1882-015
Nansemond Co. (Suffolk)

Chancery Causes: George Gardner & wife et al vs William H. Lee et al

Burgess, Howell, Owens, Councill, Duke, Babb, Harrell

Plat

Costs

2 Shaving Cks	~~10~~
18 Chairs	2.25
writs: 18. doc: 18. letter: 10	46
tickets, stiffy, affi-	~~35~~
stiffy. Bill 15. writs: letter 35.	50
Licence Music	~~20~~
or: d Co: ability: pleas: Solicitor	56
Engrossing: music: & Indorsement	30
or: Pub: d. 3 Copies	96
file Certificate of Pub	15
Court House outhouse	50
Letting Caravan for hire	~~20~~
Licence for Particulars & Copies	~~1.25~~
stiffy: letter:	15
	6.84
19 Carting	~~1.50~~
House ~~ft cart~~ 4 Chairs	50
Carting. hire &	15
Sale. Before sale	1.00
House ~~$1.~~ stiffy 50	15
Carting: Repairs &	50
House	1.00
Licence to sell Ale	~~$2.~~ 31.50
letter: stamps	1.00
Stiffy: Costs.	1.00
"Goods	
Printing	8.75
	~~$6~~ 2.33 2
	~~$~~ 12.32

Def
4 7 4
3 6
8 4

Costs

The Commonwealth of Virginia,

To the Sheriff of Nansemond County---Greeting.

YOU ARE HEREBY COMMANDED TO SUMMON Wm: A. Lee, John P. Lee, Charlotte Lee, Ann O. Howell, formerly Ann O. Lee, Reuben Owens and Sarah F. his wife; Jesse O. Council and Antoinette, his wife, A. J. Duke, Jas: A. Duke, Thos. W. Babb and Eulalia his wife; Henry F. Duke, Isaac F. Duke, Geo: M. A. Lee, Sophia L. Lee, Wm: Lee and Cowan D. Lee: the last six infants:

to appear at the Clerk's Office of our Circuit Court for the County of Nansemond, on the first Monday in March next, 1868, being rule day, to answer a bill in chancery, exhibited against them by George Gardner and Esther Elizabeth his wife, and Edward W. Burgess and Amanda M. his wife

and unless they shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then and there this writ. *Witness*, PETER B. PRENTIS, Clerk of our said Court, at his Office, this 14th day of February 1868, and in the 92nd year of the Commonwealth.

Peter B. Prentis *Clerk.*

☞ The Sheriff will, in his return, note the day on which this process is executed on each Defendant.

Kelly. p. 9

George Gardner & others

vs } Sum. in Chy.

Wm. N. Lee Sol.

To March Rules 1858.

Pro. B. No. 1. page 34

Cir. Co.

Executed Feby 20th 1858 and a true copy hereof delivered to Reuben Powell Clerk &c the other defendants respectively at the same time.

Feby 20th 1858

P. A. Phelps D.

The Commonwealth of Virginia,

To the Sheriff of ~~Nansemond~~ Isle of Wight County---Greeting.

YOU ARE HEREBY COMMANDED TO SUMMON Wm. H. Lee. John P. Lee, Charlotte Lee, Ann O. Howell, formerly ann O Lee, Reuben Owens, and Sarah F his wife, Jas. D. Councill and Antoinette, his wife, A. J. Duke, Jas A. Duke, Thos. W Babb and Eulalia his wife. Henry H. Duke, Isaac I. Duke. Geo M. H. Lee, Sophia L. Lee, Wm Lee and Cowan D. Lee, the last six infants

to appear at the Clerk's Office of our Circuit Court for the County of Nansemond, on the first Monday in March next, 1868, being rule day, to answer a bill in chancery, exhibited against them by George Gardner and Esther Elizabeth his wife, and Edward W Burgess and Amanda M his wife

and unless they shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then and there this writ. *Witness*, PETER B. PRENTIS, Clerk of our said Court, at his Office, this 14th. day of February 1868. and in the 92nd year of the Commonwealth.

Peter B. Prentis Clerk.

☞ The Sheriff will, in his return, note the day on which this process is executed on each Defendant.

Kilby p. q.

George Gardner & wife Dol:

To Subpn. in Chy:

10m: H. Lee

To March Rules 1868

Kilby & Pounds
vs
Kilby Adm

Executed by delivering a true copy of the
within to Lyman D. Brownell Adm 28th
Feby 1868

Pro: B. No: 1. Page 34
Cir: Co:

Virginia

At Rules held in the Clerk's Office, of the Cir-
cuit Court of Nansemond County, on Monday
the 2nd. day of March 1868.

George Gardner and Esther Elizabeth his wife; and
Edward W. Burgess, and Amanda M. his wife. Complainants

against } In Chancery.

Wm. H. Lee, John P. Lee, Charlotte Lee, Ann O
Howell formerly Ann O Lee, Reuben Owens and
Sarah F. his wife: Jesse D. Councill and Antonette
his wife, A. J. Duke, Jas. A Duke, Thos. W. Babb
and Eulalia his wife, Henry F. Duke, Isaac T.
Duke, Geo. M. H. Lee, Sophia L. Lee, Wm Lee and
Cowan D. Lee, the last six infants ..... Defendants.

On the Motion of the Complainants by Counsel, Peter B.
Prentis, it is appointed guardian ad litem, to defend the in-
fant defendants, in this suit; and it is ordered, that
notice be given the said guardian of his appointment
by serving on him a Copy of this order.

Test.

Peter B. Prentis. Clerk

1868. March 2nd. I acknowledge service, of the foregoing order
and that I have received a Copy thereof.

Peter B. Prentis.

Gdn: ad litem

George Gardner & ux: tal:

vs } or: apptq: qd: ad Calem

10 or: H. Lee tal:

Know all Men by these Presents,

That we, Wilbur J. Kilby and Wallace Kilby.

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the just and full sum of Eight hundred (800) 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 24th day of October in the year one thousand eight hundred and Seventy-nine and in the 104th 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, 1879, in the Chancery Cause of George Gainer Lucy &c. Plaintiffs vs Wm H. Lee &c. 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.

Wilbur J. Kilby (Seal.)

Wallace Kilby. (Seal.)

(Seal.)

(Seal.)

(Seal.)

Wilbur J. Kilby, Sh:
Commtt:

Ja } Bond

Commonwealth

1879
Octo: 24th: Executed Febd

George Gardner & wife & al:

vs Chy. suit pending in Nansemond Circuit Court

Wm. H. Lee & al:

This day John R. Kilby. Attorney for the complainants personally came before me & being sworn says that ~~the above named~~ Wm: H. Lee. Jno: P. Lee. Charlotte Lee Ann O. Howell (formerly Ann O. Lee) A. J. Duke. Jas: A. Duke & Thomas W. Babb & Eulalia his wife. parties to this suit are non-residents of the state of Virginia as he verily believes (Signed)

John R. Kilby

Sworn to before me
in my Office this
29th. day of July: 1868

Peter B. Prentis. Clerk

Gardner & Ux: Libl

Affidavits of Non-residence of certain of the defts:

Wm H. Lee & Als:

1868

Feby: 29th Filed. clk:

May 10th 1869 Rec'd from
Jethro Riddick Com'r the
sum of ten dollars in part
pay for services rendered
as surveyor of lands be-
longing to the heirs of the
late Lavinia Lee Lee

Edwin Smith

E. Smith

Rent

$10-00

4.00

1-50

15.50

5.75

21.25

March 5th day 1867 Received of Silvio Rudisill for the hire of Levina Lee Deer one dollar & 50/100 for two days services going round the lands of said dec to show the lines

Witness
Edw. Rudisill.

his
Abshon X Barnes
mark

Asylum Barn

Rent for

$1-50

1869 April 7th Rec'd of Seth Riddick two dollars ($2)
in payment for my services as Com. of the Land
of Levina Lee Dec'd and also for attending Survey
of same.

Joseph Booth

1869 April 7th Rec'd of Seth Riddick two dollars ($2)
in payment for my services as Comm'r of the Land
of Mrs Levina Lee dec'd and also for attending
Survey of same

Dempsey Jones

J. Booth &
& Jones Rent
for $4.00

A bill of timber taken from the Ike Farm
By Dr. H. Ike Consent. August 1866.

2	plates	26	feet	long	4 by 6.	72 feet.
4	corner post.	9	"	"	4 " 6.	30 "
2	Door	" 9	"	"	4 " 6	15 "
26	Studs	9	"	"	3 " 4	142 "
22	Rafters	12	"	"	3 " 4	154 "
34	Laths	26	"	"	3 " 4	295 " 6 inch
9	joice	18	"	"	3 " 6	121 " 6 "
11	Clupers	18	"		~~4~~ " 8	178 " ~~6~~ "
8	Braces	6	"	"	3 " 6	36 "

1064 " inches

Feb 22nd 1869 Recvd in part of the above out 21.28
Balance due this day 15.00
$6.28 now due
6.28 Power

This day Miles Parker personally came before me and Made affirmation to the above bill of Timber to be correct and true.

Given under My hand and seal this 15th day of February 1868.

E. G. Rainer J.P.

1064
21.28

By cash rec? from sale of Timber on the Lands referred to within by Isthmo Riddick ₶ 21:28

To paid Abolom Barry for survey ₶ 1.50
" " Wm. Borthe " 2.00
" " Cumpey Dyer " 2.00
" " Edwin Smith " 10.00
" " Isthmo. Riddick " 5.78 = ₶ 21:28

E. E.

Isthmo Riddick

1 Esther Elizabeth Gardner care of ~~A. J. Dudley~~ W. H. Bradshaw, Franklin

1 Edward Burgess

1 John P. Lee Reynoldsburg O.

1 Charlotte Lee " care of E W. Burgess

1 Ann O. Howell " care of W. H. Bradshaw

1 Sarah F. Davis Windsor Va

W. A. Comer Canonica

A. J. Duke Reynoldsburg

Jas. A. Duke Wilmington

Isaac " "

Henry " Reynoldsburg

Elvira Babb formerly Duke "

1 Geo. W. H. Lee under 21

Sophia L. Lee "

1 Wm. Lee "

Edward L. Lee "

Mr. William Lee Esl N C

To GEORGE W. SKINNER, Dr.

1874. CLERK AND TREASURER OF CYPRESS TOWNSHIP.

To 1 Capitation Tax, 50 cts., to defray Township expenses.....		
To $960 worth land, at 5 cts. on the $100, to defray Township expenses..		48
To $——— worth personal property at 5 cts., on $100 do. do.....		
To Assessor's Fees.....		

RECEIVED PAYMENT,

Wm. H. Miller

$ 0,48

Collector.

Mr. William Lee Est.

1870. To A. S. ELEY, Sheriff of Nansemond Co., Dr.

To	State and School Tax, $1.00. County Levy, 50 cts.....		
"	435 Acres Land, value $ 1485 at 50 cts. on $100 value,	7	43
"	Ditto for county, 50 per cent. on revenue tax.....	3	72
"	Ditto for Parish, 12½ " " " " "		93
"	Revenue on Personal Property, Bonds, &c., at 50 cts. on $100 value,		
"	Ditto for county, 50 per cent. on revenue tax.....		
"	Ditto for Parish, 12½ " " " " "		
"	Clerk's Fees.....		
"	Commissioner's Fees.....		
"	Sheriff's Fees.....		72
	RECEIVED PAYMENT, of E. W. Burgess $	12	80

Wm Eley

For A. S. ELEY, Sheriff.

Wm. Lee Est,
N.C
$1208
12,50

Mr. William Lee's Est.

HOLY NECK TOWNSHIP,

1871. **To NANSEMOND COUNTY TREASURER, Dr.**

To Revenue Tax on 4.35 Acres land, value $.760 at 50 cents on $100	4	80		
" " " on property, bonds, &c., value $..... at 50 cents on $100				
" Capitation Tax on.....person at $1 each				
Total State Tax			4	80
" County Levy, 25 per cent. on State Tax	1	20		
" Township " 25 " " " "	1	20		
" Capitation Tax for County on.....persons at 50 cents each			2	40
Total County and Township Tax			1	20
Total				36
September 1st, 5 per cent added				1 56

Received Payment,

..... *Treasurer.*

M T Sander *Collector.*

Lee Wm
(Est)

756
192
T.S.

Mr Wm. Lee's estate

1872. **To HOLY NECK TOWNSHIP, Dr.**

To Township Levy on $ 960 worth Real Estate, at 10 cts. on the $100.....$ 96

To Township Levy on $ worth Personal Property, do. do. .....$

Received payment, $ 96

W Hoag Collector

Mrs. (Est. of)

8.38
.42
8.80
96
9.76
Incl. .96
780.

Commonwealth of Virginia,

OFFICE OF THE AUDITOR OF PUBLIC ACCOUNTS,

Richmond, Va., Jany. 29, 1880.

Nansemond Co. Cypress District.

William Lee's Est., 420 acres adj. Roger Parker's Est.

Delinquent for Taxes of 1874.		4.20
	Int.,	1.25
1875		4.20
	Int.,	1.00
1876		3.68
	Int.,	66
1877		3.68
	Int.,	44
1878		3.68
	Int.,	22
		$23.01

Same, 15 acres adj. Goodman and State Line.

Delinquent for Taxes of 1874.		60.
	Int.	12
1875		60
	Int.	9
1876		38
	Int.	6
1877		38
	Int.	3
1878.		38
	Int	3
		2.6 4

$23.01.
2.64
.50 Redemption fee

Total, $26.15

Paid Feb. 5, 1880.

Sct. Wm R. Smith, clk.

Taxes to be
allowed & paid
out of sale of
Lavinia Lee's
land when the
Purchaser's Bonds
are paid

Received of Wilbur J. Kilby, Comr. Twenty seven and 63/100 dollars, the same being my share to wit 1/2 of 1/9 of the sum of $497.40 in his hands for distribution under decree of 12th. day of April A.D. 1880 in the Chancery cause of Geo. Gardner & al. Plaintiffs against Wm. H. Lee & al, defendants, said sum of $497.40 being the net proceeds of the sale of the land of Lavinia Lee (of whom I am heir), under proceedings had in said cause.
$27.63
15 Feby. 1882 M. Antoinette Council

Received of Wilbur J. Kilby, Comr. Eleven and 05/100 dollars, the same being my share to wit 1/5 of 1/9 of the sum of $497.40 in his hands for distribution under decree of 12th. day of April A.D. 1880 in the Chancery cause of Geo. Gardner &al. Plaintiffs, against Wm. H. Lee &al. defendants, said sum of $497.40 being the net proceeds of the sale of the land of Lavinia Lee (of whom I am an heir) under proceedings had in said cause.

$11.05

15 Feby. 1882

Received of Wilbur J. Kilby Comr. fifty-five and 26/100 dollars. the same being my share, to wit, one-ninth of the sum of $497.40 in his hands for distribution under decree of 12th. day of April 1880 in the Chancery cause of Geo. Gardner & others. Plaintiffs against Wm. H. Lee and others defendants, said sum of $497.40 being the net proceeds of the sale of the land of Lavinia Lee (of whom I am an heir) under proceedings had in said cause

$55.26

Jno. S. Lee

15 Feby. 1882

Received of Wilbur J. Kilby, Comr. fifty-five and 26/100 dollars, the same being my share, to wit, one-ninth of the sum of $497.40 in his hands for distribution under decree of 12th. day of April A.D. 1880 in the Chancery cause of Geo. Gardner and others, Plaintiffs, against Wm. H. Lee and others, Defendants, said sum of $497.40 being the net proceeds of the sale of the land of Lavinia Lee (of whom I am an heir), under ~~proceedings~~ proceedings had in said cause

$55.26

15 Feby 1882

Geo. W. H. Lee.

Received of Wilbur J. Kilby Comr. Twenty seven and 63/100 dollars, the same being my share to wit 1/2 of 1/9 of the sum of $497.40 in his hands for distribution under decree of 12th. day of April A.D. 1880 in the Chancery cause of Geo. Gardner &al. Plaintiffs against Wm. H. Lee &al. defendants, said sum of $497.40 being the net proceeds of the sale of the land of Lavinia Lee (of whom I am an heir), under proceedings had in said cause

$27.63

Sarah Frances Owens.

15 Feby. 1882

Received of Wilbur J. Kilby, Comr. eighteen and 42/100 dollars, the same being my share, to wit 1/3 of 1/9 of the sum of $497.40 in his hands for distribution under decree of 12th. day of April A. D. 1880 in the Chancery cause of Geo. Gardner & others Plaintiffs against Wm. H. Lee and others, defendants said sum of $497.40 being the net proceeds of the sale of the land of Lavinia Lee (of whom I am an heir), under proceedings had in said cause

$18.42 15 Feby. 1882

Witnesses: P. T. Godwin
L. A. Dicks

Canon, D. Lee

Received of Wilbur J. Kilby, Comr. the sum of Eleven and 05/100 dollars, the same being my share to wit 1/5 of 1/9 of the sum of $497.40 in his hands for distribution under decree of 12th. day of April A.D. 1880 in the cause in Chancery in the Circuit Court of Nansemond County, Va. pending between Geo. Gardner & wife & others. Plaintiffs and Wm. H. Lee & al, defendants, said sum of $497.40 being the net proceeds of sale of the land of Lavinia Lee (of whom I am an heir) under proceedings had in said cause

$11.05

15 Feby. 1882

Eulalia Babb
by Thos. W. Babb

Received of Wilbur J. Kilby Comr. the sum of fifty-five and $\frac{26\frac{2}{3}}{100}$ dollars, the same being my share, to wit, one-ninth of the sum of $497.40 in his hands for distribution under decree of 12th. day of April A.D. 1880 in the cause in Chancery in the Circuit Court of Hanover County, Va. pending between George Gardner & wife &al. Plaintiffs against Wm H. Lee &al. said sum of $497.40 being the net proceeds of sale of the land of Lavinia Lee (of whom I am heir) under proceedings had in said cause.

$55.26\frac{2}{3}$

15 Feby 1882 Charlotte Lee

Witness

E. W. Burgess

Received of Wilbur J. Killy Comr. Eleven & $^{05}/_{100}$ dollars, the same being my share, to wit 1/5 of 1/9 of the sum of $497.^{46} in his hands for distribution under the decree of 12th. day of April A.D. 1880 in the cause in Chancery in the Circuit Court of Nansemond County Va. pending between Geo. Gardner & wife & al. Plaintiffs and Wm. H. Lee & al. defendants said sum of $497.^{40} being the net proceeds of sale of the land of Lavinia Lee (of whom I am heir) under proceedings had in said cause

A. L. Duke

$11.^{05}

15 Feby. 1882

Received of Wilbur J. Killy Comr. Eleven and $^{05}/_{100}$ dollars, the same being Isaac T. Duke's share, to wit 1/5 of 1/9 of the sum of $497.^{40} in his the said Commissioner's hands for distribution under decree of 12th. day of April A.D. 1880 in the cause in Chancery in the Circuit Court of Nansemond County Va. pending between Geo. Gardner & al. Plaintiffs and Wm. H. Lee & al. defendants, said sum of $497.^{40} being the net proceeds of sale of the land of Lavinia Lee (of whom said Isaac T. Duke was heir) under proceedings had in said cause

A. L. Duke

$11.^{05}

15 Feby. 1882 For I. T. Duke

Received of Wilbur J. Kilby Comr. eighteen & 42/100 dollars being my share, to wit 1/3 of 1/9 of the sum of $497.40 in his hands for distribution under decree of 12th. April 1880 in the Chancery cause of Geo Gardner & others Plaintiffs against Wm. H. Lee and others defendants, said sum of $497.40 being the net proceeds of the sale of the land of Lavinia Lee (of whom I am an heir) under proceedings had in said cause

$18.42

15 Feby. 1882

Sophia L Lee

Received of Wilbur J. Kilby Comr. eighteen $42/100 dollars being my share to wit 1/3 of 1/9 of the sum of $497.40 in his hands for distribution under decree of 12th. April 1880 in the Chancery cause of Geo. Gardner & others. Plaintiffs against Wm. H Lee and others defendants, said sum of $497.40 being the net proceeds of the sale of the land of Lavinia Lee (of whom I am an heir) under proceedings had in said cause

$18.42

15 Feby. 1882

William Lee

Received of Wilbur J. Kilby, Comr. fifty five & 26/100 dollars being my share to wit 1/9 of the sum of $497.40 in his hands for distribution under decree of 12th. April 1880 in the Chancery Cause of Geo. Gardner and others, Plaintiffs against Wm. H. Lee and others, defendants, said sum of $497.40 being the net proceeds of the sale of the land of Lavinia Lee (of whom I am an heir) under proceedings had in said cause

$55.26

15 Feby. 1882

Esther E. Gardner.

Received of Wilbur J. Kilby, Comr. for Ann O. Howell, fifty-five and 26/100 dollars being her share to wit 1/9 of the sum of $497.40 in his hands for distribution under decree of 12th. April 1880 in the Chancery cause of Geo. Gardner and others, Plaintiffs against Wm. H. Lee and others defendants, said sum of $497.40 being the net proceeds of the sale of the land of Lavinia Lee (of whom said Ann O. Howell is an heir), under proceedings had in said cause

$55.26

15 Feby 1882

Esther E. Gardner.
for Ann O. Howell.

At a Circuit Court, continued and held for Nansemond County, the 12th. day of April 1880.

George Gardner & wife &als. . . . . Complainants

Against } In Chancery

Wm W Lee &als. . . . . Defendants

This cause came on this day to be again heard on the papers formerly read therein and on the Report of the Sale of the land of Lavinia Lee deceased, by Commissioner, Wilbur J Kelly, filed on the 29th day of January 1880, and on the Report of Commissioner Peter B Prentis, giving the names of the heirs of said Lavinia Lee, filed on the 6th day of February 1880. and was argued by counsel:

On consideration whereof the Court doth confirm the said two Reports to which no exception has been filed, and doth adjudge order and decree that said Wilbur J Kelly Commissioner, receive of the clerk of this Court, who will deliver to him and take a receipt of him for the two Bonds of Mills R Edwards, with Robt M Edwards and A L Nelms security, filed with the said Report of said commissioner, Wilbur J Kelly, each for the sum of $241.07 dated the 8th day of December 1879 and payable one and two years after date with interest from date, and that said Commissioner Wilbur J Kelly, proceed to collect the same and all interest due thereon at maturity, or receive the principal thereof and interest thereon before the maturity of said Bonds, should the obligors desire to pay the same at any time before maturity, and

with the money pay first all unpaid costs of this cause, and then pay out and distribute the remainder as follows. To Esther E Gardner, Amanda M, wife Edward W Burgess, John P Lee, Charlotte Lee, Ann O Howell, and Geo M D Lee, or to the guardian lawfully appointed of such of them as may be under the age of twenty one years, each one ninth part, and to Sarah F wife of Reuben Owens and M Antoinette wife of Jesse D Council, each one half of one ninth part, and to Sophia L Lee, Wm Lee and Cowan D Lee or to the lawfully appointed guardian of such of them as may be under the age of twenty one years, each one third of one ninth part, and to A J Duke, Jas A Duke Nancy F Duke, Isaac F Duke and Eulalia, wife of Thos W Babb, each one fifth of one ninth part, and that said Commissioner take receipts for all payments which he may make under this decree and file the same with his report, which he will make to Court of his proceedings hereunder,

And said Commissioner Wilbur J Kelly will make to said Miss R. Edwards a deed with special warranty in the usual form conveying to him the real estate purchased by him under proceedings had in this Cause, whenever the said Bonds and all interest due thereon shall have first been paid in full as aforesaid.

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

To the Circuit Court of Nansemond County, Virginia:

In pursuance of a decree of said Court pronounced the 12th. day of April A.D. 1880 in a cause in Chancery in said Court depending between George Gardner and wife and others, Complainants and Wm. H. Lee and others, Defendants, a copy of which decree is hereto attached: the undersigned, the Commissioner named in said decree, 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 Mills R. Edwards with Robt. M. Edwards and A. L. Helms security, mentioned in said decree and being each for the sum of $ 241.09 and dated the 8th. day of December A.D. 1879 and payable one and two years after the dates thereof respectively with interest from the dates thereof and that he has collected the principal sums of said Bonds and all interest due thereon, as further directed by said decree, and after paying out of the money thus collected the unpaid costs of said cause and some back taxes, which had not been paid on the land sold prior to the sale, as per receipts hereto attached, he has paid out and distributed the balance of said money then left in his hands, to and among, the parties named in said decree, who were entitled to the

same in the proportions and shares spe=
cified in said decree and as set
forth in the following Statement, which
is a Statement showing the amounts of
said Bonds and the interest thereon collect=
ed by said Commissioner and the amounts
of said taxes paid and said shares dis=
tributed,

Statement

By Principal sum of said two Bonds each for $241.09 =			$482 18
" Interest on the same from the 8th. Dec. 1879 to 8th. Feb. 1882.			61 97
Total collected			$544 15
" Cash in the hands of said Commr. retained by him to pay delinquent taxes on the land sold, as per Report of sale filed in said cause, the 29th. day of January 1880. to wit.			15 00
Total			$559 15
To paid Delinquent taxes for the years 1874, 1875, 1876, 1877, and 1878 on said land sold per decree.	$	26 15	
" " Taxes for the years 1871 and 1872 "		17 32	
" " " for the year 1870 "		12 80	
" " Township tax for the year 1874 "		48	
" " for deed conveying to the pur= chaser, the land sold		5 00	
" Amount to Balance		497 40	
	$	559 15	$559 15
By Balance brought on			$497 40
To paid Esther E. Gardner 1/9 of the above sum of $497.40 per decree Srect.	$	55 26⅔	
" " Amanda M. wife of Edward W. Burgess 1/9 of $497.40, per decree Srect.		55 26⅔	
" " John P. Lee, ditto " "		55 26⅔	
	$	165 80	$497 40

I

I

brought on			$165 80	$497 40
To paid Charlotte Lee 1/9 of the above sum of $497.40 per said decree & rect.			55 26⅔	
" " Ann O. Howell, ditto, per rect.			55 26⅔	
" " Geo. M. H. Lee ditto "			55 26⅔	
" " Sarah F. wife of Reuben Owens 1/2 of 1/9 of said sum of $497.40 per rect.			27 63⅓	
" " M. Antoinette wife of Jesse D. Council 1/2 of 1/9 of said sum of $497.40 per rect.			27 63⅓	
" " Sophia L. Lee 1/3 of 1/9 of $497.40 "			18 42⅔	
" " Wm Lee, ditto "			18 42⅔	
" " Cowan D. Lee, ditto "			18 42⅔	
" " A. J. Duke 1/5 of 1/9 of $497.40 "			11 05⅓	
" " Jas. A. Duke, ditto "			11 05⅓	
" " Henry F. Duke, ditto "			11 05⅓	
" " Isaac T. Duke, ditto "			11 05⅓	
" " Eulalia, wife of Thos. W. Babb 1/5 of 1/9 of $497.40 per rect.			11 05⅓	
			$497 40	$497 40

And the undersigned, said Commissioner, further reports to Court that he has made to said Mills R. Edwards, a deed with special warranty in the usual form conveying to him the real estate purchased by him under proceedings had in this cause.

Respectfully submitted this 15th. day of February 1882.

Wilbur J. Kilby
Comr.

Geo. Gardner & al.

vs. } In Chy.

Wm H. Lee & al.

Final Report of
Collections and
Payments
15 Feby. 1882

1882. May 17th. Filed
clk

At a Circuit Court, continued and held for Nansemond County, the 14th. day of October, 1879.

George Gardner and Esther Elizabeth, his wife; Edward Burgess and Amanda M. his wife. . . . . Complainants.

Against } In Chancery

Wm. H. Lee, John P. Lee, Charlotte Lee, Ann O. Howell, formerly Ann O. Lee; Reuben Owens and Sarah F. his wife; Jesse D. Councill and M. Antoinette, his wife; A J. Duke, James A. Duke, Thos. W. Babb and Eulalia, his wife; Henry F. Duke, Isaac T. Duke, Geo: M. H. Lee, Sophia L. Lee, Wm: Lee and Cowan D. Lee: the last six, infants. . . . . Defendants.

This Cause came on this day to be again heard, on the papers formerly read therein, and on the Report of Special Commissioners, Jethro Riddick, Humphrey Jones and Joseph Boothe, made in pursuance of a Decree of this Court, pronounced at the April Term thereof, in the year 1868, in this Cause, and was argued by Counsel: On Consideration Whereof, the Court doth confirm the said Report, to which no exception has been filed, and doth adjudge, order and decree, that Wilbur J. Kelly, who is hereby appointed Special Commissioner for that purpose, proceed to sell, at Public Auction, before the Court House Door of Nansemond County, on some County Court day, all that certain tract of land, of which Lavinia Lee died seised and possessed, situated in Cypress District, in Nansemond County, Virginia, and containing, by survey, three hundred and twenty-eight acres, more or less, and bounded by the County road, dragon Swamp, the lands of Moses H. Howell and James Rogers, and the lands of the Estates of

Jethro Riddick and Wiley Parker, deceased; that said Commissioner sell said land on a credit of eight and twelve months time, except as to enough of the purchase money to pay the costs of this suit and the expenses of the sale, which he will require in cash, and apply in payment of said Costs and expenses, and that he take of the purchaser two bonds for the residue of the purchase money, in equal sums with good personal security, payable to himself as said Commissioner eight and twelve months, from and after the day of said sale, with interest from ~~the~~ that day, and retain the title to said land, 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 give notice of said sale by printed notices, to be posted in the neighborhood of said land, and at several public places in said County, and at said Court House Door, for at least twenty days prior to said Sale, and by publication of the notice once a week for three consecutive weeks, in some news paper published in the Town of Suffolk, Va.

And said Commissioner, before proceeding to make said Sale, will execute before the Clerk of this Court, in his Office, a Bond, in the penalty of $800. with good personal security, payable to the Commonwealth of Virginia, and conditioned for the faithful execution of this decree, and all other decrees he may be required to execute in this Cause. And the Court doth further adjudge, order and decree, that a Commissioner of this Court, ascertain and report to Court the names of the heirs of ~~the~~ said Lavinia Lee, who are entitled to the proceeds of the sale of said land, together with a statement, shewing the respective shares thereof, to which they are entitled, according to their respective rights.

A Copy: Teste: Peter B. Prentis. Clerk

Gardner & ux: Pet:
vs
Copy Decree 14th: Octo: 1879
Wm: H. Lee Adl:

X mid

To The Circuit Court of Nansemond County, Va.

In pursuance of a Decree of the said Court pronounced on the 14th. day of October, 1879, in a Cause, in Chancery, in said Court depending, between George Gardner & wife & others, Complainants, and Wm. H. Lee & others, Defendants: a copy of which Decree is hereunto annexed: The undersigned, a Commissioner of said Court, respectfully reports to Court, that he has ascertained the names of the heirs of Lavinia Lee, who are entitled to the proceeds of the sale of the land of which she died seized and possessed, and that the same are given as follows, together with a statement, shewing the respective shares of said proceeds, to which each is entitled, to wit:

Esther E. widow of George Gardner.	Share	1/9	
Amanda M. wife of Ed. W. Burgess	"	1/9	
John P. Lee	"	1/9	
Charlotte Lee	"	1/9	
Ann O. Howell, formerly Ann O. Lee	"	1/9	
Geo. M. H. Lee	"	1/9	
Sarah F. wife of Reuben Owens	" 1/2 of 1/9		
M. Antoinette, wife of Jesse D. Council	" 1/2 of 1/9	= 1/9	
Sophia L. Lee	" 1/3 of 1/9		
Wm. Lee	" 1/3 of 1/9	= 1/9	
Corwin D. Lee	" 1/3 of 1/9		
A. J. Duke	" 1/5 of 1/9		
Jas. A. Duke	" 1/5 of 1/9		
Henry F. Duke	" 1/5 of 1/9	= 1/9	
Isaac T. Duke	" 1/5 of 1/9		
Eulalia, wife of Thos. W. Babb	" 1/5 of 1/9		1

Wm. H. Lee, son of Lavinia Lee, and George Gardner, have deputed

this life since the said suit was instituted: and George Gardner had no interest in said Lavinia Lee's Estate, except as his wife, who survives him, said Esther E. a daughter of said Lavinia Lee, was interested, and said Wm. H. Lee, Lavinia's son, has departed this life, intestate, leaving no widow and no father and no mother ~~and no mother~~. his heirs being his brothers and sisters & half brothers and half sister hereinbefore named, as distributees and heirs of said Lavinia Lee's Estate.

Respectfully submitted, this 6th. day of February, A.D. 1880.

Peter B. Prentis.
Commissioner.

Geo. Gardner & wife &c
vs
Report of the names of Lavinia Lee's heirs & their distributive shares
Wm. H. Lee &c.

1880
Feby. 6th. Filed.

Mr. Wm Lee's Est. N.C. Dr.

1879. **To H. E. SMITH, Treasurer of Nansemond County, Virginia.**

No. 672 435 acres	State Tax, 50 cents on the $100.	County Levy 25 cents on the $100.	Parish Levy, 12½c. on the $100.	Co. School Tax, 3⅛c. on the $100.	Dis. School Tax, 3⅛c. on the $100.	Total Amount of Taxes.
To Real Estate, value $810	4.06	2.03	1.02	2.6	2.5	7.62
" Personal Property, value $						
" Income, &c., value $						
" Poll Taxes						
Total						$7.62
Five per cent. additional						.38
Total						$8.00

Received Payment. of Wilbur J. Kilby Comr. H. E. Smith *Treasurer.*

1880 Jan. 12th. Per Britt

1880 January 12th Recind of W J Kilby
Com. Five dollars for selling the Land
of which Lavinia Lee died seized and
possessed on the 8th Dec 1879
$5.00

Geo D Hankins Clk

Suffolk, Va., Nov 19 1879

Hon Wilbur J Kelly Town

To SUFFOLK HERALD, Dr.

Book and Job Printing Neatly Executed.

THE HERALD, $1.50 A YEAR. Orders Solicited.

To Pub Sale of Land Near
Cypress Chapel Burgess et ux
vs Jno P Lee
Nov 19th & 26 & Dec 3 3 Times 5 00
100 Bills Sale Land above. 1 50
1880 Jan. 12th. Rec Payment Thos G Elam
Dr Booker 6 50

ERY DESCRIPTION OF BOOK AND JOB PRINTING NEATLY EXECUTED.

The Christian Sun
IS PUBLISHED
VERY FRIDAY.
TERMS:
One year, - - $3.00
Six months, - 1.50

IS---CASH ON DELIVERY.

Suffolk, Va., March 6th 1868

Mr Peter B Prentis Clerk

To W. B. WELLONS, Dr.

BOOK AND JOB PRINTING OFFICE.

Legal notice - Geo. Godwin & adms vs W. H.
Lee 35 l. 4 t

$ 75

Receipt in full of Jno R Kelly
W. B. Wellons

VIRGINIA—At Rules held in the Clerk's Office of the Circuit Court of Nansemond County on Monday, the 2nd day of March, 1868.

George Gardner and Esther Elizabeth his wife, and Edward W. Burgess and Amanda M. his wife,

Complainants,

In Chancery,

Against

Wm. H Lee, John P. Lee, Charlotte Lee, Ann O. Howell, formerly Ann O. Lee, Reuben Owens and Sarah F. his wife, Jesse D. Council and Antoinette, his wife, A. J. Duke, Jas. A. Duke, Thos. W. Babb and Eulalia his wife, Henry F. Duke, Isaac T. Duke, Geo. M. H. Lee, Sophia L. Lee, Wm. Lee and Cowan D. Lee, the last six infants,

Defendants.

The object of this suit, is to obtain a decree for partition or sale, of 300 acres of land, more or less, in Nansemond County, belonging to Mrs. Lavinia Lee, deceased. And the Defendants, Wm. H. Lee, John P. Lee, Charlotte Lee, Ann O. Howell, (formerly Ann O. Lee) A. J, Duke, Jas. A. Duke, and Thos. W. Babb and Eulalia his wife, are hereby required to appear in the said Clerk's Office, within one month after due publication hereof, and do what may be necessary to protect their interests.

A Copy—Teste

PETER B. PRENTIS,
Clerk.

ma6-4t
John R. Kilby, p. q.

Price of adv't $8.75

I do hereby certify that the annexed notice has been published in the "Christian Sun" once a week for four successive weeks, and that the price charged is according to our regular advertising rates.

Given under my hand this 28th day of March 1868.

W. B. Wellons
Ed. & Proprietor

George Gardner & wife
& others

Ht Fa } Certif: of Plat:

Wm H. Lee & al:

1868. March 31st Filed.
clk:

LAND

FOR SALE!

Near Cypress Chapel, Nansemond County, Virginia.

By authority of a decree of the Circuit court of Nansemond county, Va., pronounced on the 14th day of October, 1879, in the cause in chancery in said court depending between Edward W. Burgess and wife and others, plaintiffs, and John P. Lee and others, defendants, I shall sell at public auction, before the Courthouse door of said county, in Suffolk, Va., on

Monday, December 8th, 1879,

(that being County court day), all that certain parcel of land of which Lavinia Lee died seised and possessed, situated in Cypress district, in said county, two miles from Cypress Chapel and six miles from Somerton, containing by survey 328 acres, more or less, and bounded by the county road, Dragon Swamp, the lands of Moses H. Harrell and James Rogers, and the lands of the estates of Jethro Riddick and Wiley Parker, deceased.

This parcel of land, offered for sale, is ALL WOODLAND, having on it a considerable growth of Pine and Cypress Timber, and, for that reason, is desirable.

TERMS OF SALE.—Enough of the purchase-money to pay costs of suit and expenses of sale is to be paid in cash, and the balance at the end of eight and twelve months, the purchaser to give bonds in equal sums, with good personal security, for the deferred payments, bearing interest from the day of sale. Title to the land will be retained until further order of Court. Possession given at once.

WILBUR J. KILBY,

October 24, 1879. SPECIAL COMMISSIONER.

GEO. T. PARKER, Crier.

At a Circuit Court, continued and held for Nansemond County, the 14th. day of October, 1879.

George Gardner and Esther Elizabeth, his wife; Edward Burgess and Amanda M, his wife. . . . . Complainants.

Against } In Chancery

Wm. H. Lee, John P. Lee, Charlotte Lee, Ann O. Howell, formerly, Ann O. Lee, Reuben Owens and Sarah F, his wife, Jesse D. Councill and M. Antoinette, his wife; A J. Duke, James A. Duke, Thos. W. Babb and Eulalia, his wife, Henry F. Duke, Isaac T. Duke, Geo: M. H Lee, Sophia L. Lee, Wm: Lee and Corinne D. Lee. the last six, infants. . . . . Defendants.

This Cause came on this day to be again heard on the papers formerly read therein, and on the Report of Special Commissioners, Jethro Riddick, Dempsey Jones and Joseph Boothe, made in pursuance of a Decree of this Court pronounced at the April Term thereof, in the year 1878, in this cause and was argued by Counsel:

On Consideration whereof, the Court doth confirm the said Report, to which no exception has been filed, and doth adjudge, order and decree, that Wilbur J. Kelly, who is hereby appointed Special Commissioner for that purpose, proceed to sell at Public Auction before the Court House Door of Nansemond County, on some County Court day, all that certain tract of land of which Lavinia Lee died seised and possessed, situated in Cypress District, in Nansemond County, Virginia, and containing by Survey, three hundred and twenty-eight acres, more or less, and bounded by the County road, dragon Swamp,

the lands of Moses A. Harrell and James Rogers, and the lands of the Estates of Jethro Reddick and Wiley Parker, deceased; That said Commissioner sell said land, on a credit of eight and twelve months time, except as to enough of the purchase money to pay the costs of this suit and the expenses of the sale, which he will require in cash, and apply in payment of said costs and expenses, and that he take of the purchaser, two bonds for the residue of the purchase money, in equal sums, with good personal security, payable to himself as said Commissioner, eight and twelve months from and after the day of said Sale, with interest from that day, and retain the title to said land, 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 give notice of said Sale, by printed Notices, to be posted in the neighborhood of said land, and at several public places in said County, and at said Court House Door, for at least twenty days prior to said Sale, and by publication of the Notice, once a week, for three consecutive weeks, in some newspaper published in the Town of Suffolk, Va. And said Commissioner, before proceeding to make said Sale, will execute before the Clerk of this Court, in his Office, a bond, in the penalty of $800. with good personal security, payable to the Commonwealth of Virginia, and conditioned for the faithful execution of this decree and all other decrees he may be required to execute in this Cause.

And the Court doth further adjudge, order and decree, that a Commissioner of this Court, ascertain and report to Court the names of the heirs of said Lavinia Lee, who are entitled

to the proceeds of the sale of said land, together with a statement shewing the respective shares thereof to which they are entitled according to their respective rights.

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

Costs

Clerk	$20.07
Atty. Gray	31.50
Shff. Nanw'd	1.00
" I of W^t	1.00
Printer "Sun"	8.75
	$62.32

George Gardner & wife: & al Xmd

vs Copy Decree 14th: Octo: 1879

Wm: H. Lee & al:

The Bond required under this decree has been given by the Court. and filed

Peter B. Prentis. Clerk

Octo: 25th 79

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 1879 in a cause in Chancery in said Court depending between George Gardner and others, Plaintiffs and Wm. H. Lee and others, Defendants, a copy of which decree is hereunto annexed, the undersigned, Special Commissioner appointed for the purposes named in said decree, respectfully reports to Court that on the 24th. day of October 1879 he advertised the land for sale of which Lavinia Lee died seised and possessed and fully described and bounded in said decree, on the terms and conditions named in said decree and on the 8th. day of December 1879, did sell said land at public auction before the Court house door of said County on the terms and conditions prescribed by said decree, (the day of sale being County Court day of said County,) in pursuance of said advertisement, a copy of which is hereunto annexed, the same having been published in the "Suffolk Herald" a newspaper printed in the Town of Suffolk, Va. once a week for three successive weeks, and having been posted in the neighborhood of said land and at several public places in said County, and that at said sale Mills R. Edwards became the purchaser of said land as the highest bidder for the fair

and adequate price of — $600 00
of which he paid in cash $117.82
which your Commissioner has
disbursed as follows:

To 5 per cent Commissions on $300.00	$ 15 00	
" 2 do. do. on 300.00	6 00	
" paid P. B. Prentis, Clerk's fees, per rect.	20 07	
" " W. J. Kilby, Atty's. taxed fee &c. "	31 50	
" " Sheriff of Nansemond County "	1 00	
" " Shff. of Isle of Wight County. "	1 00	
" " W. B. Wellons for advertisement in "Christian Sun", newspaper "	8 75	
" " Thos. G. Edwin for advertisement in "Suffolk Herald" newspaper. "	6 50	
" " Taxes for the year 1879 "	8 00	
" " Geo. T. Parker, Crier at sale "	5 00	
" Amount retained to pay back taxes for the years 1876, 1877 and 1878	15 00	= $ 117 82
		$ 482 18

To Bond of Mills R. Edwards, the purchaser of said land, with Robt. M. Edwards and A L. Nelms, securities, dated 8th. Dec. 1879 and payable one year after date with interest from date and filed with this Report. — $ 241 09

To Bond of same parties, dated 8th. Dec. 1879 and payable two years after date with interest from date and filed with this Report. — 241 09

$ 482 18 $ 482 18

The title to said land is retained until the further order of Court

Respectfully submitted,
Wilbur J. Kilby, Comr.

28 Jan. 1880

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	$ 20	07
Wilbur J. Kilby. Atty. fee & writ tax	31	50
W. J. Kilby for Shff. of Nansemd. Co.	1	00
W. J. Kilby for Shff. of Isle of Wight Co	1	00

1880 July 7th. Received of P. B. Prentis Clerk of the Circuit Court of Nansemond County. Va. under the decree of the 12th. day of April 1880 of said Court in the Chancery cause pending therein of Geo. Gardner Wife &als vs. Wm. H. Lee &al. the two Bonds mentioned and described in the foregoing Report as the Bonds of Mills R. Edwards, with Robt. M. Edwards and A. L. Nelms securities, each for the sum of $241.09. dated the 8th. day of December 1879 and payable one and two years after date with interest from date

Wilbur J. Kilby Comr.

Gardner & wife & al

vs. } In Chy.

W. H. Lee & al.

Report of Sale
of Land

1880. June: 29th: Filed
Clk:

Gardner & wife Sal

vs.

W. H. Lee Sal.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of the sale of the land of Lavinia Lee deceased by Commissioner, Wilbur J. Kilby, filed on the 29th. day of January 1880, and on the Report of Commissioner, Peter B. Pleutis ~~filed~~ giving the names of the heirs of said Lavinia Lee, filed on the 6th. day of February 1880, and was argued by counsel.

On consideration whereof the Court doth confirm the said two Reports to ~~either~~ 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 is ordered to him and take a receipt of him of Mills R. Edwards, with Robt. M. Edwards and S. L. Ogburn, security for the two Bonds, filed with the said Report of said Commissioner, Wilbur J. Kilby, each for the sum of $241.09 dated the 8th. day of December 1879 and payable one and two years after date with interest from date, and

that said Commissioner, Wilbur J. Kelly proceed to collect the same and the interest due thereon at maturity, or receive the principal thereof and interest thereon before the maturity of said Bonds, should the obligors desire to pay the same at any time before maturity, and with the money pay first all unpaid costs of this cause, and then pay out and distribute the remainder as follows: To Esther E. Gardner, Amanda M. wife of Edward W. Burgess, John P. Lee, Charlotte Lee, Ann O. Howell, and Geo. M. H. Lee, or to the guardian lawfully appointed of such of them as may be under the age of twenty one years, each, one-ninth part, and to Sarah F. wife of Reuben Owens and M. Antoinette wife of Jesse D. Council, each one-half of one-ninth part, and to Sophia L. Lee, Wm. Lee and Levan D. Lee ~~each~~ or to the lawfully appointed guardian of such of them as may be under the age of twenty-one years, each one-third of one-ninth part, and to A. J. Duke, Jas. A. Duke, Henry F. Duke, Isaac T. Duke and Eulalia, wife of Thos.

W. Babb, each one-fifth of one-ninth part, and that said Commissioner take receipts for all payments which he may make under this decree and file the same with his Report which he will make to Court of his proceedings hereunder.

And said Commissioner, Wilbur J. Kilby, will make to said Mills R. Edwards a deed with special warranty in the usual form conveying to him the real estate purchased by him under proceedings had in this cause, whenever ~~said~~ the said Bonds and all interest due thereon shall have first been paid in full as aforesaid.

Gardner Knife tal

vs.

Wm H. Lee tal.

Assd. Co. Cir. Ct.
Apl. Penn 1880
Decree
To be entered

Geo. Lowe

Copied

Entered O.B. No 1
P. 476-

Gardner & al.

vs.

Lee & al.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Special Commissioners, Jethro Riddick, Dempsey Jones and Joseph Boothe, ~~recommending a sale of the real est~~, made in pursuance of a decree of this Court pronounced at the April Term thereof in the year 1868 in this cause and was argued by counsel.

On consideration whereof the Court doth confirm the said Report to which no exception has been filed and doth adjudge order and decree that Wilbur J. Kilby, who is hereby appointed Special Commissioner for that purpose, proceed to sell at public auction before the Court-house door of Nansemond County on some County Court day ~~on a credit of eight and twelve months,~~ ~~time~~ all that certain tract of land of which Lavinia Lee died seised and possessed, situated in Cypress District in Nansemond County, Virginia, and containing by survey Three hundred and twenty eight acres,

several public places in said County and at said Courthouse door for at least twenty days prior to said sale and by publication of the notice ~~for each said sale~~ once a week for three consecutive weeks in some newspaper published in the Town of Suffolk, Va. And ~~the~~ said Commissioner before proceeding to make said sale, will execute before the Clerk of this Court in his office a Bond ~~with~~ in the penalty of $800, with good personal security payable to the Commonwealth of Virginia and conditioned for the faithful execution of this decree and all other decrees he may be required to execute in this cause.

And the Court doth further adjudge order and decree that a Commissioner of this Court ascertain and report to Court the names of the heirs of said Lavinia Lee who are entitled to ~~said~~ the proceeds of the sale of said land together with a statement shewing the respective shares thereof to which they are entitled according to their respective rights.

Gardner tal

vs. } In Chy,

Lee tal.

Nansemond County
Circuit Court
October Term 1879
Decree ~~to be~~
To be entered

Entered O.B. No-1
P. 485-

Gardner & N. Lee Sol.

This cause, in which the Complainants have proceeded in the mode required by law as to absent Defendants against Wm H. Lee, John P. Lee, Charlotte Lee, Ann O. Howell formerly Ann O. Lee, A. J. Duke, Jas A. Duke, & Norma W. Babb & Eulalia his wife, Came on to be heard on said Bill taken for confessed as to them Reuben Owen and Sarah A. his wife, and Lafe D. Connell and Wm Antoinette his wife, on whom process had been duly executed and they Still failing to appear and make defence & on the answer of the Infant Defendants by their guardian ad litem, on Special replication thereto and on Exhibits filed with the said Bill and was argued by Counsel: On Consideration whereof the Court doth adjudge, order and decree that Luther Riddick, Dempsey Ives, Jas. R. Saunders and M. Boothe (any three of whom may act) proceed to make partition of the Land of which Mrs Lavinia Lee died seized; described as a tract of land in Nansemond County, containing four hundred and twenty acres, more or less, and adjoining the lands of James Rogers, Wiley Parker's estate and others - that said Partition be made according to the respective shares as set forth in the Bill: But if such partition cannot be conveniently made, then allot the entire tract of Land

to any of the parties who will accept it.
and will pay them to the other parties such
sums of money as their Interest therein may
entitle them to: or if the Interests of the
parties will be best promoted by a sale
of the entire tract of Land, and division of the
proceeds, then report the reasons & the Court
for their conclusions: and that the said
Comrs. proceed to have the said Land sur-
veyed by a competent surveyor and return
such survey with their report to Court, and
make report to Court.

Gardner &
al
vs
Lee & al's

1868
Supl Court Decree
To be enclosed
R. R. C.

Entered

Pursuant to annexed decree of a ~~County~~ Circuit Court held for Nansemond County, on Monday the 24th day of April 1868. In a Suit depending in said Court. Which George Gardner and Esther Elizabeth his Wife. Edward Burgess and Amanda M. his Wife. Complainants. and M.M. & Lee John R. Lee and Charlotte Lee, and others — defendants.

The undersigned, acting as Comrs. appointed by the Court for that purpose: Proceeded on the 9th. day of February 1869. To take into Consideration in the Proceedings of Which Mrs. Levinia Lee died. Seized and possed, & upon, due Consideration, have come to the deliberate conclusion, that to carry out the directions, as follow. The instructions as given in said decree, to be Wholly impractable. For the following reasons. 1st to divide a tract of Land of 328 acres, into eight Shares. and Worth probably, Something like two dollars and fifty cents pr. acre. Such a division in our opinion, Would not justify the out lay. or expences of Making the Same. and further more. The Court in our opinion Would be asked to decree the Sale of the Same. That the said Shares might have the time fix thereof.

The 2nd. reason. assigned is that no one, of the parties or Men, intended would accept the Same, and pay therefor. The other parties such Sums as they are entitled to. The 3rd. reason. as giving, is that in our opinion. a Sale would,

At a Circuit Court held for Nansemond County the 21st day of April 1868.

Geo. Gardner and Esther Elizabeth his wife and Edward Bingley and Amanda M. his wife Complainants

against &c. In Chancery

Wm H Lee, John P. Lee, Charlotte Lee, Ann O Howell, formerly Ann O Lee Reuben Owens and Sarah F. his wife, Isaac W. Council and M antoinette his wife; A J Duke, Jas A Duke, Thos W. Babb, and Eulalia his wife. Henry F Duke. Isaac J. Duke. Geo. M. H Lee, Sophia L Lee, Wm Lee, and Cowan D. Lee, the last ten infants .... Defendants

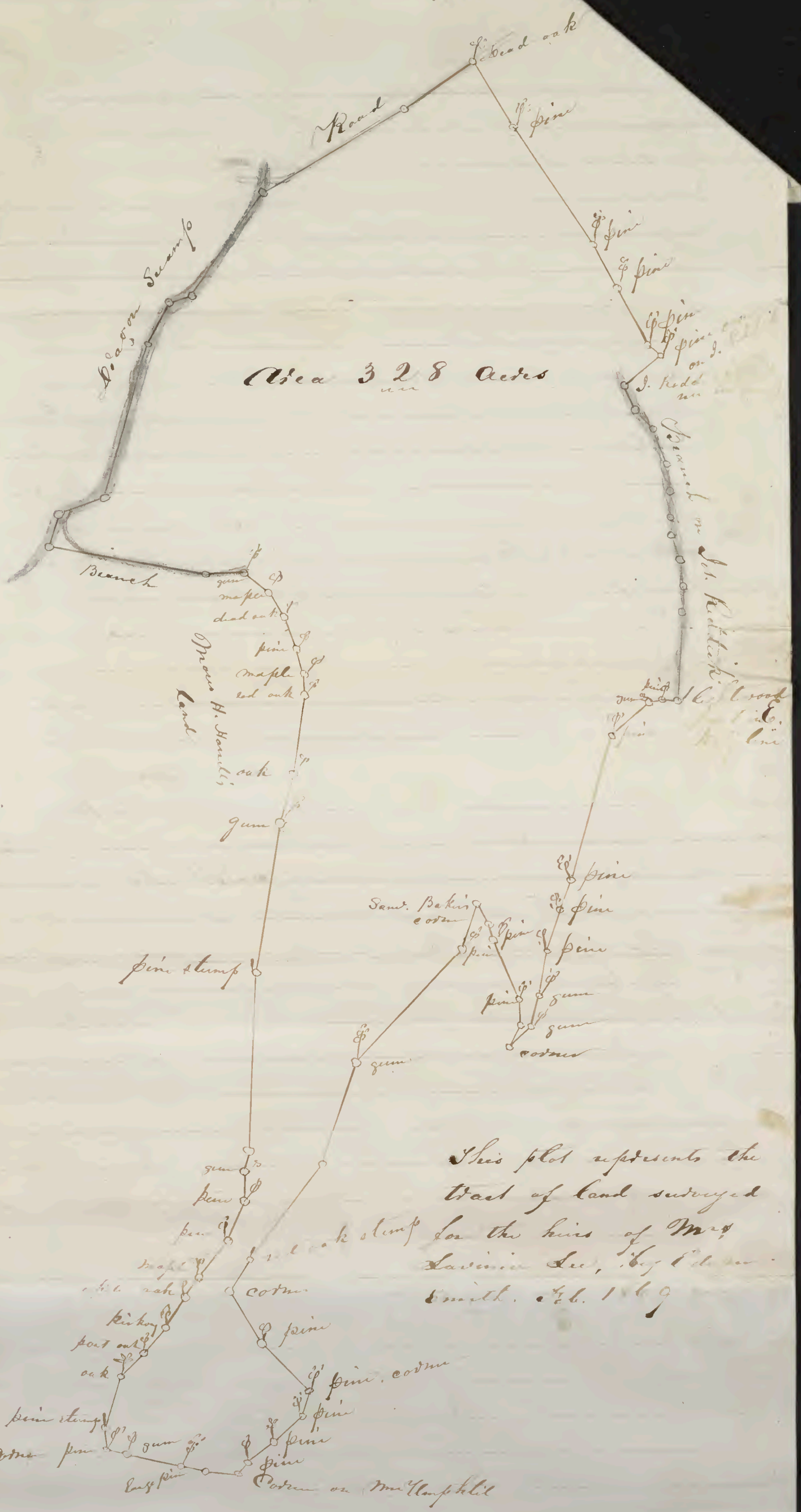
This cause, in which the Complainants have been ordered in the mode required by law, as to absent defendants, against Wm H Lee, John P. Lee, Charlotte Lee, Ann O. Howell, formerly Ann O Lee, A J. Duke, Jas A Duke, and Thomas W Babb and Eulalia his wife, came on to be heard on said Bill taken for confessed as to them, and as to Reuben Owens and Sarah F his wife and Isaac W. Council and M. Antoinette his wife, on whom process has been duly executed, and they also failing to appear and make defence, and on the answer of the infant defendants, by their guardian ad litem, on general replication thereto, and on Exhibits filed with the said Bill, and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that Jethro Reddick, Dempsey Jones, James R. Saunders, and Jos Boothe, any three of whom may act, proceed to make partition of the Lands of which Wm Jarmin

Lee. dec'd Seized, described as a tract of Land, in Nansemond County, Containing fourhundred and twenty acres, more or less and adjoining the Lands of James Rogers Wiley Parkers Estate and others: That said partition be made according to the respective shares as set forth in the Bill. But if such partition can not be conveniently made, then all of the entire tract of Land to any of the parties who may accept it and pay therefor to the other parties such sums of money as their interest therein may entitle them to or if the interests of the parties will be best promoted by a Sale of the entire tract of Land, and division of the proceeds, then report the reasons to the Court, for their conclusions; and that the said Commissioners proceed to have the said Land Surveyed by a Competent Surveyor and return such Survey with their report to Court, and make report to Court,

A Copy.
Teste,
Peter B. Prentis. Clerk

George Gardner & Wife: Bill
#257 Ex Co: Decree
Wm: H. Lee Sol.

N.


Area 328 Acres
Road
Dragon Swamp
Branch
Drowns H. Hazell's Land
Sam'l. Baker's corner
Sam'l. Ruddick's Land
pine stump
gum
maple
dead oak
pine
maple
red oak
oak
pine
pine
pine

George Gardner & 147 dol

2d & Comm.s: Reports

1 Gen.l H. Lee 4 dol.

1819. apl: 21st Paid: ck:

Gardner tal

vs.

Wm H. Lee tal.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Commissioner, Wilbur J. Kilby, made under the decree of the 12th. day of April 1880 in this cause and filed the 17th. day of May 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.

Gardner

vs.

Lee

Nansemond County

Circuit Court.

Octo 13th 1882

Final decree

To be entered

Geo. T. Bond.

Entered - Chancery Order

Book No. 1 - Page 587

The joint and separate answer of Henry F. Duke. Isaac V. Duke, Geo. M. H. Lee, Sophia L. Lee. Wm. Lee and Cowan Lee, infants, by Peter B. Prentis, their guardian ad litem, to a Bill in Chancery, exhibited against them and others, by George Gaines Worsham & others, in the Circuit Court of Nansemond County.

These Respondents say, that so far as they know, or believe, the facts set forth in said Bill are true, but as they are ignorant of their rights, being infants, they submit the same to the Court, and pray that no order or decree, may be made in the Cause, inconsistent therewith.

Signed.

Peter B. Prentis, g.d. ad litem

George Gardner & ux: &c

11
25

Wm. N. Lee & al:

Answer of infants

To the Hon. Richard N. Baker, Judge
Of the Circuit Court of Nansemond County.

Complaining, shew unto the Court your Complainants, George Gardner and Esther Elizabeth his wife, and Edward W. Burgess and Amanda M. his wife.

Your Complainants respectfully represent to the Court and say, That Lavinia Lee the wife of Wm Lee of Gates County, and State of North Carolina, and who was Lavinia Harrell, a daughter of Joshua Harrell dec'd long since dead, of Nansemond County, Virginia, died some time previous to the year 1850, seized and possessed of a tract of land in Nansemond County aforesaid, which contains Four Hundred and twenty (420) —— acres more or less and adjoins the Cypress swamp on the North side, and the lands of James Rogers, Wiley Parker's Est: & others

That the said Wm Lee, the husband of said Lavinia is also dead; That before the marriage of said Lavinia to Wm Lee, she was the wife & widow of one —— Duke by whom she had one child named Francis Duke: That by said Wm Lee she had the following children, to wit: Wm H. Lee — John P. Lee — Joshua M. H. Lee — Esther Elizabeth Lee — Charlotte Lee — Ann O. Lee — Isaac P. Lee — Amanda M. Lee, and Permelia Lee —

That the said Francis

Duke is dead, leaving his children as his heirs at law and entitled to his share of any lands in which he had an Interest, to wit.

Andrew J. Duke – James A. Duke – Eulalia now the wife of Mr. W. Ball – Henry J. Duke and Isaac J. Duke, five in number, and the last two being under twenty one years of age.

That Joshua M. H. Lee is dead, leaving no child to wit. George M. H. Lee, under twenty one years.

That Esther Elizabeth Lee, married and is now the wife of Henry Landers, and an Complainants herein.

That Ann A. Lee married Wm H. Howell of Gates County, and that her husband is dead and she is now a widow.

That Isaac P. Lee is dead and left three Infant children to wit. Sophia Lavinia – Wm Lee – and Lowan D. Lee –

That Amanda Lee married and is now the wife of Edw? W. Burgess and an plaintiffs in this case.

That Permelia Lee married John Simms & she now dead, leaving two children to wit. Sarah J. now wife of Reuben Owens & M. Antonette now wife of Jefr. D. Lamiree.

Your complainants desire that partition of said land may be had, and now pray this Court to have the same made, if it can

be conveniently made, and if not, that the entire tract may be allotted to any party who will accept it, and pay thereof to the other parties such sums of money as their interest therein may entitle them to: or that the same may be sold if the interests of those entitled will be promoted thereby (as your Complainants say it will), and the proceeds thereof divided according to the respective rights of the parties entitled -

In consideration whereof and as this Court has power to grant full adequate relief - To the end Your complainants pray that Wm H Lee, John P. Lee, Charlotte Lee, Ann C. Howell formerly Ann C. Lee, Reuben Owens and Sarah D. his wife, Jesse D. Lemmon and M. Antoinette his wife, A. S. Duke, Jas. A. Duke, Thos. W. Babb and Eulalia his wife, Henry H. Duke, Isaac T. Duke, Geo. M. H. Lee, Sophia L. Lee, Wm Lee & Lowan D. Lee, the last six being Infants may be made defendants hereto, and be required to answer the allegations herein - that some proper person may be appointed to defend the Infant defendants; and that the prayers of your Complainants may be granted. And all proper relief afforded, &c. John R. Kilby P.Q.

Kelly p. v

Geo. Gardner Strike
and others

v. } Bill

Wm. H. Lee Solicitor

Hammond Cir. Ct.

George Gardner & wife &c:
vs } Chy: Notes
Wm: H. Lee &c:

1868. Feby: 14th: Sumons in Chy: issued
" " 29th: Affidavit of non residence of the defts: Wm H. Lee, Jno: P. Lee, Charlotte Lee, Ann O: Howell (formerly Ann Lee) A. J. Duke, Jas: A. Duke & Thomas W. Babb & Eulalia, his wife
" March 2d: Bill filed & conditional decree vs defts Owens & wife & Council & wife
" " " Peter B. Prentis appointed gdn: ad litem to infant defts who filed their answer to which there was a gen'l replin: & cause set for hearing, as to them, on mo: of Complt's Counsel
" " " Proper affidavit having been made & filed an order of Pub: awarded vs non-resident defendants
" " 31st: Affdt: of Pub: filed
" Apl: 6th Conditional Decree Confirmed
" " " Or: Pub: having been pub: & proper according to law, & no defence: cause set for hearing on mo: of Complt's Counsel
" " 21st: Decree for Partition & Sale
" Octo: 14th Continued (1869 Apl: 21st) Continued
1869. Octo: 16th Continued 1870 Apl: 20th Contd
1870 Octo: 13th Continued. 1871 Apl: 19th: Continued
187 " 87 " 1872 " 12 "

Rehearing filed &

1875. Octo: 13th: Continued. 1876. Apl: 12th: Continued (1876. Octo: 12th) Continued

1877. Apl: 14th: Continued. 1877. Octo: 15th Continued.

1878. Apl: 15th: Continued 1878 Octo 15th: Continued

1878. Apl: 12th: Continued. 1878. Octo: 12 Continued

1879. Apl: 12 Continued 1879. Octo: 14th. Decree confirg: Report & for sale &c.

1879. Octo: 24th: Commrs: Bond executed & filed

1880 Jan. 29 Report of sale filed

" Feby 6th: Report, shewing names of Lavinia Lee's heirs & distributees, filed

" April 12th Decree to collect, distribute, make deed &c

1882. May 17th: Report (final) & collections & payments &c

Copy: Notes

Ad.

Hamlet

or

Lee Land

Mr Gardner. Agents
and
Mr Howell

Sept Committee
Committee

R. Owen, Executor
Jno. P. Lee, Executor
Isaac Lee
Wm. Lee
Executors, Respondents

July