

1883-006
Nansemond Co. (Suffolk)

Chancery Causes: Leroy L. & Samuel L. Smith vs Rep. of Lemuel R. Hunter et al

Hannaford, Smith, Norfleet, Copeland, Savage & Smith, Smith & Hunter, Willy,
Goodman, Miles

Folder 1 of 2

COMMISSIONER'S OFFICE,
SUFFOLK, VA., June 9, 1880. }

TO LEROY L. SMITH AND SAMUEL E.
Smith.....Plaintiffs,
and

John L. Fulgham, Sheriff of Nansemond county, personal representative of Lemuel R. Hunter, deceased; Almira W. Hannaford, Fred W. Hunter, Caroline Hunter, W. Scott Hunter, Maria S. Hunter, Mark Smith and Juliana, his wife; Wilson Norfleet and Clara S., his wife; John R. Copeland, W. S. Hunter, trustee; Thomas W. Savage and Mark Smith, late merchants and partners in trade under the firm name and style of Savage & Smith, and Mark Smith and W. S. Hunter, late merchants and partners in trade under the firm name and style of Smith & Hunter,
Defendants.

You are hereby notified that I have fixed upon

WEDNESDAY, THE 14TH DAY OF JULY, 1880.

as the time, and the law office of Withers & Prentis, in the town of Suffolk, as the place for proceeding to take, state and settle the following accounts, viz:

1. An account of the transactions of John L. Fulgham, personal representative of Lemuel R. Hunter, deceased,

2. An account of the real estate of which Lemuel R. Hunter died seized and possessed, giving a description of the same, with its annual and fee simple value.

3. An account of the outstanding debts due by the said Lemuel R. Hunter, deceased, or his estate, showing their dignity and priority.

4. An account of any other matters specially stated, deemed pertinent by the Commissioner or required by any of the parties interested to be so stated.

Which accounts are required to be taken by the decree of the Circuit court of Nansemond county, rendered on the 13th day of April, 1880, at which time and place you are required to attend.

Given under my hand the day and year first aforesaid.

ROBERT R. PRENTIS,
Commissioner in Chancery.

KILBY, p. q.

je16-4t

Office of the Suffolk Herald,

Suffolk, Va.,

EX 20/880

We hereby certify that the order, of which the annexed is a copy, has been published in the SUFFOLK HERALD in the manner prescribed by law, once a week for four successive weeks.

ELAM & ~~CAMPBELL~~ Eds. Herald.

Pr J Gookin

Thos G
Asst Publy Bell
1/20

At a Circuit Court, continued and held for
Nansemond County the 13th day of April 1880
L. L. & S. E. Smith Plaintiffs

In $\frac{3}{2}$ Chancery.

L. R. Hunters personal representative & al: Defendants

This cause in which the Complainants have proceeded against the absent defendant, Maria S Hunter, who is not a resident of this Commonwealth, in the manner prescribed by law against absent defendants, came on this day to be heard on the Bill of the Complainants taken for confessed as to all the defendants, on all of whom, except ^{the said} Maria S Hunter process had been duly executed in this Commonwealth, they all still failing to appear and answer, except the two defendants, John R. Copeland and John S. Fulyham, Sheriff of Nansemond County and Personal Representative of Samuel R Hunter deceased, and on the separate answers of said John R. Copeland, and said John S. Fulyham as Personal Representative aforesaid, with general replication thereto, and on the exhibits filed with said Bill and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that the defendant, John S. Fulyham, Personal Representative of Samuel R Hunter deceased, render an account of his transactions before one of the Commissioners of this Court and produce before said Commissioners all necessary papers and vouchers in his possession or under his control relating to his transactions as said Personal Representative

to enable the said Commissioner to state ^{the} ~~is~~ said
Account, and that said Commissioner, state, settle, and
report said account to Court together with an account
of the real estate of which said Samuel R. Hunter
did seized and possessed, giving a description
of the same and its fee simple ~~and~~ annual
value, and an account of the outstanding debts
due by said Samuel R. Hunter deceased or his
estate showing their dignity and priority and
an account of any matters specially stated
deemed pertinent by himself or which may be
required by any of the parties to be so stated,

A notice of the time and place of taking
the aforementioned accounts to be published
once a week for four successive weeks in a
newspaper printed in the Town of Suffolk, Va,
shall be equivalent to personal service of such
notice on the parties to this suit.

A Copy:

Teste:

Peter B. Prentiss, Clerk

Ind

Smith L

Copy Decree apl: Tom, 80
L. R. Hunter's admors: h

I.

An account of the transactions of John L. Fulgham
personal representative of Lemuel R. Hunter, deceased. -
The Estate of L. R. Hunter deceased. -

In account with John L. Fulgham *Shff. & Acct.* -

1880				
Jan. 30	By proceeds of sale of the chattel estate of the deceased as per account of sales recorded. -			270.69
	To Cash paid A.C. Hall & Son funeral expenses	30.		
	" " " R.C. Hall funeral expenses -	15.		
	" " " B.R. Smith Appraiser & Auctioneer	6.		
	" " " H.S. Doughtie, Tim. Langston & E.R. Smith Appraisers -	3.		
Mar. 1	" " " Wm. Ely Co. Treasurer taxes for 1878	23.09		
	" " " H.E. Smith " " " 1879	19.78		
	" " " Dunbar & Barch for advertising	1.25		
	" Balance on hand due Estate	172.57		
		<u>\$270.69</u>	<u>\$270.69</u>	
1880				
Sept 25	By Balance due Estate per Contra -		\$172.57	
" 27	To 5% Comm on receipts \$270.69		13.53	
" "	Balance due Estate this day -		<u>\$159.04</u>	

II.

An Account of the real estate of which
 Samuel R. Hunter died seised and
 possessed, with its fee simple and annual
 value: -

First: Two Hundred acres of land in
 Cypress Magisterial District
 18 miles South-west from
 Court-house - @ \$8. per acre. -
 Fee simple value - \$1600. -
 Annual value - estimated 150. -

Second: Ninety-two acres of land,
 17 miles Southwest from Court
 house adjoining the lands of
 J. R. King and ^{James E.} ~~Burnell~~ Smith
 @ \$3. per acre. -
 Fee simple value \$276. -
 Annual value. estimated - 30.

III.

An account of the outstanding debts due by
Lemuel R. Hunter deceased, showing their dignity
and priority:

I. A judgment rendered by the Circuit Court of
Hauke's. Newsums County on the 15. day of April 1878 in
favor of Mills H. Eme v. Fred. W. Hunter and
Lemuel R. Hunter. - This judgment constitutes the
first lien upon the real estate of Lemuel R. Hunter
deceased. -

Principal	\$ 500.
Int. from 1. Jan. 1868 to 8. Nov. 1875 7 yrs. 10 m. 7 d.	<u>235.58</u>
	7.35.58
1875. Nov. 8. Credit	<u>175.</u>
" " " Prin. & Int. due	560.58
1879 Jan. 1 Int. from 8. Nov. 1875 3 y. 1 m. 23 d.	<u>104.94</u>
" " " Prin. & Int. due	665.52
" " " Credit	<u>380.</u>
" " " Prin. & Int. due	285.52
Int. from 1. Jan. 1879 to 1. Nov. 1880. 22 m.	<u>31.40</u>
1880 Nov. 1. Prin. & Int. due	\$ 316.92

And,

II

The following debts of the Fourth class, of equal dignity which must be paid ratably:

Kilby - A debt due by bond to Samuel E. Smith
Principal \$442.

Int. from 1. Jan. 1861 to 1. Nov. 1880. 525.98

Prin & Int. due 1. Nov. 1880

967.98

A debt due by bond to Samuel E. Smith -

Kilby - Principal \$40.67

Int. from 21. Feby. 1861 to 1. Nov. 1880. 48.05

Prin. & Int. due 1. Nov. 1880

88.72

A debt due by bonds to Thomas W. Savage signed by W. S. Hunter & Samuel R. Hunter -

Withers & Proutis. Principal - 220.

Int. from 6. Sept 1876 to 1. Jan 1877 4.21
3m. 25d.

224.21

Credits 1. Jan. 1877 23.06

201.15

Int. from 1. Jan. 1877 to 10 Sept. 1877. 8.34
8m. 9d.

209.49

1877 Sept. 10. Credits

40.

169.49

Int. from 10. Sept 1877 to 5 Nov. 1878 11.71
1y. 1m. 25d.

181.20

1878 Nov. 5. Credits

12.90

168.30

Int. from 5-Nov. 1878 to 1. Nov. 1880

20.07

1880 Nov. 1. Principal & Int. due

188.37

Kilby - A debt due by open account to John C. Goodman -

Principal due 1. Jan: 1876	25.50
" 1. Jan: 1877 -	15.
" 1. Jan: 1879.	<u>10.50</u>
	51.

Int. on \$25.50 from 1. Jan: 1876 to 1. Nov. 1880.	7.39
" " 15. " 1. Jan: 1877 to 1. Nov. 1880	3.40
" " 10.50 " 1. Jan: 1879 to 1. Nov. 1880	<u>1.15</u>
1880 Nov. 1. Prin. & Int. Due	62.94

Kilby - A debt due by open account to Fanny Hunter (Gld.) -

Principal due 1. Jan: 1879 -	19.59
Int. from 1. Jan: 1879 to 1. Nov. 1880	<u>2.15</u>
1880 Nov. 1. Prin. & Int. due	21.74

A debt due by open account to Fred. W. Hunter -

Principal due 1. July 1879	69.90
Int. from 1. July 1879 to 1. Nov. 1880	<u>5.59</u>
1880 Nov. 1. Prin. & Int. due	75.49

A debt due M. W. Smith by open account.

Principal due 1. Jan: 1879 -	29.80
Int. from 1. Jan: 1879 to 1. Nov. 1880	<u>3.27</u>
1880 Nov. 1. Prin. & Int. due	33.07

A debt due by open account to Thomas J. Miles -

Principal due 1. Jan'y: 1879 11.35-

Int. from 1. Jan'y: 1879 to 1. Nov. 1880 1.24

1880 Nov. 1. Prin. & Int. ^{14.10^{ms}} Due - 12.59

1880 Nov. 1. Total Dets of 4th Class. - \$1450.90

Commissioner's Office
Suffolk Va. 25. Sept. 1880.

To the Circuit Court of
Hansemond County:

Pursuant to a decree of the
Circuit Court of Hansemond County rendered
on the 13. day of April 1880 in the Chancery cause
of L. L. & S. E. Smith v. L. R. Hunter's per. rep. et als.,
the undersigned one of the Commissioners of the
said Court proceeded to take and state the several
accounts by the said decree ordered. -

Your Commissioner reports to the Court that on the
9. day of June 1880 he issued notice to the parties
fixing upon Wednesday the 14. July 1880 as the time
and the law office of Withers & Greutis in Suffolk
as the place, ~~where and when~~ for proceeding to exe-
cute the said decree. - Which notice was regularly
published once a week for four successive weeks in
the Suffolk Herald and is herewith returned. - That
on the day named none of the parties appeared and
the matter has been continued from day to day until

today when the same is completed. -

Account I. show a balance of principal in the hands of the personal representative \$172.⁵⁷ as of this day. -

Account II. The fee simple values there reported are taken from the Land-books. -

Account III. Part I is a statement of an outstanding judgment lien docketed before L.R. Hunter's death and the balance due \$315.⁹² is the first lien upon the real estate of L.R. Hunter deceased, and is the only lien thereon, reported to your Commissioner. Your Commissioner is informed that Fred. W. Hunter who is the principal debtor in the said judgment owns real estate sufficient to pay off and discharge the same in full. -

Part II is an account of debts of the Fourth Class proven before your Commissioner in response to the notice issued. - They amount in the aggregate to \$1450.⁷⁰ - Your Commissioner does not report the debt claimed by the Plaintiff L.L. Smith Assignee of Allen Smith, who was assignee of Henry Willey because in his opinion it is barred by the statute of limitations. -

Proper vouchers &c are herewith returned except for one or two small items of debit in the administration account which are supported by the affidavit of the Administrator. -

Commiss fee \$20.

Printed

$\frac{7}{\$27.}$

Respectfully Submitted,
Robert Prentiss,
Commissioner.

L. L. & S. E. Smith

v. ~~Wm~~ Commers Report.

L. R. Hunter's per. rep. &c.

1880. Sept. 27. * Filed
CLK

#220 ⁰⁰

On Demand we or
either of us promise to pay
J. W. Savage, his heirs, Executors,
Administrators, or assigns, the
just & full sum of Two Hundred
& Twenty Dollars. Current Money
of the United States, for Value
received, and it is agreed upon
by the parties that the interest
on this note shall be at
the Rate of ^{eight} per cent
per annum for the term
payment of which, we
Bail, Executors, and heirs
& Executors and Administrators
jointly by their persons
and we, truly have the
Benefit of our Homestead
Exemption, as to this debt
obligation or Contract - as
Witness our hands & Seal this
6th day Sept - 1876

Witness

M. W. Smith

N. S. Mount Seal
Samuel R. Hunt Seal

May 1st 1877

Recd on the

Notion note book
three dollar &
six cents

\$2.30 6

\$40 ⁰⁰

Recd on the

Notion note
fourly dollar
Sept. 10th 1877

Nov 8th 1878. Received
two dollar & ninety
cents, in part payment
of the note.

\$2.20 50

note

J. P. Thurston

L. R. Hunter. Dr. To Thomas J. Miles

Dec 1876	To balance on chimney	1.00
March 1877	Repairing - - Shoes	60
"	" " " " Shoes	20
April	making hinges for stable doors	25
"	Spoking + skimming corn wheels	3 50
"	hooping corn wheels	1 00
"	skews + Lynch pins	25
"	repair on iron wedge	10
"	1 pair Lynch pins	10
"	hooping tub	05
"	2 runers for door	20
"	hooping + heading tub	15
1878	repair cuff for single tree	05
"	shoing horse	30
"	repairs on corn sheler	50
"	repairs on cotton scooper	25
"	2 spokes in corn wheel	25
"	hooping corn wheels	1 00
"	making corn axel + skews	30
1879 March	single tree cuffs + stop	50
"	Bail for well Bucker	20
"	repairing hinges	20
		11.35

This day Thomas Miles came personally before me and made oath to the correctness of the above account

April 12th 1880

J. R. Ellenor J.?

not of mines
vs
L R Hunter &
Esq

Estate of Samuel R Hunter dec^d
 1879 To F. W. Hunter
 To 3000 ft. Heart Lumber @ \$1 1/4 \$37.50
 " 120 post (W.C.) @ 10¢ 12.00
 " 1200 Cypress shingles @ \$4 1/2 per m 5.40
 " Workmanship upon yard & stable 15.00
 \$69.90

Nansemond County to wit:—

This day Fred. W.

Hunter personally appeared before me Mayor
 of the Town of Suffolk and made oath to the
 correctness of the above account.

Given under my hand this 19th day
 April 1880.

Benjamin Beach, Mayor

1878 L. R. Hunter - Deceased
Due To M. W. Smith Esq -
To amt of account \$29.80

This day M. W. Smith came personally before me
and made oath to the ^{above} account as being correct
Dated - This - F. R. Ellenor J. D.
May 21st 1880

L R Hunter Est.

L. R. Hunter (Deceased)
To Fanny Hunter Cold Dr
To Balance on hire of self
for 1878 \$19.59

This day Fanny Hunter came personally
before me F. R. Ellenor a Justice of
the Peace for Stanwix County, and
made oath to the ^{contents} ~~above~~ ^{correctness} of the
above account. It is the 28th day of
June 1880

F. R. Ellenor J. P.

John C. Goodman

Open Acd.

^{10.}
L. R. Hunters.

1. Jan. 1876

25.50

1. Jan. 1877

15.

1. Jan. 1879

10.50

57. —

Int. on \$25.50 to 1 Jan 79 - 4.59 on 15. do. 180

639

Due 1. Jan. 1879

57.39

Prin. 51. —

Colls

1.2

M. H. Egan vs F. W. Hunter and L. R. Hunter

Am't of Judgment
Interest
Costs

\$ 500.
390.
820
\$ 898.20

Am't paid \$175-
Interest 52.
\$ 227.

Am't paid \$380. 1. Jan. 1879 -
Int. 21.
\$ 627

627.
\$ 271.20

Cost of suit now pending say

50.
\$ 321.20

This is a prior lien, judgment having
been obtained 15th Apr 1878.

L. L. & S. E. Smith

N. 

Hunters per. rep. v.

Evidences of debts
filed with report of
Comm^r R. R. Prentiss
dated 25. Sept. 1880 -

Smith

vs.

Hunter & al.

This cause came on this 14th day of April A.D. 1883 to be again heard on the papers formerly read therein and on the Report of John L. Fulgham Personal Representative of Lemuel R. Hunter deceased filed the 15th day of February A.D. 1883, being a report of the final settlement of his transactions as said Personal Representative and on the Report of Special Commissioner, Wilbur J. Kilby filed the 16th day of February A.D. 1883 being a report of the collection of money and the payment of the debts of said Lemuel R. Hunter deceased as required by the decree entered in this cause the 12th day of October A.D. 1881 and was argued by counsel.

On consideration whereof the Court doth confirm the said two reports to which no exception has been filed, and it appearing to the Court by said Report of said Commissioner Wilbur J. Kilby, that after the payment of the debts of Lemuel R.

Hunter deceased as in said Report specified, there is left in the hands of said Commissioner, the sum of \$629.⁰⁴ being the surplus proceeds of the real and personal estate of said Lemuel R. Hunter, and it also appearing to the Court that included among the debts paid as aforesaid, there was paid to Thos. W. Savage, the sum of \$159.⁸⁸ being a debt due by W. Scott Hunter one of the heirs and distributees of said Lemuel R. Hunter as principal to which said Lemuel R. Hunter was only the ~~surety~~ security, and ~~the Court being of opinion~~ it also appearing to the Court that the share of said sum of \$629.⁰⁴ to which said W. Scott Hunter might otherwise be ~~entitled~~ entitled as one of said heirs and distributees, ~~is not~~ would not be sufficient to pay back to, or to reimburse the estate of said Lemuel R. Hunter on account of said sum of \$159.⁸⁸ paid by it ^{as security} for said W. Scott Hunter, the Court is of opinion that said W. Scott Hunter is not entitled to a share of said sum of \$629.⁰⁴

as one of the heirs and distributees of said Lemuel R. Hunter and doth accordingly adjudge, order and decree that said Wilbur J. Kilby, Commissioner, pay out and distribute said sum of \$629.⁰⁴ in equal shares to all the said heirs and distributees, except said W. Scott Hunter, they being entitled to the same, namely: to Almira W. Hannaford (widow) one-sixth part, to Fred. W. Hunter a like part, to Caroline Hunter a like part, to Maria S. Hunter a like part, to Juliana the wife of Mark W. Smith a like part and to Selara S. the wife of Wilson Anfleet a like part, after first having first paid all unpaid costs of this suit out of said sum of \$629.⁰⁴ and make report to Court of his proceedings under this decree.

Smith

Xmas

vs. } In Chy

Hunter & Co

Kauseman County
Circuit Court
April Term 1883

Decree

To be entered

Geo. B. Snow.

Copied

Entered O.B. Snow page 618

L. L. & Samuel E. Smith

vs.

L. R. Hunter's ~~As~~ Per. Rep. &c.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Commissioner, Robert R. Prentiss filed the 30th. day of September A.D. 1881 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 also confirm the Report of said Commissioner, Robert R. Prentiss filed the 27th. day of September A.D. 1880 in all respects, except as to the ~~parts~~ parts to which ^{were} ~~were~~ exceptions, taken by the Complainants and filed the 28th. day of September A.D. 1880, ^{where which exceptions were} ~~and~~ sustained as set forth in the decree made herein on the 11th. day of April A.D. 1881,

And The Court doth adjudge, order and decree that John L. Fulgham Sheriff of Nauset County and as such the Personal Representative of Lemuel R. Hunter deceased, do pay over to

Wilbur J. Kilby, the Special Commissioner who sold the real estate of said Lemuel R. Hunter deceased under proceedings had in this cause, ~~see~~ the ~~money~~ sum of \$159.04, together with all interest due thereon, in his, the said John L. Fulgham's hands, as ~~the~~ Personal Representative aforesaid, as appears by said Report of Commissioner Robert R. Prentiss filed the 27th. day of September A.D. 1880, and all such sums of money as he, the said John L. Fulgham, as Personal Representative aforesaid, may have collected or received for said Lemuel R. Hunter's estate since, ~~said~~ ~~last named Report of Commissioner Robert R. Prentiss was filed on the 27th~~ day of September A.D. 1880, and make report to Court ^{in this cause} of his transactions as said Personal Representative since the 27th. day of September A.D. 1880 and file with his report proper vouchers or receipts for such disbursements or payments as he may have made since that time or may make hereafter in pursuance of this decree.

And the Court doth further adjudge, order

and decree that said Wilbur J. Kilby, Special Commissioner as aforesaid, do receive of the Clerk of this Court, who will deliver to him and take receipt of him, ^{and file said receipt with the papers in this cause,} for the two Bonds of Wiley Higgins with Fred. W. Hunter security, each for the sum of \$536.²⁵ and dated the 13th day of December A.D. 1880 and payable to said Commissioner one year and two years respectively after date with interest from date, and also the two Bonds of Lucy A. Hunter, with W. S. Hunter, James R. King and E. R. Smith security each for the sum of \$326.³⁵ and dated the 10th day of January A.D. 1881 and payable also to said Commissioner one year and two ^{all of which Bonds are filed with the Report of said Commissioner, Wilbur J. Kilby, which} years after date with interest from date ^{and} ^{was filed in this cause on the 15th day of February A.D. 1881, and} that said Commissioner collect the principal sums of said Bonds at the maturity thereof or receive the same, should the obligors desire to pay the ~~same~~ ^{money} before the maturity of said Bonds, together with all interest due thereon, and out of the money thus collected or received ~~and~~ together with such sum or sums of money as ~~said Commissioner~~ ^{may receive} be paid to said Commissioner by said John L. Fulgham, as Personal Representative aforesaid under this decree, the said Commissioner will pay first all unpaid costs of this suit including a fee

of \$50. to Wilbur J. Kilby, Counsel for the
Complainants, and then pay to Samuel E.
Smith the sum of \$994.50 with interest on \$442.00
part thereof from the first day of November A. D.
1881 till paid and also to said Samuel E. Smith
the sum of \$91.12 with interest as above on \$40.67
part thereof; and to John C. Goodman the sum of
of \$66.05 with interest as above on \$51.00 part thereof,
and to Fanny Hunter (col.), the sum of \$22.91 with
interest as above on \$19.59 part thereof and to Fred
W. Hunter the sum of \$79.68 with interest as above
on \$69.90 part thereof, and to M. W. Smith the
sum of \$34.86 with interest as above on \$29.80
part thereof, and to Thos. J. Miles the sum of \$13.27
with interest as above on \$11.35 part thereof,
and to Thos. W. Savage the sum of \$144.04 with interest ~~from~~ thereon from
all of which sums of money are debts
~~due~~ which have been reported and allowed
*against said Lemuel R. Hunter's estate
under proceedings had in this cause.
And said Commissioner, Wilbur J. Kilby
after paying the sums of money above men-
tioned, will retain any surplus money that
may be left in his hands until the further
order of Court and will make report to
Court of his proceedings under this decree
and file with his report proper vouchers
or receipts for all payments, he may make
hereunder. And the Court doth further

the 11th day of April A. D. 1881

adjudge order and decree that said Commissioner, Wilbur J. Kilby make to said Wiley Wiggins a deed with special warranty in the usual form conveying to him the real estate purchased by him under proceedings had in this cause and to said Lucy A. Hunter wife of W. Scott Hunter a similar deed conveying to her the real estate purchased by her under proceedings had in this cause as and for her sole and separate estate to be held by her as though she were a feme sole, when ~~said~~ the Bonds above-mentioned of said Wiley Wiggins and said Lucy A. Hunter shall have first been paid in full with all interest due thereon

Smith & Co
vs. } In Chy.
Hunter & Co

Nauvoo County
Circuit Court
Octo. 12th 1881

Decree
To be entered

Yes it Blow
Entered C.B. Fuller 557.

We consent to
this decree

Wilbur J. Kilby
Atty. for Plts. &
Withers & Platts -
for T. W. Savage -

Copied

L. L. S. E. Smith

vs.

L. R. Hunter's Per. Rep. &c.,

This cause came on this day to be again heard on the papers formerly read therein and on the Report filed the 15th day of February A. D. 1881 of the sale of said L. R. Hunter's land by Wilbur J. Kilby Special Commissioner and on the Report of Commissioner Robert R. Prentiss filed on the 27th day of September A. D. 1880 and on the exceptions taken to said last-named Report by the Com-
^{and filed on the 28th day of September A. D. 1880}plainants, and was argued by counsel.

On consideration ^{whereof} the Court doth enfirm the said Report of Special Commissioner, Wilbur J. Kilby, filed on the 15th day of February A. D. 1881 to which no exception has been filed and doth sustain the first, second, third and fourth ^{of said} exceptions, ^{and doth overrule the fifth of said exceptions taken} to said Report of Commissioner Robert R. Prentiss and ^{doth} ~~ad-~~ ^{order and decree} ~~judge order and decree~~ doth decide and adjudge, ^{for the satisfaction of} that the debt of \$316.92 stated in said last named report as a judgment in favor of Mills H. Euse against Fred. W. Hunter and said L. R. Hunter as security, ~~must~~ for the estate real and

personal of said And. W. Hunter must first be exhausted before the estate of said L. R. Hunter can be subjected to the satisfaction thereof, ^{the said L. R. Hunter being only the security therefor} and that for the satisfaction of the ^{alleged} debt of \$188.³⁷ stated in said last-named Refut in favor of Thos. W. Savage against W. Scott Hunter and L. R. Hunter as security, the estate real and personal of said W. Scott Hunter must first be exhausted before the estate of said L. R. Hunter can be subjected to the satisfaction thereof, the said L. R. Hunter being only the security therefor. And the Court doth further adjudge, order and decree that the statement in said ^{last-named} Refut of said debt of \$316.92 ~~is erroneous~~ in favor of said Mills H. Cure is erroneous in that the sum of \$175. paid in part thereof on the 8th day of November 1875 should be credited on account of the interest, to wit \$235.⁵⁸ due as of that date on said debt instead of in part payment of the principal and interest added together ~~making~~ ^{is also erroneous} the sum of \$735.⁵⁸ and, in that interest from the 8th day of November 1875 should have been calculated on the principal sum of \$500. of said debt instead of the sum of \$560.⁵⁸ of principal and

interest. And the Court doth further
adjudge, order and decree that the
statement of the ~~the~~ said debt of \$188.37
in said last named report in favor of
Thos. W. Savage is erroneous in that in-
terest is allowed on the debt, and that
the Bond in evidence of said ^{said last named} debt ~~is~~
^{specifying in its face} a greater than the legal rate of interest, is
illegal and void as to any and all
interest or excess beyond the principal
sum of the debt and that no interest
should have been allowed thereon and
that the principal sum thereof ~~alone~~ after
deducting ~~the sum~~ therefrom, the sums of
\$23.06 and \$40. and \$12.90 ^{paid in part thereof,} ~~constitutes~~
is alone a valid claim against said
L. R. H. and should have been so reported.

And the Court doth further adjudge
order and decree that the claim as a debt
against said L. R. Hunter deceased
or his estate of \$294.65 of the Com-
plainant and executor Lerry L. Smith
assignee of Allen Smith, who was assignee
of Henry Willey, filed with the Bill in
this cause and marked exhibit D. is
barred by the statute of limitations and
cannot be allowed ^{as a legal debt} against said L.
R. Hunter's estate.

And the Court doth re-commit to

said Commissioner, Robt. R. Prentiss, his said
 Refut. and doth order that he revise and
~~restate~~ the same in accordance with
 the opinion and decision of this Court
 as set forth in this decree, making
 in his report of said debts in favor of
 said Mills H. Eum and Thos. W. Savage
~~statements thereof separate~~ against said
 G. R. Hunter, as security respectively of Fred.
 W. Hunter and W. Scott Hunter statements
 thereof separate from the statement of debts
 against said G. R. Hunter as principal
 and make report to Court of his proceed-
 ings under this decree.

Smith & Co.
 vs. } In Chy
 Hunter's Pr. Ref. &c

Transd. Co. Civ. Ct.
 11th April Term 1881

Decree
 To be entered

Geo B. Blow

Entered O.B. No 1

p. 316-11-12

(copy 1)

Smith & als.

vs.

Hunter's Per. Rep. & al.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Commissioner, Robt. R. Prentiss filed on the 27th. day of September A.D. 1880 and on the exceptions taken to said Report by the Complainants and was argued by counsel.

On consideration whereof ~~the Court~~ ^{and} without confirming said Report or considering said exceptions thereto, or at present deciding any of the questions raised by said exceptions, ~~doth the Court~~ ^{and} being of opinion that the ^{alleged} deed dated the 8th. day of October A.D. 1877 and admitted to record on the same day in the Clerk's office of Chausewood County, Virginia, and executed by said Samuel R. Hunter to W. S. Hunter Trustee and purporting to be a charge on said Samuel R. Hunter's real estate in favor of Savage & Smith, John R. Copeland and Caroline Hunter and Smith and Hunter was a purely voluntary conveyance based upon consideration not deemed valuable in law, the Court doth adjudge the said alleged deed to be void as to said Samuel R. Hunter's creditors, and doth adjudge, order and decree that the same be and it is hereby

cancelled, annulled and set aside.

And the Court doth further 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 said County on some County Court day the real estate of which said Lemuel R. Hunter died seized and possessed, consisting of two parcels of land situated in Cypress Magistral District in said County, one parcel containing two hundred acres, more or less and the other parcel ninety two acres more or less, all bounded by the lands of J. R. King, Burwell Smith and others, and that said Commissioner sell said real estate on the terms of payment by the purchaser of enough of the purchase-money in cash to pay the expenses of the sale and the costs of this suit and the balance in equal ^{at the end of} sums, one and two years from the day of sale and take of the purchaser in evidence of the deferred payments, Bonds with good personal security payable to himself, said Commissioner, with interest from the day of sale, 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 said Commissioner is directed to give notice of said sale by printed advertisements to be posted at several public places in the neighborhood of said land and in said County 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 the Town of Suffolk, Va.

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 \$2000.⁰⁰ 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.

Smith & al.
vs. } In chy.

Hunter's Per. Rep. & al

Kausd. County
Circuit Court
October ^{13th} Term 1880

Decree
To be entered

Geo. Brown

Entered O.B. No. 1

p. 492

Chas.

that the defendant, John L. Fulgham, Personal Representative of Lemuel R. Hunter deceased, render an account of his transactions before me of the Commissioners of this Court and produce before said Commissioners all necessary papers and vouchers in his possession or under his control relating to his transactions as said Personal Representative, to enable the said Commissioner to state the said Account, and that said Commissioner, state, settle and report ~~to Court~~ said account to Court together with an account of the real estate of which said Lemuel R. Hunter died seized and possessed, giving a description of the same and its fee-simple and annual value, and an account of the outstanding debts due by said Lemuel R. Hunter deceased or his estate showing their dignity and priority and an account of any matters specially stated deemed pertinent by himself or which may be

required by any of the parties to be so stated.

A notice of the time and place of taking the aforementioned accounts to be published once a week for four successive weeks in a newspaper ~~pub~~ printed in the Town of Suffolk, Va, shall be equivalent to personal service of such notice on the parties to this suit.

Smith

vs.

Hunter's Per. Rep. tal

Maused. Co. Civ. Ct.
Apl. Term 1880

Decree

To be entered

Geo. B. Low.

Entered O. B. No 1

p. 479

The exception of the Complainants in the cause in Chancery now pending in the Circuit Court of House-mond County, Virginia between L. L. and S. E. Smith, Complainants and L. R. Hunter's Personal Representative and others, defendants, taken ^{insufficiency} to the Report of Commissioner Robt. R. Prentiss, filed in said cause on the 27th day of September A. D. 1880;

The Exceptors except to said Report 1. For that a debt of \$316.92 is reported as a judgment against said L. R. Hunter constituting the first lien upon his real estate in favor of Mills H. Cure and as having priority over the claims of other creditors of said L. R. Hunter, while in truth and in fact the said judgment was rendered against Fred. W. Hunter ^{and said L. R. Hunter} for a claim or debt ^{due by said Fred. W. Hunter} to which said L. R. Hunter was security only, and for the satisfaction of which there is now pending in said Court a Chancery suit against said Fred. W. Hunter who owns 125 acres of land in Housemond County Va. and other estate sufficient to satisfy said claim. These Exceptors, then, submit that the estate of said L. R. Hunter

should not in any way be subjected to payment of said claim or any part thereof, or be held liable therefor, until the said Mills H. Cure shall have exhausted his remedy against said Fred. W. Hunter, the Principal debtor.

2. For that the statement of said debt as set forth in said Report is inaccurate ^{and erroneous} in that the sum of \$175. paid in part thereof on the 8th day of November 1875 should be credited ~~to~~ on account of or towards payment of the interest to wit \$235. ^{to wit \$735.58} ~~58~~ due as of that date on said claim, instead of in fact payment of the principal and interest added together ~~to wit \$735.58~~ and in that interest ~~\$~~ ~~on the~~ from the 8th day of November 1875 should have been calculated on the principal sum of \$500. instead of on \$560.58, and for that said statement is erroneous in other particulars, making a difference in favor of said Cure of \$11. ⁶⁷ and perhaps more as will appear by a re-statement of said claim.

3. For that a debt of \$188. ³⁷ is reported against said L. R. Hunter, or his estate in favor of Thos. W. Savage, while in truth and in fact said debt is due by ~~the~~ ~~set~~ W. Scott Hunter for whom

said L. R. Hunter was security only and who owns ~~land~~ 59 acres of land in said County and other estate sufficient to satisfy said debt, These excoptors. Therefore, submit that said L. R. Hunter's Estate should not be subjected to payment of said debt or any part thereof until said Savage shall have exhausted his remedy against said W. Scott Hunter. 4. For that the statement of said debt of \$188.³⁷ in said Report is erroneous in that interest is allowed on the same while the Bond in evidence of said debt filed with said Report, specifies an usurious and illegal rate of interest which bars the claim of any interest on said debt whatsoever, No interest should be allowed on said debt because said Bond specifies usurious interest and the sums of \$23.06 and \$40. and \$12⁹⁰, paid on said debt should be credited in full payment of the principal sum alone, to wit \$220.⁰⁰ 5. For that said Commissioner does not report as a valid and subsisting debt against said L. R. Hunter's estate the claim of the Complainant and Excoptor L. L. Smith, Assignee of Allen Smith, who was assignee of

Henry Willey filed with the Bice of
the Complainants and marked ex-
hibit D.

In all which particulars and ^{many} others
of ^{said} complainants except to the
the ^{said} Report as imperfect and
insufficient and ~~should there-~~
^{pray that the same may}
~~for~~ be corrected and restated.

28th. Sept. 1880

Wilbur J. Kilby
Atty. for Exceptors.

L. L. & A. E. Smith

vs.

} In Chy.

Hunter's Per. Rep. &c

Exceptions of L. L. &
A. E. Smith to the Report
of Henry Willey, Esq. R. R. Prentiss
filed on 27th. Sept. 1880.

1880. Sept. 28th: F. A. W. K.

Mills H. Eure

vs.
Fred. W. Hunter and L. R. Hunter

Judgment 15 Apl. 1878 for \$500 00

Int. from 1st. Jan. 1868 to 8th.
Nov. 1875 - 7y. 10 m. 7ds. \$235 58

Paid 8 Nov. 1875 as per credit
on the Bond. 175 00 \$ 60 58
\$560 58

~~Costs of judgment~~
Interest on \$500 from 8 Nov.
1875 to 1 Jan. 1879 - 3y. 1m. 23ds.

Paid 1 Jan. 1879. \$180.⁹³ & \$200. =
94 42
\$655 00
380 93
\$274 07

Int. on \$274.07 from 1 Jan
1879 to 1 Jan 1881 - 2y.

Paid 1 Jan. 1881

Costs of judgment
due 1 Jan. 1881

32 88
\$306 95
200 00
\$106 95
8 20
\$115 15

Mills H. Euse

vs.

Fred W. & L. R. Hunter

Correct
Statement of judgment

Smith vs.

vs.

Hunter vs.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Special Commissioner, Wilbur J. Kilby, (being a Report of the final distribution of funds subject to the order of Court in this cause), ~~filed~~ ^{made} in pursuance of the decree entered in this cause ^{of} the 14th day of April A. D. 1883 and filed ~~herein~~ the 21st day of May A. D. 1883, and was argued by counsel.

On consideration whereof, the Court doth confirm the said Report to which no exception has been filed and doth adjudge order and decree that the proceedings had in this cause be final and binding between the parties and, nothing more ^{remaining} ~~appearing~~ to be done herein, doth order that the ~~same~~ ^{cause} be removed from the docket.

Smith & al

vs. } In Chy.

Hunter & al

Hausenwald County
Circuit Court
Octo 10th 1883

Final decree
To be entered

Geo. B. Snow,

Attorney for Plaintiff

Entered Oct 10th 1883 page 623

The answer of John R. Copeland one of the defendants to the Bill of complaint exhibited against him and others in the Circuit Court of Hanover County, Virginia by Lerry L. Smith and Samuel E. Smith Complainants.

This defendant reserving to himself all right of exception to the said Bill of Complaint for answer thereto says.

That so far as he knows or is informed the several facts and matters stated and complained of in said Bill of Complaint are true and correctly stated, That he knows it to be true and so states that the writing filed with said ~~and~~ Bill as exhibited &c. dated the 8th day of October 1877 and purporting to have been executed by Lemuel R. Hunter to W. S. Hunter Trustee for the benefit of this defendant and others, was and is a purely voluntary conveyance made without consideration so far as this defendant is concerned, deemed valuable in law the said Lemuel R. Hunter being

at the time of the execution of said
writing and ~~at no time~~ ^{since that time}, in
no way indebted to this defendant
and that this defendant has
now no claim or demand a-
gainst said Lemuel R. Hunter
deceased or his estate.

And now having fully answered
the Bill of the Complainants, this
respondent prays hence to be dis-
missed with his reasonable costs in
this behalf expended and he will
ever pray &c.

John R. Copeland

State of Virginia

Chauceson County, to wit

This day personally appeared before
me, a Notary Public in and for said
County in said State of Virginia, John R.
Copeland, the Respondent named in
the foregoing answer whose name is
signed thereto and made ^{oath that} the statements
made in said answer so far as made
of his own knowledge are true and
so far as made upon knowledge or
information derived from others, he

believes them to be true,
Given under my hand this 4th. day of
March 1880.

Wilbur J. Kilby
Notary Public

L. L. S. E. Smith.

Ms. } In chy.

L. R. Hunter's Per. Rep.
Cal.

Answer of
John R. Copeland.

The answer of John L. Fulgham, Sheriff of Chaussemond County and personal Representative of Lemuel R. Hunter deceased & one of the defendants to the Bill of Complaint exhibited against him and others in the Circuit Court of said County, by Leroy L. Smith and Samuel E. Smith Complainants.

This defendant reserving to himself all right of exception to the said Bill of Complaint for answer thereto says,

That so far as he knows or is informed the several facts and matters stated and complained of in said Bill of Complaint are true and are correctly stated.

That this defendant knows it to be true and so states that on the 11th day of August 1879 the personal estate of said Lemuel R. Hunter was committed to this defendant's hands for administration according to law: that on the 25th day of September 1879, said estate was duly appraised by appraisers appointed for that purpose by the County Court of said County that said appraisers appraised all

the "stock, and household and Kitchen furniture, farming implements and crops of corn, fodder, cotton, peanuts &c" and in fact all the chattel estate of said L. R. Hunter, the appraisement of which has been duly certified and recorded in the Clerk's office of said County: That on the 30th. day of January 1880, this defendant in pursuance of notice and advertisements proceeded to see & did see all said chattel estate at the ^{late} residence of said L. R. Hunter on his premises at public auction: That W. Scott Hunter ^{and one of the beneficiaries} named as trustee, and Mark Smith named as one of the beneficiaries in the writing filed as exhibit E. with said Bill and purporting to have been executed by said L. R. Hunter, were present at said sale, ^{with Fred. W. Hunter} and in no way claimed or objected to the sale of said chattel estate, but on the contrary without objection, protest, remonstrance or claim of any kind, permitted and assisted this defendant to make said sale as the duly qualified representative of said L. R. Hunter deceased for ~~that~~ the benefit of said L. R. Hunter's estate generally and due and proper administration by this defendant.

that the gross proceeds of said sale amount to the sum of \$270.69 for ~~this~~ which as well as of his transactions, this defendant is ready and willing at any time to render a proper account

And now having fully answered the Bill of the Complainants, this defendant prays hence to be dismissed with his reasonable costs in this behalf expended, and he will ever pray &c.

John L. Fulgham
Shff & Admstr of
L. R. Hunter decd

State of Virginia
Hansemond County to wit

This day personally appeared before me a Notary Public in and for said County in said State of Virginia, John L. Fulgham, Sheriff, personal Representative of Lemuel R. Hunter deceased, the Respondent named in the foregoing answer, whose name is signed thereto and made oath that the statements made in said answer so far as made of his own knowledge are true and so far as made upon knowledge or information derived from others, he believes them to be true.
Given under my hand this 4th day of March 1880

Wilbur J. Kilby
~~Commissioner of Accounts~~
Notary Public

Smith } In chy.
vs. }
Hunter's Per. Rep. tal

Answer of
John L. Fulgham
Shff. & Per Rep.

This Deed, made this 8th. day of October, 1877, between Samuel R. Hunter, of the first part, W.S. Hunter, Trustee of the second part, and Messrs: Savage & Smith, John R. Copeland, Caroline Hunter and Messrs: Smith & Hunter, of the third part, Witnesses, that for and in consideration of the sum of One dollar to him in hand paid by the said W.S. Hunter, the receipt whereof is hereby acknowledged, the said Samuel R. Hunter doth grant, bargain sell and release unto the said W.S. Hunter, his whole real estate with all appurtenances thereunto belonging, together with his stock, household and kitchen furniture, farming implements, and crops of Corn, fodder, cotton, peanuts &c. In trust to secure the parties of the above third part.

In Witness whereof, I have hereunto set my hand and seal, the day and date above written.

Samuel R. Hunter 

In the Clerk's Office of Nausemound County Court, the 8th. day of October, 1877.

This Deed of Trust was acknowledged by Samuel R. Hunter, and thereupon admitted to record.

Teste:

C. H. Causey, D.C.

A Copy:
Testes

Peter B. Prentiss, Clerk.

X^{ms}
Lemuel R Hunter
In { Copy Deed of Trust
W. S. Hunter, Trustee for
Savage & Smith & others.

Exhibit E.

L. R. Hunter To L. L. Smith, Assignee
of Allen Smith, who was Assignee of
Henry Willey.

To Amt. of Bond. — \$ 280 00

" Int. from 29 Aug. 1850
to 19 Sept. 1850 — 20 dys.

87
\$ 280 87

Paid Henry Willey 19 Sept 1850

100 00
\$ 180 87

Int. to 6 June 1855 — 4 y. 8 m. 17 ds

51 14
232 01

Paid Allen Smith 6 June 1855.

100 00
\$ 132 01

Int. to 1 Apr. 1876 — 20 y. 9 m. 25 ds. \$ 164 89

Paid Allen Smith 1 Apr. 1876

2 25 162 64

Bal. due =

\$ 294 65

with Int. on \$132.01 from 1 Apr. 1876

Exhibit D.

1880 - Sept. 25.

This debt is ~~double~~ not
reported because barred
by the Statute of limitations
Robt E. Huntis.
- Cms

L. R. Hunter
to

L. L. Smith

Exhibit D.

For Value Received I promise to pay to Henry
Wiley Esq or order the just and full sum of ~~Two~~
hundred and ~~Eighty~~ Dollars (with interest from
date as witness my hand and seal

\$280 =

August 29th 1850

Lemuel R. Hunter Seal

Test
Sam^l E. Smith

Received Sept. 19th 1858
one hundred dollars in part
of the within note
H. Willey

Pay the within to Eliza
Smith May 29th 1855 -
H. Willey

Received June 6th 1855
One hundred dollars in
part of the within note
\$100
A. Smith

~~Pay the within to Eliza Smith~~
~~one hundred dollars in part~~
of the within note
H. Willey
Amount due Feb. 6th 1880 - \$326.33

Exhibit D

Recd

L. J. L. Smith

L. R. Hunter

To

Samuel E. Smith

\$40. 67

Exhibit B.

L. R. Hunter

To

Samuel E. Smith

\$442. 00

Exhibit C.

For value received I promise to pay R S E Smith
or order the sum of forty Dols Sixty Seven
cents witness my hand and seal
\$40.67 Feb 21st 1861

L. R. Hunter (Seal)

L. C. Hunter
Note # 740.67

Exhibit B.

4
"With Interest from the first of January 1861.
I promise to pay to Saml E Smith or order four
hundred and forty two Dols it being for value
received as witness my hand and seal

\$442.00 Feb 21st 1861

L. R. Hunter (Seal)

Exhibit B.

L. R. Hunter

\$442.00

At a Monthly Court, held for Nantsemond County, The 11th day
of August, 1879.

On the motion of Thomas W. Savage, it is ordered, that the Estate of
Lemuel R. Hunter, deceased, be committed to the hands of John L.
Fulgham, Sheriff of this County, for administration according to
law: it appearing that the said Lemuel R. Hunter has been
dead more than three months, and no one having applied for
administration on his estate.

A Copy:

Teste:

Peter B. Prentiss. Clerk.

Exhibit A.

Smith L. L. & S. E.

vs.

} In Chy.

L. R. Hunter's Adm'r & al

Exhibits

A. B. C. D. & E.

To the Honorable George Blow, Leveint
Court Judge in and for the County of
Hausemund, State of Virginia:

Humbly complaining respectfully
represent and shew unto Your Honor,
Your Complainants, Lerry L. Smith and
Samuel E. Smith, Complainants, who
sue for the benefit of themselves and
all other creditors of Lemuel R. Hunter
deceased,

That said Lemuel R. Hunter late of
said County departed this life in-
testate, in the month of December in
the year 1878, that no widow survives
him, and that the following are his
children and heirs and distributees
at law now living, to wit: Almira
W. Hannaford, (a widow), Fred. W. Hunter,
Caroline Hunter, W. Scott Hunter, Maria
S. Hunter, Juliana ~~Smith~~ wife of Mark
Smith and Clara S. wife of Wilson
Torfleet, ^{Maria S. Hunter, who lives in the State of North Carolina,} all residents of said County, except said,

That said Lemuel R. Hunter died
possessed of but little personal or
chattel estate, which has passed into
the hands of John L. Fulgham, Sheriff
of said County, for administration, in
pursuance of an order of Hausemund
County Court made on the 11th. day of

August 1879 committing the same to his hands, as will appear by a duly authenticated copy of said order filed herewith as part of this Bill and marked Exhibit A.

That said Lemuel R. Hunter died seised and possessed of real estate in said County consisting of two parcels of land, one containing 200 acres more or less and the other 92 acres, more or less, and bounded by the lands of J. R. King, ~~Samuel~~^{James E.} Smith and others, the value of the former tract being \$1600. dollars and of the latter \$276.⁰⁰ dollars which said land is liable for said L. R. Hunter's debts.

That said Lemuel R. Hunter died indebted to your complainants as follows: To said Samuel E. Smith in the sum of \$40.⁶⁷ as evidenced by said Lemuel R. Hunter's Bond dated the 21st. day of February 1861 and payable on demand, as will appear by said Bond filed herewith as part of this Bill and marked Exhibit B. To said Samuel E. Smith in the further sum of \$442.⁰⁰, as evidenced by said Lemuel R. Hunter's Bond dated the 21st. day of February 1861 and payable on demand with interest from the 1st. day of January 1861 as will appear by said Bond filed herewith

as part of this Bill and marked Exhibit B:
and to said Lerry L. Smith, assignee
of Allen Smith, who was assignee of
Henry Willy, in the sum of \$294.65,
with interest on \$132.01 part thereof
from the 1st. day of April 1876, as
will appear by said Lemuel R.
Hunter's Bond and a statement of
this claim filed herewith as part of
this Bill and marked Exhibit D.

That no part
of said claims
due to said
Complainants
has been paid
and the same
are now all
due and
unpaid

And your Complainants further
say that they have been informed
and that they believe and so state
that said Lemuel R. Hunter be-
sides being indebted as aforesaid,
died largely indebted to other
persons, whose claims will be made
known at the proper time.

And your Complainants further
say that on the 8th. day of October 1877
a paper or writing purporting to have
been executed ^{to W. S. Hunter Trustee} on the same day by
said Lemuel R. Hunter, was admit-
ted to record in the Clerk's office of
the County Court of said County, ap-
parently creating and purporting to be
a charge on the real estate of said
^{in favor of Savage & Smith, John R. Copeland, Caroline Hunter and Joseph & Hunter.}
Lemuel R. Hunter, as will appear by
a duly authenticated copy of said

That said
Savage & Smith
are Thos. W.
Savage and
Mark Smith
and said
Smith & Hunter
are said Mark
Smith and
W. Scott Hunter,
late merchants
and partners
in trade under
the respective
names of
Savage & Smith
and Smith &
Hunter

paper or writing filed herewith as part
of this Bill and marked exhibit E.
In respect to this last named paper,
your complainants respectfully charge
and say that on or about the first day
of November 1877 one Mills H. Eure began
his suit at law in the Circuit Court
of Chausmond County aforesaid a-
gainst said Fred. W. Hunter and his
father, said Lemuel R. Hunter to re-
cover the amount of a ~~Bond~~ note
for \$500.⁰⁰ executed by said Fred. W.
Hunter as principal with said Lemuel
R. Hunter as security and payable
to said Mills H. Eure, and on the 15th,
day of April 1878 obtained ^{his} judgment
for said sum of \$500, against said Fred
W. Hunter and his security, said Lemuel
R. Hunter, with interest from the 1st. day
of January 1868 and for costs \$8.20,
subject to a credit of \$175.⁰⁰ paid
on the 8th. day of November 1875; That
said Fred. W. Hunter was at that
time a man of mature years having
ample means and estate at his com-
mand to enable him to pay his in-
debtedness aforesaid to said Mills H.
Eure or any other person, his estate em-

sisting in part of a tract of 125 acres
of land in said County worth at
least \$250. or \$300. That said
Lemuel R. Hunter was aware of
all this and was not willing to pay
or to be made to pay said indebted-
ness of said Fred. W. Hunter, or to
have his estate disturbed or subjected
in any way to the satisfaction of his
son's, said Fred. W. Hunter's debts
for which he was security merely,
while said Fred. W. Hunter was able
to pay his own debts including that
aforesaid; that said Lemuel R.
Hunter seeing that he was likely or
liable to be harassed and disturbed
in mind and estate and desiring to
avoid this and, in the spirit of an hon-
orable man, to save his estate for the
benefit of his own individual creditors,
^{as the best temporary one he could devise,}
adopted the plan, which led to the
execution of said writing of the 8th,
day of October 1877, which your Com-
plainant's charge was a purely vol-
^{and temporary}untary conveyance, having no other
basis or inducement or consideration
for its execution than that stated above.
That this is so, may be seen by consid-
eration of said writing itself which

was not intended to be a bona fide
was made for the benefit of no bona fide creditor and was
deed or conveyance, in that it, ~~is~~
based on no valuable consideration,
said Lemuel R. Hunter's personal and
real estate purporting to be charged
or conveyed thereby being worth at
least \$2000. or \$2500. and the con-
sideration of said deed being the
small sum of \$1.00 for all said
estate ~~and in~~ that said writing

~~That~~ That
said Lemuel
R. Hunter did
not intend to
prefer one of
his creditors
to another, ^{not}
hence did ^{not}
said deed, se-
lect any bona
fide creditor
of himself or
to write and
word said
deed as that
any bona fide
creditor could
take advan-
tage of its in-
firmities, the same
having been in-
tentionally ex-
pressed in vague
and indefinite
terms to serve a
temporary pur-
pose and yet
to be open, as it
is to all the ob-
jections to a void
and null con-
veyance, that
it might have
no effect as
giving one of his
creditors prefer-
ence over another.

shows that it was intended to avoid
something rather than to secure any
thing, as in its terms it is indefi-
nite, vague and unsatisfactory. It
does not specify any indebtedness to
the parties therein named, nor can
any be determined thereby, and in
fact, as your complainants have been
informed, said Lemuel R. Hunter
was not indebted to the persons pur-
porting to be beneficiaries under said
deed, two of said persons being the
children of said Lemuel R. Hunter
and another, the husband of one of his
daughters. And your complainants
charge that said persons, purporting to be
beneficiaries under said deed have
never set up any claim to protection

or benefit under its provisions, but on the contrary have admitted its purely voluntary character, with all other persons who might claim to be interested therein, by knowingly allowing the Personal Representative of said Lemuel R. Hunter, said Sheriff, to take charge of, and in fact, turning out to him for appraisal and sale, all the chattel estate of said Lemuel R. Hunter including all that specified and enumerated in said writing or alleged deed, which has been appraised and sold by said personal representative for the benefit of said Lemuel R.

Hunter's estate or creditors generally, without objection from any of the parties named in said deed.

* Your Complainants charge, then, that said conveyance was made without consideration deemed valuable in law and as to your Complainants is, therefore, void, the debts aforesaid due to them by said Lemuel R. Hunter having been contracted at the time and before it was made and that said conveyance is void for vagueness and uncertainty and indefiniteness, and should be cancelled annulled and declared to be void and of no effect and said land sold

* That although
said writ of habeas
corpus was issued
on the 14th day of
April, 1881, and
said Hunter did
not immediately
execute said deed
but deferred and
delayed it until
just before he
died, and said
conveyance was
made by said
Hunter, thus giving
all the time to said
Hunter to give to pay
his said indebted-
ness to said land
before he under-
took to execute
said deed, thus
showing that it
was made with
having to pay said
debts, and that
said conveyance
was made for the
benefit of said
creditors.

And your
Complainants
here give no-
tice that they
shall ask the
Court to al-
low their
counsel ~~such~~
such fee for
prosecuting
this suit as
may be rea-
sonable and
just.

for the benefit of all said L. R. Hunter's creditors and
the proceeds applied in payment of their claims.

X In Consideration whereof Your Com-
plainants being without remedy save
in a Court of Equity, pray that John
L. Fulgham, sheriff of Hantsdown County
and personal representative of said Lem-
uel R. Hunter deceased, Almira W. Han-
naford, Fred. W. Hunter, Caroline Hunter,
W. Scott Hunter, Maria S. Hunter, Mark
Smith and Juliana his wife, Wilson
Anfleet and Clara S. his wife, John
R. Copeland and W. S. Hunter, Trustee
and Thos. W. Savage and Mark Smith
late merchants and partners in trade
under the firm name and style of
Savage & Smith, and Mark Smith and
W. S. Hunter late merchants and part-
ners in trade under the firm name
and style of Smith & Hunter, may be
made parties defendant to this Bill
and suit and be required to an-
swer all the allegations herein
contained ^{and in their own proper persons,} on oath, that the chattel
estate of said Lemuel R. Hunter after
paying his funeral expenses and
charges of administration, ~~will~~ ^{being} not
~~be~~ sufficient to pay the indebted-
ness of said Lemuel R. Hunter to
your complainants as aforesaid

and other persons to whom he
died indebted and ~~will~~ being
wholly inadequate for that pur-
pose, Your Complainants further
pray that said writing of the 8th,
day of October 1877, may be declared
to be void and null and be
set aside, and the real estate
of said Lemuel R. Hunter be
sold and the proceeds applied
in payment of Your complain-
ants' claims aforesaid ^{the claims of} and
all other creditors of said Lemuel
R. Hunter ^{which are still due and unpaid} deceased; an ~~an~~ account
of which said real estate and
and its fee-simple and annual
value and of all claims against
and of the transactions of said John L. Fulgham as his Personal Representative,
said Lemuel R. Hunter, Your Com-
plainants pray may be taken
for the information of Your Honor,
and the purposes of this suit.
And that all further and adequate relief con-
sistent with Equity may be granted &
as in duty bound Your Complainants
will ever pray &c.

Lerry L. Smith
Samuel E. Smith
By Wilbur J. Kilby, Atty.

Kelby. p. 9.

Leroy L. Smith and
Samuel E. Smith

vs. } In Chy.

Lemuel R. Hunter's Per.
Rep. & al.

Bill

Leroy L. Smith Cal.

vs Chy. Notes

Levi R. Hunter's Perl. Rep: Cal.

1880. Jan'y: 23rd: Sum: in Chy. issued to Feby. Rules, 1880

" Feby: 2nd: Bill &c filed & decree nisi vs all the depts:
except Maria S. Hunter.

" " Proper affidavit having been made filed, as to the
non-residence of the dept: Maria S. Hunter,

" " 24th an Order of Pub: is awarded vs her
comp: of Pub: filed

" March 1st: Decree nisi confirmed?

" April 5th: Or: Pub: having been pub: & posted, according to law,
cause set for hearing

" " 13th: Decree for accos:

" Sept: 27th: Comm: Report filed

" " 28th: Exceptions, to above Report filed

" Octo: 15th: Decree setting aside Dec & order h
for sale h.

" Nov: 1st: Comm: Report again filed

1881. Feby: 15th: Report of Sale filed

" April 11th: Decree ^{Confirming Report of Sale &} sustaining same & overruling other exceptions.

" Sept: 27th: 2nd Report filed

" Octo: 12th: Decree to allow distribute Lumber &c

1883. Feby: 15th: Report of Jas: L. Fulgham, St. H. Lumber

" " 16th: Do: of Collections & disbursement, filed

" April 14th: Decree to pay out

" May 21st: Final Report of distribution filed

Chy. Notes

To the Circuit Court of Fauquier
County, Virginia

In pursuance of a decree
of the Circuit Court of said County
pronounced on the 13th. day of October
A.D. 1880 in the cause in Chancery
in said Court depending between
Lerry L. and Samuel E. Smith, Plain-
tiffs and L. R. Hunter's Personal Repre-
sentative and others ^{defendants}, a copy of which
decree is herewith annexed; the un-
dersigned, appointed Special Commis-
sioner by said decree to see the real
estate of which said L. R. Hunter died
seised and possessed, respectfully re-
ports to Court that on the 4th. day of
November 1880, he advertised said
real estate for sale on the terms and
conditions named in said decree
and gave notice of said sale in the
manner and for the periods speci-
fied in said decree and in
pursuance of said advertisement
did offer said real estate for sale
on the 13th. day of December 1880 at
public auction before the Courthouse
of said County (that day being County
Court day) and did sell one parcel
of said real estate, to wit, the home
place or parcel of said L. R. Hunter's
lands containing 92 acres more
or less, situated in Fauquier County
Va. at Amertown and bounded by the
County road leading to Holy Creek

chapel, and the road leading to Suffolk Va. and by the lands of Jas. E. Smith and W. Scott Hunter; the purchaser thereof being Wiley Wiggins, he being the highest bidder at and for the fair and adequate price of — \$1200 00 of which he paid in cash the sum of — \$127.50 which your Court. has expended and disbursed as follows:

To 5 per cent Coms. on \$ 300.00	\$ 15 00
" 2 do. " on \$ 900.00	18 00
" paid P. B. Prentiss, Clerk, costs, per rect	15 00
" " Wilbur J. Kilby, Atty, " "	16 50
" " J. L. Fulgham, Shff, " "	5 00
" " R. R. Prentiss, Cour. " "	20 00
" " Geo. D. Parker, Crier " "	15 00
" " Thos. G. Elam, Printer " "	23 00
	\$ 127 50
Balance	\$ 1072 50

To Bond of Wiley Wiggins with J. W. Hunter security filed with this Report for — \$ 536 25

To Bond of same filed with this Report for — 536 25 \$ 1072 50

And your Commissioner further reports that on the day of the sale of the land above-described, he also in pursuance of the advertisement above-named, offered for sale, but received no bid for all that other parcel of said L. R. Hunter's land, situated at Somerton in Nausemond County, Va, and on the west side of the County road leading to Holy

Heck Chapel and containing two hundred (200) acres, more or less and bounded by the land of Bruce Smith and by Armertown Creek and by the lands of B. J. Beale and Jas. R. King.

That your Commissioner, therefore, on the 15th day of December 1880, again advertised said last named parcel of two hundred acres of land for sale on the terms and conditions named in said decree and gave notice of said sale in the manner and for the periods named in said decree, and in pursuance of said advertisement did offer said last above-named parcel of land for sale at public auction on Courtday, Monday, January the 10th, 1881 before the Courthouse of Chausemond County, Va. and did see on said 10 Jan 1881 said parcel of two hundred acres of land to Lucy A. wife of W. Scott Hunter as and for her sole and separate estate, she being the highest bidder at and for the price of \$690 00
Of which she paid in cash
the sum of \$37.30
which your Court has disbursed as follows:

To 5 per cent coms. on	\$300.00	\$15 00
" 2 do. " "	\$390 00	7 80
" paid Geo. D. Parker, Crier, per rect.		8 00
" " Thos. G. Elam, Printer "		6 50
		\$37 30
Balance		\$652 70

To Bond of said Lucy A. Hunter, with W. S. Hunter
Jas. R. King and E. R. Smith security.

and filed with this Report —

" Bond of same filed with this Report

\$326 35

326 35 = \$652 70

Respectfully submitted this 10th day of January 1881
Wilbur J. Kilby
Comm.

1881 Jan. 10th. Received of Wilbur J. Kilby Court, Five dollars for J. L. Fulgham Shff, charged in this report as his part of costs paid in the suit of L. L. & S. E. Smith vs. L. R. Hunter's Per. Rep. Sal. in Nausd. Co. Cir. Ct. Wilbur J. Kilby for J. L. Fulgham

1881 Dec. 12th, Received of P. B. Prentiss, Clerk of the Circuit Court of Nausmond County, Va. in pursuance of the decree of said Court made the 12th day of October 1881 in the Chancery Cause of L. L. & S. E. Smith vs. L. R. Hunter's Per. Rep. Sal. in said Court, the two Bonds of Wiley Wiggins each for the sum of \$536.²⁵ with Fred. W. Hunter, Security and the two Bonds of Lucy A. Hunter with W. S. Hunter, Jas. R. King and E. R. Smith security each for the sum of \$326.³⁵ which were filed with the within Report and are fully described and mentioned in said decree of 12th. Octo. 1881

Wilbur J. Kilby
Court

L. L. & S. E. Smith.

vs. } In Chy

L. R. Hunter's Per. Rep. Sal.

Report of sales of
land.

1881. Feb. 13th. Filed.
M. L.

At a Circuit Court continued and held
for Hansemond County the 13th day of October
1880

L. L. & S. E. Smith

Plaintiffs

In $\frac{1}{2}$ Chancery

L. R. Hunter's personal representative et al Defendants

This Cause came on this day to be again heard
on the papers formerly read therein and on the
report of Commissioner Robert R. Peritts filed
on the 27th day of September AD 1880, and on
the exceptions taken to said report by the
Complainants, and was argued by Counsel:

On Consideration whereof and with-
out confirming said report or considering
said exceptions thereto, or at present deciding
any of the questions raised by said exceptions,
and being of opinion that the alleged deed
dated the 8th day of October AD 1877 and
admitted to record on the same day in the
Clerk's Office of Hansemond County, Virginia
and executed by said Lemuel R. Hunter to
W. S. Hunter Trustee and purporting to be
a charge on said Lemuel R. Hunter's real
estate in favor of Savage & Smith, John R.
Copeland and Caroline Hunter and Smith
and Hunter was, ^{firstly}, a Voluntary Convey-
ance based upon Consideration not deemed
Valuable in Law, the Court doth adjudge the

Said alleged deed to be void as to said Samuel
R Hunter's creditors and doth adjudge, order
and decree that the same be and it is hereby
cancelled, annulled and set aside.

And the Court doth further 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 said
County on some County Court day the real
estate of which said Samuel R Hunter
did seized and proposed, Consisting of two
parcels of land situated in Cypress Magis-
terial District in said County, one parcel
containing two hundred acres more or less
and the other parcel ninety two acres more
or less, all bounded by the lands of J R King,
Benwell R Smith and others, and that said
Commissioner sell said real estate on the
terms of payment by the purchaser of enough
of the purchase money in Cash to pay the
expenses of the sale and the Costs of this suit
and the balance in equal sums at the
end of one and two years from the day of
sale and take of the purchaser in evidence
of the deferred payments, Bonds with good
personal security payable to himself, said
Commissioner, with interest from the day

of sale, 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 said Commissioner is directed to give notice of said sale by printed advertisements to be posted at several public places in the neighborhood of said land and in said County 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 the Town of Suffolk Va.

But before proceeding to sell said real estate, said Commissioner will execute before the Clerk of this Court in his office, a Bond in the penalty of \$2000.⁰⁰ 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.

Costs

Clerk. \$15.00

Att. Gen. 16.50

Sheriff. 5.00

Commr. 20.00

Printer. 14.00

\$70.50

A Copy:

Teste:

Peter B. Prentiss. Clerk.

Xmd

L. L. & S. E. Smith

2^d { Copy Decree Octo: 13th 1880

L. R. Hunter's adjuvt. Val:

Lacey A. Hunter
\$690⁰⁰


The Bond required of the
Commiss: of Sale, under this
Decree, has been executed &c. &c.
Peter B. Prentiss, Clerk

LEMUEL R. HUNTER'S Land at Somerton, IN NANSEMOND COUNTY, **FOR SALE!**

In pursuance of a decree of the Circuit court of Nansemond county, Va., pronounced on the 13th day of October, 1880, in the cause in chancery in said court depending between Leroy L. and Samuel E. Smith, plaintiffs, and Lemuel R. Hunter's personal representative 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), a parcel of the real estate of which said Lemuel R. Hunter died seised and possessed, situated at Somerton, in Cypress Magisterial district, in said county, and on the west side of the county road leading to Bethlehem Church, and containing 200 acres, more or less, and bounded by the land of Bruce Smith and by Somerton creek, and by the lands of B. J. Beale and Jas. R. King.

TERMS.—Cash sufficient to pay the expenses of sale and the balance on a credit of one and two years, the purchaser to give two bonds in equal sums for the deferred payments, bearing interest from day of sale, with good personal security, and waiving the benefit of the Homestead exemption.

Title to the land will be retained until the further order of court.

WILBUR J. KILBY,

GEO. T. PARKER, CRIER.

COMMISSIONER.

December 15, 1880.

Land at Somerton, IN NANSEMOND COUNTY, FOR SALE!

In pursuance of a decree of the Circuit court of Nansemond county, Va., pronounced on the 13th day of October, 1880, in the cause in chancery in said court depending between Leroy L. and Samuel E. Smith, plaintiffs, and Lemuel R. Hunter's personal representative and others, defendants, I shall offer for sale at public auction, before the Courthouse door of said county, on

MONDAY, DECEMBER 13, 1880,

(that being County court day), the real estate of which said Lemuel R. Hunter died seised and possessed, consisting of two parcels, situated at and near Somerton, in Cypress Magisterial district, in said county, and described as follows:

1. The Home Place of said Lemuel R. Hunter, being a tract of land containing 92 acres, more or less, and bounded by the county road leading to Bethlehem Church and the road leading to Suffolk, and by the lands of Jas. E. Smith and W. Scott Hunter. The dwelling on this parcel of land is located in the village of Somerton, and there is on the land a considerable growth of original pine timber suitable for manufacture into lumber.

2. A parcel of land near the above-described parcel, and on the west side of the county road leading to Bethlehem Church, and containing 200 acres, more or less, and bounded by the land of Bruce Smith and by Somerton creek, and by the lands of B. J. Beale and Jas. R. King.

The land will be sold in two separate parcels, as above described.

TERMS.—Cash sufficient to pay the costs of suit and expenses of sale and the balance on a credit of one and two years, the purchaser to give two bonds in equal sums for the deferred payments, bearing interest from day of sale, with good personal security, and waiving the benefit of the Homestead exemption. Title to the lands will be retained until the further order of court.

WILBUR J. KILBY, Commissioner.

GEO. T. PARKER, Crier.

November 4, 1880.

Received of W J Kilby Commissioner Eight
dollars for crying and selling at Public Auction
on the 10th day January 1881 for said Comr; Two-
hundred (200) Acres of L R Hunter's land
January 21 1881 Geo D Parker Cash

Suffolk, Va. Jan^y 11th 1881

Mr. Wilbur J. Kelly ~~Owner~~

TO SUFFOLK HERALD, Dr.

Book and Job Printing Neatly Executed.

THE HERALD, \$1.50 A YEAR.

Orders Solicited.

1880
Dec 22 To ad. Sale L R Hunter's Land \$5.
4 in 2 times
100 Hand Bills of same 1.50

Paid Thos. G. Allen 6.50

Suffolk, Va., Dec 27 1880

Mr. W J Kilby Com^d

TO SUFFOLK HERALD, Dr.

Book and Job Printing Neatly Executed.

THE HERALD, \$1.50 A YEAR.

Orders Solicited.

1880

Jan

24

To Pub order of Publication

in case of L R S. E. Smith

vs L R Hunter's per Ripatals

It in 4 1

700

Recd Payment
Thos G. Glavin

Suffolk, Va., Dec 27 1880
 Mr R R Pencil's Care

TO SUFFOLK HERALD, Dr.

Book and Job Printing Neatly Executed.

THE HERALD, \$1.50 A YEAR.

Orders Solicited.

1880
June 16

To publishing Notice for taking
accts &c in Case L L & S E Smith
Vs L R Hunter per Rep Et als

Paid by H in H.T. 9/ 1.00
W J Kelby Comd'g Hos G. Elmer
R 13

Suffolk, Va., Dec 27 1880

For W J Kilby Com^{rs}

TO SUFFOLK HERALD, Dr.

Book and Job Printing Neatly Executed.

THE HERALD, \$1.50 A YEAR.

Orders Solicited.

1880 Nov 24 To Adv Sale of L R Hunt's Lot
5 in 3.7.

" 100 Hand Bills of sale

Rec'd Payment from G. & E. Glavin

1.50

1.50

9.00

1880 Dec. 27th. Received of Wilbur
J. Kilby Comr. fifteen dollars
for crying and selling at
public auction on the 13th,
day of December 1880 The
real estate of L. R. Hunter
deceased
\$15⁰⁰ Geo W Parker Crm

1880 Dec. 22nd. Received of
Wilbur Kilby Counr. Twenty
dollars for Refort made by
me as Counr. in Chancery
in the cause of L. L. and V. E.
Smith, vs. L. R. Hunter's Rev. Rep.
Sals. in Cause. Co. Cir, Et.
\$20 00

Robt. Prentiss.
Counr in Chy.

1880 Dec. 28th. Received of Wilbur
J. Kilby Comr. Fifteen dollars
in full of fees due me and
taxed as per decree of 13th.
day of October 1880 in the
Cause in Chancery of L. L. and
S. E. Smith vs. L. R. Hunter's Per.
Rep. Sal. in Naud. Co. Cir. Ct.
\$15⁰⁰

Peter B. Prentiss. Clerk

All accounts of the outstanding debts due by the estate of Lemuel R. Hunter deceased, all being of the Fourth Class and of equal dignity. -

1. A debt evidenced by bond due to Thomas W. Savage signed by W. S. Hunter and Lemuel R. Hunter.
 Thomas Hunter Principal. 220.

Credits
 1. Jan'y. 1877 \$23.06
 10. Sept. 1877 40.
 5 Nov. 1878 12.90

Am't. credits deducted 75.96
 Balance of Principal due. \$144.04

This debt is reported separately as the decree requires. -

Kilby. A debt evidenced by bond due to Samuel E. Smith
 Principal 442.

Int. from 1. Jan. 1861 to 1. Nov. 1881
 20.9.10 m 552.50
 Prin. & Int. due 1. Nov. 1881 994.50

Kilby. A debt evidenced by bond due to Saml E. Smith.
 Principal 40.67

Int. from 21. Feby. 1861 to 1. Nov. 1881
 20.9.8m.10d. 50.45
 Prin. & Int. due 1. Nov. 1881. - 91.12

Kilby

A debt due by open accounts to John C. Goodman -

Principal due 1. Jan. 1876	25.50
" 1. Jan. 1877	15.
" 1. Jan. 1879	<u>10.50</u>
	51.

Int. on \$25.50 1. Jan. 1876 to 1 Nov. 1881	8.92
" 15. 1. Jan. 1877 to 1 Nov. 1881	4.35
" 10.50 1. Jan. 1879 to 1 Nov. 1881	<u>1.78</u>

1881 Nov. 1. Prin. & Int. Due. - 66.05

Kilby

A debt due by open accounts to Fanny Hunter (Co.) -

Principal due 1. Jan. 1879	19.59
Int. from 1. Jan. 1879 to 1 Nov. 1881 -	<u>3.32</u>

1881 Nov. 1. Prin. & Int. Due 22.91

A debt due by open accounts to Fred. W. Hunter.

Principal due 1. July 1879	69.90
Int. from 1. July 1879 to 1 Nov. 1881 -	<u>9.78</u>

1881 Nov. 1 Prin. & Int. Due 79.68

A debt due by open accounts to M. H. Smith -

Principal due 1. Jan. 1879	29.80
Int. from 1. Jan. 1879 to 1 Nov. 1881 -	<u>5.06</u>

1881 Nov. 1. Prin. & Int. Due 34.86

A debt due by open account to Thomas J. Miles -

Principal due 1. Jan. 1879	11.35
----------------------------	-------

Int. from 1. Jan'y. 1879 to 1 Apr. 1881
1881 Apr. 1. ^{24. 10 mo. -} Prin. & Int. due. -

1.92

13.27

1881. Apr. 1. Totals -

\$1446.43

By direction of R. H. Rawles, Attorney, the judgment
in favor of Mills H. Euro is not against Fred.
W. Hunter and Lemuel R. Hunter is not reported
as a lien against the real estate of L. R.
Hunter deceased. -

Commissioner's Office -
Suffolk Va. 23. June 1881 -

To the Circuit Court of
Hansemond County.

Pursuant to a
decree of the Circuit Court of Hansemond County
rendered on the 11. day of April 1881 in the Chancery cause
of L. L. & S. E. Smith v. L. R. Hunter's per rep. et al., the
undersigned one of the Commissioners of the said Court
proceeded ^{on this day} to ~~take and state~~ execute the said
decree. - The accounts directed by the said decree
are herewith returned and need no explanation. -

Fee \$5. -

Respectfully Submitted.
Robt. S. Smith, Commr. -

L. L. & S. E. Smith

32^d Report
of Commr. -
Dated 23. June 1881

L. R. Hunter's per. rep^d

1881. Sept. 30th: Filed
CLC

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

L. L. & S. E. Smith Complainants.

Against { In Chancery
L. R. Hunter's Personal Representative & others. Defendants.

This Cause ^{came} on this day to be again heard on the papers
formerly read therein, and on the Report filed the 15th day of
February, A.D. 1881, of the sale of ^{said} L. R. Hunter's land, by Wilbur
J. Kelly, Special Commissioner, and on the Report of Com-
missioner Robert R. Prentiss, filed on the 27th day of September,
A. D. 1880, and on the exceptions taken to said last named Report
by the Complainants, and filed on the 28th day of September, A.D.
1880, and was argued by Counsel.

On Consideration whereof, the Court doth confirm the said Report
of Special Commissioner, Wilbur J. Kelly, filed on the 15th
day of February, A.D. 1881, to which no exception has been filed,
and doth sustain the first, second, third and fourth of said ex-
ceptions, and doth overrule the fifth of said exceptions taken to
said Report of Commissioner Robert R. Prentiss, and doth decide
and adjudge, order and decree, that for the satisfaction of
the debt of \$316 ⁷²/₁₀₀, stated in said last named Report as a
judgment in favor of Mills H. Eme against Fred: W. Hunter
and said L. R. Hunter, as security, the estate, real and personal
of said Fred W. Hunter, must first be exhausted, before the
Estate of said L. R. Hunter can be subjected to the satisfaction
thereof, the said L. R. Hunter being only the security therefor;
and that for the satisfaction of the alleged debt of \$188 ³⁷/₁₀₀
stated in said last named Report in favor of Mrs. W. Savage,
against W. Scott Hunter and L. R. Hunter, as security, the Estate,

real and personal of said W. Scott Hunter, must first be exhausted, before the Estate of said L. R. Hunter can be subjected to the satisfaction thereof, the said L. R. Hunter being only the security therefor. And The Court doth further adjudge, order and decree, that the statement in said last named Report of said debt of \$316⁷², in favor of said Mills H. Eare is erroneous, in that, the sum of \$175 paid in part thereof, on the 8th day of November, 1875, should ^{be} credited on account of the interest, to wit, \$235⁵⁸ due as of that date on said debt instead of in part payment of the principal and interest added together, making the sum of \$735⁵⁸, and is also erroneous, in that, interest from the 8th day of November, 1875, should have been calculated on the principal sum of \$500 of said debt, instead of the sum of \$560⁵⁸ of principal and interest. And the Court doth further adjudge, order and decree, that the statement of the ^{said} debt of \$188³⁷ in said last named report in favor of Mrs. W. Savage is erroneous, ^{in that} interest is allowed on the debt, and that the Bond in evidence of said last named debt, specifying on its face a greater than the legal rate of interest, is illegal and void, as to any and all interest or excess beyond the principal sum of the debt, and that no interest should have been allowed thereon, and that the principal sum thereof, after deducting therefrom the sums of \$23⁰⁶ and \$40. and \$12⁹⁰, paid in part thereof, is alone, a valid claim, and should have been so reported.

And The Court doth further adjudge, order and decree, that the claim as a debt against said L. R. Hunter, deceased, or his Estate, of \$294⁶⁵ of the Complainant and

Exceptor, Leroy L. Smith, assignee of Allen Smith, who was assignee of Henry Willey, filed with the Bill in this cause and marked exhibit "10" is barred by the statute of Limitations, and cannot be allowed as a legal debt against ^{said} L. R. Hunter's Estate.

And the Court doth re-commit to said Commissioner, Robert R. Prentiss, his said Report, and doth order that he revise and restate the same in accordance with the opinion and decision of this Court, as set forth in this decree, making in his Report of said debts, in favor of said Mills H. Eme and Thos W. Savage against said L. R. Hunter, as security, respectively, of Fred. W. Hunter and W. Scott Hunter, statements thereof, separate from the statement of debts against said L. R. Hunter, as principal, and make report to Court of his proceedings under this decree.

A Copy:

Teste:

Peter B. Prentiss, Clerk

xm'd

L. L. & S. E. Smith

25th { Copy Decree,
April Term, 1881

L. R. Hunter's Pet. Rep: Cal.

At a Circuit Court continued and held for Nassau and County the 12th day of October 1881.

L L Smith & S C Smith Plaintiffs

Against { In Chancery
L R Hunter, Adversal Defendants

This Cause came on this day to be again heard on the papers formerly read therein and on the report of Commissioner Robert R Prentiss filed the 30th day of September AD 1881. 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 also confirm the Report of said Commissioner ^{Robert} R. Prentiss filed the 27th day of September AD 1880. in all respects, except as to the parts to which exceptions were taken by the Complainants and filed the 28th day of September AD 1880. which exceptions were sustained as set forth in the decree made herein on the 11th day of April AD 1881. And the Court doth adjudge, order and decree that John L Felgham Sheriff of Nassau and County and as such the Personal

Representative of Lemuel R Hunter deceased, do pay over to Wilbur J Kelly, the Special Commissioner who sold the real estate of said Lemuel R Hunter deceased under proceedings had in this cause, the sum of \$159.04 together with all interest due thereon, in his the said John L Sulzham's hands, as Personal Representative aforesaid, as appears by said Report of Commissioner Robert R Puntis filed the 27th day of September A.D. 1880, and all such sums of money as he, the said John L Sulzham as Personal Representative aforesaid, may have collected or received for said Lemuel R Hunter's estate since the 27th day of September A.D. 1880 and make report to Court in this cause of his transactions as said Personal Representative since the 27th day of September A.D. 1880. and file with his report, proper vouchers or receipts for such disbursements or payments as he may have made, since that time, or may make hereafter in pursuance of this decree.

And the Court doth further adjudge, order and decree that ^{said} Wilbur J Kelly

Special Commissioner who ~~sold the~~
~~real estate of said Leonard R Hunter de~~
~~ceased under proceedings~~ as aforesaid
do receive of the Clerk of this Court, who
will deliver to him and take receipt of
him, and file said receipt with the papers
in this Cause for the two Bonds of Wiley
Wiggins with Fred W Hunter security,
each for the sum of \$536.⁷⁵, and dated
the 13th day of December AD 1880. and
payable to said Commissioner one year
and two years respectively after date with
interest from date, and also the Two
Bonds of Lucy A Hunter with W S Hunter,
James R King, and E R Smith security,
each for the sum of \$326.³⁵ and dated
the 10th day of January AD 1881. and payable
also to said Commissioner one year and
two years after date, with interest from
date, all of which bonds are filed with
the report of said Commissioner Wilbur G
Killy, which was filed in this Cause the
15th day of February AD 1881, and that said
Commissioner collect the principal sums
of said Bonds at the maturity thereof or
receive the same, should the obligors desire

to pay the money before the maturity of said Bonds, together with all interest due thereon, And out of the money thus collected or received together with sum or sums of money as may be paid to said Commissioners by said John L Selgham, as Personal Representative aforesaid under this decree, the said Commissioners will pay first all unpaid costs of this suit including a fee of \$50. to William J Kelly, Counsel for the complainants, and then pay to Samuel E Smith the sum of \$994.50 with interest on \$442.⁰⁰ part thereof from the first day of November AD 1881 till paid and also to said Samuel E Smith the sum of \$91.12 with interest as above on \$40.67. part thereof: And to John C Goodman the sum of \$66.05 with interest as above on \$57.00 part thereof, and to Fanny Hunter (Col.) the sum of \$22.91 with interest as above on \$19.59 part thereof and to Fred W Hunter the sum of \$79.68 with interest as above on \$69.90 part thereof, and to Mr R Smith the sum of \$34.86. with interest as above on \$29.80 part thereof, and to Thos J Miles the sum of \$13.27. with interest as above on \$11.35. part

thereof and to Thos W Savage the sum of \$144.04 with interest thereon from the 11th day April AD 1881 till paid, All of which sums of money are debts which have been reported and allowed against said Samuel R Hunter's estate under proceedings had in this Cause.

And said Commissioner, Welbur G Kelly after paying the sums of money above mentioned, will retain any surplus money that may be left in his hands until the further order of Court, and will make report to Court of his proceedings under this decree, and file with his report proper vouchers or receipts for all payments, he may make hereunder, And the Court doth further, adjudge, order and decree that said Commissioner Welbur G Kelly, make to said Wiley Wiggins a deed with Special warranty in the usual form conveying to him the real estate purchased by him under proceedings had in this Cause and to said Lucy A Hunter wife of W Scott Hunter a similar deed conveying to her the real estate purchased by her under proceedings had in this Cause. as and for her sole and separate estate to be held by her

as though she were a feme sole, when
the Bonds above mentioned of said Wiley
Wiggins and said Lucy A. Hantos shall
have first been paid in full with all
interest due thereon,

A Copy:

Teste:

Peter B. Prentiss, Clerk.

xms

Smith & Co

vs.

In Chy.

Hunter's Per. Rep

Decease

Statement of the claims against Lemuel R. Hunter deceased, or his estate, to be paid by Wilbur J. Kilby, Comr. as directed by the decree pronounced the 12th. day of October 1881 in the cause in Chancery depending in the Circuit Court of Hansemond County Va. between Leroy L. and Saml. E. Smith, Plaintiffs and said Lemuel R. Hunter's Per. Rep. and others, Defendants, to wit:

To Saml. E. Smith		\$ 994 50
" Interest on \$442. part thereof from the first day of November 1881 to 15th. Feby. 1883 - 1y. 3m. 14ds.		34 25
		\$ 1028 75
To Saml. E. Smith	\$ 91 12	
" Int. on \$40. 67 part thereof from 1st. Nov. 1881 to 15 Feby. 1883 - 1y. 3m. 14ds.	3 15	\$ 94 27
To John C. Goodman	\$ 66 05	
" Int. on \$51. ⁰⁰ part thereof from 1st. Nov. 1881 to 15. Feby. 1883 - 1y. 3m. 14 ds.	3 95	\$ 70 00
To Fanny Hunter (col)	\$ 22 91	
" Int. on \$19. ⁵⁹ part thereof from 1st. Nov. 1881 to 15 Feby. 1883 - 1y. 3m. 14 ds.	1 52	\$ 24 43
To Fred. W. Hunter	\$ 79 68	
" Int. on \$69. ⁹⁰ part thereof from 1st. Nov. 1881 to 15 Feby. 1883 - 1y. 3m. 14 ds	5 42	\$ 85 10
To Mark W. Smith	\$ 34 86	
" Int. on \$29.80 part thereof from 1st. Nov. 1881 to 15 Feby. 1883 - 1y. 3m. 14 ds.	2 31	\$ 37 17
To Thos. J. Miles	\$ 13 27	
" Int. on \$11. ³⁵ part thereof from 1st. Nov. 1881 to 15 Feby. 1883 - 1y. 3m. 14 ds.	88	\$ 14 15
To Thos. W. Savage	\$ 144 04	
" Int. from 11 April 1881 to 14 Feby. 1883	15 84	\$ 159 88
Total		\$ 1513 75

To the Circuit Court of Chancery
County, Va.,

In pursuance of the decree of said Court pronounced the 12th day of October A.D. 1881 in the Cause in Chancery in said Court depending between Leroy L. and Saml. E. Smith, Plaintiffs and Lemuel R. Hunter's Per. Rep. and others, Defendants, a copy of which decree is herewith annexed; The undersigned, Wilbur J. Kilby, Special Commissioner, respectfully reports to Court that, as directed by said decree, John L. Fulgham, the Personal Representative of said Lemuel R. Hunter deceased, has paid to him, the sum of \$275.⁶⁴, which covers the balance of \$159.⁰⁴ ascertained by the Report of Comr. Robert R. Prentiss, filed in said Cause the 27th day of September 1880, to be in the hands of said Personal Representative, together with all interest due thereon, and also the net amount of all sums of money, which the said Personal Representative has collected for said Lemuel R. Hunter's estate, since the 27th day of September 1880 as will appear by the Report of the transactions of said Personal Representative filed in said Cause this 15th day of February 1883;

And the undersigned, the said Comr. further respectfully reports to Court that he has received of the Clerk of said Court and given him a receipt, which is filed in said Cause, for the several Bonds mentioned in said decree, namely, the two Bonds of Wiley Wiggins with

Fred. W. Hunter security thereto, each for the sum of \$536.²⁵ and dated the 13th, day of December 1880 and payable one year and two years respectively after date with interest from date, and also the two Bonds of Lucy A. Hunter with W. Scott Hunter, James R. King and Ed. R. Smith security thereto, each for the sum of \$326.³⁵ and dated the 10th, day of January 1881 and payable one year and two years respectively after date with interest from date, and that he has collected the principal sums of said Bonds and all interest due thereon, and that out of the money thus collected together with the above-mentioned sum of \$275.⁶⁴ received of said Personal Representative, he has paid first all unpaid costs of said Cause and necessary expenses, including, as directed by said decree, a fee of \$50. to Wilbur J. Kilby, counsel for the Plaintiffs in said Cause, and then has paid to the creditors of said Lemuel R. Hunter deceased, who are named in said decree, the respective sums of money due to them, as specified in said decree, together with all interest due thereon, and that after having so done, there is left in his hands a surplus or balance of said money amounting to the sum of \$629.⁰⁴ which is subject to the order of Court, - all of which facts, stated above, will more fully and clearly appear by the statement herewith annexed of the debts due by said Lemuel R. Hunter and paid as above stated, and the receipts also here-

unto annexed, and the following statement:

Statement.

By Cash, as above stated, of said John L. Fulgham, Per. Rep. of said Lemuel R. Hunter deceased as per his Report filed in said Cause, this 15th. day of February 1883. to wit:

" Amount of one Bond, mentioned above, of said Wiley Wiggins.	\$ 275 64
" Interest on the same from 13 Dec. 1880 to 13 Dec. 1881 - 1 y.	\$ 536 25
" Interest on \$568.43 collected of Bank to 15th. Feby. 1883.	32 18
" Amount of one Bond, mentioned above, of said Lucy A. Hunter.	\$ 568 43
" Interest on the same from 10th. Jan. 1881 to 10 Jan. 1882.	33 19
" Interest on \$345.93 collected of Bank to 15. Feby. 1883.	\$ 326 35
" Amount of the other Bond, mentioned above, of said Wiley Wiggins.	19 58
" Interest for two years.	\$ 345 93
" Amount of the other Bond mentioned above, of said Lucy A. Hunter.	18 50
" Interest for two years.	536 25
" Amount of the other Bond mentioned above, of said Lucy A. Hunter.	64 35
" Interest for two years.	326 35
Total	39 15
	\$ 2207 79

To paid Wilbur J. Kilby, counsel for the Plaintiffs in said Cause, as per said decree of 12th. Octo. 1881 in said Cause & per rect.

" " Robt. R. Prentiss, Comr. his fee for Report filed in said Cause the 30th. Sept. 1881. per rect.	\$ 50 00
" Amount charged for writing two deeds conveying to the purchasers, the lands sold to them.	5 00
" Amount to Balance	10 00
	2142 79

\$ 2207 79 \$ 2207 79

(over)

By Balance brought on.		\$2142 79
To paid Saml. E. Smith in full of his claim, per said decree of 12 Octo. 1881 and statement hereto annexed & per acct.	\$ 1028 75	
" " Saml. E. Smith in full of another claim due him, per said decree and statement & per acct.	94 27	
" " John C. Goodman in full of his claim, per said decree and statement and per acct.	70 00	
" " Fanny Hunter in full of her claim, per said decree and statement and per acct.	24 43	
" " Fred. W. Hunter in full of his claim, per said decree and statement and per acct.	85 10	
" " Mark W. Smith in full of his claim, per said decree and statement and per acct.	37 17	
" " Thos. J. Miles in full of his claim, per said decree and statement and per acct.	14 15	
" " Thos. W. Savage in full of his claim, per said decree and statement and per acct.	159 88	
" Amount to Balance.	629 04	
1883	\$2142 79	\$2142 79
Feb. 15	By Balance in the hands of the Court, subject to the order of Court, brought on.	\$ 629 04

And the undersigned, said Court, further reports to Court that, as directed by said decree of the 12th. of Octo. 1881, he has made to said Wiley Wiggins a deed with special

warranty in the usual form, conveying to him, the real estate purchased by him under proceedings had in said cause and to Lucy A. the wife of W. Scott Hunter a similar deed conveying to her the real estate purchased by her under said proceedings, as and for her sole and separate estate to be held by her as though she were a feme sole, - she and the said Wiley Wiggins having first paid their Bonds, above-mentioned, in full with all interest due thereon.

Respectfully submitted this 15th. day of February A.D. 1883

Wilbur J. Kilby
Comr.

1883 Feby. 15th. Received of Wilbur J. Kilby Comr. the respective sums of money, charged in the foregoing Report as paid to us severally and set opposite our respective names as follows, to wit:

Wilbur J. Kilby Atto. for Saml. E. Smith	\$ 1028 75
Robt. R. Prentiss Atto. for J. W. Savage	\$ 159 88
Robt. R. Prentiss Comr.	\$ 5 00
Wilbur J. Kilby Atto.	\$ 50 00
Wilbur J. Kilby Atto.	\$ 10 00
Wilbur J. Kilby Atto. for Saml. E. Smith	\$ 94 27
Wilbur J. Kilby Atto. for John C. Goodman	\$ 70 00
Wilbur J. Kilby Atty. for Fanny Hunter.	\$ 24 43
Wilbur J. Kilby Atty. for Mark W. Smith	\$ 37 17
Wilbur J. Kilby Atto. for Thos. J. Miles	\$ 14 15
Fred. W. Hunter	\$ 85 10

L. L. & S. E. Smith

vs. } In loby.

L. R. Hunter's Per. Rep. & al.

Report of
Collections and dis-
bursements

15 Feby. 1883

1883. Feby. 16th: Filed
clk

To the Circuit Court of Hansemond County, Virginia:

In pursuance of the decree of said Court pronounced the 12th. day of October A.D. 1881 in the Cause in Chancery in said Court depending between Leroy L. and Samuel E. Smith, Plaintiffs and Lemuel R. Hunter's Personal Representative and others, Defendants, the undersigned, John L. Fulgham, said Personal Representative, respectfully reports to Court, that as directed by said decree, he has paid over to Wilbur J. Kilby, Comr. in said Cause the sum of \$275. 64, which includes the sum of \$159. 24 and the interest due thereon, ascertained by the Report of Comr. Robert R. Prentiss filed in said Cause the 27th. day of September A.D. 1880 to be in the hands of the undersigned, and also the net balance of all the sums of money which he, as said Personal Representative, has collected or received on account of said Lemuel R. Hunter's estate since the 27th. day of September A.D. 1880, after deducting certain commissions due him on money collected and the amounts of certain sums disbursed on account of taxes due by said estate and fees due the Clerk of Court on account of the administration of said estate by the undersigned, as the Personal Representative aforesaid, — all of which will more fully appear by the following Account of the transactions of said Personal Representative since the 27th. day of September A.D. 1880, to wit:

(over)

Dr. The Estate of Lemuel R. Hunter, deceased,
In Account with John L. Fulgham, Per. Rep. Per.

1880				
Sept. 27	By Balance due the Estate, as per said Report of Comr. Robert R. Prentiss, brought on.			\$ 159 04
1881 Feby. 1	To paid Taxes due for the year 1880 on the land of said Lemuel R. Hunter before it was sold, per recd.	\$ 20 95		
	" paid Peter B. Prentiss, fees due him as Clerk of Court, per recd.	5 56		
	By Rent of Wilson's fleet for 1880.			41 00
1883 Feb. 15	" Amount of Fred W. Hunter's Bond due the Estate,			76 00
	" Interest on the same from 1 Jan. 1881 to this date - 2y. 1m. 14 ds.			9 10
	" Interest on \$159.04 from 27 Sept. 1880 to this date - 2y. 4m. 18 ds.			22 74
	" Interest on account,			1 80
	To 5 per cent commissions on \$150.64.	7 53		
	" Amount to balance	275 64		
1883		\$ 309 68	\$ 309 68	
Feby. 15	By Balance brought on			\$ 275 64
	To paid Wilbur J. Kilby, Comr. in said Cause, as per decree aforesaid of 12th. Octo. 1881 and per his receipt.	\$ 275 64		
		\$ 275 64	\$ 275 64	

Respectfully submitted this 15th. day of
February A.D. 1883

J. L. Fulgham
Per. Rep. of Lemuel R. Hunter deceased.

Received of John L. Fulgham Per. Rep. of
Lemuel R. Hunter deceased the sum of
two hundred and seventy-five and $\frac{64}{100}$
dollars charged in the foregoing Report
as paid to me.

\$275.⁶⁴

Wilbur J. Kilby, Comr.
15th. Feby. 1883

L. L. & S. E. Smith

vs. } In lby.

L. R. Hunter's Per. Rep. & al.

Report of John L. Pulg-
ham, Per. Rep.

15 Feby. 1883

1883. Feby. 15th. Filed.
clk.

1

To PETER B. PRENTIS, Clerk of Nansemond

County

Court, Dr.

\$ 2.00

3 11

56

$$\frac{5-5-6}{11}$$

Pro: L. Fulgham, Shff:
& adm^r of Lam & R.
Hunter, decd

\$5-56
1880

This has been
paid by Fulg-
ham & is to be
paid to him

cy

Mr. Lemuel R. Hunter's Exr.

1880.

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

No.	State Tax, 50 cents on the \$100.	County Levy 37½c. on the \$100.	Parish Levy, 12½c. on the \$100.	Co. School Tax, 3¼c. on the \$100.	Dis. School Tax, 3¼c. on the \$100.	TOTAL AMOUNT OF TAXES.
389 292	938	700	235	59	59	1993
To Real Estate, value \$.						
" Personal Property, value \$.						
" Income, &c., value \$.						
" Poll Taxes.						
Total.						\$1993
Five per cent. additional.						100
Total.						\$2095

Received Payment.

1881 Feby. 1st

H. E. Smith

Treasurer.

Hunter, Ess

#20.95

To the Circuit Court of Hansemond
County, Virginia:

In pursuance of the decree of the
said Court pronounced the 14th day of
April A.D. 1883 in the Cause in Chancery in
said Court depending between Lerry L. and
Saml. E. Smith, Plaintiffs, and Lemuel R.
Hunter's Personal Representative 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
paid out and distributed the sum of \$629.⁰⁴/₁₀₀,
mentioned in said decree, in equal shares to all
the heirs and distributees of said Lemuel R. Hunter,
named in said decree, except W. Scott Hunter, (one
of said heirs), for reasons stated in said decree, as
will appear by the receipts herewith annexed and
the following statement:

By Amount in the hands of the undersigned, as stated above.	\$ 629 04
To paid Almira W. Hannaford (widow)	
1/6 of said sum of \$629.04, per said decree & rect.	\$ 104 84
" " Fred. W. Hunter, ditto " "	104 84
" " Caroline Hunter, ditto " "	104 84
" " Maria S. Hunter, ditto " "	104 84
" " Juliana, wife of Mark W. Smith ditto, per said decree & rect.	104 84
" " Clara S. wife of Wilson Corflect, ditto, per said decree & rect.	104 84
	\$ 629 04 \$ 629 04

There being no unpaid costs of said cause to be paid
out of said sum of \$629.04, the entire sum of \$629.⁰⁴/₁₀₀
has been distributed to said heirs as above specified.

Respectfully submitted

16th. April 1883.

Wilbur J. Kilby, Comr.

(over)

Received of Wilbur J. Kilby, Comr. this 16th,
day of April 1883, the respective sums of money
charged in the foregoing Report as paid to
us and set opposite our names as follows:

Wilbur J. Kilby Atty. for Almira W. Hannaford	\$ 104 84
Wilbur J. Kilby. Atty. for Fred. W. Hunter	\$ 104 84
Wilbur J. Kilby. Atto. for Caroline Hunter	\$ 104 84
Wilbur J. Kilby Atto. for Maria S. Hunter	\$ 104 84
Wilbur J. Kilby. Atto. for Juliana the wife of Mark W. Smith }	\$ 104 84
Wilbur J. Kilby. Atto. for Lolara S. the wife of Wilson Norfleet }	\$ 104 84

Smith & al.

vs. } In Chy.

Hunter & al.

Final Report
of
Distribution,
16 Apr. 1883

1883. May 21st Filed
clk



At a Circuit Court, continued and held for Anne Arundel County the 14th day of April 1883.

Leroy L. & Samuel L. Smith

Plaintiffs

Against $\frac{1}{3}$ In Chancery.

L. R. Hunter's Adm^r's ad

Defendants.

This cause came on this 14th day of April AD 1883. to be again heard on the papers formerly read therein and on the Report of John L. Felgham, Personal Representative of Lemuel R. Hunter deceased, filed the 15th day of February AD 1883. being a report of the final settlement of his transactions as said Personal Representative and on the Report of Special Commissioner Wilbur J. Kelly filed the 16th day of February AD 1883. being a report of the collection of money and the payment of the debts of said Lemuel R. Hunter deceased as required by the decree entered in this cause the 12th day of October AD 1881 and was argued by counsel.

On consideration whereof the Court doth confirm the said two reports to which no exception has been filed, and it appearing to the Court by said Report of said Commissioner Wilbur J. Kelly, that after the payment of the debts of Lemuel R. Hunter, deceased as in said Report specified, there is left in the hands of said Commissioner, the sum of \$629²⁴ being the surplus proceeds of the real and personal estate of said Lemuel R. Hunter, And it also appearing to the Court that included among the debts paid as aforesaid

there was paid to Thos W Savage, the sum of \$159.⁸⁸
being a debt due by W Scott Hunter one of the heirs
and distributors of said Lemuel R Hunter as princi-
pal to which said Lemuel R Hunter was only the
security, and it also appearing to the Court, that the
share of said sum of \$629.⁰⁴ to which said W Scott
Hunter might otherwise be entitled as one of said
heirs and distributors would not be sufficient to
reimburse the estate of said Lemuel R Hunter on
account of said sum of \$159.⁸⁸ paid by it as security
for said W Scott Hunter, the Court is of opinion that
said W Scott Hunter is not entitled to a share of
said sum of \$629.⁰⁴ as one of the heirs and distribu-
tes of said Lemuel R Hunter, and doth accordingly
adjudge, order and decree that said Melburq Kelly
Commissioner, pay out and distribute said sum of
\$629.⁰⁴ in equal shares to all the said heirs ^{and distributees} except
said W Scott Hunter, they being entitled to the same.
namely; to Almira W Hanscom (widow) one sixth
part, to Fred W Hunter a like part. to Caroline
Hunter a like part. to Maria S Hunter a like
part. to Juliana the wife of Mark W Smith a like
part and to Clara S the wife of Nelson Norfleet
a like part, after having first paid all unpaid
costs of this suit out of said sum of \$629.⁰⁴ and
make report to Court of his proceedings under this
decree

a copy: Jests:

Peter B. Penter. Clerk

1878

Dec 21

Est of Lenuel R Hunter

To R C Hall Lr

To make Walnut Coffin
and Case lining Sheet
Cords &c

Hearse and Horses

for Deceased

\$ 15 00

Augt 11th 1879 Received payment of
the above of L. R. Hunter

Rufus C Hall

Ent

L R Hunter

To R. C. Hall

\$ 15.00

Mr Samuel R Hunter.

1875

To A E Hall & Son

D.

Nov 2 To Raistop Coffin & Case

Merens Lining

Handles & Name Plate.

Hearse & Horses. for wife

30 00

January 16 By Cash in part

10 00

Did this By cash in part

10 00

Accepted in full payment of \$40.00

Rufus L Hall

Samuel R Hunter

Mr. Lemuel R. Hunter's D. O.

1879.

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

No.	State Tax, 50 cents on the \$100.	County Levy 25 cents on the \$100.	Parish Levy, 12½c. on the \$100.	Co. School Tax, 3½c. on the \$100.	Dis. School Tax, 3½c. on the \$100.	TOTAL AMOUNT OF TAXES.
373 292 ac						
To Real Estate, value \$ 1,876.00	9.38	4.69	2.33	5.9	5.9	17.60
" Personal Property, value \$ 120	63	33	17	01	04	12.4
" Income, &c., value \$						
" Poll Taxes						
Total						18.84
Five per cent. additional						94
Total						\$19.78

Received Payment.

H. E. Smith
Per Recd

Treasurer.

Paid on within acct
five dollars & two cts
(~~10~~⁰²) with lev. order no 878

Nov 29/79

H. C. Smith book

Per Brier

Mr. Samuel R. Hunter, C. S. District No. 1.

1878. To WM. ELEY, Treasurer of Nansemond County.

	Dts.	Cts.
To State Tax on 292 acres Land, value \$ 1876 at 50c on \$100....	9	38
To State Tax on Personal Property, valued \$ 220 at 50c on \$100....	1	10
Total State Tax on Land and Property.....	10	48
To County Levy, 50 per cent, on State Tax.....	5	24
To Parish Levy, 25 per cent on State Tax.....	2	62
To County and District School Tax on Property 6½ cts. on \$100.....	1	31
State Capitation \$1, County Capitation 50 cents.....	1	50
Total Tax on all subjects.....	21	135
December 1st, five per cent. added..... <i>Invt. to date</i>	1	28
	22	28
		88
		2309

of J. L. Fulgham Adm.

RECEIVED PAYMENT,
Jan^{ry} 1st 1880

F. W. HUNTER, }
Assessor. }

Wm. Eley, Treasurer.
Deputy.

Samuel R. Carter

C. D. \$ 21.13 -

1 06

22.21

88 Cents

\$ 23.09

40 Cents

\$ 22.69 Total

Paid Appraisers

A. S. Doughter 1.

Jim. Langthorn 1.

E. B. Smith 1.

BOOK AND JOB PRINTING, PLAIN OR COLORED, CHEAPLY EXECUTED.

Established 1844.

Terms: \$2.00 Per Year.

SUFFOLK, Va., Feb 20 1880
Wm L Flegman, Sheriff

DUNBAR & BARRETT, Jr.

PUBLISHERS OF

THE CHRISTIAN SUN.

1880

Jan	19	50 handbills	L R Hunters Est	\$ 1.25
Jan	11	Francis Black Pear for sale etc		50
Received Pay't				\$ 1.25
D B Dunbar				

J L Fulgham
Sheriff

\$1.25

1880

Hunters Et

Received of John L. Fulgham Administrator
of the Estate of Samuel R. Hunter dec'd
One dollar for services as appraiser
Jan'y 30th 1880 and Five Dollars for cruing property at Sale
B. R. Smith

Dr. The Estate of L. R Hunter decd.
In acct. with John L. Fulgham Shff.
and Admin. Cr.

1880

Jan 30

By proceeds of sale of the
chattel Estate of the
deceased as per ac-
count of sales recorded

\$270.69

To Necrose Hire & Coffin for Mrs Hunter

To R C Hume paid by J R Hunter and
H L W Hunter

Taken in payment for goods Purchased

30 00

" Do for L R Hunter paid as above

15 00

To Amt paid B R Smith Apprais & acct

6 00

" For paid L W Ely for 1878

23 09

" Sumbr & Bonnell as per bill

1 25

" B E Smith Tax for 1879

19 78

L. L. S. Smith

1. 3

Hunters per. rep. T. C.

Vouchers of J. L. Fulgham
Shipp. per. rep. of L. R. Hunter
Dec. filed with report of
Comm. R. R. Huntis dated
25 Sept. 1880. —

Know all Men by these Presents,

That we, *Wilbur J. Kilby, Wallace Kilby and H. Clay Kilby*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the just and full sum of *Two Thousand (2000)* 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 *13th* day of *October*, 1880, in *The Chancery Cause of Leroy L. Smith and Samuel E. Smith, Plaintiffs, against John L. Fulgham, Sheriff of Nansemond County and Personal Representative of Samuel R. Houtab, deceased & 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.

Wilbur J. Kilby (Seal.)
Wallace Kilby (Seal.)
H. Clay Kilby (Seal.)
(Seal.)
(Seal.)

Wilbur J. Kelby, Countth:

To } Bond
Commonwealth.

Nov. 1st: 1880. Executed filed

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *John L. Fulgham, Sheriff*
of Nansemond County and Personal Representative of *Samuel*
R. Hunter, deceased, Almira W. Hammaford, Fred. W. Hunter
Caroline Hunter, W. Scott Hunter, Maria S. Hunter, Mark
Smith and Juliana, his wife, Wilson Norfleck and Clara S.
his wife, John R. Copeland and W. S. Hunter, Trustee, and
Thos. W. Savage and Mark Smith, late merchants and
partners in trade, under the firm name and style of Savage &
Smith, and Mark Smith and W. S. Hunter, late merchants
and partners in trade, under the firm name and
style of Smith & Hunter

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 *Leroy L. Smith and Samuel E. Smith.*

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.

Wilbur J. Kilby, p. 9

Leroy L. Smith and
Samuel E. Smith

7th { Sum^r in Chy.

John L. Fulgham, Shff.
and Personal Representative of
Samuel R. Hunter, dec'd
Lali

To February Rules, 1880.

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

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *John L. Fulgham, Sheriff*
of Nansemond County and Personal Representative of *Lemuel*
R. Hunter, deceased; Almira W. Hammaford, Fred. H. Hunter,
Cardine Hunter, W. Scott Hunter, Maria S. Hunter, Mark Smith
and *Juliana, his wife, Wilson Hefleek and Clara S. his wife,*
John R. Copeland, and W. S. Hunter, Trustee, and Tho. W. Savage
and *Mark Smith, late merchants and partners in Trade, under*
the firm name and style of *Savage & Smith, and Mark Smith*
and *W. S. Hunter, late merchants and partners in trade, under*
the firm name and style of *Smith & Hunter*

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 *Leroy L. Smith and Samuel E. Smith.*

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said
Court, at his office, this *23rd* day of *January* 18*80*, in the *104th*
year of the Commonwealth.

Teste:

Peter B. Prentis, Clerk.

Breeder & copy of the within, ^(Summons) returned to Abner W
Hampden, Esq. to Hunter, Caroline Hunter, W Scott, Hunter,
Mark Smith and Juliana his wife, John, Norfolk
Clawt, his wife, John R. Cepeland and Thos W Savage
within named,

The within named, Maria D. Hunter is not a resident
of the Commonwealth of Virginia

J. L. Fulgham

Wilbur J. Kilby, p. 9

Leroy L. Smith & al.

vs { Sum. in Chy

John L. Fulgham, Shff. & Perl.
Rep. of Lemuel R. Hunter,
dec'd & al.

To February Rules, 1880.

Pro: B. No: 1. page
Cis. Co.

I hereby acknowledge due & legal service of this process, and that I
have returned on this copy heretofore

J. L. Fulgham Shff. & Lawrence
County Personal Representative of Lemuel
R. Hunter, deceased.

Suffolk, Va., Feb 24 1880

Mr L R & S E Smith

TO SUFFOLK HERALD, Dr.

Book and Job Printing Neatly Executed.

THE HERALD, \$1.50 A YEAR.

Orders Solicited.

To Pubg order of Publication
in Herald 4 in 4. T.
in Suit vs L R Hunter's Adm & als

7.00

Office of the Suffolk Herald,

Suffolk, Va.,

Dec 27 1880

We hereby certify that the order, of which the annexed is a copy, has been published in the SUFFOLK HERALD in the manner prescribed by law, once a week for four successive weeks.

Thos. G. ELAM & ~~CAMPBELL~~, Eds. Herald.

For Booker

VIRGINIA.—IN THE CLERK'S OFFICE
of the Circuit court of Nansemond county,
on the 25th day of January, 1880, in vacation—
Leroy L. Smith and Samuel E. Smith,
Plaintiffs,

against

John L. Fulgham, Sheriff of Nansemond
county, personal representative of Lemuel
R. Hunter, deceased; Almir W. Hannaford,
Fred W. Hunter, Caroline Hunter, W. Scott
Hunter, Maria S. Hunter, Mark Smith and
Juliana his wife, Wilson Norfleet and Clara
S. his wife, John R. Copeland and W. S.
Hunter, trustees, and Thos. W. Savage and
Mark Smith, late merchants and partners in
trade under the firm name and style of
Savage & Smith, and Mark Smith and W. S.
Hunter, late merchants and partners in
trade under the firm name and style of Smith
& Hunter. Defendants.

IN CHANCERY.

The object of this suit is to set aside the
deed of trust executed by the said Lemuel R.
Hunter to W. S. Hunter, trustee for Savage &
Smith, John R. Copeland, Caroline Hunter and
Smith & Hunter, on the 8th day of October,
1877, and of record the same day in the Clerk's
office of Nansemond county court, and to sub-
ject the personal and real estate of the said
Lemuel R. Hunter, deceased, to the payment
of his debts due to said plaintiffs and all other
persons. And affidavit having been made and
filed that the defendant Maria S. Hunter is
not a resident of the State of Virginia, it is
ordered that she do appear in said office within
one month after due publication of this order
and do what is necessary to protect her inter-
est in this suit.

A copy—Teste:

PETER B. PRENTIS, Clerk.

WILBUR J. KILBY, p. q.

ja28-4w

Office of the Suffolk Herald,

Suffolk, Va., Feb. 24 1880

We hereby certify that the order, of which the an-
nexed is a copy, has been published in the SUFFOLK
HERALD in the manner prescribed by law, once a
week for four successive weeks, prior to this date

Thos. G. ELAM & ~~ANNBEN~~, Eds. Herald.

(over)

Leroy L. Smith Sal

to { Mr Chy.

John L. Fulgham, Shlb. & Sal.

Cartip. of Pub.

1880.

Feb: 24th: Filed.

W

Leuel R. Hunter -

1. 200 acres of land District No. 1.
v. \$8. per acre buildings \$1000.-
18 m S.W. from C.H. value \$1600.-
Cypress District. --
2. 92. acres adj.^g J.R. King and B.
Smith. 17. m. S.W. from C.H.
\$3. per acre \$276.-

77
10 April 1977

Costs

Clerk	\$15.00
Att: Hpx	16.50
Shultz	5.00
Commr	20.00
Printer for Commr	7.00
Printer	7.00

\$70.50

Costs