1882-013
Nansemond Co. (Suffolk)

Chancery Causes: Fannie Oliver etal vs Louisa Cherry etal

Hodges, Houston

Costs.

Clerk	$10:00
Atty: Gray . . .	31.50
Sheriff	.50
Commr: A. S. Darden.	1.50
" J. S. Booker	1.50
" Wm Gotham	1.50
" Thos. G. Elam	1.50
	$48:00

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Louisa Cherry and Richard H. and James E. Houston, the last two being infants, under the age of twenty-one years,

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in February *next, to answer a Bill in Chancery, exhibited against* them *in the said Court by* Fannie Oliver and Solo: Hodges and Ann E, his wife

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 23rd: *day of* January *— 1880 , in the* 104th *year of the Commonwealth.*

Teste: Peter B. Prentis. *Clerk.*

1880 January 27th I This executed the within process by Delivering a copy hereof to Mrs Louisa Cherry

F H Rawls Dy for

T. L Tulyhan Shff

William Tinsley p.q.

Francis Oliver Ads

Louisa Cherry Ads

Sum: in Chy:

Fo. February Rules, 1880.

Rec'd. Mch. 1. 1880

Cap: Co:

Virginia:

At Rules in the Clerk's Office of the Circuit Court of Nansemond County, on Monday the 2nd: day of February, 1880.

Fannie Oliver and Sol: Hodges and Ann E, his wife . . . . . Complainants

Against } In Chancery

Louisa Cherry, and Richard H and James E. Houston: the last two, being infants, under the age of Twenty-one years . . . . . Defendants.

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

Teste:

Peter B. Prentis. Clerk.

1880. Feby: 2nd: I hereby acknowledge service of the foregoing order, and that I have received a copy thereof.

Peter B. Prentis,

Guard: ad litem

Fannie Oliver Kal:

Order as ptq gds: as Letam

Louisa Cherry Kal:

Know all Men by these Presents,

That we, Wilbur J. Kilby, Wallace Kilby

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the just and full sum of Fifteen hundred (1500) Dollars, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 1st day of November in the year one thousand eight hundred and eighty, and in the 105th year of the Commonwealth. And we hereby waive our Homestead exemption, as to this obligation.

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

who has, ~~this day qualified before the~~ by a Decree of the Circuit Court of Nansemond County, pronounced on the 14th day of October, 1880, in the Chancery cause of Fannie Oliver and Solo: Hodges and Ann E his wife, Plaintiffs, against Lodisa Cherry & others, Defendants, been appointed Special Commissioner to sell certain Real Estate in said cause described, shall faithfully discharge his duties, as such Commissioner under said Decree, and all other Decrees he may be required to execute in said Cause

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

Executed in presence of ~~the Court~~.

Peter B. Prentis. Clerk

Wilbur J. Kilby (Seal.)

Wallace Kilby (Seal.)

(Seal.)

(Seal.)

(Seal.)

Wilbur J. Kilby Commr.

To

Bond

Commonwealth.

1880

Nov: 1st: Executed & Filed

Received of Wilbur J. Kilby, Comr. the sum of forty-five and 98/100 dollars for James E. Houston of whom I am guardian, the same being said Houston's share of the money in the hands of said Comr. for distribution under the decree of the 10th. day of April 1882 in the cause in Chancery in the Circuit Court of Nansemond County Va. pending between Fannie Oliver & al. Plaintiffs against Louisa Cherry & al. Defendants which said sum of money for distribution is the net proceeds of the sale of real estate under proceedings had in said cause in which said Houston held a one-eighth undivided interest.

$45.98

Witnesses

Charles F. Friedlin

Wm O Hope

Geo W. Whitehurst,
Guardian of James E.
Houston. Portsmouth, Va.

At a Circuit Court held for Ransom and County on the 10th day of April 1882.

Fannie Oliver et al Plaintiffs

Against } In Chancery.

Louisa Cherry et al Defendants.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of sale of real estate filed the 20th. day of January A.D. 1882. by Commissioner Wilbur J Killy, 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 said Commissioner Wilbur J Killy receive of the Clerk of this Court, who will deliver to him and take of him a receipt and file said receipt in the papers in this cause for the two Bonds of Thos W. Smith filed with said Report, each for the sum of $180 70 and dated the 9th day of January A.D. 1882. and payable respectively eight and sixteen months after the date thereof with interest from date to said Commissioner, and that said Commissioner collect the principal sums of said two Bonds at the maturity thereof, or receive the same, should the obligor desire to pay the money

before the maturity of said Bonds together with all the interest due thereon on the day when said money shall be so collected or received, and out of the money pay first all unpaid costs of this cause, and then distribute and pay out one half of the residue to Ann E the wife of Solomon Rodges, and one fourth to James Oliver and one eighth to Richard H Houston (he being now over the age of twenty one years) or to his assigns, and one eighth for James E Houston to his lawfully appointed and duly qualified guardian, he being under the age of twenty one years.

And the Court doth further adjudge, order and decree, that said Commissioner Wilbur J Killy, make to Thomas W Smith when he shall have first paid said Bonds and all interest due thereon in full, a deed with Special warranty in the usual form conveying to him, subject to the dower estate, or estate therein of Louisa Cherry, widow of Wm Cherry deceased for and during her natural life, all that certain lot or parcel of land situated on the East side of Sycamore ~~Main~~ Street in the Town of Suffolk, Va and purchased by said Thomas W Smith under proceedings had in this cause as specified in the above mentioned Report, and make

Report to court of his proceedings under this decree filing herewith proper vouchers or receipts for all such payments as he is required to make hereunder.

A Copy:

Teste:

Peter B. Prentis. Clerk.

Xmd

Fannie Oliver &al:

vs } Chy Decree. Apl: 10/8—

Louisa Cherry &al

Nansemond Circuit Court

To the Circuit Court of Nansemond County, Virginia:

In pursuance of a decree of said Court pronounced the 10th. day of April A.D. 1882 in the cause in Chancery in said Court depending between Fannie Oliver and others, Plaintiffs and Louisa Cherry and others, Defendants, a copy of which decree is hereto attached: the undersigned respectfully reports to Court that as directed by said decree he has received of the Clerk of said Court and given him a receipt for the two Bonds of Thos. W. Smith, mentioned in said decree being each for the sum of $180.76 and dated the 9th. day of January A.D. 1882 and payable respectively eight and sixteen months after the date thereof with interest from date and that he has received the principal sums thereof and ace interest due thereon, as directed by said decree, said Thos. W. Smith desiring to pay the same before the maturity of said Bonds, and, there being no unpaid costs of said cause to be paid, that he has paid out and distributed the money collected as above-mentioned, one-half to Ann E. the wife of Sols. Hodges, one-fourth to Fannie Oliver one-eighth to Richard H. Houston and one-eighth for James E. Houston, to Geo. W. Whitehurst his guardian, as directed by said decree and as will fully appear by the following Statement and receipts, to wit:

Statement

By Amount of the two Bonds, each for the sum of $180.76 mentioned above =		$361	52
" Interest on the same from 9 Jan. 1882 to 25 April 1882 - 3m. 15ds.		6	32
Total		$367	84
To paid Ann E. wife of Sols. Hodges 1/2 of $367.84	$183	92	
" " Fannie Oliver 1/4 of $367.84 per rect.	91	96	
" " Richard H. Houston 1/8 of $367.84 "	45	98	
" " Geo. W. Whitehurst guardian of James E. Houston 1/8 of $367.84 per rect.	45	98	
	$367	84	$367 84

(over)

The undersigned further reports to Court that he has made to said Thos. W. Smith a deed with special warranty in the usual form convey-ing to him, subject to the dower estate, or estate therein of Louisa Cherry, widow of Wm. Cherry, for and during her natural life, all that lot or parcel of land situated on the East side of Sye-amore Street in the Town of Suffolk, Va. and purchased by said Thomas W. Smith under pro-ceedings had in said cause,

Respectfully submitted this 25th. day of April A. D. 1882.

Wilbur J. Kilby, Comr.

1882 April 25th. Received of Wilbur J. Kilby Comr. the several sums of money charged in the above report as paid to us respectively and set opposite our names as follows!

Ann E. Hodges by Wilbur J. Kilby atto.	$	183 92
Fannie Oliver by Wilbur J. Kilby atty.	$	91 96
Richard H. Houston by Wilbur J. Kilby atto.	$	45 98

See receipt of Jas. E. Houston's guardian at the head of this Report.

Fannie Oliver et al

vs. } In Chy

Louisa Cherry et al.

Report of collections
and payments
25th. Apl. 1882

1882 July 6th: Filed.
Clk.

Suffolk, Va. Jan 12 1882

Mr Wilbur F Kirby Cour

TO SUFFOLK HERALD, DR.

Fine Book and Job Printing

GOOD WORK AT MODERATE PRICES. SATISFACTION GUARANTEED.

To 100 Bills Sale of Lot of
Wm Cherry's Heirs &c $1.50

Rec'd Payment
J E Booker

January 9th 1882.

Receipt of Wilbur J. Kelly Coun.
Four Dollars for selling this day
at public auction ~~for Cash~~ before the
Court House door of Hammond Co.
a home and lot on Sycamore
St in Suffolk Va belonging to the
heirs of Wm Chaney decd.
$4.00

Isd D Parker Cir.

A DESIRABLE,

House & Lot in Suffolk

FOR SALE!

By authority of a decree of the Circuit court of Nansemond county, Va., pronounced the 14th day of October, 1880, in the cause in chancery in said court depending between Fannie Oliver and others, plaintiffs, and Louisa Cherry and others, defendants, I shall offer for sale by public auction, before the Courthouse door of said county,

On Monday, January 9, 1882,

(that being County court day), all that certain lot or parcel of land lately owned by Wm. Cherry, deceased, which is now held by his widow (Louisa Cherry) as her dower in his estate, and which has a good dwelling and other houses on it, and is situated on the east side of Sycamore street, in the town of Suffolk, Va., and is bounded on the north by the lots of Wm. H. Jones and Benjamin Saunders, on the west by said Sycamore street, on the east by the land of John F. Pinner, and on the south by the lot of John (Jack) Douglass.

This property having been set aside to Louisa Cherry as her dower in the estate of her late husband, William Cherry, deceased, will be sold subject to her dower or right to the same during her life. The remainder, or fee-simple interest, will be sold, and the purchaser will take possession after her death. Title will be retained until the further order of Court.

TERMS—One-fourth of the purchase-money to be paid cash, and the balance in equal sums 8 and 16 months from the day of sale, the purchaser to give bonds in evidence of the deferred payments, with good personal security, waiving the benefit of the homestead, and bearing interest from day of sale.

WILBUR J. KILBY, Commissioner.

GEO. T. PARKER, Crier. December 8, 1881.

D

The Circuit Court of Nansemond County, Virginia:

In pursuance of a decree of said Court pronounced the 14th. day of October A.D. 1880 in a cause in said Court in Chancery depending between Fannie Oliver and others, Plaintiffs and Louisa Cherry and others, Defendants, the undersigned, appointed Special Commissioner by said decree to sell the real estate of the heirs of Wm. Cherry deceased therein mentioned and described, respectfully reports to Court that having heretofore made sale of the two parcels of land first mentioned and described in said decree and made report thereof to Court, he proceeded to advertise and did, on the 8th. day of December A.D. 1881, advertise for sale, on the terms and conditions and in the manner described in said decree, and having so advertised, did on the 9th. day of January 1882, sell by public auction before the courthouse door of said County (the day of sale being County Court day), on the terms and conditions named in said decree, to the highest bidder and subject to the dower estate or life estate of Louisa Cherry therein, all that certain lot or parcel of land, being the third parcel of land mentioned and described in said decree, situated on the East side of Sycamore Street in the Town of Suffolk in said County and bounded on the North by the lots of Wm. H. Jones and

Benj. Saunders, on the West by said Street on the East by the lots of John F. Pinner and John L. Fulgham and D. C. Harvee and on the South by the lots of John F. Pinner and John (Jack) Douglass.

That at said sale Thomas W. Smith became the purchaser of said lot above described as the highest bidder for the sum of $399 00

Of which he paid in cash the sum of $37.48 which has been disbursed as follows, to wit:

To 5 per cent comms. on	$ 300.	$ 15.	00
" 2 ditto on	99.	1	98
" paid Geo. P. Parker, crier, per rect.		4	00
" " Thos. G. Elam for printing ad= vertisements of sale, per rect.		1	50
" " Wilbur J. Kilby, balance of fee due him as Atty. for Plain= tiffs under said decree, $20. the other part thereof having been paid out of former sale, per rect.		10	00
" Cash retained for deed to the purchaser of the land.		5	00
" Balance		361	52
	$ 399	00	$ 399 00

By Balance brought on, To 2 Bonds of said Thos. W. Smith for this Balance filed herewith each for the sum of $180.76 dated 9th. January 1882 and payable 8 & 16 months respect= ively after date with interest from the date thereof, to wit $ 361. 52

$ 361 52

The above Bonds for the balance of the pur=

chase-money for said lot, to wit, said sum of $361.52. have been taken and made payable according to the terms of the sale as prescribed in said decree

Respectfully submitted this 12th. day of January 1882.

Wilbur J. Kilby
Comr.

1882 Jan. 12th. Received of Wilbur J. Kilby Comr. the sum of ten (10) dollars charged in the foregoing account as balance of fee paid me

Wilbur J. Kilby
Atty. for.

For other receipts, see the head of this Report

1882 April 13th. Received of Peter B. Prentis, Clerk of the Circuit Court of Nansemond County, Va, the two Bonds of Thos. W. Smith mentioned in the within Report as filed therewith, being each for the sum of $180.76 and dated the 9th. day of January A.D. 1882 and payable respectively eight and sixteen months after date with interest from date to the undersigned, — which said Bonds are received for collection under the decree of the 10th. day of April 1882 in the cause in Chancery pending in the Circuit Court of said County between Fannie Oliver &al. Plaintiffs and Louisa Cherry &al. Defendants.

Wilbur J. Kilby Comr.

Fannie Oliver &al
vs. } In Chy.
Louisa Cherry &al

Report of Sale of Land
No. 2

Confirmed 10 April, 1882

1882. Jany: 20th. Filed
Clk

Received as the guardian of James E. Houston of Wilbur J. Kilby, Comr. in the suit in Chancery pending in the Circuit Court of Nansemond County Va. between Fannie Oliver and others, Plaintiffs and Louisa Cherry and others Defendants, the sum of One hundred and eighty three and 49½/100 dollars,- the same being the amount due said James E. Houston as per the decree of the 11th. day of April 1881 in said cause

$183, 49½

Geo W. Whitehurst.
Guardian of Jas. E. Houston
Portsmouth, Va.
Octo. 8th 1881

Witnesses:
William Lowe
Charles T. Friedlin

Virginia:

At the Court of Hustings for the City of Portsmouth held on the 6th day of October 1881:

James E. Houston, orphan of John & Mariah Houston, over 14 years of age in open Court, nominated Geo. W. Whitehurst as and for his guardian; whereupon, the Court approving, doth appoint the said Geo. W. Whitehurst guardian of the said James E. Houston. Thereupon, the said George W. Whitehurst appeared in Court and together with Charles D. Friedlin, his surety, (who justified on oath as to his sufficiency) entered into and acknowledged a bond in the penalty of Four Hundred Dollars, with condition according to law, which bond is ordered to be recorded.

Teste:

Geo. O'N. Palmer, C.C.

by Wm. N. Pollock D.C.

At a Circuit Court held for Nansemond County, the 11th: day of April, 1881

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

Against } In Chancery.

Louisa Cherry and Richard H and James E. Houston: the last two being infants, under the age of twenty-one years. . Defendants.

This Cause came on this day to be again heard on the papers formerly read therein and on the Report of Sale of land, filed the 25th: day of January, A.D. 1881, by Wilbur J. Kilby, Commissioner, and was argued by Counsel.

On Consideration whereof, the Court doth confirm the said Report to which no exception has been filed, and doth adjudge, order and decree, that said Wilbur J. Kilby, Commissioner receive of the Clerk of this Court, who will deliver to him and take a receipt of him for the Certificate of Thos. G. Elam, Cashier of the Commercial Bank of Suffolk, in Suffolk, Va. filed with said Report, and showing a deposit at said Bank of the sum of $724.50 to the credit of said Wilbur J. Kilby, as Commissioner in this Cause, and that said Commissioner return and deliver said Certificate to said Cashier, and receive and collect of said Cashier, who will pay to him said sum of $724.50 and all interest due thereon, and that said Commissioner pay out of said money, first all unpaid costs of this suit, and then pay out and distribute one half of the residue to Fannie Oliver and one fourth to Richard H. Houston, he being now over the age of Twenty-one years, or to his assigns, and one fourth, for James E. Houston to his lawfully appointed

and duly ~~appointed~~ qualified guardian, he being under the age of twenty-one years.

And the Court doth further adjudge, order and decree that said Commissioner, Wilbur J. Kelly, make to A. S. Darden and R. Scott Eley, as merchants and partners in trade, under the firm name and style of Darden & Eley, a Deed, with Special warranty, in the usual form, conveying to them, the real estate purchased by them, under proceedings had in this Cause, as specified in said Report, and make report to Court of his proceedings under this decree, filing therewith proper vouchers or receipts for all such payments as he is required to make hereunder.

A Copy:

Teste:

Peter B. Prentis. Clerk.

Jennie Oliver Dec'd
Copy Decree
Sale & Sum. 1881
Louisa Cleary Dec'd

To the Circuit Court of Nansemond County, Virginia:

In pursuance of a decree of the said Court pronounced the 11th. day of April 1881 in the cause in Chancery in said Court depending between Fannie Alvier and others, Plaintiffs, and Louisa Cherry and others, Defendants, a copy of which decree is hereto annexed: the undersigned, Wilbur J. Killy, Commissioner, respectfully reports to Court that as directed by said decree he has received of the Clerk of the said Court the certificate of Thos. G. Elam Cashier of The Commercial Bank of Suffolk in Suffolk, Va. mentioned in said decree showing a deposit at said Bank of the sum of $724.50 to the credit of the undersigned as Comr. in said cause, and that he has returned and delivered said certificate to said Cashier and has received of said Cashier said sum of $724.50 and all interest due thereon and out of the same has paid all unpaid costs of said cause and has paid out and distributed one-half of the balance to Fannie Alvier and one-fourth to Richard H. Houston and one-fourth to the lawfully appointed and duly qualified guardian of James E. Houston who is under the age of twenty one years, — all of which will more fully appear by the following statement and receipts:

Statement

By Cash of said Bank as above stated	$ 724 50
" Interest on Same for 4 months	14 48
Total carried on	$738 98

By Amount brought on				$ 738	98
To charge for writing deed to the purchasers of land under proceedings in said cause.				5	00
				$ 733	98
To paid Fannie Oliver 1/2 of $733.98 per decree & cost.	$ 366	99			
" " Richard H. Houston 1/4 of $733.98 per decree & cost.	183	49½			
" " Geo. W. Whitehurst, guardian of James E. Houston 1/4 of $733.98, per decree & cost.	183	49½			
	$ 733	98	$ 733	98	

Respectfully submitted this 8th. day of October 1881.

Wilbur J. Kilby
Comr.

1881 May 20th. Received of Wilbur J. Kilby Comr. the respective sums of money charged in the foregoing Report as paid to us respectively and set opposite our names as follows:

Fannie Oliver	$ 366.99
Wilbur J. Kilby atty. for R. H. Houston	183 49½

See receipt of Jas. E. Houston's guardian at the head of this Report.

Fannie Oliver et al

vs. } In Chy.

Louisa Cherry et al

Report of collection
and
payments
8th. Octo. 1881

confirmed 11 Octo. 1881

1881. Octo: 8th: Filed
clk:

Received of W D Kilby Commissioners Six dollars for crying and selling at Public Auction on the 10th day January 1881 for said Coner. the property of Fanny Oliver and others in Suffolk Co.

$6.00

Geo E Parker Coner

Suffolk, Va., Jany 11th 1881

Hon Wilbur J Kirby Comr

To SUFFOLK HERALD, Dr.

Book and Job Printing Neatly Executed.

THE HERALD, $1.50 A YEAR. Orders Solicited.

1880

Dec 22 To add Sale of Land of
Wm Cherry's heirs & others
& in 2 times
100 Bills & Same Paid
Thos J Elam

$ 1 50
1 50
6 50

Town Property for Sale

In pursuance of a decree of the Circuit court of Nansemond county, Va., pronounced on the 14th day of October, 1880, in a cause in chancery in said court depending between Fannie Oliver and others, plaintiffs, and Louisa Cherry and others, defendants, I shall offer for sale at public auction, before the Courthouse door of said county, on

Monday, January 10th, 1881,

(that being County court day), the following parcels of Real Estate lately owned by Wm. Cherry, deceased:

1. A Lot with a good double-tenement Dwelling House on it, situated in the town of Suffolk, Va., near the depot of the A., M. and O. railroad, and on the way along said railroad from Riddick to Sycamore street, and about half-way between said streets.

2. A Lot with a Dwelling House on it, situated in said town, and on the north side of the S. and R. railroad, a short distance east of Main street, and bounded on the north by the land of W. J. Kilby, on the east by Henry Butts' lot, on the south by said S. and R. railroad, and on the west by Solo. Hodges' lot.

3. A Lot with good Dwelling House and other houses on it, situated on the east side of Sycamore street of said town, and bounded on the north by the lot of Wm. H Jones, on the west by said Sycamore street, on the east by Benj. Saunders' lot, and on the south by the lot of John (Jack) Douglass.

☞ This last named lot (No. 3) is held by Louisa Cherry as her dower in the estate of her late husband, Wm. Cherry, and will be sold subject to her right to the same during her natural life. The purchaser will take possession after her death, and not before.

Possession of the lots numbered 1 and 2 above will be given 1st March, 1881, and title to all three lots will be retained until the further order of court.

TERMS.—One-fourth of the purchase-money to be paid cash and the balance in equal sums eight and sixteen months from the day of sale, the purchaser to give bonds in evidence of the deferred payments with good personal security, waiving the benefit of the Homestead and bearing interest from day of sale.

WILBUR J. KILBY, Commissioner.

GEO. T. PARKER, Crier. December 9, 1880.

At a Circuit Court Continued and held for Nansemond County the 14th day of October 1880.

Fannie Oliver and Lola Hodges
and Ann E his wife . . . . Complainants.

Against } In Chancery.

Louisa Cherry and Richard H
and James E Houston the last
two being infants under the
age of twenty one years . . . Defendants

This cause came on this day to be again heard on the papers formerly read therein, and on the Report of Commissioners. A.S. Darden. J. E Booker. Wm J. Cohoon and Thos G Elam, filed on the 21st day of September A D 1880. and was argued by Counsel.

On consideration whereof the Court doth confirm the said Report. to which no exception has been filed and doth adjudge order and decree that Wilbur J. Kilby who is hereby appointed a Special Commissioner for that purpose, proceed to sell at public auction before the Courthouse door of Nansemond County, Virginia, on some County Court day the following parcels of real estate of the two first of which Fannie Oliver and Richard H and James E Houston, heirs of Wm Cherry deceased, are seized and possessed, to wit: 1. A house and lot in the Town of

Suffolk Virginia near the depot of the Atlantic Mississippi and Ohio Railroad and on the way along said Railroad from Sycamore to Riddick Street of said Town and about half way between said Streets: and 2: A house and lot in said Town and on the North side of the Seaboard and Roanoke Railroad, a short distance East of main street of said Town and bounded on the south by said last named Railroad, on the East by the lot of Henry Butts, on the west by the lot of Solo: Hodges and on the North by the land of Wilbur J Kilby: and 3. A house and lot, (subject to the estate of Louisa Cherry for and during her natural life), situated on the East side of Sycamore Street in said Town and bounded on the North by the lot of Wm H Jones, on the west by said Sycamore Street on the south by the lot of John Douglass and on the East by the lot of Benjamin Saunders, which said last named house and lot is the property of Ann E Hodges, Fannie Oliver and Richard H and James E Houston, heirs of Wm Cherry deceased.

And that said Commissioner sell said parcels of real estate on the terms of the payment by the purchaser of one fourth of the purchase money in cash and the balance in equal sums at the end of eight and

sixteen months from the day of Sale and take Bonds of the purchaser in evidence of the deferred payments with good personal security payable to himself, said Commissioner, with interest from the day of Sale, and retain the title to said Parcels of real estate until the further order of Court and file said Bonds with his Report, which he will make to Court of his proceedings under this decree, and that said Commissioner pay the costs of this suit including to the Counsel for the plaintiffs a fee of thirty dollars and the expenses of said Sale out of that part of the purchase money which he may receive in Cash.

And said Commissioner is directed to give notice of said sale by printed advertisements to be posted at several public places in the Town of Suffolk Va and at said Courthouse door for at least twenty days prior to said sale, and to publish said notice once a week for three successive weeks in a Newspaper printed in said Town.

But before proceeding to sell said parcels of real estate, said Commissioner will execute before the Clerk of this Court in his office a Bond in the penalty of $1500 &c with good

personal security payable to the Commonwealth of Virginia and conditioned for the faithful execution of this decree and all other decrees he may be required to execute in this Cause.

A Copy:
Teste:
Peter B. Prentis. Clerk.

Costs.

Clerk	$10.00
Atty. Fax	31:50
Shff:	50
Commr: A.S. Dawson	1.50
" J.E. Booker	1.50
" Wm J. Cohoon	1.50
" Thos G. Elam	1.50
	$48.00

Francis Oliver Xd.
vs } Chy Decree Octo: 14: 1850
Louisa Cherry Xd

Xmd

The Bond required of William J. Kirby, Esq: Commr to sale, under this decree, has been executed & filed.
Teste:
Peter B. Prentis Clerk.

To the Circuit Court of Nansemond County, Virginia

In pursuance of a decree of said Court pronounced on the 14th. day of October 1880 in a cause in Chancery in said Court depending between Fannie Oliver and others, Plaintiffs and Louisa Cheny and others, Defendants, a copy of which decree is hereunto annexed; the undersigned appointed Special Commissioner by said decree to sell the real estate therein mentioned and described, respectfully reports to Court that in pursuance of said decree he did on the 9th. day of December 1880 advertise said real estate for sale on the terms and conditions named in said decree and did give notice of said sale in the manner and for the periods specified in said decree and in pursuance of said advertisement did sell at public auction on Court day, Monday, January the 10th. 1881, before the Courthouse of said County on the terms and conditions named in said decree, the following parcels of real estate, — Darden & Eley (A.S. Darden and R. Sette Eley as merchants and partners in trade), being the highest bidders for the total sum of $800 00- to wit:

1 All that certain lot or parcel of land near the depot of the A.M. & O. Railroad

in the Town of Suffolk, Nansemond County Va. about half way between Riddick and Sycamore Streets and bounded on the North by the land of John F. Pinner, on the South by said Railroad and on the West by the lands of R. H. Brinkley and the firm of Duke & Smith; and 2. All that certain lot or parcel of land situated in said Town on the North side of the S. & R. Railroad, a short distance east of Main Street and bounded on the North by Wilbur J. Kilby's land, on the East by the lot of Henry Butts on the South by said Railroad last-named and on the West by the land of Solo. Hodges. which said sum of $800. — namely: $ 600 00
for the first-above described lot, and $ 200 00
for said second-named lot.

making a total of $ 800 00
the said Darden & Eley elected
to pay in cash and did so
pay the same to your Comr.
who has disbursed the same as follows:

To 5 per cent Comrs. on $300.	$ 15	00
" 2 do. " " 500.	10	00
" paid P. B. Prentis, Clerk, costs, per sect.	10	00
" " Wilbur J. Kilby, Atty. fee & tax "	21	50
" " J. L. Fulgham, Shff. costs, "		50
" " A. S. Darden, Comr. " "	1	50
" " J. E. Booker " " "	1	50
" " W. J. Cohoon " " "	1	50
" " Thos. G. Elam " " "	1	50
" " Thos. G. Elam, Printer "	6	50
" " Geo. D. Parker Crier "	6	00 $ 75 50

leaving a balance of cash = $ 724 50
which your Comr. has deposited at The Commercial Bank of Suffolk Va. as per certificate of the cashier of said Bank hereunto attached subject to the order of Court.
Respectfully submitted this 24th. day of January 1881
Wilbur J. Kilby, Comr.

1881 Jan. 24th. Received of Wilbur J. Kilby Comr. the respective sums of money charged in the foregoing Report as paid to us and set opposite our names as follows:

Peter B. Prentis. Clerk	$10.00
Wilbur J. Kilby. Atty's fee & Trax	21.50
Wilbur J. Kilby for J. L. Fulgham, Shff.	50c
Wilbur J. Kilby for A. S. Darden, Comr.	1 50
Wilbur J. Kilby for J. E. Booker, Comr.	1 50
Wilbur J. Kilby for W. J. Cohoon Comr.	1 50
Wilbur J. Kilby for Thos G. Elam Comr.	1 50

For other receipts, see the head of this Report

Fannie Oliver tal

vs. } In Chy

Louisa Cherry tal.

Report of sale of land

No. 1

Confirmed 11 Apl. 1881

1881. Jany: 25th. Filed
CK

1881 May 20th. Received of the Clerk of the Circuit Court of Chancery for the Centralia County Va, the certificate of Thos. J. Blair, Cashier of the Commercial Bank of Suffolk Va, investing as loans subject to the decree of this Court pronounced and entered herein on the 11th day of April 1881 the sum of $734.50 to the credit of the undersigned as Commissioner,

Milton J. Kelly
Comr.

At a Circuit Court held for Nansemond County the 12th day of April 1880

Jamie Oliver and Solo Hodges
and Ann E his wife . . . . . Complainants

Against

Dr Chaney
Louisa Chany and Richard N
and James E. Houston, the last
two being infants under the
age of twenty one years . . . Defendants.

This Cause came on this day to be again heard on the Bill of Complaints, taken for confessed as to the defendant, Louisa Chany on whom process had been duly executed, she still failing to appear, demur or answer and plead and on the answer of the infant defendants, Richard N. and James E Houston, by Peter B Dunlis their guardian ad litem with general replication thereto and was argued by Counsel

On consideration whereof the Court doth adjudge, order and decree. That partition be made of the several pieces or parcels of real estate in the Bill mentioned and described as follows;
1. A house and lot in the Town of Suffolk, Nansemond County, Virginia near the depot of the Atlantic Miss issippi and Ohio Railroad and on the way along said Railroad from Sycamore to Rinnick Street of said Town and about half way between said Streets;
and 2. A house and lot also in said Town and on the North side of the Seaboard and Roanoke Railroad, as

short distance East of Main Street of said Town and bounded on the South by the said last named Railroad, on the East by the lot of Henry Bills, on the West by the lot of Sols Hodges and North by the land of Wilbur g Kelly; And that said partition be made into parts so that said Fannie Oliver shall have her one half part thereof in value, and said Richard D. and James E Houston, each one fourth part thereof in value

And the Court doth further adjudge order and decree that partition be also made of that other parcel of real estate mentioned and described in said Bill as a house and lot on the East side of Sycamore Street in said Town and bounded on the North by the lot of Wm D Jones, on the West by said Sycamore Street, on the South by the lot of John Douglass and on the East by the lot of Benjamin Saunders, and that the same be so partitioned as that said Ann E Wife of Sols Hodges shall have one half part thereof in value, and said Fannie Oliver one fourth part thereof in value, and said Richard D. and James E Houston each one half of one fourth part thereof in value.

And for the purpose of effecting such partition, the Court doth order that John F Pinner, Wm J Cohoon, A S Darden Thos G Elam, and J E Booker, who are hereby appointed special Commissioners for that purpose, any three of whom may act, lay off and divide the real estate aforesaid, having regard

to quality and quantity, into the respective shares and proportions aforementioned, and assign and allot the same to the several persons above named as above prescribed or, if such partition be impracticable that they so lay off and divide said real estate, as that they may be able to assign and allot the same in whole or in part in one of the modes prescribed by law to any one or more of said parties willing to accept the same in this way and pay therefor to the other parties such sums of money as their interest therein may entitle them to.

And if in their opinion, such partition of said real estate cannot be made in Kind without loss or injury to the parties, then, said commissioners will report that fact to this Court, and the reasons upon which their opinion may be founded with the fee simple value of said real estate, and make report to Court of their proceedings under this decree as well as of any other matters deemed pertinent by themselves or required by the parties.

A Copy:
Teste:
Peter B. Prentis. Clerk

XIIId

Fannie Oliver et al

vs } Copy Decree. Apl Term 1880

Louisa Cherry et al

To the Circuit Court of Nansemond County Virginia

In pursuance of a decree of said court pronounced on the 12th day of April A.D. 1880 in a cause in Chancery in said court depending between Fannie Rives and others plaintiffs and Louisa Cheny and others defendants a copy of which decree is hereunto annexed: the undersigned appointed special commissioners for the purposes named in said decree respectfully report to court that having proceeded to lay off and divide the real estate mentioned and described in said decree into the respective shares and proportions mentioned in said decree, they found that they could not conveniently divide said real estate having regard to quality and quantity into the proportions and shares as required by said decree without loss and injury to the parties in interest. Your commissioners report that the parcel of real estate first mentioned and described in said decree consists of a small lot in the shape of an acute angle and fronting on the Atlantic Mississippi and Ohio rail road in Suffolk Virginia and having on it a small house of two or three rooms and no out houses or conveniences and that the second parcel mentioned in said decree consists of a small lot fronting on the

Seaboard and Roanoke rail road in Suffolk Virginia and having on it a small negro tenement house of two rooms built of rough boards and unfinished on the inside and the first of these lots is worth six hundred dollars and the second not to exceed three hundred dollars; that they are not more valuable because of their present shape and of their small size and if divided (if they could be) into small parcels or lots so that Fannie Oliver would have one half thereof in Value and Richard H Houston and James E. Houston each one fourth part thereof in Value, they would be greatly depreciated in Value as to the several parts and consequently the parties injured to the extent of the depreciation. But your commissioners find it impossible to divide two lots located as these are, (being so different in Value and in size and in the nature and Kind of buildings on them), into such shares as to give one party one half thereof in Value and two other parties each one fourth thereof in Value. As to the third parcel of real estate mentioned in said deed, your commissioners report to court that it is worth six hundred dollars and that it cannot be conveniently divided so that Ann E Hodges shall have one half thereof in Value and Fannie Oliver one fourth and Richard H Houston one half of one fourth and James

E Houston one half of one fourth part thereof without loss and injury to the parties in interest;
in Value, and that if it could be so divided
your Commissioners would deem it inexpedient
and of no advantage to the parties to so divide
it in-as-much as ~~it is~~ the entire parcel, it
constitutes the dower of Louisa Cherry in the estate
of her late husband William Cherry deceased
and will of course be in her possession as
long as she shall live. Your Commissioners
further report that none of the parties in
interest are willing or able to accept said lots as
a whole or any part of them and pay therefor
to the other parties such sums of money as their
interest therein ~~is~~ would entitle them to.
Your Commissioners therefore recommend a sale
of said lots for partition and a division of
the proceeds among the parties as the only way
in which partition can be conveniently made
without loss and injury to the parties.

Respectfully submitted

A S Darden
J C Bowker
Wm L Coleman
Thos G Clem
Comrs.

20th. Sept. 1880.

Commissioners fees each $1.50

Fannie Oliver et al

vs } Report on Petition

Louisa Oliver et al

1880. Sept. 21st Filed

Fannie Alexier et al

vs.

Louisa Cherry et al

This cause came on this day to be again heard on the papers formerly read therein and on the Report of sale of real estate filed the 20th. day of January A.D. 1882 by Commissioner, Wilbur J. Kilby 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 said Commissioner, Wilbur J. Kilby, receive of the Clerk of this Court, who will deliver to him and take of him a receipt and file said receipt in the papers in this cause for the two Bonds of Thos. W. Smith ~~filed~~ filed with said Report each for the sum of $180.$\frac{76}{}$ and dated the 9th. day of January A.D. 1882 and payable respectively eight and sixteen months after the date thereof with interest from date to said Commissioner, and that said Commissioner collect the principal sums of said two Bonds at the maturity thereof, or receive the same, should the obligor desire to

pay the money before the maturity of said Bonds together with all the interest due thereon on the day when said money shall be so collected or received, and out of the money pay first all unpaid costs of this cause, and then distribute and pay out one-half of the residue to Ann E. the wife of Solomon Hodges, and one-fourth to Fannie Oliver, and one-eighth to Richard H. Houston (he being now over the age of twenty one years) or to his assigns, and one-eighth for James E. Houston to his lawfully appointed and duly qualified guardian he being under the age of twenty-one years.

And the Court doth further adjudge order and decree that said Commissioner Wilbur J. Kilby, when he shall have first paid said Bonds and all interest due thereon in full, make to Thomas W. Smith, a deed with special warranty in the usual form conveying to him, subject to the dower estate, or estate therein of Louisa Cherry widow of Wm. Cherry deceased, for and during her natural life, all that certain lot or parcel of land situated on the East side of Sycamore Street in the Town of Suffolk, Va. and purchased by said Thomas W. Smith under proceedings had in this cause as specified in

the above-mentioned Report, and make Report to Court of his proceedings under this decree filing therewith proper vouchers or receipts for all such payments as he is required to make hereunder.

Fannie Oliver et al.

vs. } In Chy.

Louisa Cherry et al

Nansemond County
Circuit Court
April 10th 1882
Decree
To be entered

Geo. T. Eason

copied

Entered Order Book No. 1
Page 539

Fannie Oliver Tal.

vs.

Louisa Cheny Tal

This cause came on this day to be again heard on the papers formerly read therein and on the Report of collection and payments filed the 8th. day of October A.D. 1881 by Wilbur J. Kilby, Commissioner, 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 ~~continued~~, and the same is hereby, continued.

Fannie Oliver &c

vs.

Cherry &al

Nansemond County

Circuit Court

Octo. 11th 1881

Decree

To be entered

Geo. T Bloxom.

Entered O-B. No 1-

p. 547

Fannie Oliver &al

vs.

Louisa Cherry &al

This cause came on this day to be again heard on the papers formerly read therein and on the Report of sale of land filed the 25th day of January A.D. 1881, ~~&c~~ by Wilbur J. Killy. Commissioner, and was argued by counsel.

On consideration whereof the Court doth confirm the said Report to which no exception has been filed and doth adjudge order and decree that said Wilbur J. Killy. Commissioner, receive of the Clerk of this Court who will deliver to him and take a receipt of him for the certificate of Thos. G. Elam cashier of The Commercial Bank of Suffolk in Suffolk Va. filed with said Report and showing a deposit at said Bank of the sum of $724.50 to ~~&c~~ the credit of said Wilbur J. Killy as Commissioner in this cause and that said Commissioner return and deliver said certificate to said cashier

and receive and collect of said cashier who will pay to him said sum of $724.50 and all interest due thereon, and that said Commissioner pay out of said money first all unpaid costs of this suit, and then pay out and distribute one half of the residue to Fannie Olivier and one-fourth to Richard H. Houston, he being now over the age of twenty one years or to his assigns and one-fourth to James E. Houston to his lawfully appointed and duly qualified guardian, he being under the age of twenty one years.

And the court doth further adjudge, order and decree that said Commissioner, Wilbur J. Kelly, ~~as Comm~~ make to A.S. Darden and R. Seth Edey as merchants and partners in trade under the firm name and style of Darden & Edey a deed with special warranty in the usual form conveying to them the real estate purchased by them

under proceedings had in this cause as specified in said report and make report to Court of his proceedings under this decree filing therewith proper vouchers or receipts for all such payments as he is required to make hereunder

Fannie Oliver &al

vs. } In Chy

Louisa Cherry &al

Nansemond County
Circuit Court 1881
April Term 1881
Decree
To be entered
Geo. Bloxom.

Entered O.B. No-1
p. 576

Fannie Alvier &al.

vs.

Louisa Cheny &al

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Commissioners, A. S. Darden J. E. Booker, Wm. J. Cohoon and Thos. G. Elam filed on the 21st. day of September A.D. 1880 and was argued by counsel.

On consideration whereof the Court doth confirm the said Report to which no exception has been filed and doth adjudge, order and decree that Wilbur J. Kilby who is hereby appointed a Special Commissioner for that purpose, proceed to sell at public auction before the Courthouse door of Nansemond County, Virginia, on some County Court day the following parcels of real estate of ~~the two first of~~ which Fannie Alvier and Richard H. and James E. Houston, heirs of Wm. Cheny deceased, are seised and possessed, to wit: 1. A house and lot in the Town of Suffolk Virginia near the depot of the Atlantic Mississippi and Ohio Railroad and on the way ~~from~~ along said Railroad from Sycamore to Riddick Street of said Town and about half way between said Streets; and, 2. A house and lot ~~&c~~ in said Town

and on the North side of the Seaboard and Roanoke Railroad, a short distance East of Main Street of said Town and bounded on the South by said last-named Railroad, on the East by ~~Henry Butts~~ the lot of Henry Butts, on the West by the lot of Sols. Hodges and on the North by the land of Wilbur J Kilby: and

3. A house and lot, (subject to the ~~life right of~~ estate of Louisa Cherry ~~therein~~ for and during her natural life), situated on the East side of Sycamore Street in said Town and bounded on the North by the lot of Wm. H. Jones, on the West by said Sycamore Street ~~and~~ on the South by the lot of John Douglass and on the East by the lot of Benjamin Saunders which said last named house and lot is the property of Ann E. Hodges, Fannie Alice and Richard H. and James E. Houston, heirs of Wm Cherry deceased. And that said Commissioner sell said parcels of real estate on the terms of the payment by the purchaser of one-fourth of the purchase-money in cash and the balance in equal sums at the end of eight and sixteen months from the day of sale and take Bonds of the purchaser in evidence of the de-

ferred payments with good personal security payable to himself, said Commissioner, with interest from the day of sale, and retain the title to said parcels of real estate until the further order of Court and file said Bonds with his Report which he will make to Court of his proceedings under this decree, and that said Commissioner pay the costs of this suit ~~and~~ X including to the Counsel for the Plaintiffs a fee of thirty dollars and the expenses of said sale out of that part of the purchase-money which he may receive in cash.

And said Commissioner is directed to give notice of said sale by printed advertisements to be posted at several public places in the Town of Suffolk, Va, and at said Courthouse door for at least twenty days prior to said sale and to X ~~printed~~ publish ~~d~~, said notice once a week for three successive weeks in a newspaper printed in ~~X~~ said Town.

But before proceeding to sell ~~said~~ ~~for~~ said parcels of real estate, said Commissioner will execute before the Clerk of this Court in his office, a Bond in the penalty of $1500.^{00} with good personal security payable to the Commonwealth of Virginia and conditioned for the faithful execution of this decree and all other decrees he may be required to execute in this cause

Fannie Oliver &al.

vs. } In Chy.

Cherry &al.

Nansemond County
Circuit Court
October 14th Term 1880

Decree
To be entered

Geo. T. Cook.

Entered O. B. No 1-
p. 499

Fannie Oliver &c.

vs.

Louisa Cheny &c

This cause came on this day to be heard on the Bill of the Complainants, taken for confessed as to the defendant, Louisa Cheny on whom process had been duly executed, she still failing to appear, demur, answer and plead, and on the answer of the infant defendants, Richard H. and James E. Houston, by Peter B. Prentis their guardian ad litem, with general replication thereto and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that partition be made of the several pieces or parcels of real estate in the Bill mentioned and described as follows:

1. A house and lot in the Town of Suffolk, Nansemond County, Virginia, near the depot of the Atlantic, Mississippi and Ohio Railroad and on the way along said Railroad from Sycamore to Riddick Street of said Town and about half-way between said Streets; and

2. A house and lot also in said Town and on the North side of the Seaboard and Roanoke Railroad, a short distance East of Main Street of said Town and bounded on the South by said last named Railroad, on the East by the lot of Henry Butts, on the West by the lot of Dolo. Hodges and North by the land of Wilbur J. Killy; And that said partition be made into parts ~~of equal value~~ so that said Fannie Alice shall have one-half part thereof in value, and said Richard H. and James E. Hoston, each one-fourth part thereof in value.

And the Court doth further adjudge order and decree that partition be also made of ~~the following~~ that other parcel of real estate ~~also~~ mentioned and described in said Bill as a house and lot on the East side of Sycamore Street in said Town and bounded on the North by the lot of Wm. H. Jones, on the West by said Sycamore Street, on the South by the lot of John Douglass and on the East by the lot of Benjamin Saunders, and that the same be so partitioned as that said Ann E. wife of Dolo. Hodges shall have one-half part thereof in value, and said Fannie

Oliver one-fourth part thereof in value, and and said Richard H. and James E. Houston each one-half of one-fourth part thereof in value.

And for the purpose of effecting such partition, the Court doth order that John F. Pinner, Wm. J. Cohoon, A. S. Darden Thos. G. Elam, and J. E. Booker, who are hereby appointed Special Commissioners for that purpose any three of whom may act, lay off and divide the real estate aforesaid, having regard to ~~assign and allot to the several persons~~ quality and quantity, into ~~before named~~, the respective shares and proportions aforementioned, and assign and allot the same to the several persons above named as above-prescribed, or, if such partition be impracticable, that they so lay off and divide said real estate, as that they may be able to assign and allot the same in whole or in part, in one of the modes prescribed by law to any one or more of said parties ~~in one of the modes prescribed~~ willing to accept the same in this way and pay therefor to the other parties such sums of money as their interests therein may entitle them to.

And if in their opinion, such partition of said real estate cannot be made in kind without loss or injury to the parties, then, said Commissioners ~~could~~ will

report that fact to ~~Court~~ this Court and the reasons upon which their opinion may be founded with the ~~real~~ fee-simple value of said real estate, and make report to Court of their proceedings under this decree as well as of any other matters deemed pertinent by themselves or required by the parties.

Jennie Allen Sol

vs.

Cherry Sol.

Mansd. Co. Ch. Ct.
Sept. Term 1880
Decree
To be entered
Geo. B. Loud.

Circuit C. B. Nov 1-
12-473

Fannie Oliver &al

vs.

Louisa Cherry &al.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Special Commissioner, Wilbur J. Kilby made under the decree in this cause of the 10th. day of April 1882 and filed the 6th. day of July 1882 ~~and~~ being a Report of distributions, 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.

Fannie Oliver &al

vs.

Cherry &al.

Nansemond County
Circuit Court
Octo 13th 1882

Decree Final
To be entered

Geo. Bacon

Entered - Chancery Order
Book No. 1 - Page 584

The joint and separate answer of Richard W. Houston and James E. Houston, infants under the age of twenty-one years by Peter B. Prentis their guardian ad litem, assigned to defend them in this suit, to a Bill of complaint exhibited against them and others in the Circuit Court of the County of Nansemond by Fannie Olivier and others, Complainants:

These respondents, reserving to themselves the benefit of all just exceptions to the said Bill for answer thereto, or to so much thereof as they are advised that it is material they should answer, by their said guardian ad litem, answer and say, —

That ~~that~~ they are infants of tender years and by reason of their infancy are incapable of understanding, or taking care of their rights and interests. They, therefore, by their said guardian commend themselves and their rights and interests to the protection of the Court and pray that no decree may be pronounced which will tend to their prejudice. And

having fully answered, these respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray &c.

(Signed)

Peter B. Prentis,

Q.C. and Attorney.

Fannie Alvien &al
vs.
Louisa Cherry &al
Ch.

Answer of
Infant defendants

To the Hon. Geo. Blow, Circuit Court Judge in and for the County of Nansemond, State of Virginia:

Humbly complaining respectfully represent and shew unto your Honor, your Complainants Fannie Oliver and Sols. Hodges and Ann E. his wife

That the said Fannie Oliver and one Maria Houston, now deceased, were in the lifetime of said Maria Houston, as heirs at law of Wm. Cherry deceased, ~~heirs~~ jointly seised and possessed of the following real estate, to wit:

1. A house and lot in the Town of Suffolk, Nansemond County, Virginia near the depot of the Atlantic, Mississippi and Ohio Railroad, and on the way along said Railroad ~~and about halfway between~~ from Sycamore to Reddick Streets of said Town and about half way between said Streets, its value being about $600.00; and

2. A house and lot, also in said Town and on the ~~South~~ North side of the Seaboard and Roanoke Railroad a short distance East of Main Street of said Town and bounded on the

South by said last named Railroad, on the East by the lot of Henry Butts and on the West by the lot of said Sols. Hodges and North by the land of Wilbur J. Kilby, its value being about $200.00

That on the 5th. day of ~~September~~ November 1879 said Maria Houston departed this life, seised of her interest, to wit, a one-half interest in said two lots and left no ~~widow~~ husband surviving her. She being a widow. That her heirs & distributees at law are her two children, Richard H. Houston aged 20 years, and James E. Houston 15 years of age, both living in the city of Portsmouth, with their aunt, Your Complainant, Fannie Oliver, who resides in said city.

That your Complainant said ~~Mary~~ Fannie Oliver and said Richard H. and James E. Houston are, therefore, now ~~the~~ jointly seised and possessed of said two lots of land, the said Fannie Oliver of an undivided one-half interest therein and said Richard H. and James E. Houston jointly of the

other undivided one-half interest. That said two lots are subject to a partition or division among and between said Fannie Oliver and Richard W. and James E. Houston according to their respective interests.

That said Fannie Oliver and Ann E. the wife of Solo. Hodges, and said Richard W. and James E. Houston are jointly seised of a house and lot on the East side of Sycamore Street in the Town of Suffolk aforesaid and bounded on the North by the lot of Wm. H. Jones, on the West by said Street on the South by the lot of John (Jack) Douglass and East by the lot of Benjamin Saunders its fee-simple value being about $800.

That this last named lot is owned in fee-simple as follows: An undivided one-half interest by said Ann E. Hodges, a one-fourth undivided interest by said Fannie Oliver and a one fourth undivided interest by said Richard W. and James E. Houston jointly as heirs of their mother, said Maria Houston deceased, who was seised of the same when she died.

That said last named lot is now in the possession of Louisa Cherry widow of ~~said~~ Wm. Cherry as her dower in said Wm. Cherry's estate, the same having been duly assigned to her.

Your Complainants are informed and so state that said last named lot is also subject to partition among the fee simple owners thereof to wit, said Fannie Oliver Ann E. Hodges, and Richard H. Houston and James E. Houston according to their respective interests.

Your Complainants charge however that said three parcels or lots of land can not be conveniently divided among said owners thereof because of the inequality ~~of~~ in the value of the lots and the necessity for a sub-division of them if divided at all, by reason of the number and interests of the owners - which said sub-division cannot be made.

That said two first named lots afford but little income to said Fannie Oliver and Richard H. and James E. Houston, the rents being

very small and difficult to collect and when collected, are nearly all consumed in payment of taxes and for repairs on said lots and the houses thereon; that they do not afford said Fannie Clevier and Richard W. and James E. Houston any means of suffort but on the contrary give them a great deal of trouble in collecting the rents and managing and looking after said lots. said parties being residents of the city of Portsmouth Va and having comfortable homes there: that said lots for want of proper care and management are fast becoming depreciating in value and will ere long become all together unprofitable and a burden on the hands of said owners: that said Fannie Clevier, has charge of the persons of said Richard W. and James E. Houston and the management of their affairs and their condition knows, and is able to say that they have no income and no money and are badly in need of money for their suffort, and education and to purchase clothing for them. their and

must suffer, unless something shall be done in the premises for their early relief. — Their mother, said Maria Houston deceased, having left them no estate except their interests in said lots

That said third above mentioned lot, of course, affords your Complainants and said Richard H. and James E. Houston no income or profit whatever, the same being in the possession of said Louisa Cherry as her dower aforesaid and she being entitled to the use and enjoyment and all profit and income from the same so long as she lives. But Your Complainants are advised and so state that said Louisa Cherry is willing to unite in a conveyance of her liferight & estate in said dower lot and to accept in lieu thereof the present value thereof in money out of the proceeds of the sale of said lot, if the interests of said Fannie Allen & Ann Hodges and Richard H. and James E. Houston can be and shall be sold for their benefit.

And Your Complainants charge that said property is not susceptible of a partition in kind among

said joint owners thereof, and that an account of the wants and needs of the said infants, Richard W. Houston & James E. Houston, and the desires and wishes of said Fannie Olivier and Sol. Hodges and Ann E. his wife the joint owners, a sale should be made of all said property and the proceeds divided among the parties aforesaid according to their respective interests.

And your Complainants further ~~said~~ say that said Maria Houston died indebted to us one, ~~for~~ satisfaction of whose claim her interest in said real estate is liable; that said Fannie Olivier her sister, with whom she lives knows that said ~~Fannie Olivier~~ Maria Houston died owing no debts whatever; and her funeral expenses having been all paid, there is no outstanding claim against her for which the interest in said lots of which she died seized, could be held liable, so her said children are entitled to the entire proceeds thereof.

and as this suit is for the mutual benefit of all parties concerned, Plaintiffs and defendants, notice is hereby given that the Court will be asked to allow such reasonable fee in addition to that allowed by ~~said~~ law, to the Counsel for said Complainants as may be just and proper.

In Consideration Whereof, Your Complainants being without remedy save in a Court of Equity, pray that said Louisa Cherry and Richard H. and James E. Houston, the last two being infants under the age of twenty one years, may be made parties defendant to this suit and be required to answer all the allegations in this Bill contained the adults in ~~their~~ her proper person and the infants by their guardian ad litem to be appointed for them: that said Louisa Cherry may be required to State in her answer whether she is willing to a sale of her interest in the property aforesaid and to accept in lieu thereof its present value in money; that said property may be divided into parts equal in value to the respective interests of the owners aforesaid and said parts allotted to them respectively, or that ~~said~~ said property may be allotted in whole or in part to any one or more of said parties, willing to accept the same and pay therefor to the other parties such sums of money as

their interests therein may entitle them to. if in any event said property can be conveniently so divided and allotted. But, if it cannot be so divided and allotted. (and your Complainants distinctly charge that it cannot be conveniently divided and allotted), then your Complainants pray that the same may be sold as best promotive of the rights, interests and wishes of all parties and the proceeds of the sale divided ~~and~~ among and paid to said parties according to their respective interests, and that all further and adequate relief may be granted as to Equity may seem fit and proper and the rights of the parties may require. And as in duty bound, Your Complainants will ever pray &c.

Fannie Oliver and
Solo. Hodges and
Ann E. his wife
By Wilbur J. Kilby.
p.q.

Fannie Oliver &al.

vs. } In Chy.

Louisa Cherry &al.

Bill

WILBUR J. KILBY
Attorney-at-Law
SUFFOLK, VA.

Fannie Oliver and Solo: Hodges and Ann E. his wife. Complainants.

vs" } Chy: Notes

Louisa Cheny and Richard H and James E.

Houston: the last two being infants under the age

of twenty-one years. . . . . Defendants.

1880. Jany: 23rd: Summs in Chy: issued to Feby: Rules, 1880

" Feby 2nd: Bill filed — Decree nisi vs dfts, Louisa Cheny

" " " Peter B. Prentis appointed gen: ad litem to infants.

" " " Answer of infants by gen: ad litem filed —

gen. Application thereto, & cause set for

hearing as to them, by cons: of Complts Counsel

" March 1st: Decree nisi confirmed & cause set for

hearing on: cons: of Complts Counsel.

" April 12th Decree for partition &c

" Septr: 21st Report on partition &

" Octo: 14th: Decree for Sale

" Nov: 1st: Commrs bond executed & filed

1881 Jan. 25th Report of sale filed

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

" Octo: 8th: Report of Collection & distribution

1882. Jany: 20th: Report of sale of land. No: 2.

" April 10th: Decree to collect, distribute & make deed.

" July 4th: Report of Collections & Payments

Chy: Notes