William Cherry deceased, pay out of the sum of
Fifty-One dollars and ninety-nine cents, and the interest
due thereon, which by said Report is ~~shown~~ shown to be in
his hands, first: all unpaid costs of this suit, and then dis-
tribute and pay out one half of the residue to said Louisa
Cherry, widow of said William Cherry, deceased, and as such,
a distributee of his estate; and one fourth to Ann E., the
wife of Solomon Hodges, a distributee of the whole
blood, and one half of one fourth, to Fannie Oliver, a distributee
of the half blood, and one half of one fourth, to Maria
Houston, a distributee of the half blood, or to her personal
representative if she has departed this life; and that said

Administrator make report to Court of his proceedings under this decree, and file with his report, proper vouchers or receipts, which he will take for all payments he is required to make under this decree.

A Copy:

Teste:

Peter B. Prentiss. Clerk.

Richard Coats

Clerk etc include

final decree } \$5.00

Court# 10.00

\$15.00

Xmas

Solomon Hodges Tax: Val.

{ Copy Decree,
27 Apt. Term, 1881

Louisa Cherry Val

To The Circuit Court of Nausemond County
Virginia:

In pursuance of a decree of
said Court pronounced the 11th. day of
April A.D. 1881 in a cause in Chancery
in said Court depending between Sol^o.
Hodges and others, Plaintiffs and
Louisa Cherry and others, Defendants
a copy of which decree is hereto an-
nexed; The undersigned, Washington G.
Williams, Administrator of W^m Cherry
deceased respectfully reports to Court
that as directed by said decree, he
has out of the sum of \$ 51.99 and the
interest thereon which was in his hands
as said Administrator, paid all unpaid
costs of said cause as taxed by
the Clerk of said Court and has dis-
tributed and paid out one-half of the
residue of said sum of \$ 51.99 to said
Louisa Cherry, one-fourth to Ann E. The
wife of Solomon Hodges, one-half of one-
fourth to Fannie Oliver and one-half of
one-fourth to the personal representative of
Maria Houston, she having departed this
life, as will more fully appear by
the following statement, and the
several receipts herewith annexed
for all payments which said Ad-
ministrator has made as aforesaid
as required by said decree

Statement

By cash balance in the hands of said Administrator as aforesaid.	\$ 51 99
" Int. from 1 Feby. 1881 to 1 May 1881.	79
Total =	\$ 52 78

(over)

By amount brought on.		\$ 52 78
To paid P. B. Prentis, Clerk, costs, per rect.	\$ 5 00	
" " P. B. Prentis, Comr. "	10 00	\$ 15 00
Balance		\$ 37 78
To paid Louisa Cherry $\frac{1}{2}$ of \$37.78, per rect.	\$ 18 89	
" " Ann E. Hodges $\frac{1}{4}$ of do. "	9 45	
" " Fannie Oliver $\frac{1}{2}$ of $\frac{1}{4}$ of do. "	4 72	
" " Maria Houston's Personal Representative $\frac{1}{2}$ of $\frac{1}{4}$ of \$37.78, per rect.	4 72	\$ 37 78

Respectfully submitted this 20nd: day of
May 1881

W. G. Williams Admr.

1881 May 20nd. Received of Washington G. Williams, Admr. of Wm Cherry deceased the respective sums of money charged by him in the foregoing report as paid to us respectively and set opposite our names as follows:

Peter B. Prentis. Clerk	\$ 5 00
Peter B. Prentis. Comr.	\$ 10 00
Wilbur J. Kilby Atty. for Ann E. Hodges	\$ 9 45
Wilbur J. Kilby Atty. for Fannie Oliver	\$ 4 72
Wilbur J. Kilby Atty. for Maria } Houston's Personal Representative }	\$ 4 72

Hodges wife sal
vs. } In chy.
Cherry sal

Final Report of
W. G. Williams, Admr.

Confirmed 11 Octo. 1881

1881. May 2nd: Filed.
clk

At a Circuit Court continued and held for Newsumond
County, the 16th: day of October, 1879:

Solomon Hodges and Ann E,
his wife; Fannie Oliver and Maria
Houston. Complainants.

Against { In Chancery
Louisa Cherry, Washington G. Williams,
Administrator of William Cherry, deceased;
and Wilbur J. Kilby, Trustee, of said Solomon
Hodges & wife, for the benefit of said Wil-
liam Cherry, deceased. Defendants.

This Cause came on this day to be again heard on the
papers formerly read therein, and on the Report of Commissioner
Peter B. Prentis, filed in this Cause, on the 30th: day of
August, 1879, 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 a Commissioner of this Court, take, state and
report to Court, a further account of the transactions of
Washington G. Williams, as Administrator of Wm. Cherry,
deceased; and that said Administrator endorse on the Bond
of said Solomon Hodges, in said Administrator's hands, a
credit of the sum of \$200, paid by said Hodges to Fannie Oliver
and Maria Houston, in part of their distributive shares of said
Bond, and make report thereof to Court.

A Copy:

Teste

Peter B. Prentis. Clerk

Solomon Hodges Lux. Sal.

to { Copy Decem - Octo: Term
1879

Louisa Cherry Sal.

Commissioner's Office,
SUFFOLK, NANSEMOND COUNTY, VA.

February the 4th 1881

To Solomon Hodges and Ann E. his wife,

Fannie Oliver and Maria Houston

Plaintiffs,

and Louisa Cherry, Washington G.
Williams, Administrator of
William Cherry, deceased, and
Wilbur J. Kilby, Trustee

Defendants.

You are hereby notified that I have fixed upon the 2^d day of February next, to take and settle, at my office, the following accounts, to-wit:

a further account of the transactions of said
Washington G. Williams, as Administrator
of William Cherry, deceased:

required to be taken by the decree of Nansemond County Circuit Court, rendered on the 16th day of October 1879 in a suit in Chancery depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

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

Peter B. Prentiss.
Commissioner

1881. February 5th. Service of the within notice is hereby, sever-
ally, acknowledged by us.

W. G. Williams Adm^r
of Mrs. Cherry's Ecd.

Wilbur J. Kilby for himself
as trustee and as attorney
for Mrs. Hodges & wife Ann E.
and for Fannie Oliver and
Maria Houston
Jno. H. Wright atty for Louisa Cherry.

1880 Dec. 7th. Received of Solomon
Hodges, One hundred and twenty
four & 57/100 dollars, balance in full
of the sum of \$224.⁵⁰ due to Maria
Houston as her share of the personal
estate of W^m Cherry deceased, as a
distributee thereof, as ascertained
by the Report of Comr. Peter B. Prentiss
filed on the 5th day of April 1879
in the Chancery cause of Solomon
Hodges & wife & al. against Louisa
Cherry & al. in the Circuit Court of
Hansemond County Va. - for which
sum of \$124.⁵⁰ said Hodges is
entitled to credit on his Bond for
\$1900. due said W^m Cherry de-
ceased and referred to in the
papers in said cause and now
in the hands of Washington G.
Williams Admr. of said W^m Cherry
\$124.⁵⁰

Wilbur J. Kilby
Atty. for Maria Houston

1880 Dec. 7th. Received of Solomon
Hodges One hundred and twenty
four & ⁵⁰/₁₀₀ dollars, balance
in full of the sum of \$224.⁵⁰
due to Fannie Oliver as her share
of the personal estate of W^m Cherry
deceased, as a distributee thereof
as ascertained by the Report of Com-
missioner, P. B. Prentiss filed on the 5th.
day of April 1879 in the Chancery
Cause of Solomon Hodges & wife &
als. against Louisa Cherry & al.
in the Circuit Court of Chatham
County, Va. - for which sum of
\$124.⁵⁰ said Hodges is entitled to
credit on his Bond for \$1900.⁰⁰ due
said W^m Cherry and referred to in
the papers in said cause and now
in the hands of Washington G. Wil-
liams Admr. of said W^m Cherry decd.
\$124.⁵⁰ Wilbur J. Kilby Atty.
for Fannie Oliver

1880 Dec. 7th. Received of Solomon
Hodges Three hundred and forty
eight & ⁵⁰/₁₀₀ dollars in part of
the sum of \$743.17 due me as a
distributee of the estate of W^m Cherry
deceased, as ascertained by the
Report of Comr. Peter B. Prentiss filed
on the 5th. day of April 1879 in the
Chancery Cause of Solomon Hodges
& wife & al. against Louisa Cherry
& al. in the Circuit Court of Hanse-
mond County Va. - for which sum
of \$348.⁵⁰/₁₀₀ said Hodges is entitled
to credit on his Bond for \$1900.
due said W^m Cherry deceased and
referred to in the Papers in said
cause and now in the hands of
Washington G. Williams Admr. of
said W^m Cherry deceased.
\$348.⁵⁰/₁₀₀

Louisa Cherry

To The Circuit Court of Nousemud County,
Virginia:

In pursuance of a Decree of said Court, pronounced on the 16th day of October, 1879, in a Cause, in Chancery, in said Court depending, between Solomon Hodges and wife and others, Plaintiffs, and Louisa Cherry and others, Defendants, a copy of which Decree is herewith annexed, The undersigned, a Commissioner of the said Court, having given notice to the parties, in the said Cause, as will appear by the endorsements on the back of the Notice herewith returned, proceeded on the 23rd day of February, 1881, to take and state a further account of the transactions of Washington G. Williams, Administrator of William Cherry, deceased, as required by said Decree, and now having taken and stated said account, respectfully reports the same to Court, in the manner and form as set forth below, shewing a balance of \$51⁹⁹ due the Estate of said William Cherry, deceased, by said Administrator, with interest from the 1st day of February, 1881, till paid.

Dr: The Estate of William Cherry, deceased.

In Account with Washington G. Williams, Admor^t: Cr:

1879. Aug: 23. By balance due the Estate, as per last acco: stated.	"	"	\$ 4	12
1881. Feb: 1. " Amount of Claim collected of Nathaniel Wright	"	"	47	57
(2 yrs. 7. mos)				
" Interest on the same from July 1878 to 1. Feb: 1881.	"	"	7	36
" Interest on \$4 ¹² above balance	"	"	"	35-
To Cash paid R. H. Rawles, Atty: for writing deed to said Wright	2	50		
" 5 per cent. Comm ^r : on \$55 ²⁸	2	76		
" paid taxes &c on land sold to said Nath Wright, per acts	2	15		
" Balance due the Estate	51	99		
	\$59	40	\$59	40
1881. July: 1. By Balance due the Estate, bds on			\$51	99

Your Commissioner further reports to Court, that, by Three (3) several receipts, which are herewith annexed, it will appear, that said Solomon Hodges has paid said Fannie Oliver the sum of \$124⁵⁰, balance in full, of the sum of \$224⁵⁰, reported to be due her, as set forth, in the Report of the undersigned, filed in said Cause, on the 5th. day of April, 1879; and that said Hodges has also paid said Maria Houston, a like sum of \$124⁵⁰, balance in full, of a like sum of \$224⁵⁰, due her as per said last named report; and that said Hodges has paid said Louisa Cherry, the sum of \$348⁵⁰, in part of the sum of \$743¹⁷, ascertained by said last named report to be due her. This last payment leaves a balance of said sum of \$743¹⁷, amounting to \$394⁶⁷ still due to said Louisa Cherry; - And when said Hodges shall have paid this balance of \$394⁶⁷, he will have discharged and paid in full, all his indebtedness to said William Cherry's Estate by virtue of his bond for \$1900⁰⁰, payable to said Cherry, and secured by Deed of Trust, as mentioned in the proceedings, in said Cause, and will be entitled to a surrender of said bond to him, by said Administrator, and to a release of the property conveyed by said Deed of Trust.

Respectfully submitted, This 25th. day of February,
1881.

Commr's Fee, \$10⁰⁰

Peter B. Prentiss,

Commissioner

Solomon Hodge's Exp. & Sal

vs { Census: Report

Louisa Cherry Sal.

1881
March 7th: Filed
clk.

Confirmed by decree
of 11 Apr. 1881

1879 May 8th. This is to certify that the Bond of Solomon Hodges for \$1900, dated the 7th day of August 1874, and payable on demand to Wm Cherry (now deceased), has this day been credited with the sum of \$449.02 1/2 as per decree of the Circuit Court of House-
mond County, Virginia pronounced at the April term thereof in the year 1879 in a cause in Chancery in said Court depending between Solomon Hodges wife Sal. Plain-
tiffs and Louisa Cherry Sal. De-
fendants.

W. J. Williams Administrator
of said Wm Cherry (Decd)

1879 June 5th, Received of Solomon
Hodges two hundred dollars, being
one hundred dollars for myself
and one hundred dollars for Fannie
Oliver in part of the sum of
\$224.⁵⁰ due to me and of a
like sum due to her, as her
and my distributive share of
the personal estate of Wm Cherry
deceased as ascertained by
Report of Commissioner filed
the 5th day of April 1879 in
the Chancery cause of Solomon
Hodges wife & al. against
Louisa Cherry & al. in the
Circuit Court of Hanseman
County, Va. - for which sum
of \$200. said Hodges is en-
titled to credit, on his Bond
due said Wm Cherry and re-
ferred to in the papers in
said cause and now in the
hands of Washington G. Williams
Admr. of said Wm Cherry decd.
\$200.⁰⁰

Maria Houston

Witness

Wilbur J. Kilby

Hodges wife tal
vs. } In chy.
Louisa Cherry tal

Receipt of
Maria Houston and
Fannie Oliver.

Exhibit the receipt
of this receipt on
Hodges bond in
the hands of W. G.
Williams.

1879 May 8th. Received of Washington
G. Williams, Administrator of Wm.
Cherry deceased, the sum of one
hundred and fifty four and $\frac{84}{100}$
dollars in part satisfaction of
my distributable share of the estate
of said Wm. Cherry deceased, as
per decree of the Circuit Court
of Fauquier County, Virginia
pronounced at the April term
thereof in the year 1879 in a
cause in Chancery in said
Court depending between Solo-
mon Hodges wife & al. Plaintiffs
and Louisa Cherry & al. De-
fendants:

\$154.84

Louisa Cherry.

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

Solomon Hodges and Ann E. his wife;
Fannie Oliver and Maria Houston. . . Complainants
Against { In Chancery.

Louisa Cherry, Washington G. Williams,
Administrator of William Cherry, de-
ceased; Wilbur J. Kilby, Trustee, ap-
pointed in place of John R. Kilby,
Trustee, of Solomon Hodges and Ann
E. his wife, for the benefit of William
Cherry deceased. Defendants.

This Cause this day came on to be again heard on the papers
formerly read, and on the Report of ^{Commissioner} P. B. Prentiss, under the Decree
herein of October Term, 1878, and was argued by Counsel on
consideration whereof, the Court confirming said report, to
which no exception was filed, doth adjudge, order and decree,
that the Bond of Solomon Hodges, secured by the Deed of Trust,
in these proceedings, mentioned, due the Estate of William Cherry,
deceased, be credited with the sum of \$449.02 1/2, the distributa-
ble share of Ann E. Hodges of the Assets of said intestate, now
in the hands of said Washington G. Williams, Administrator
of said William Cherry, inclusive of her distributable share of
said debt of Solomon Hodges, and that such credit shall be
a satisfaction of the distributable share of said Ann E.
Hodges in the Estate of said William Cherry, for that
amount, and that said Washington G. Williams, ad-
ministrator as aforesaid pay to Louisa Cherry, widow of said

William Cherry the sum of One Hundred and fifty-four dollars and eighty-four cents (\$154.84) in part satisfaction of her distributable share of his Estate, taking her receipt therefor, and return the same to Court with his report of his proceedings, under this Decree. And The Court doth further adjudge, order and decree, that a Commissioner of this Court take a further account of the transactions of said Washington G. Williams, as administrator of William Cherry, and that said administrator be required to exhibit before said Commissioner, all choses in action belonging to said decedent's Estate, and that such Commissioner report on the solvency of the same.

And the Court doth further adjudge, order and decree, that A. S. Garden, Thomas G. Elam, R. Seth Eley, L. D. Holt and Joseph P. Webb, who are hereby appointed Commissioners for that purpose, any three of whom may act, proceed to make partition of the following lots or parcels of land, of which said William Cherry died, seized and possessed, in the Town of Suffolk, to wit:

- A House and Lot, on the West side of Sycamore Street.
- A House and Lot on the Atlantic, Mississippi and Ohio Rail Road.

- A vacant Lot on the East side of Sycamore Street, and
- A House and Lot, on the Seaboard and Roanoke Rail Road.

as follows: allot one half ($\frac{1}{2}$) thereof to said Ann E. Hodges, and the other half to said Fannie Oliver and Maria Houston, jointly, having in such partition, regard to quantity and quality, and make report ^{to Court} of their proceedings, under this Decree.

And the Court doth further adjudge, order and decree,
 that the costs of this suit be paid as follows, one half ^{thereof}
 by said Louisa Cherry, which The ^{said} Administrator of William
 Cherry, shall deduct from the payment herein directed to be
 made by him to said Louisa Cherry, and the other half,
 equally by said Solomon Hodges and Ann E. Hodges, his
 wife, Fannie Oliver and Maria Houston. But before
 the aforesaid credit on said debt of Solomon Hodges and
 the discharge of the distributable share of Ann E. Hodges,
 in the Estate of said William Cherry, shall take effect,
 The consent of ^{said} Ann E. Hodges thereto, shall be given
 in writing, on her privy examination, separate and apart
 from her husband, before a Notary Public or a Com-
 missioner in Chancery, certified by him and filed in this
 Cause.

Costs

A Copy:

Clerk. - - -	\$10.00	Paid P.B. Prentiss. Clerk,	Tester,
Attor: 1 fee -	16.50	Paid W. J. Kilby, atty,	
Shff - - -	2.50	Paid J. L. Fullingham Shff #	Peter B. Prentiss. Clerk.
Commiss: in Chy: -	15.00	Paid P. B. Prentiss. Clerk	Commiss:
Commiss: to Study			
Red Est: }	5.00	Paid Commrs.	
	<u>\$49.00</u>		

xm⁵

Solomon Hodges & wife Sal

$\frac{24}{25}$ } Copy Recd
of April Term, 1879

Louisa Cherry Sal.

Commissioner's Office,
SUFFOLK, NANSEMOND COUNTY, VA.

27th July 1879

To Solomon Hodges and Ann E. his wife
Fannie Oliver and Maria Houston

and Louisa Cherry, Washington G.
Williams, Administrator of
William Cherry deceased, and
Wilbur J. Killy, Trustee of said
Solomon Hodges & wife, for the
benefit of said William Cherry, deceased

Plaintiffs,

Defendants.

You are hereby notified that I have fixed upon the 27th day of August next, to take and settle, at my office, the following accounts, to-wit:

1. A further account of the transactions of Washington G. Williams, as Administrator of William Cherry, deceased.
2. An account of all outstanding debts due to said William Cherry deceased or his Estate together with a statement as to their solvency or insolvency.

required to be taken by the decree of Nansemond County Circuit Court; rendered on the 11th day of April 1879 in a suit in Chancery depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

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

Peter B. Prentiss.
Commissioner in Chy:

1879 July 27th. Service of the within notice is hereby acknowledged by us.

Wight & Rawles
attys. for Dft. Louisa Cherry and
Wash. G. Williams Advers.

Wilbur J. Kilby for himself as
Trustee and as attorney for Solo.
Hodges and Ann E. his wife and
Maria Huston and Fannie Oliver.

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 Solomon Hodges and others,
Plaintiffs, and Louisa Cherry and
others, Defendants, a Copy of said Decree
being herewith annexed. The undersigned
Commissioner in Chancery of said Court,
having given notice to the parties to said
Cause, a Copy of which notice is
also herewith annexed, proceeded
on the 27th day of August, 1879 to take
and settle at his Office, the several Accounts
required by said Decree to be taken and
settled, and having at length completed
the proceedings herewith respectfully
submits the result thereof, as follows:

Account No: 1

A further Account of the transactions
of Washington B. Williams, as
Administrator of William Cherry, deceased.

1879. March 25	By Balance in the hands of said Administrator brought on from last account filed in said Cause 5th Apl. 1879	\$ 154 84
" May 8	" Amt. received of Louisa Cherry per said Decree for payment of $\frac{1}{2}$ of the costs of said Cause	24 50
" " "	" ditto of Solo: Hodges wife and Fannie Oliver & Maria Houston, for same purpose, per said Decree	24 50
	Carried on	\$ 203 84

1879. May 8.	By Amt: brought on		\$ 203 84
	To paid Louisa Cherry, in part		
	of her distributable share		
	of the Estate of said W ^m Cherry		
	decd. per said Decree, and		
	per Receipt, the foregoing sum of	\$ 154 84	
	" paid the costs of said Cause, as follows:		
	" P. B. Prentiss, Clerk's fees, pro. recte		
	in said Decree	10 00	
	" Wilbur J. Kelly, Atty's taxed fee & writ tax, per recte	16 50	
	" J. L. Fulgham, Sheriff's fees "	2 50	
	" " P. B. Prentiss, Comm'r "	15 00	
	" " Five (5) Commissioners appointed		
	for partition of Real Estate "	5 00	
		<u>\$ 203 84</u>	<u>203 84</u>

1879. Aug: 22	By Cash of Wm: Eley, County Treasurer		\$ 20 28
" " "	To paid S. W. Ashburn, per acct. recte	\$ 2 45	
" " 23	" " B. F. Catchin Ho: " "	6 00	
" " "	" " Commercial Bank " "	1 70	
" " "	" " A. S. Eley, Adm'r of Dr. Geo: W.		
	Meggs, decd. med. acct. " "	5 00	
"	" 5 per cent Com'n on \$20 ²⁸	1 01	
"	" Balance due the Estate	4 12	
		<u>\$ 20 28</u>	<u>20 28</u>

1879. Aug: 23	By Balance due the Estate bro: on	\$ 4 12
---------------	-----------------------------------	---------

Account, No. 2

An Account of the outstanding debts due to said William Cherry deceased or his Estate, showing the solvency or insolvency of the same

Under this head, your Commissioner reports, that

1
He has examined the various evidences of indebtedness to said William Cherry, deceased, which have been appraised and remain uncollected, in the hands of said Administrator, and finds, that they consist of Notes, Bonds and Accounts for various small sums, and are all insolvent with no definite probability of collecting the same, except the following to wit:

This sum due by Nathaniel Wright, being a balance due the said Wm. Cherry, for the purchase of $14\frac{1}{4}$ acres of land, of \$125⁰⁰. \$ 449 37
with int. from 1. July 1878, till paid.

Your Commissioner further reports to Court, that Ann E. Hodges, wife of ^{said} Solomon Hodges, having on the 30th day of April, 1879, filed her Consent, in said Cause, made upon her privy examination, separate and apart from her said husband, before William J. Kelly, Esq., a Notary Public, to the effect that she was willing and desired to have the Bond of said Solomon Hodges, secured by the Deed of Trust mentioned, in said Cause, credited with her distributable share of said William Cherry's Estate, to wit, the sum of \$449:02½, as determined by said Decree, said Washington G. Williams has properly endorsed said Credit on said Bond, in his hands, as will appear by the Certificate of said Administrator herewith filed.

And Your Commissioner further reports to Court, that said Solomon Hodges, has paid to Fannie Oliver

and Maria Houston, each, \$100⁰⁰, in part of
 their respective distributable shares of said
 William Cherry's Estate, of \$224⁵⁰ each, as
 will appear by their receipt, hereunto annexed,
 and as said distributable shares of \$224⁵⁰,
 each, are to be paid out of said bond of
 said Solomon Hodges, credit ~~to~~ ^{should be} given
 said Hodges in his said bond, for the sum
 of \$200⁰⁰ paid as above to said Fannie
 Oliver and Maria Houston, in account of
 their said distributable shares of \$224⁵⁰
 each.

Respectfully Submitted, this 30th day of
 August, 1879.

Peter B. Mentis.
 Comm'r in Chg

Solomon Hodges & wife

Sal:

Commes

Rehab

to

Louisa Cherry Sal:

Confirmed 16 Octo 1879

1879. Aug: 30th. Filed
 Clerk

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

Solomon Hodges and Ann E. his wife
Fannie Oliver and Maria Houston. . . Complainants

Against John Chancery
Louisa Cherry, Washington E. Wil-
liams, Administrator of William Cherry de-
ceased; Wilbur J. Kilby, Trustee, ap-
pointed in place of John R. Kilby,
Trustee of Solomon Hodges and Ann
E. his wife, for the benefit of William
Cherry deceased. Defendants.

This cause this day came on to be again
heard on the papers formerly read, and on the report
of Commissioner P. B. Prentiss, under the decree herein
of October Term, 1878, and was argued by counsel on
consideration whereof, the Court confirming said
report, to which no exception was filed, doth ad-
judge, order and decree, that the Bond of Solomon
Hodges, secured by the deed of Trust, in these pro-
ceedings, mentioned, due the Estate of William
Cherry, deceased, be credited with the sum of
\$449.02½. The distributables here of Ann E. Hodges
of the assets of said intestate, now in the hands
of said Washington E. Williams, administrator
of said William Cherry, inclusive of her distributable
share of said debt of S. Hodges, and that such
credits shall be a satisfaction of the distributable
share of said Ann E. Hodges in the Estate

of said William Cherry, for that amount; and that said Washington G. Williams, administrator as aforesaid pay to Louisa Cherry, widow of said William Cherry, the sum of one Hundred and fifty-four Dollars and eighty-four cents (\$154.84) in part satisfaction of her distributable share of his Estate, taking her receipt therefor, and return the same to Court with his report of his proceedings, under this Decree. And the Court doth further adjudge, order and decree, that a Commissioner of this Court take a further account of the transactions of said W. ^{Washington} G. Williams, as Administrator of William Cherry, and that said Administrator be required to exhibit before said Commissioner: all choses in action ~~actions~~ belonging to said decedent's Estate, and that such Commissioners report on the solvency of the same. And the Court doth further adjudge, order and decree, that Messrs. S. Warden, Thomas G. Elam, R. Seth Elam^(2d), L. D. Holt and Joseph P. Webb, who are here by appointed Commissioners for that purpose, any three of whom may act, proceed to make partition of the following lots or parcels of land, of which said William Cherry died seized and possessed, in ^{the} Town of Suffolk to wit:

A House and Lot, on the West side of Sycamore Street: A House and Lot, on the Atlantic, Mississippi and Ohio Rail Road:

A vacant lot on the East side of Sycamore Street,

and A Houses and Lot, on Seaboard and Roanoke Rail Road: as follows. Allot one half ($\frac{1}{2}$) thereof to said Ann E. Hodges, and the other half to said Fannie Oliver and Maria Houston, jointly, having in such partition, regard to quantity and quality, and make report to Court of their proceedings, under this Decree.

And the Court doth further adjudge, order and decree, that the costs of this suit be paid as follows, one half thereof by said Louisa Cherry, which the said Administrator of William Cherry, shall deduct from the payment herein directed to be made by him to said Louisa Cherry, and the other half equally by said Solomon Hodges and Ann E. ^{PH. Hodges} his wife, Fannie Oliver and Maria Houston. But before the aforesaid credit on said debt of Solomon Hodges and the discharge of the distributable share of Ann E. Hodges, in the Estate of said William Cherry, shall take effect, the consent of said Ann E. Hodges thereto, shall be given in writing, on her privy examination, separate and apart from her husband, before a Notary Public or a Commissioner in Chancery, certified by him and filed in this cause.

A Copy:

Teste,

Peter B. Prentiss, Clerk

Solomon Hodges & Co. ^{Xmas}
Lali:

20 { Copy Recd.
April Term.
1879
Louisa Cherry Lali

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 Solomon Hodges
and wife and others, Plaintiffs, and
Louisa Cherry and others, Defendants
a copy of said decree being herewith
annexed: the undersigned, A. S. Darden,
R. Settle Eley, Thos. G. Elean, and L. D.
Holt, four of the Commissioners, named
in said decree, appointed for the
purposes therein specified, respectfully
report to Court that they have, after
mature deliberation and consideration,
made partition, as directed by said
decree, of the following lots or parcels
of land of which William Cherry died
seised and possessed in the Town of
Suffolk, Hansemond County, Virginia, to wit:

- (1.) A house and lot on the West side of
Aycamore Street of said Town and ad-
joining the land of Thos. W. Smith, near
the Atlantic, Mississippi and Ohio Rail-
road, the value of which your Commis-
sioners ascertain to be — \$800.00

(2.) A vacant lot on the East side of said Sycamore Street used at present as a lumber yard and bounded on the South by the lot of R. H. Brickley and on the North by the lot of Jack Douglas and valued at — \$200.00

(3.) A house and lot on the Atlantic, Mississippi and ^{Ohio Railroad} and on the way from said Sycamore Street to Reddick Street of said Town and near the depot of said Railroad and valued at \$700.00

(4.) A house and lot on the Seaboard and Roanoke Railroad adjoining the lot of Henry Butt and in said Town and valued at — \$300.00

making a total valuation of all four said lots of — \$2000.00.

And your Commissioners further report to Court that they have allotted to Ann E. ^{wife of Solomon Hodges} Hodges, an heir of the whole blood of said William Cherry deceased, the two lots or parcels of land ~~at~~ first above-mentioned and marked (1) and (2), being one-half in quantity and quality and value of the whole of said lots, and valued (the said (1) and (2) lots) together at the sum of — \$1000.00

as and for her, the said Ann E. Hodges' share and portion of said real estate: And that your Commissioners have allotted to Fannie Oliver and Maria Huston jointly, they being each heirs of the half-blood of said William Cherry deceased, the two lots or parcels of land above-mentioned and marked (3) and (4) being in quantity, quality and value one-half of the whole of said real estate and valued (the said (3) and (4) lots) together at - \$1000.00 as and for the share and portion of said Fannie Oliver and Maria Huston jointly of said real estate.

Respectfully submitted this 28th. day of April 1879

A. S. Darden
R. S. Eley
Thos. J. Clam
L. D. West

Commissioners

Ad.

Court fees - \$1.²⁵ each

Hodges & wife tal

vs. } In chy.

Louisa Cherry tal.

Report of Partition
of land

28 April 1879

Filed Apr. 30 1879
C. H.

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

Solomon Hodges and Ann E. his wife,
Fannie Oliver and Maria Houston. Complainants.

Against { In Chancery
Louisa Cherry
Washington S. Williams, Administrator
of William Cherry, deceased; and John
R. Kelly, Trustee of Solomon Hodges and
Ann E. his wife, for the benefit of
William Cherry, deceased. Defendants.

This Cause came on this day to be heard on the Bill
of the Complainants, taken for confessed as to the defendants,
on whom process had been duly executed, they still
failing to appear and plead, answer and demur to said
Bill, and on the exhibits filed with said Bill, and
was argued by Counsel:

On Consideration whereof the Court doth decide that said
Louisa Cherry, widow of Wm. Cherry deceased, is not en-
titled to a Homestead out of the Estate of said decedent,
under the laws, in that case made and provided, and
doth adjudge, order and decree that the Homestead out of
said estate, which, in pursuance of an order of the June
Term, in the year, 1878, of the County Court of Nausemound
County, Virginia, was assigned to said Louisa Cherry, by
Commissioners, appointed by said County Court, as appears, by
their Report confirmed at the August Term, in the year, 1878,
of said County Court, and duly admitted to record in the Clerk's
Office of said County Court, be and the same is hereby declared

to be null and void and of no effect, and the same is hereby cancelled and annulled and set aside.

And the Court doth, by consent of parties, further adjudge, order and decree, that Wilbur J. Kelly be appointed, Trustee, in the place of John R. Kelly, in the Deed of Trust, executed by Solomon Hodges and Ann E. his wife, on the 7th day of August, 1874, and duly recorded on the 8th day of August, 1874, in the Clerk's Office of said County Court, to secure to said Wm. Cherry, the payment of the sum of \$1900. as therein specified, and that ^{the} said Wilbur J. Kelly, by his consent, be made a party defendant to this suit: that said Wilbur J. Kelly be and hereby is, as said Trustee, enjoined, restrained and prohibited from proceeding to sell, and said Washington G. Williams, Administrator of the Estate of said Wm. Cherry, deceased, and all other persons concerned, are hereby enjoined and restrained from requiring a sale of, the Real Estate conveyed by said Deed of Trust, until the further order of this Court.

And the Court doth further adjudge, order and decree, that a Commissioner of this Court proceed to take and settle at his Office, an account of the transactions of said Washington G. Williams, as Administrator of the Estate of ^{said} Wm. Cherry deceased, and an account of the indebtedness of said Solomon Hodges to said Wm. Cherry deceased or his Estate under said Deed of Trust, and an account showing the interest to which said Ann E. Hodges is entitled as a distributee of said Estate which account shall be based upon the assumption of the payment of the debt.

due by the Complainant, Solomon Hodge to the Estate
of Wm. Cherry, and make report thereof to Court.

But the effect of this decree shall be suspended, as to said
restraining order, until the said ^{Solomon Hodge} ~~William~~ Kelly, shall execute,
in the Clerk's Office of this Court, a bond with sufficient
security, payable to the Commonwealth of Virginia, in a
penalty of \$500.00, conditioned according to law.

A Copy:

Teste,

Peter B. Prentiss. Clerk

^{xiii}
Solomon Hodges Dep. Cal.
In { Copy Decree
Louisa Cherry Cal.

Sale made 25th Decr 78

Wm. J. Allen, Cal.

\$975.00

which was sold by
the State of Cal.

Commissioner's Office,
SUFFOLK, NANSEMOND COUNTY, VA.

March 4th. 1879

To Solomon Hodges and Ann E. his wife;
and Fannie Oliver and Maria Houston

Plaintiffs,

and Louisa Cherry, Washington G. Williams
Administrator of William Cherry, deceased,
and William J. Kelly, substituted Trustee, in
place of John R. Kelly, Trustee of Solomon Hodges
and Ann E. his wife, for the benefit of William Cherry, deceased. Defendants.

You are hereby notified that I have fixed upon the 2nd day of April
next, to take and settle, at my office, the following accounts, to-wit:

1. An account of the indebtedness of said Solomon Hodges
to said William Cherry deceased or his Estate under his
Deed of Trust, for said Cherry's benefit.
2. An account of the transactions of said Washington G.
Williams, Administrator of said William Cherry, deceased,
based upon the assumption of the payment of the said debt
due by the said Solomon Hodges to the Estate of said William
Cherry.
3. An account, showing the interest to which said Ann E. Hodges
is entitled, as a distributee of said Estate.

required to be taken by the decree of Nansemond County, Circuit Court, rendered on the
12th: ~~~ day of October ~~~ 1878 in a suit in Chancery depending in
said Court, in which you are parties, plaintiffs and defendants; at which time and place you
are required to attend.

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

Peter B. Prentiss.
Commissioner in Chancery

1879. March 4th: Service of the within notice is hereby acknowledged for the Plaintiffs, Solomon Hodges and Ann E. his wife, and Fannie Oliver and Maria Houston; and for the undersigned, Wilbur J. Kilby, as Trustee, herein named.

Wilbur J. Kilby and C. B. Hayden attys. for Plts.

1879. March 4th: Service of the within Notice is hereby acknowledged for Louisa Cherry and Washington G. Williams, Administrators of William Cherry, deceased.

Wm. J. Kilby
attys.

To the Circuit Court of Nansemond County, Virginia:

In pursuance of a Decree of said Court, pronounced at the October Term thereof, in the year, 1878, in a Cause, in Chancery in the said Court depending, between Solomon Hodges and Ann E. his wife; Fannie Oliver and Maria Houston, Complainants, and Louisa Cherry, Washington S. Williams, Administrator of William Cherry deceased, and others, Defendants, a Copy of said Decree being herewith annexed, the undersigned, Commissioner in Chancery of said Court, respectfully reports to Court, that having given notice to the parties to said Cause as will appear by the endorsements on the notice, herewith returned and to the creditors of William Cherry deceased, as required by law, he proceeded, on the 2nd: day of April, 1879, at his Office, to take, state and settle the several accounts mentioned in said Decree, and having, at length, completed the proceedings, he now, herewith, respectfully submits the result as follows:

— Account No. 1. —

An Account of the indebtedness of said Solomon Hodges to said William Cherry deceased or his Estate, under the Deed of Trust of said Hodges & wife, dated the 7th: day of August 1874, and filed as Exhibit ("C") in said Cause.

To amount of Debt secured by said Deed of Trust, as per bond of said Solomon Hodges, due to said William Cherry deceased, and now in the hands of his Administrator	\$1900 00	
By amount paid 21st: day of January, 1876, as per credit on said bond.		79 71
" Proceeds of Note of said Solomon Hodges, discounted at Bank, received by said Wm Cherry, in his life time, in part of said bond of \$1900 ⁰⁰ .		142 61
" Ditto. Ditto of another note		25 00
" Amount of our Account due to said Hodges by said Cherry		11 50
" Balance due by said Hodges		1641 18
	\$1900 00	\$1900 00

To Balance due by said Hodges, brought on, without interest \$1641 18

Your Commissioner respectfully reports, that in the foregoing account, No. 1. he has made no calculation of interest, for the following reasons: The bond aforesaid of said Solomon Hodges, for said sum of \$1900⁰⁰ was executed on the 7th day of August, 1874, and specifies on its face, that the rate of interest on said sum of \$1900⁰⁰ shall be ten (10) per centum per annum, from the date of said bond. The law in force at the time said bond was given (Acts of Assembly of Virginia, 1874, page 134) declares, that the legal rate of interest, shall be six per cent, and that all contracts for a greater rate, shall be deemed for an illegal consideration, as to the excess beyond the principal sum, and that only the principal sum can be recovered.

Your Commissioner, therefore reports ~~on~~ the balance of the principal sum of said bond for \$1900⁰⁰, after allowing all proper credits, as before stated, to wit: the sum of \$1641:18, without interest, as the total indebtedness of said Hodges to said Cherry, under said Deed of Trust.

Account No. 2

An Account of the transactions of Washington G. Williams Administrator of the Estate of said William Cherry, deceased, based upon the assumption of the payment of said debt, due by said Hodges to said Cherry.

1878, May 13.	(The Administrator qualified)		
" " "	To cash paid Chas. Cowling, for digging grave ^{for rect}	\$ 4 00	
" " "	" do do. Nathl. Jordan, for horse hire	1 00	
" " 17	" " " "Christian Sun" adv. sale	1 20	
" " 25	By proceeds of sale of the Chattel Estate of the dec'd as per acco: of sales, recorded		\$ 910 89
	" Amount of said Debt of said Solomon Hodges (assumed)		1641 18
	" Proceeds of the sale of a Buggy (private sale)		47 00
	" This sum rec'd of Wilson Haffelt's Estate, due dec'd		27 30
	" do do do " Fred. W. Hunter		25 50
	" " " " Sol. Hodges		2 00
	" " " " Farmers Bank of Hanseman		46 26
	Carried Forward	\$ 6 20	\$ 2699 83

1878. May 25		Brought Forward	\$	6	20	\$26	97	83
" " "		By this sum received of Eben Thomas, due decd					30	71
" " "		" do do do " No. A. Howells' Est do					47	74
" " "		" " " " " Richd Hozier "					23	61
" " "		" " " " " A. W. Turner "					1	50
" " "		" " " " " J. F. Busby "					15	00
" " "		" " " " " Amos Hamell "					75	
" " "		" " " " " J. F. Busby "					8	67
" " "		" " " " " Nathl Wright "					32	00
" " "		" " " " " Sarah M. Oliver "					2	00
" " "		" " " " " Nathl Wright "					11	00
" " "		" " " " " W. L. Doughty }						
" " "		receiver of Singleton Co. }					57	14
" " "		To Cash paid Mary Ashburn,	pr: recd	5	00			
" " 17		" do do Dr. John J. Kelly	do	10	00			
" " 27		" " " Ro: Reddick	"	3	50			
" " "		" " " Suffolk Herald	"	2	50			
" June 1		" " " Geo: Marshall	"	1	00			
" " 10		" " " J. C. Nelson	"	1	00			
" " "		" " " R. M. Brinkley	"	1	00			
" " "		" " " Geo: J. Parker	"	10	00			
" " "		" " " Brittain Penner	"	6	50			
" " "		" " " Wesley Kelly	"	24	45			
" " 13		" " " J. E. Wright	"	4	53			
" " "		" " " Dunbar & Whalley	"	6	50			
" " "		" " " Town Taxes (bal) 1877	"	11	18			
" July 4		" " " Wm: Eley, Jr.	"	1	30			
" " "		" " " Artman & Moore	"	44	00			
" " "		" " " W. Jones Ho:	"	4	50			
" " 8		" " " F. W. Hunter	"	6	57			
" " "		" " " Gardner & Eley	"	14	49			
" " "		" " " Tho: W. Smith	"	14	00			
" " 12		" " " Stewart & Reddick	"	5	00			
" Aug: 12		" " " B. F. Catchum & Co.	"	12	46			
" " "		" " " H. R. Culley	"	25	00			
" " 30		" " " Christian Sun	"	50				
		Carried Forward	\$	22	1	\$29	23	95

1878. Aug: 30		Brought Forward	\$ 221 18	\$ 2923. 75
" Sept: 7	To Cash paid	Boothe & Baker, attys: of James A. Warfield, project	16 50	
" " "	" do do	Boothe & Baker do	5 95	
" " "	" " "	Trajah Langston "	6 75	
" " "	" " "	Geo. J. Parker "	2 50	
" Sept: 10	" " "	Farmers Bank of Housomund "	51 25	
" " "	" " "	Same "	203 33	
" " 11	" " "	H. C. Brown "	6 50	
" " "	" " "	"Suffolk Herald" "	50	
" " "	" " "	Commercial Bank of Suffolk "	93 40	
" " 16	" " "	Lee & Spaulman "	5 00	
" Oct: 11	" " "	Wm. R. Ellis "	90	
" " 14	" " "	Amos Harrell "	75	
" " 19	" " "	Hall & Holt "	175 00	
" " "	" " "	Wm. Eley, attys: of C. W. Lupton "	77 25	
" " 26	" " "	Richd. Hager "	10 25	
" Dec: 9	" " "	Duke & Smith "	34 91	
" " 17	" " "	Chas. Oliver "	1 00	
" " "	" " "	Wm. Eley, Co: Treas: Taxes for 1878 "	36 65	
" " "	" " "	R. R. Smith, Sqr: Term Taxes (do) "	10 63	
1879. Jan: 13	" " "	A. S. Eley "	9 00	
" " "	" " "	Wesley Kelly "	1 58	
" Feb: 1	" " "	G. W. Singleton & Co: "	1 68	
" " 19	" " "	R. R. Smith, Sqr: "	49 84	
" " "	" " "	Wright Hauls: attys: "	47 00	
" March 25	" " "	P. B. Prentiss, Clerk: Hous: } Co: Co: }	9 71	
" " "	By interest on \$910. ⁵⁹ for 8 months			36 42
" " "	To interest, averaged, on \$1079: 01		21 21	
" " "	" Comm: @ 5 per cent on \$1282.77		64 13	
" " "	" Amount of the debt due by Sol: Hodges		1641 18	
" " "	" Balance due the Estate, in the hands of the Administrator }		154 84	
			\$ 2960	\$ 2960 37
1879. March 25	By Balance in hands of Admor: Brought on			\$ 154 84
" " "	" Amount of above debt due by Sol: Hodges do			1641 18
" " "	Carried on			\$ 1796 02

1879. March 25-

By amount Brought on
 To $\frac{1}{2}$ of \$1796.02 due Louisa Cherry,
 widow of William Cherry, dec'd

\$1796 02

898 01

\$898 01

To $\frac{1}{2}$ of \$898.01 due Ann E. Hodges, a

distributee of Wm: Cherry, dec'd

\$449 00 $\frac{1}{2}$

" $\frac{1}{4}$ of \$898.01 due Fannie Oliver do. do

224 50 $\frac{1}{4}$

" $\frac{1}{4}$ of do due Maria Houston " "

224

50 $\frac{1}{4}$ \$898 01

It will be seen above, that the total sum of
 money for distribution, among the distributees
 of Wm: Cherry dec'd, amounts to . . .

\$1796 02

Deduct from this sum (\$1796.02) the share
 of Ann E. Hodges, a distributee, to wit
 the sum of

449 00 $\frac{1}{2}$

and there is left, for further distribution the sum of

\$1347 01 $\frac{1}{2}$

which is due and payable, as follows:

To Louisa Cherry, by the Admors: pd

\$154 84 pd

" Same by Sol: Hodges

743 17

" Fannie Oliver by same pd

224 50 $\frac{1}{4}$ pd

" Maria Houston by same pd

224 50 $\frac{1}{4}$ \$1347 01 $\frac{1}{2}$

So that when said Solomon Hodges
 shall have paid to Louisa Cherry,
 \$743.17 and to Fannie Oliver \$224.50 $\frac{1}{4}$
 and to Maria Houston \$224.50 $\frac{1}{4}$ retaining
 his wife's Ann E. Hodges' share \$449.00 $\frac{1}{2}$
 he will have discharged his indebtedness
 aforesaid of \$1641.18 to said Wm: Cherry, dec'd
 and will be entitled to a Release of said
 Dec'd of Trust.

Respectfully Submitted, this 2nd day of April, 1879.

Peter B. Peck.

Commissioner

Commr's Fee {
 \$15⁰⁰

Solomon Hodges & wife
& al:

vs { Comrs: Report

Louisa Cherry Tal:

Confirmed 11 apr 1879

1879. April 5th Filed.
clk.

Whereas by decree of the Circuit Court of Loudoun County, Virginia, pronounced on the 11th day of April 1879 in a cause in Chancery in said Court depending between Solomon Hodges and wife, Plaintiffs, and Louisa Cherry and others. Defendants, the said Court did adjudge order and decree that the Bond of said Solomon Hodges secured by the deed of trust in the proceedings in said cause mentioned due the estate of William Cherry deceased, be credited with the sum of \$449.02½ the distributable share of Ann E. Hodges of the estate of said William Cherry deceased, as set forth in said decree, and that ~~said~~ such credit shall be a satisfaction of the distributable share of said Ann E. Hodges of said estate and a payment in fact to the extent thereof of said Bond, and that before said credit on said Bond and the discharge of said distributable share of said Ann E. Hodges in said estate, shall take effect, the consent of said Ann E. Hodges thereto shall be given in writing on her free examination, separate and apart from her husband before a Notary

Public, or a Commissioner in Chancery
certified by him and filed in said cause;
This writing, therefore, dated this 29th,
day of April 1879 and signed and
sealed by the said Ann E. Hodges,
Witnesseth: That the said Ann E. Hodges
does hereby give her consent ~~to~~ and
agree that said Bond shall be cred-
ited with her distributable share of,
said estate as aforesaid, to wit: with
said sum of \$449.02 1/2, and that the
same shall be payment to the extent
thereof in part of said Bond, and
a discharge of her said distributable
share of said estate.

Witness my hand and seal this 29th day of April 1879
Witness: Wilbur J. Kilby Ann E. ^{her} Hodges (seal)
Peter B. Prentiss mark

State of Virginia

Nassau and County, to wit:

I, Wilbur J. Kilby, a Notary Public in and
for said County in said State of Virginia,
do certify that Ann E. Hodges the wife
of Solomon Hodges whose name is
signed to the foregoing writing, dated
the 29th day of April 1879, personally
appeared before me in the County

aforesaid and being duly examined
by me privily and apart from her hus-
band and having the writing aforesaid
fully explained to her, she the said
Ann E. Hodges, acknowledged the
said writing to be her act and de-
clared that she had willingly ex-
ecuted the same and does not wish
to retract it.

Given under my hand this 29th day
of April 1879

Wilbur J. Kilby
Notary Public

Solomon Hodges & wife & al.

vs. } In Chy.

Louisa Cherry & al

Consent of Ann E.
Hodges & c^o

29 Apl. 1879

Filed apl: 30th 1879.
clh:

Hodges & wife & al.

vs.
Cherry & al.

This cause came on this day to be again heard on the papers formerly read and was argued by counsel.

On consideration whereof the Court doth order that one of the Commissioners of this Court do ascertain and report to Court whether the sum of \$743.¹⁷ has been paid to Louisa Cherry, which, as appears by the Report of Commissioner Peter B. Prentiss filed in this Cause the 5th day of April A. D. 1879, was due to her by Solomon Hodges, together with any other matters ^{specially stated} deemed pertinent by himself or which any of the parties may require to be ^{so} stated.

Hodges & wife & al

vs. } In Chy.

Cherry & al.

Nausemond County

Circuit Court

Apr. 10th 1882

Order

To be entered

Geo. B. Low.

Expd

Entered Order Book No 1

Page 360

Hodges & wife & al

vs.
Cherry & al.

This Cause came on this day to be again heard on the papers formerly read therein and on the Report of Washington G. Williams Administrator of Wm Cherry deceased, filed the 2nd. day of May A.D. 1881 being a Report of final distributions, and was argued by counsel.

On consideration whereof The Court doth confirm the said Report to which no exception has been filed and doth order that this cause be, and the same is hereby, continued.

Hodges wife & al

vs.

Cherry & al

Nausemond County

Circuit Court

Octo 11th. 1881

Order

To be entered

Geo. Brown.

Entered DB page 345

Solo. Hodges Sal

^{vs.}
Louisa Cherry Sal.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Commissioner Peter B. Prouty filed the 7th. day of March A.D. 1881, 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 Washington G. Williams, Administrator of William Cherry deceased pay out of the sum of \$51.99 and the interest due thereon, which by said Report ^{is shown} appears to be in his hands, first all unpaid costs of this suit and then distribute and pay out ~~the~~ one-half ^{of} the residue to said Louisa Cherry widow of said Wm Cherry deceased and as such a distributee of his estate and one fourth to Ann E. ~~Holt~~ the wife of Solo. Hodges, a ~~separate~~ distributee ^{of the whole blood}, and ~~to Fannie Oliver~~ one half of one fourth ^{of the half blood} to Fannie Oliver a distributee, and one half of one fourth ^{of the half blood} to Maria Houston a distributee, or to her personal representative if she has departed this life and that said Administrator make report to Court of his proceedings under this decree and file with his report proper vouchers or

Solo. Hodges wife tal
vs. } In Chy
Louisa Cherry tal

Amud. Co. Cir. Ct.
April^{11th} Term 1881

Decree
To be entered

Geo B. Blow.

Entered OB. No 1-

p. 575-

(C. B. B.)

receipts which he will take for all
payments he is required to make under
this decree.

Hodges & wife

vs.

Cherry & al.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Commissioner, Peter B. Prentiss, filed in this cause on the 30th. day of August 1879, 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 a Commissioner of this Court take, state and report to Court a further account of the transactions of Washington G. Williams as Administrator of Wm. Cherry deceased; and that said Administrator ^{endorse on} ~~give~~ said Solomon Hodges ~~credit on~~ ~~his Bond~~ in said Administrator's hands, ^{for a credit of} the sum of \$200. paid by said Hodges to Fannie Oliver and Maria Huston in part of their distributive shares of said Bond, and make report thereof to Court.

Hodges wife
vs. } In Chy.
Cherry tal

Nausemond County.
Circuit Court
October ^{16th} Term 1879

Decree
To be entered

Geo. B. Cow.

Entered O.B. No-1-
p. 462

Hodges wife
Cherry et al -

This cause this day
came on to be again heard on the
papers formerly read & on the
report of Commissioner P B
Prentiss under the decree herein
of Oct Term 1878, it was argued
of counsel, on consideration
whereof the court confirmed &
said report, to which no exception
was filed, doth the adjudge under
decree that the Bond of Solomon
Hodges secured the Head of Trust
in these proceedings mentioned
due the estate of Wm Cherry shall
be credited with the sum of
\$449.00 the distributable share
of Ann E Hodges of the assets of
said intestate now in the hands
of said Washington G Williams
account of said Wm Cherry under-
lien of her distributable share of said
debt of Solomon Hodges & that
such credit shall be a satisfaction
of the distributable share of said
Ann E Hodges in the estate of said
Wm Cherry for that amount - &
that said Washington G Williams
a doministrator as aforesaid pay
to Louisa Cherry widow of said

Wm Cherry the sum of \$154.84
in part satisfaction of her ~~debt~~ ^{claim} ~~debt~~ ^{claim}
share of his estate taking her
receipt therefor return the
same to court with his report
of his proceedings under this
decree - & the court doth
further adjudge order & decree that
a commissioner of this court
take a further account of the
transactions of said Washburn
& Williams as administrators of
Wm Cherry & that said adminis-
trator be required to exhibit before
said commissioner all choses
in action belonging to said dece-
dents estate & that such commis-
sioner report on the solvency of the
same -

And the court doth further
adjudge order & decree that
S S Vanden - Tho G Elam
R Seth Eley - L. C. Holt - &
J B P Webb

Who are hereby appointed commis-
sioners for that purpose any three
of whom may act proceed to
make partition of the following

lots or parcels of land of which
said Mr. Cherry died seized &
possessed in the town of Suffolk
to wit; a House & Lot on the west-
side of Sycamore St.

A House & Lot on the A M & C
Railroad

A vacant Lot on the east side of
Sycamore St. &

A House & Lot on the Seaboard
& Roanoke Rail Road -

as follows; allot one $\frac{1}{2}$ thereof to
said Ann E. Hodges ^{and the other} $\frac{1}{2}$ to said
Fannie Oliver ~~jointly~~ ^{jointly} & said
Maria Houston, having in
such partition regard to quantity
& quality make report to court
of their proceedings under this
decree and the court doth further
advise order & decree that the
costs of this suit be paid as follows
 $\frac{1}{2}$ thereof of said Louisa Cherry
which the said Admin of Mr. Cherry
shall deduct from the payment
herein directed to be made by her
to said Louisa Cherry & the
other $\frac{1}{2}$ equally of said Ann E. Hodges &
Fannie Oliver ^{his wife} & Maria
Houston. But before the aforesaid

Credit on said debt of Solomon Hodges
 & the discharge of the ~~distasteful~~
 share of Ann E Hodges in the
 estate of said Mr Cherry -
 shall take effect; the consent
 of said Ann E Hodges thereunto
 shall be taken in writing or
 her free & voluntary separate
 & apart from her husband
 before a Notary Public or a
 Commissioner in Chancery
 certified of him & filed
 in this cause

Solomon Hodges
 Ans^{rs}
 vs
 Garrison Cherry
 Pet^r

Rough
 Clear, Springfield
 1879

To be entered

Dec 13 1879

We consent to this decree
 C. B. Hayden } attys. for

William J. Kelly } Plaintiffs

Entered Off. No 1-

p. 432-

C. B. Hayden

Hodges & als.

^{vs.}
Cherry & als.

This cause came on this day to be heard on the Bill of the Com-
plainants, taken for confessed as to
the defendants, on whom process
had been duly executed, they still
failing to appear and ^{plead, answer} ~~make de-~~
^{and demur to said Bill} ~~fence~~, and on the exhibits filed
with said Bill, and was argued
by counsel.

On consideration whereof
the Court doth decide, that ^{said} Louisa
Cherry, widow, of Wm Cherry deceased
is not entitled to a homestead
out of the estate of said decedent
under the laws ~~allowing the same~~
~~in certain~~ in that case made and
provided, and doth adjudge,
order and decree that the home-
stead out of said estate, which in
pursuance of an order of the June
Term in the year 1878 of the County
Court of Staunton County, Virginia,
was assigned to said Louisa Cherry
by Commissioners appointed by said
County Court, as appears by their

Report confirmed at the August Term
in the year 1878 of said County Court
and duly admitted to record in the
Clerk's Office of said County Court,
be and the same is hereby declared
to be null and void, and of no
effect and ^{the same} is hereby cancelled
and annulled and set aside.

And the Court doth ^{by consent of parties} further ad-
judge, order and decree that John
R. Kilby ^{William Kilby be appointed trustee in the} ~~place of~~ ~~the said William F. Kilby, be appointed~~
~~the trustee named in the~~
~~conveyance of said~~
deed of trust executed by Solomon
Hodges and Ann E. his wife on the
7th day of August 1874 and duly re-
corded on the 8th day of August 1874
in the Clerk's Office of ~~the~~ said County
Court to secure to said Wm Cherry the
payment of the sum of \$1900 as therein
specified, ~~be and~~ ^{the said William F. Kilby} ~~trustee~~ ^{hereby}
~~and said Washington G. W.~~ is
hereby enjoined, restrained and
prohibited from proceeding to see; and
said Washington G. Williams Adminis-
trator of the estate of said Wm Cherry
deceased and all other persons con-
cerned are hereby enjoined and re-
strained from requiring a sale of the
real estate conveyed by said deed

I that the
said William
F. Kilby of his
own free will
made of his
dependent to
this court

of trust, until the further order
of this Court.

And the Court doth further adjudge
order and decree that a Commissioner
of this Court proceed to take and
settle at his office, an account
of the transactions of said Washington
G. Williams as Administrator of the
estate of said W^m Cherry deceased,
and an account of the in-
debtedness of said Admon Hodges
to said W^m Cherry deceased or his
estate under said deed of trust,
and an account shewing the in-
terest to which said Ann E. Hodges
is entitled as a distributee of
said estate, and ~~will~~ make
report thereof to Court
due by the Complaint-drawn Bonds
to the estate of W^m Cherry

But the effect of this decree shall
be suspended as to said restraining
order, until the said ^{Solomon} ~~William~~ ^{Hodges}
~~Kelly~~, shall execute in the clerk's
office of this Court a Bond with
sufficient security payable to the
Commonwealth of Virginia
in a penalty of \$500.00 - condi-
tioned according to law.

Hodges & als.
vs. } chy.
Cherry & als.

Hausemond County
Circuit Court

October Term 1878

Decree
To be entered

Geo. Brown

vs.

We con sent to the
Mather & Co. —
Jas W. Wright for
M. B. Williams, admr and
Louis & Cherry, and
C. B. Hyden Att. for
Pltffs & W. & Kelly

Entered O. B. No 1 - p. 411

Hodges & wife & al

vs.
Cherry & al.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Commissioner, Peter B. Prentiss made under the decree of the 10th. day of April 1882 in this cause and filed the 29th. day of April 1882 and was argued by counsel.

On consideration whereof the Court doth confirm the above-mentioned Report to which no exception has been filed and doth adjudge order and decree that the proceedings had in this cause be final and binding between the parties; and nothing more remaining to be done in this cause it is ordered that it be removed from the docket.

Hodges & al

vs.

Cherry & al

Kauaemund County
Circuit Court

Octo 13th 1882

Decree

To be entered

Yes 13 (ord.)

Entered Chancery Order
Book No. 1 - Page 587

At a Monthly Court held for Nantuxum and County,
the 13th day of May, 1878.

On the motion of Washington G. Williams, who
made oath as the law directs, and entered into a
bond in the penalty of Five Thousand Dollars, conditioned
according to law, with M. G. Williams, Hugh H. Williams,
Jozwell J. Saunders and Jas. O. Savage, his sureties
therein, who justified on oath as to their sufficiency,
and which said bond being acknowledged by the obligors
therein is ordered to be recorded. Letters of Administration
on the Estate of William Cherry, deceased, in due
form are granted him.

A Copy
Teste,

Peter B. Peritts. Clerk

Copy order of Qualification
of
Washington L. Williams
admiral of
Williams Camp, dec'd

Exhibit D.
filed with the Bill

This Deed, made the *Seventh* _____ day

of *August* _____ one thousand eight hundred and seventy-four,

between *Solomon Hodges* _____ and

Ann Eliza _____ his wife, of the county of *Namson* and
(*Town of Suffolk*) _____

and State of Virginia, of the one part, and _____

_____ *John R. Kilby* _____

chosen as trustee for the purposes herein named, of the other part, **Witnesseth:**

That the said *Solomon Hodges* _____ and

Ann Eliza _____ his wife, do grant, with general warranty,

unto the said *John R. Kilby* _____

trustee as aforesaid, the following property, to wit: a Lot or parcel of
Land, situated on the East side of *Main Street*, in the
Town of Suffolk, and North side of, and adjoining the
Seaboard and Roanoke Rail Road, on which is a
Dwelling house, Brick store houses, Two small tenements,
fronting on the said Rail Road & other out houses;
and is bounded North, by the Lot of *James W. Johnson*;
East, by Land of *John R. Kilby*; South, by said Rail
Road, and West, by said street: also all the ~~Household~~
and Kitchen furniture owned by the said Hodges, and all
goods, wares, & merchandize in the said Store & now on hand,
& owned by the said Hodges; also all Policies of Insurance,
now, or which may be on the same _____

together with all and singular the appurtenances belonging to the same.

In trust, to secure to William Cherry, his heirs, executors, administrators or assigns, the sum of One thousand, Nine hundred Dollars, with interest at the rate of Ten per cent per annum from this day till paid, due by bond, dated this day and payable on demand, with power to the said Trustee or his Personal Representative, when directed as the Law directs, to sell said Estate, at private or public sale, for cash or on credit, as he may deem best, and after paying all legal charges, including a Commission to said Trustee on all sales, then pay the said Debt and Interest to said Cherry or his heirs, executors, administrators or assigns, and the residue pay to said Solomon Hodges, his heirs, executors, administrators or assigns.

Witness the following signatures and seals:

Witness
Wilbur J. Kelly.

Solomon Hodges [SEAL.]
her
Ann Eliza Hodges [SEAL.]
mark

State of Virginia, } To wit:
County of Nansemond

I, Wilbur J. Kelly, a Notary Public in and for the county aforesaid, in the State of Virginia, do certify that Ann Eliza Hodges the wife of Solomon Hodges whose names are signed to the writing above, bearing date the 7th day of August 1874, personally appeared before me in the county aforesaid, and being duly examined by me privily and apart from her husband, and having the writing aforesaid fully explained to her, she the said Ann Eliza Hodges acknowledged the said writing to be her act, and declared that she had willingly executed the same, and does not wish to retract it.

Given under my hand this 7th day of August eighteen hundred and seventy-four,

Wilbur J. Kelly
Notary Public

Virginia: } To wit:
County of Nansemond

I, Wilbur J. Kelly, a Notary Public in and for the said county, in the State of Virginia, do certify that Solomon Hodges whose name is signed to the writing above, bearing date the 7th day of August 1874, has acknowledged the same before me in the county aforesaid.

Given under my hand this 7th day of August, 1874

Wilbur J. Kelly,
Notary Public

In the Clerk's Office of Nansemond County Court, 8th
August 1874.

This Deed of Trust was received duly testified, and thereupon admitted to record.

Teste, Willis E. Osborn, Clerk

a copy Teste, Peter B. Pentecost, Clerk

Copy,

Xind

Deed of Trust

Solomon Hodges & wife

TO

John R. Kilby, Trustee
for

Wm. Cherry

Exhibit C.

filed with the Bill

W. J. Kilby has been
appointed Trustee in
this deed by decree of
12 Oct 1878 in this
cause

At a Monthly Court held for Handamand County, the 10th day of
June, 1878.

On the motion of Louisa Cherry, widow of William Cherry, deceased:
it is ordered, that John F. Lotzia, Benjamin F. Critchum Jr., J. E.
Bocker, Thomas W. Hamnford and Jesse E. Harrell, any
three of whom may act, proceed to assign unto her, Homestead,
in the Estate of which the said deceased died, Seized and possessed,
and make report to Court.

A Copy:

Teste,

Peter B. Prentiss, Clerk

At a Monthly Court held for Newsummed
County the 8th: day of July 1878.

Thomas W. Hannaford, B. F. Cutcher Jr., J. E.
Booker and J. E. Hance, four of the Commis-
sioners appointed at the June Term, last, of
this Court. To assign unto Louisa Cherry, Home-
stead, in the Estate of her late husband, Wil-
liam Cherry deceased, this day returned their
report, which is ordered to be filed.

- The said report is in the following words and
figures to wit.

"To the Hon. Nathl. T. Riddick,
Judge of the County Court of Newsummed County.

We Tho: W. Hannaford, B. F. Cutcher Jr.,
& J. E. Booker & Jesse E. Hance four of the commis-
sioners appointed at the June term of said Court,
to assign a Homestead out of the Estate of Wm.
Cherry dec'd. to his widow Louisa Cherry, have
set apart the following property out of the said
Estate to be held by the said Louisa Cherry, as
& for her Homestead, to be held by her under the
Law providing for the same.

One double tenement house fronting
on the A. M. & R. R. Together with a vacant
lot fronting on Sycamore street & now oc-
cupied by Duke & Smith for a lumber yard
all valued at \$600.00
One lot on West side of Sycamore St. with

the Store house + stables thereon, fronting on Sycamore St. opposite the lot of R. H. Bunkley, valued at 550.00

One single story double tenement house in rear of the lot of Solomon Hodges + fronting S + R. R. R. valued at 350.00

Five shares Farmers Bank stock value 300.00

Total value 2000.00

Which we believe to be the fair cash value thereof all of which is respectfully submitted

Thos. W. Hammaford

B. F. Cutchin Jr.

J. E. Booker

J. E. Hamell.

Virginia

Hammond County to wit:

J. R. H. Rawles ex

Notary Public for the County and state aforesaid do hereby certify that Thos. W. Hammaford B. F. Cutchin Jr. J. E. Booker and J. E. Hamell the four commissioners whose names are signed to the above report all appeared before me in my said County, on the 13th. day of June 1878 before entering upon the duties mentioned in the annexed order of the Court, and made oath that they would execute the duties therein mentioned to the best of their knowledge belief and ability.

Given under my hand the 13th. day of June, 1878

R. H. Rawles

Notary Public -

At a Monthly Court held for Hampshire
County the ~~8th~~^{12th} day of ~~July~~^{August}, 1878

The report of Thos. W. Wernnaford, B. F.
Cutcher Jr, J. E. Booker and J. E. Harnell
four of the Commissioners appointed at the
June Term last part of this Court, to as-
sign Homestead unto Louisa Cherry, in
the estate of her husband, William Cherry,
late of this County, deceased, and which
was returned on the first day of the last
term and ordered to be filed, was this day
~~inspected~~^{examined} by the Court and no exceptions
having been filed thereto is confirmed by the
Court and ordered to be recorded

Teste

Peter B. Prentiss Clerk

A Copy,

Teste,

Peter B. Prentiss. Clerk

A copy

XIII

Report of Comm^{rs}.

To J. G. Garrison Amherst
Mrs Louisa Cheney

Exhibit B.
filed with the Bill

At a Monthly Court held for Nassau County, the 10th. day
of June, 1878.

On the motion of Solomon Hodges and Ann Eliza, his wife
(the said Ann Eliza, being an heir at law of William Cherry
deceased); it is ordered, that James R. Baker, Jacob Lawste,
L. D. Holt, George J. Parker and Thomas A. Hines, or any three
of them, do lay off and apsign to Louisa Cherry, her dower, in
the lands of her late husband, William Cherry, deceased, in
this County; and make report to Court.

A Copy
Teste,

Peter B. Prentiss, Clerk

At a Monthly Court held for Nausemond County, The 8th: day of July, 1878.

J. R. Baker, J. H. Hines and L. D. Holt, three of the Commissioners appointed at the June Term last of this Court, to lay off and assign to Louisa Cherry, her Dower in the lands of her late husband, William Cherry, deceased, this day returned their Report, which is ordered to be filed -

The said Report is in the following words and figures, to wit:

"In pursuance of the annexed order of Nausemond County Court, bearing date on the 10th: day of June, 1878, we, the undersigned, three of the Commissioners therein named, proceeded, on the 13th: day of June, 1878, to lay off the interest of Louisa Cherry, for life, as directed in said order, of the land whereof William Cherry died possessed, as and for her Dower therein, having regard to the quantity and quality, and valuation, in the following manner, to wit: we find, that William Cherry died possessed of the following real estate, to wit:

A House and lot, situated on the West side of Sycamore Street, in Suffolk, Va: valued at \$675.00

A House and lot, situated on the East side of Sycamore Street, in said Town, which is valued at 800.00

A House and lot, situated on and fronting the A. M. & O. R. R., in said Town, and a vacant lot, now used as a lumber yard, on said Street, both together, valued at } 575.00

A House & lot, situated on S. T. R. R., in said Town, valued at . . . 350.00

The whole, of the value of \$2400.00

Out of which, we have set apart the following real estate as the Dower of the said Louisa Cherry, to wit: The House & Lot

situated on the East side of Sycamore Street, in the Town of Suffolk,
and bounded and described as follows: Commencing at a point
in Jack Douglass' line, and running North, along said Street (79)
seventy-nine feet, to W. H. Jones' line, Thence East, (335) Three
hundred and thirty five feet, along the lands of W. H. Jones and
J. B. Hufsch to the corner of Geo. F. Pinner's lot, Thence South
(77 feet & 7 inches) seventy seven feet and seven inches, along
Pinner's Lot to the corner of Jack Douglass' lot, Thence West
345 feet and seven inches along Douglass' lot to Sycamore
Street, at the beginning: which said Real Estate we value at
\$800, and set apart as the Dower of the said Louisa
Cherry, as aforesaid. All of which we respectfully submit
to the Court.

J. R. Baker

J. H. Hines

L. O. Holt"

"Virginia - Hanseman County, to wit:

I, R. H. Rawles, a Notary Public for the said County & State, do hereby
certify that James R. Baker, J. H. Hines and L. O. Holt, the Three Com-
plainers, whose names are signed to the report above, all appeared
before me, in my said County, on the 13th day of June, 1878, before entering
upon the discharge of the duties mentioned in the annexed order of
the Court, and made oath, that they would execute the said duties
therein mentioned to the best of their knowledge, belief and ability.
Given under my hand this 13th day of June, 1878.

R. H. Rawles.

Notary Public"

At a monthly Court held for Hants and County, the 12th day
of August, 1878.

The Report of J. R. Baker, J. H. Hines and L. D. Holt, three of the
Commissioners appointed at the June Term last past of this
Court to lay off and assign dower to Louisa Cherry, in the
lands of her late husband, William Cherry, deceased, and
which was returned on the first day of the last term, and
ordered to be filed, was this day examined by the Court: Where-
upon, The Court doth confirm the said Report, and establish the
dower of the said Louisa Cherry, in the Estate of her said late
husband, as laid off and assigned in said Report.

Teste,

Peter B. Peck. Clerk.

a copy:

Teste,

Peter B. Peck. Clerk.

a copy
Xm2
Report of Commissioners
J. G. Squire & Son
Mrs. Louisa Cherry.

Exhibit A.
filed with the Bill

Hodges & wife Sal.

vs. } In chy.

Louisa Cherry Sal.

Exhibits filed
with the Bill

To Honorable George Blow, Circuit Court
Judge in and for ~~the~~ County of Han-
sennd, Virginia,

Complaining respectfully represent
and shew unto Your Honor, Your Complai-
ants, Solomon Hodges and Ann E. his wife
and Fannie Oliver and Maria Houston
that on the 29th. day of April 1878, Wm.
Cherry of Suffolk, Virginia, died intestate,
leaving no children, and seized and
possessed of considerable real and personal
estate, and leaving his widow, Louisa
Cherry, and his sister of the whole blood,
Your Complainant, Ann E. wife of Solomon
Hodges, and his two sisters of the half blood
Your Complainants, Fannie Oliver and
Maria Houston, late Cherry, both widows,
as his distributees and heirs at law.

That the said Wm. Cherry died seized
and possessed of the following real estate:
a house and lot in the Town of Suffolk,
Virginia, on the West side of Aycamore Street,
and valued at ————— \$675.00
Another house and lot in said Town on
the East side of ^{said} Street, valued at. — \$800.00
Another house and lot on the A.M. & O.
Railroad and a vacant lot on the
West side of said Street, both valued at. \$575.00

2

and another house and lot on the Seaboard & Roanoke Railroad in said Town valued at \$350, — all of the Total value of \$2400.

That at the June Term 1878 of Hanswired County Court, on motion of Your Complainants, Abner Hodges and Ann E., his wife, Commissioners were appointed to lay off and assign to said widow, Louisa Cherry, one-third in value and quantity of said ^{real} estate, as and for her dower in the whole thereof, and that said Commissioners proceeded to assign and did assign and set apart to said widow, as her dower, that part of said real estate above described as a house and lot on the East side of Sycamore Street of the Town of Suffolk, Va. and valued at \$800, being one-third in value of the whole of said real estate, — all which will appear by a duly authenticated copy of the order of said County Court appointing said Commissioners and of their Report confirmed by said County Court at the August Term thereof 1878, filed herewith as part of this Bill and marked Exhibit A:

Your Complainants raise no objection to the assignment of dower as aforesaid, or to the valuation thereof, or to said Report, but on the contrary think and say that said dower is a just and fair estimate of one-third of said real estate to which said widow is entitled for her lifetime.

But. Your Complainants further represent and say that at said June Term 1878 of said County Court, on motion of said widow, Loriga Cherry ^{to which proceedings your complainants were not parties,} Commissioners were also appointed to assign and set apart to her, a homestead in the estate of said W^m Cherry deceased, and that said Commissioners proceeded to assign and did assign to her as homestead, all the remainder of said real estate, not assigned as dower to her as aforesaid, to wit: all of said houses and lots (except that valued at \$800), being of the value of \$1600, as will appear by said Report of said Commissioners who assigned said dower, and being of the value of \$1500 as will appear by the Report of said Commissioners appointed to assign said homestead, and in addition thereto, did assign to her five shares of the Stock of the Farmers Bank of Chausemumund at its face value, to wit \$500 (which is really worth more), making a homestead of the value of at least \$2000, but in reality of a much greater value, assigned to said widow, whereby she has become possessed of all the real estate of said W^m Cherry deceased and in addition thereto, to a large portion of his personal estate, to wit, said Bank Stock, to the exclusion of his heirs. Your Complainants, as will appear by a duly authenticated

copy of the order of said County Court, appointing said Commissioners to assign said homestead and of their Report, confirmed at the August term 1878 of said Court, filed herewith as part of this Bill and marked Exhibit B.

Your Complainants charge that said Wm Cherry died but little indebted, that his personal estate is more than sufficient to pay all his debts; that after payment of his debts, there will be left a large surplus of personal estate in money to be distributed among his distributees at law: that said real estate and said surplus of personal estate of said Wm Cherry deceased could not, in his lifetime, have been levied upon, garnished, or sold under any execution, order or other process, as he ~~owed~~ ^{owed} no debts for which the same was liable, having ample other estate for the payment ~~thereof~~ ^{of his debts}; that said Wm Cherry, therefore, in his lifetime, as ~~the~~ ^a householder or head of a family was not entitled to a homestead in his said real estate and surplus personal estate: and that ^{he} having died leaving said last named estate not liable to any debts, his said widow is not entitled to said homestead, as she can have the same only where he could in his life-time, - especially is she not entitled to said home-

stead, as she has no infant or adult children, and he did not leave any, defendant upon her for support and as Your Complainants, his heirs, are all adults and are not defendant upon her for support and do not reside with her and there are no creditors of said W^m. Cherry save a few whose claims are small and can and will be paid out of his personal estate ample for that purpose; and if said widow were entitled to said homestead, she does not need it as she is seized and possessed of considerable real and personal estate, which she had before her marriage to said W^m. Cherry, being her maiden estate, which she has preserved and increased and now holds as a valuable estate, consisting of a valuable house and lot her residence, well furnished, and considerable personal estate, household and kitchen furniture, all ample and more than sufficient for her comfort and support, having no one to provide for or support but herself. On the other hand Your Complainants are poor and needy being scarcely able to support or maintain themselves, and should not, therefore, be deprived of the interest in said estate, to which they are entitled, as they will be deprived, if said widow be allowed to retain said homestead.

Your Complainants being without remedy save in a Court of Equity, therefore, pray that said homestead, as assigned to said widow, may be cancelled, annulled, and set aside and declared to be void, that Your

Complainants may succeed to their rights and take possession, as heirs of said W^m Cherry deceased, of said real estate assigned as homestead aforesaid that said bank stock, included as part of said homestead may pass into the hands of the Administrator of said W^m Cherry and be administered according to law.

Your complainants further represent and say that the said Solomon Hodges is largely indebted to said W^m Cherry deceased, or his estate, to wit, in the sum of \$1900. and that the same is secured by a deed of Trust executed by said Solomon Hodges and Ann E. his wife, on the 7th. day of August 1874 to John R. Kilby, trustee, and duly recorded ^{on the 8th. day of August 1874} giving a lien on his dwelling and store house, the place of their residence in Suffolk, Va. as will appear by a duly authenticated copy of said deed of Trust, filed herewith as part of this Bill and marked Exhibit B: that the said intestate in his lifetime repeatedly represented to your Complainants that said Ann E. his sister should be a beneficiary under his will and a favored subject of his bounty and that said intestate assured your Complainants that the enforcement of said lien would be unnecessary as the provisions of his will in favor of said Ann E. would discharge said indebtedness.

And your Complainants say that as a sister of the whole blood, of said intestate, said Ann E. is entitled as a distributee of his estate to one-fourth of the surplus of his personal estate, left after payment of his debts

and is, therefore, entitled to one-fourth of said sum of \$1900, due by her said husband to said estate, as the same is not necessary for payment of the debts of said intestate, there being sufficient other personal estate for that purpose; and that as heir of said intestate the said Ann E. is entitled at once, if said homestead shall be set aside, to possession of one-half of said real estate included in said homestead; and that said Solomon Hodges has an interest as tenant by the curtesy in the portion of said real estate descended upon her, the said Ann E. from said intestate; and that said Ann E. has an estate of contingent dower in the realty conveyed by said deed of trust; and that they desire and intend to apply her distributive share of said personal estate in payment of said indebtedness of her said husband, to the end that they may redeem their said residence and home and store house from the lien of said deed of trust and thereby save the same from sale for themselves and their large and dependent family; and your complainants charge that the interest of said Ann E. in said estate will be sufficient to pay the said indebtedness of her husband; that, if it is not sufficient, she and her husband will be able to secure and raise otherwise the small residue that alone will be necessary to pay said indebtedness in full; and that she desires a reasonable time to realize the money for her in-

terest in said estate, by a sale of her share of the real estate, or otherwise, for payment on account of said indebtedness; and that she must needs have time to realise the money - especially for the real estate, as it cannot be readily sold on account of the little demand for real estate and the dullness of the business of the times; that your Complainants, nevertheless, think said Ann E. will be able to see her share of said real estate in a reasonable time and will, as soon as she can do so, proceed to ~~see~~ pay said indebtedness of her husband;

Your Complainants further charge that notwithstanding all this, the Administrator of said estate, holding the bond in evidence of said indebtedness of said Solomon Hodges, although the same is not necessary for payment of debts due by said Wm. Cherry deceased and when collected will be for distribution only, has directed and required said John R. Kilby, trustee, named in said deed of trust to sell the said property of said Solomon Hodges, being his home, conveyed by said deed of trust, without giving

said Solomon Hodges and Ann E. his wife ———
~~for~~ ~~the~~ time or an opportunity to redeem the
same as aforesaid, and that said trustee
will proceed to sell at once, if not restrained
by ~~this Court~~ Your Honor.

Your Complainant prays, therefore, that a
sale of said property of her husband under said
deed of trust, may be enjoined, restrained, and
prohibited, and that said trustee may be re-
strained from proceeding to sell, and said
administrator from requiring said sale un-
til she shall have had a reasonable time to
redeem said property of her husband as
she professes and intends to do as afore-
said, so soon as she can realize the money
for her interest in said estate.

And ~~and~~ ^{further} Your Complainants, represent
and say that at a monthly Court held
for Lawrence County, the 13th day of May
1878, letters of administration were granted
in due form ~~of~~ in the estate of said Wm.
Cherry deceased to Washington G. Williams.
as will appear by a duly authenticated copy
of the order of said Court, granting said
letters filed herewith as part of this Bill
and marked Exhibit D.

That said Administrator has taken
charge of the personal estate of said
Wm. Cherry deceased and has proceeded

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to administer the same, but whether according to law, or otherwise Your Complainants are not advised. Your Complainants charge, however, that if said estate be administered according to law, there will be a large surplus in money to be distributed among Your Complainants, and they, therefore, pray that said Administrator may be required to render an account of his transactions before a Commissioner of this Court and that his account may be properly stated and settled and the rights of Your Complainants in connection therewith properly protected and adjusted under proceedings in this cause.

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and that the interest of said Ann E. as a distributee of said intestate may be ascertained and applied in payment of the said trust debt; and that said trust debt may be ascertained; and that partition of the realty of which said intestate died seized may be made among his heirs, if practicable, or that the same may be sold for that purpose.

In consideration whereof, Your Complainants being without remedy save in a Court of Equity, pray that ^{said} Washington G. Williams, administrator of said ^{said} Wm. Cherry deceased, and ^{said} John R. Kelly, Trustee in said deed of trust and said Louisa Cherry, widow of said Wm. Cherry deceased, may be made parties defendant to this Bill and be required to answer on oath all the allegations contained herein; that said homestead ~~may be~~ assigned to said Louisa Cherry, may be cancelled, annulled and set aside;

that a sale under said deed of trust
may be enjoined, and prohibited for a
reasonable time, that your Complainants
Solomon Hodges and Ann E. his wife may
have time and opportunity to redeem the
property thereby conveyed, as set forth in this
Bill; and that a Commissioner of this Court
may be required to take and settle at his
office an account of the transactions
^{and an account of the trust debt due by said Hodges as aforesaid:}
of said Administrator; and that all
further and adequate relief may be
granted consistent with Equity.

And, as in duty bound, your Com-
plainants will ever pray &c.

C. B. Hayden Wilbur J. Kilby
Attorneys for Plaintiffs.

State of Virginia

Household County, to wit:

This day personally appeared before me Wilbur J.
Kilby, a Notary Public in and for said County and
State, Solomon Hodges, one of the Complainants in
the foregoing Bill and made oath that the
facts and statements as in said Bill set forth
are true to the best of his knowledge and belief.

Given under my hand this 2nd day of September 1878.

Wilbur J. Kilby, Notary Public

Hodges & wife & al.
vs. } In-Chy.
Louisa Cherry & al

Bill of Complainants

1878. 5/11:2nd filed. CLK

Solomon Hodges & ay: tal

vs { Chy: Notes

Louisa Cherry & al:

1878. Aug: 4th: Sum: in Chy: issued to Sept: Rules, 1878.

" Sept: 2nd: Bill & Xbts: filed - Constitutional Decree vs dopts:

" Octo 7th: Constitutional Decree confirmed, & Cause set for hearing
on 240: of Pliffs' atts:

" " 12th: Decree cancelling same, & Homestead be & for access:

1879. April 5th: Report filed

" " 18th: Decree for costs to be offered to debtors Sol: Hodges
to pay money be & for partition be

" " 20th: Report of Partition filed
" " " Consent &c of Armon E. Hodges filed

1877. Octo: 11th: Decree for further decree: L.

1880. April: 14th: Continued

1881. March 7th: Report filed

" April 11th: Decree to pay from L. distribution
of 1879. Williams' estate: filed

" May 2nd: Final Report filed

1882. April 10th: Decree to ascertain whether Louisa Cherry has
been paid certain family debt

" " 29. Report filed

Cory: Notes