

1884-005
Nansemond Co (Suffolk)

Chancery Causes: Benjamin F. Baker & wife vs Mills Rogers, Jr & wife et al

Byrd, Hazrell, Morgan

Plat

OVERSIZE

Box 1

- 1 Plat

- 3 (duplicate) broadsides re land sale

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY - GREETING:
YOU ARE HEREBY COMMANDED TO SUMMON *Mills Rogers, Junior, and Sarah E. his wife, and R. Frank Rogers, and Lulie R. Byrd, Sarah Anna Byrd, Alexander H. Byrd, Jesse N. Byrd and Julius J. Byrd, and Eva L. Rogers, Henry B. Rogers, and Luther E. Rogers: the last eight named being infants, under the age of twenty-one years*

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in *September* next to answer a *Bill in Chancery, exhibited against Them* in the said Court by *Benjamin F. Baker and Ida V. his wife,* and the said *Ida V.* by said *Benjamin F. Baker, her next friend*

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *26th* day of *August* 1882, in the *10th* year of the Commonwealth.

Teste:

Peter B. Prentis, Clerk.

Kelly. p. 9

Benjamin F. Baker & ux. &c

Sum. in Chy.

Mills Rogers, Junior & ux. &c

To Sept. Rules, 1882

Page 13. No. 1. page

1882. August 26th. Sufficient and legal service of this process is hereby severally acknowledged by us.

Mills Rogers Jr
Sarah E Rogers
R. Frank Rogers

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *Thos W Savage, Beverly R Baker*
+ Jm J. Morgan

Commissioner in Chancery of the Circuit
to appear before ~~the Judge of the~~ *Po R Prentis* a Court of Nansemond County, at the
~~Office of Withers & Jordan~~ *29th* day of *March 1883 (this month)* next, to
~~Court House of said County~~ testify and the truth to say on behalf of *Benjamin F Baker wife*

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

Benjamin F Baker + wife Plaintiff,
and *Wells Rogers + others* Defendant.

And this the witness ~~es~~ shall in no wise omit, under the penalty of \$100 each. And have then and there this Summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his Office, this *20th* day
of *March*, 1883, in the 107th year of the Commonwealth.

Peter B. Prentis Clerk.

copy for
John Morgan

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *Thos W Savage, Beverly D Baker*
& Wm J Morgan

Commissioner in Chancery of the Circuit
to appear before ~~the Judge of the~~ *Robt Prentis* a Court of Nansemond County, at the
~~Court House of said County~~ *office of Wm J Morgan* on the *29th* day of *March 1883 (this month)* next,
to testify and the truth to say on behalf of *Benjamin F. Baker & wife*

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

Benjamin F Baker & wife Plaintiff
Wm J Rogers & others Defendant

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

Witness, PETER B. PRENTIS, Clerk of our said Court, at his Office, this *20th*
day of *March* 1883 in the 10th year of the Commonwealth.

Peter B. Prentis Clerk

Know All Men by These Presents,

THAT WE, *Wilbur J. Kilby and Thomas G. Elam*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of *One thousand* 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 *21st* day of *May* in the year one thousand eight hundred and *eighty-three*, and in the *107th* 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 *April*, 1883, in *The Chimney Cause* of *Benjamin F. Baker & wife, Plaintiffs, against Mills Rogers, Jr. and wife & others Defendants,* been appointed *Special Commissioner to* sell certain Real Estate, in said Cause described, *shall faithfully* discharge his duties 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.~~ *Below*

D. Brewster Clark of said Court

Wilbur J. Kilby (SEAL.)

Thos. G. Elam (SEAL.)

(SEAL.)

(SEAL.)

(SEAL.)

Wilbur J. Kilby
to the Commr's Bond
Commonwealth

May 21st: 1883- Executed & filed

Virginia

At Rules, in the Clerk's Office of the Circuit
Court of Hanover County, on Monday,
the 4th day of September 1882.

Benjamin F Baker and Ida V. his
Wife and the said Ida V. by said
Benjamin F Baker her next friend. Complainants,

Against } In Chancery.

Miss Rogers junior and Sarah E. his wife,
and R. F. Rogers, and Lulie R. Byrd, Sarah
Anna Byrd, Alexander H. Byrd, Geor. H.
Byrd and Julius J. Byrd, and Eva L. Rogers;
Henry B. Rogers and Luther E. Rogers, the
last eight named being infants, under
the age of twenty one years. Defendants.

On the motion of the complainants, by Counsel, Peter B. Prentiss
is appointed guardian ad litem to the infant defendants,
in this suit; and it is ordered that the said guardian be notified
of his appointment, by serving upon him, a copy of this order
To-wit:

Peter B. Prentiss. Clerk

1882. September 4th: I hereby acknowledge service of the
foregoing order, and that I have received a copy thereof
Peter B. Prentiss
Guardian ad litem

Benjamin F. Barker Esq: &c
to { order apptg: gdu: ad litem
Mills Rogers, Junior Esq: &c

At a Monthly Court held for Nausemound County, the 14th day
of January, 1884.

Sarah Anna Byrd, Alexander H. Byrd and Jesse N
Byrd, orphans of Henry H. Byrd, deceased; this day, by
writing under their hands, produced to the Court and
filed, made choice of Mills Rogers, Jr. for their guardian,
whom the Court approve. And thereupon, the said Mills Rogers, Jr.
entered into a bond in the penalty of Four hundred and fifty dollars
conditioned according to law, with Robert E. Nelson and George J. Knols,
his sureties therein, who justified on oath as to their sufficiency: which
bond being acknowledged by the obligors therein, is ordered to be recorded.

a copy: Teste: Peter B. Prentiss, Clerk

At a Monthly Court continued and held for Nassau and County,
the 19th: day of January, 1884.

The Court appoint R. Frank Rodgers, guardian of Eva L.
Henry B and Luther E. Rodgers, his children: and thereupon the said
R. Frank Rodgers, entered into a bond in the penalty of Fifty dollars,
conditioned according to Law, with Mills Rogers, Jr. his surety therein,
who justified on oath as to his sufficiency: which bond being acknowledged
by the obligors therein, is ordered to be recorded.

A Copy:

Teste:

Peter B. Prentiss, Clerk

At a Monthly Court held for Nauseland County, the 14th. day of
January, 1884.

The Court appoint Mills Rogers, Jr. guardian of Julius J. Byrd,
Orphan of Henry H. Byrd, deceased: and thereupon the said
Mills Rogers, Jr. entered into a bond in the penalty of One
hundred and fifty dollars, conditioned according to law, with
Robert E. Nelson and George J. Rawls, his sureties therein, who
justified on oath as to their sufficiency: which bond being ac-
knowledged by the obligors therein, is ordered to be recorded.

A Cpy:
Jester.

Peter B. Prentiss, Clerk.

To Wilbur J. Kilby, Comr.
Dear Sir:

Please pay to my husband, R. Frank Rogers, the sum of eighty-two and ⁰⁷/₁₀₀ dollars, due me as my share of the proceeds of the sale of the Henry H. Byrd land in the Chancery suit pending in the Circuit Court of Chaussemond County between Benj. F. Baker and wife, Plaintiffs against Mills Rogers Jr. and wife and others, Defendants.

Respectfully

21 Jan. 1884

Lucie R. Rogers

To Wilbur J. Kilby Court.

Dear Sir:

Please pay to
my husband, Mills Rogers Jr.
the sum of one hundred and
seventy and $\frac{13}{100}$ dollars be-
ing the amount due me in
full in lieu of my dower
in the Henry H. Byrd land
sold under proceedings in
the Chancery suit of Benj. F.
Baker and wife, Plaintiffs
against Mills Rogers Jr. and
wife and others Defendants
pending in the Circuit Court
of Chatham County, Va.

\$170 $\frac{13}{100}$

Respectfully
Sarah E. Rogers

21 Jan. 1884

To Wilbur J. Kilby Esq.

Dear Sir:

Please pay to my husband Benj. F. Baker, the sum of Eighty-two and $7/100$ dollars due me as my share of the proceeds of the sale of the Henry H. Byrd land, sold under proceedings in the Chancery Cause pending in the Circuit Court of Commonwealth County, Va. between Benj. F. Baker and wife Plaintiffs and Mills Rogers Jr. and wife and others Defendants and oblige

Respectfully
Ida T. Baker

21 Jan. 1884

At a Circuit Court. continued and held for Hanson and
County the 11th day of October 1883.

Benjamin F Baker & wife &c.

Plaintiff

Against } In Chancery.

Mills Rogers & wife &c.

Defendants.

This cause came on this day to again heard on the
papers formerly read therein and on the Report of
Special Commissioner Wilbur J Kelby filed the
23rd day of June AD 1883. being the Report of
the sale of land made by him in pursuance
of the decree entered in this cause the 13th day of
April AD 1883. and the Report of Commissioner
Peter B Prentiss filed the 4th day of September
AD 1883. being a report of the estimated
value of the dower of Sarah E Rogers and of
the curtesy of R Frank Rogers in said land,
made in pursuance of said decree, and was
argued by counsel.

On consideration whereof the Court doth con-
firm the said two Reports to which no exception
has been filed and doth adjudge, order and decree
that said special Commissioner, Wilbur J Kelby,
recieve of the Clerk of this Court (who will deliver
to him and take of him and file in the papers
in this cause, a receipt for) the two Bonds of
George W Gardner with Thomas W Savage
security thereto, each for the sum of \$366 ³²/₁₀₀
filed with said Report of said Commissioner

Wilbur J Kelly the 23rd day of June AD 1883 and
due and payable as therein specified, and that said
Commissioner Wilbur J Kelly proceed to collect said
Bonds at their maturity or receive the money there-
for before their maturity and all interest due
thereon, if the obligors should desire to pay the
same before their maturity, and out of the money
pay first all unpaid costs of this cause and
then pay out of the balance to said Sarah E Rogers
the sum of \$165¹⁶ with interest thereon from the
11th day of June AD 1883 till paid, she having
consented to receive the same in full of her dower
in said land, and then pay one seventh part of
the balance then remaining to Ida V. the wife
of Benjamin F Baker, and ^alike part for each
of the following parties namely, Lulie R Byrd
Sarah A Byrd, Alexander R Byrd Jesse A
Byrd and Julius J Byrd, infants under the age
of twenty one years to their lawfully appointed
and duly qualified guardian or guardians
with interest thereon from the 11th day of June
AD 1883 and out of the remaining one seventh
part pay to R Frank Rogers the sum of \$62⁵⁷
with interest thereon from the 11th day of June
AD 1883 till paid, in full of the committed value
of his Curtesy in one seventh part of said land,
and then pay one third part of the balance for
Eva L Rogers a like part for Henry B Rogers

and a like part for Luther E Rogers, infants
under the age of twenty one years to their lawfully
appointed and duly qualified guardian or
guardians with interest thereon from the
11th day of June AD 1883. till paid.

And the Court doth further adjudge, order and
decree that said Commissioner Wilbur J Kelly
make to said George W Gardner a deed with
special warranty in the usual form con-
veying to him the real estate purchased by
him under proceedings had in this cause
when and after said bonds shall have been
paid in full, and make report to Court of his
proceedings under this decree.

A Copy
Teste:

Peter B. Prentiss Clerk

Unpaid Costs. }
Clerk's fee \$3.00 }

Baker tal

15. } In Chy

Rogers tal

copy of decree of
11 Octo. 1883

To the Circuit Court of Hansemond
County, Va.

In pursuance of the decree
of said Court pronounced the 11th. day
of October A. D. 1883 in the Cause in
Chancery in said Court depending be-
tween Benjamin F. Baker and wife, Plain-
tiffs and Mills Rogers Jr. and wife
and others, Defendants, a copy of which
decree is hereto attached; the undersign-
ed, Wilbur J. Kilby, the Commissioner
mentioned in said decree, respectfully
reports to Court that, as directed by the
said decree, having received of the Clerk
of said Court and given him a receipt
for the several Bonds mentioned in said
decree, namely, the two Bonds of George
W. Gardner with Thomas W. Savage se-
curity thereto, each for the sum of \$366.³²
dated the 11th. day of June A. D. 1883 and
payable one, six and the other, twelve
months after their dates with interest
from their dates, he, the said Commission-
er, has collected the money for said
Bonds and all interest due thereon, -
the obligors preferring to pay before
its maturity that one of said Bonds
which had not matured, as by said
decree they were allowed to do with
interest to the day of the payment of
the same, and that after paying all
the costs of said Cause not heretofore
paid and some necessary expenses out
of said money, he has paid out and
distributed the balance thereof, as direct-
ed by said decree, to and among the

persons entitled thereto and in the shares and proportions specified in said decree, as by the following statement and the receipts hereto attached will more fully appear, to wit:

Statement

By Amount of said George W. Gardner's two Bonds each for the sum of \$366.32 =		\$ 732 64
" Interest on \$732.64 from 11th June 1883 to 11 Dec. 1883 - 6m.		21 98
To paid Peter B. Prentiss, Comr. per rect.	\$ 5 00	
" " for writing deed to said Geo. W. Gardner conveying to him the land sold to him under proceedings in said Cause. -	5 00	
" Amount for distribution to balance.	744 62	
	754 62	754 62
By Balance for distribution brought on.		\$ 744 62
To paid Sarah E. Rogers \$165.16 and interest thereon, to wit, \$4.97. from 11 June 1883 to 11 Dec. 1883 - 6m. per said decree & rect. -		170 13
		\$ 574 49
To paid Ida V. the wife of Benja. F. Baker 1/7 of \$574.49. per said decree & rect.	\$ 82 07	
" " Louie R. Rogers, late Byrd, now the wife of R. Frank Rogers 1/7 of \$574.49. per decree & rect.	82 07	
" " 1/7 of \$574.49 for Sarah A. Byrd to Mills Rogers Jr. her guardian. per said decree & rect.	82 07	
" " 1/7 of \$574.49 for Alex. H. Byrd to Mills Rogers Jr. his guardian, as per said decree & rect.	82 07	
carried on	328 28	574 49

brought on		\$ 328 28	\$ 574 49
To paid 1/7 of \$ 574.49 for Jesse A. Byrd	to Mills Rogers Jr. his guardian		
her said decree fret.		82 07	
" " 1/7 of \$ 574.49 for Julius J. Byrd	to Mills Rogers Jr. his guardian		
her said decree fret.		82 07	\$ 492 42
			\$ 82 07
To paid R. Frank Rogers \$ 62. ⁵⁷ and	interest thereon, to wit \$ 1.89 from		
11 June 1883 to 11 Dec. 1883 - com.	as per said decree fret.		64 46
			\$ 17 61
To paid 1/3 of \$ 17. ⁶¹ for Eva L. Rogers to	R. Frank Rogers, her guardian		
her said decree fret.		\$ 5 87	
" " 1/3 of \$ 17. ⁶¹ for Henry B. Rogers	to R. Frank Rogers, his guardian		
her said decree fret.		5 87	
" " 1/3 of \$ 17. ⁶¹ for Luther E. Rogers	to R. Frank Rogers, his guardian		
her said decree fret.		5 87	
		\$ 17 61	\$ 17 61

And the said Commissioner respectfully also reports to Court that, as directed by said decree, he has made to said George W. Gardner a deed with special warranty in the usual form conveying to him the real estate purchased by him under proceedings had in said cause, the said Bonds having been first paid by him in full.

Respectfully submitted,

Wilbur J. Kilby, Comr.

21 Jan. 1884

(over)

Receipts

Received of Wilbur J. Kilby, Comr. the respective sums of money charged in the above Report as paid to us severally and set opposite our names as follows:

Peter B. Prentiss, Comptroller

\$ 5.00

Meills Rogers Jr. for Sarah E. his wife \$ 170.13

Benj. F. Baker for Ida V. his wife \$ 82.07

R. Frank Rogers for Lulie R. his wife \$ 82.07

Meills Rogers Jr guardian for Sarah A. Byrd \$ 82.07

Meills Rogers Jr guardian for Alex. H. Byrd \$ 82.07

Meills Rogers Jr guardian for Jesse A. Byrd \$ 82.07

Meills Rogers Jr guardian for Julius J. Byrd \$ 82.07

R. Frank Rogers

\$ 64.46

R. Frank Rogers guardian of Eva L. Rogers \$ 5.87

R. Frank Rogers guardian of Henry D. Rogers \$ 5.87

R. Frank Rogers guardian of Luther E. Rogers \$ 5.87

Benja. A. Baker & wife

vs. } In lchy.

Mills Rogers Jr. & al.

Report of collections
and distribution

21 Jan. 1884

1884. Jan. 29th: Filed.
clk.

Commissioner's Office,

SUFFOLK, NANSEMOND COUNTY, VA.

6th July 1883

To Benjamin F. Baker and Ida V. his wife and
the said Ida V. by said Benjamin F. Baker
her next friend

Plaintiffs,

and Mills Rogers Junior, and Sarah E. his wife and R. Frank Rogers
and Lullie R. Byrd and Sarah A. Alexander H. Jesse A.
and Julius J. Byrd and Eva L. Henry B. and Luther
E. Rogers, the last eight named being infants under
the age of twenty-one years

Defendants.

You are hereby notified that I have fixed upon the 26th day of July
next, to take and settle, at my office, the following accounts, to-wit:

1. An Account showing the present or commuted value of the dower of said Sarah E. Rogers, late widow of Henry H. Byrd deceased, in the land of which said Henry H. Byrd died seised and possessed, taking as a basis for the calculation the net proceeds of the sale of said land.
2. An Account showing the present or commuted value of the curtesy, or estate by the curtesy of said R. F. Rogers in the one seventh interest in said land of his late wife, Alice E., taking as the basis for the calculation, one seventh of the net proceeds of the sale of said land after deducting from the entire net proceeds such sum of money as may be ascertained to be due said Sarah E. Rogers in lieu of her dower in said land, together with any matters specially stated, deemed pertinent or required by any party to be so stated.

required to be taken by the decree of Nansemond County Circuit Court, rendered on the 13th day of April 1883 in a suit in Chancery depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

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

Peter B. Sautter
Commissioner

Sufficient and legal service of the
within notice is hereby acknowledged by
us
Milbur J. Kilby, Atto. for
all the within named
adult Plaintiffs and
defendants.

Peter B. Prender, guardian for
all the within named infant defendants



As a Circuit Court continued and held for
Anne Arundel County the 13th day of April 1883
Benjamin F Baker & wife Plaintiffs

Against } In Chancery
Mills Rogers jr & wife and Defendants

"And the several parties to this cause appearing to the
commutation of the dower of Sarah E Rogers, as the
late widow of said Henry N Byrd in said land and to
the commutation of the curtesy of R Frank Rogers in
the one seventh interest of his late wife Alice E,
deceased, in the said land, the Court doth adjudge, order
and decree that one of the commissioners of this
Court do ascertain and report to Court the following
accounts 1. An account showing the present or
commuted value of the dower of said Sarah E
Rogers, in said land, taking as a basis for his
calculation the net proceeds of the sale of said
land, and

2 An account showing the present or commuted
value of the curtesy or ^{estate} ~~interest~~ by the curtesy of
said R Frank Rogers in the one seventh interest
in said land of his late wife Alice E, taking
as the basis of his calculation one seventh of the
net proceeds of the sale of said land after deducting
from the entire proceeds such sum of money as
may be ascertained as above required to be due
said Sarah E Rogers in lieu of her dower in
said land, and make report thereof to Court.

together with any matters specially stated, deemed pertinent by himself or required by any party to be so stated."

Extract:

Teste:

Peter B. Prentiss, Clerk

Baker & al

vs.

In Chy.

Rogers & al



To the Circuit Court of Anne Arundel County
Virginia.

In pursuance of the decree of the
said Court pronounced the 13th day of
April A.D. 1883 in the Cause in Chancery
in said Court depending between Benja-
min P. Baker and wife, Plaintiffs and
Mills Rogers, Junior, and wife and others
Defendants, a copy ^{of a part} of which decree is
hereto attached; the undersigned, Peter
B. Prentiss, a commissioner in Chancery of
said Court, ^{respectfully reports to Court} that, having given notice to
the parties to said Cause as will appear
by the endorsements on the notice hereto an-
nexed, he proceeded, on the 26th day of July
A.D. 1883 in pursuance of said notice, to
take, state and settle at his office, the sev-
eral accounts required by said decree to
be taken, stated and settled, and having
completed the proceedings, he now herewith
respectfully submits the result thereof as
follows:

Account No. 1.

An Account, showing the present or com-
muted value of the dower of Sarah E.
Rogers, wife of said Mills Rogers, Junior, late
widow of Henry H. Byrd deceased, in the
land of which said Henry H. Byrd died

seised and possessed, taking as a basis for the calculation the net proceeds of the sale of said land.

It appears from the Report of Special Commissioner, Wilbur J. Kilby, being the Report of the sale of said land, filed in said Cause the 23d. day of June A. D. 1883, that said land was sold on the 11th. day of June 1883 under proceedings had in said Cause for the gross sum of — \$850.00

And that the expenses of the sale, were 117.36
leaving the net proceeds of the sale = \$732.64

Estimating the future costs of said cause to be 10.00
the final net proceeds of sale will be \$722.64

The said Sarah E. Rogers being entitled to the interest at six per cent per annum on one-third of the above sum of \$722.64, to wit, on the sum of \$240.88 in lieu of her dower in said land, her income from said sum of \$240.88 at the rate of six per cent interest thereon, will be \$14.45.28 per annum. She being at the time of said sale 45 years of age and the present value on the basis of six per cent in-

terest of an annuity of \$1⁰⁰ for every year a person of her age may live, being \$11.42.8 according to the Table on page 246 of the Acts of the General Assembly of Virginia, Session of 1877-78, the present or commuted value of her dower in said land is ascertained by multiplying the said sum of \$14.45.28 by said sum of \$11.42.8 to be in money the sum of — \$165.16 bearing interest from the 11th, day of June 1883, that being the day of said sale.

Account No. 2

An Account showing the present or commuted value of the curtesy, or estate by the curtesy, of R. Frank Rogers in the one-seventh interest in said land of his late wife, Alice E. Taking as the basis for the calculation, one-seventh of the net proceeds of the sale of said land after deducting from the entire net proceeds such sum of money as the said Sarah E. Rogers may be entitled to in lieu of her dower in said land.

Taking the net proceeds of said sale to wit said sum of \$722.64 and deducting therefrom the sum of \$165.16 ascertained above to be the amount due ~~her~~ ^{said Sarah E. Rogers} in lieu of her dower in said land, and the balance left is \$557.48.

Taking one-seventh of this sum of \$557.48 and the sum of \$79.64 is ascertained to be the one-seventh interest in said net proceeds of said sale of said Alice E. late wife of said R. Frank Rogers, upon which he is entitled to interest at six per cent per annum in lieu of his curtesy or estate by the curtesy in her one-seventh interest in said land. The interest at six per cent per annum on said sum of \$79.64 is \$4.77.84. The income or sum of money, payable annually to said R. Frank Rogers in lieu of his said estate by the curtesy, is, therefore, the said sum of \$4.77.84.

The said R. Frank Rogers being at the time of said sale 29 years of age and the present value on the basis of six per cent interest of an annuity of \$1⁰⁰ for every year a person of his age may live, being, according



to said table, the sum of \$13,09.6, the present or commuted value of his said estate by the curtesy in the one-seventh interest of his late wife said Alice E. in said land, is ascertained by multiplying the said sum of \$4,77.84 by said sum of \$13.09.6 to be, in money, the sum of — \$62.57 bearing interest from the 11th day of June 1883, that being the day of said sale.

Recapitulation

Gross proceeds of sale of said land	\$850.00
Costs of suit and expenses of sale	<u>117.36</u>
Balance	\$732.64

Estimated future costs	<u>10.00</u>
Net Balance	\$722.64

Due Sarah E. Rogers in lieu of her dower as of 11 June 1883	<u>165.16</u>
Balance	\$557.48

1/7 of \$557.48 due B. A. Baker wife \$79.64

" " " Lulie R. Byrd 79.64

" " " Sarah A. Byrd 79.64

" " " Alex. H. Byrd 79.64

" " " Jesse C. Byrd 79.64

" " " Julius J. Byrd 79.64

" " " Era L. Henry B. and Luther

E. Rogers, children of Alice E. Rogers	79.64
	<u>\$557.48</u>
	\$557.48

(over)

Amount brought on, due the
children of Alice E. late wife
of said R. Frank Rogers sub-
ject to his estate by the curtesy-
Due said R. Frank Rogers in lieu
of his estate by the curtesy

\$79.64

62.57

Balance

\$17.07

1/3 of \$17.07 due Eva L. Rogers \$5.69

" " " Henry B. Rogers 5.69

" " " Luther E. Rogers 5.69

\$17.07. \$17.07

the last three above-named persons being
the children of said R. Frank Rogers and
Alice E. his late wife.

All the above sums are due as of
11th June 1883 and bear interest from
that day; - that being the day of the
sale of said land.

Respectfully submitted.

Peter B. Reuter.

Court's fee \$5⁰⁰

Commissioner.

Benjamin F. Baker & wife

$\frac{1}{20}$ \$ in Chy.

Mills Rogers, Jr. & al.

Report of Committed Lower
County

1883. Sept. 4th. Filed.
Clk.

Suffolk, Va., June 11th. 1883

Mr Kilburn & Kilby Comr

To The Suffolk Herald, D^r

Fine Book and Job Printing at Moderate Prices.

May 10	To 100 Bills, Sale of Land of ^{Herry} H Byrd	1.76
23	" Adv Sale of Land in Herald 6 in 3d	6 09
		<u>\$ 7.76</u>

Recd Payment
June 11th '83
J. C. Booker
Manager

Wilbur J. Kilby, Commr.
To Beverly P. Baker
Hausemond County Surveyor. Dr.

1883
April 19

To Survey and plat of the
Henry H. Byrd land. —

\$ 8 00

" paid four chain bearers
and choppers for
services rendered the surveyor. —

3 00

Total

\$ 11 00

1883 June 11th, Received eleven (11) dol-
lars of Wilbur J. Kilby, Commr. in
full of the above bill
\$11 00

Beverly P. Baker Co. Surv.



A Circuit Court. continued and held for Hanson and County
the 13th day of April 1883.

Benjamin H. Baker & wife

Plaintiffs

Against E. L. Chaney.

Mills Rogers Jr & wife ad

Defendants.

This cause came on this 13th day of April AD 1883. to be
again heard on the papers formerly read therein and on the
report of Commissioner Robert R. Pautis, filed the 24th day
of March AD 1883. being a report made in pursuance of
the decree entered in this cause the 10th day of October AD 1882.
and on the examinations of witnesses filed with said report.
and was argued by Counsel.

On consideration whereof being of the opinion that partition
among the parties in interest cannot be conveniently made
of the land mentioned and described in the bill in this
cause of which Henry H. Byrd died seized and possessed, and
that the interests of those who are entitled to said land or its
proceeds, will be promoted by a sale of the entire parcel of
land and a distribution of the proceeds of the sale among
the parties in interest according to their respective rights
and it appearing to the Court that none of the parties will
accept the said land or any part of it by allotment or otherwise
and pay the other parties such sum or sums of money as their
interest therein might entitle them to. the Court having in view
the distribution of the proceeds of the sale among the parties
according to their respective rights and interests, doth adjudge,
order and decree that William J. Kelly, who is hereby appointed
a Special Commissioner for that purpose, do proceed to sell

The said land by public Auction in some County Court day before the Courthouse door of Stansemond County, to the highest bidder, which said land is situated in Lyffreys Magisterial District in said County and contains sixty ^{two} (62) acres, more or less, and is bounded by the lands of Jm^y Morgan, Robert F. Harrell Benjamin F. Baker and others, reserving and excepting from said sale, the family burial ground of said Henry H. Byrd deceased on said land and the ^{free} right of way to and from the same from and to the public County road, for the heirs and relations of said Henry H. Byrd and such other persons as they may permit to use, the same, and that said Commissioner employ a competent surveyor, and have said land surveyed and a plot thereof made before proceeding to make said sale, if in his opinion a survey will promote the sale.

And the said Commissioner will sell said land 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 including a fee of \$30.⁰⁰ to counsel, and the balance in equal sums at the end of six and twelve months respectively from the day of sale and will take of the purchaser in evidence of the deferred payments, bonds with good personal security payable to himself and bearing interest from the day of sale, and will retain the title to the land until the further order of Court. and will file said bonds with his report which he will make to Court of his proceedings under this decree.

And the said Commissioner will 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 the day of said sale and will publish said notice once a week for three successive weeks in a newspaper printed in the Town of Suffolk Co.

But before proceeding to sell said land, the said Commissioners will execute before the clerk of this Court in his Office, a bond in the penalty of \$1000. with good personal security payable to the Commonwealth of Virginia and conditioned for the faithful execution of this decree and all other decrees he may be required to execute in this Cause.

And the several parties to this Cause assenting to the commutation of the dower of Sarah E Rogers as the late widow of said Henry N Byrd in said land and to the commutation of the Curtesy of R Frank Rogers in the one seventh interest of his late wife Alice E, deceased, in the said land, ~~and~~ the Court with advice order and decree that one of the Commissioners of this Court do ascertain and report to Court the following accounts:

1. An account showing the present or commuted value of the dower of said Sarah E Rogers, in said land, taking as a basis for his calculation the net proceeds of the sale ~~and~~ of said land; and
2. An Account showing the present or commuted value of the Curtesy or estate by the Curtesy of said R. Frank Rogers in the one seventh interest in said land of his late wife

Alice E. Taking as the basis of his calculations one seventh of the net proceeds of the sale of said land, after deducting from the entire proceeds such sum of money as may be ascertained as above required to be due said Sarah E. Rogers in lieu of her dower in said land and make report thereof to Court, together with any matters specially stated deemed pertinent by him or required by any party to be so stated.

A Copy

List:

Certs

Clerk. \$15.00

Att. & tax. 33.00

Sh. . . . 1.60

Comm'n in Chy. (R. & P) 15.00

\$64.60

Peter B. Prentiss, Clerk

Baker & al.

vs. } In Chy.

Rogers & al

To the Circuit Court of Chancery
County, Virginia:

In pursuance of the decree of
said Court pronounced the 13th. day of
April A.D. 1883 in the Cause in Chancery
in said Court depending between Ben-
jamin F. Baker and wife, Plaintiffs,
and Mills Rogers Jr. and others, Defend-
ants, a copy of which decree is hereto
attached; the undersigned, Wilbur J.
Kilby, appointed Special Commis-
sioner for the purposes specified in said
decree, respectfully reports to Court,
that, being of the opinion that the same
would promote the sale, he had a
survey and plat of the land of which
Henry H. Byrd died seised and pos-
sessed, made, before proceeding to ad-
vertise and sell said land as directed
by said decree and that having so done
to the great advantage of the sale and
of all parties concerned, he proceeded
to advertise and on the 10th. day of
May A.D. 1883, did advertise said land
for sale as directed by said decree and
on the terms and conditions therein
named, a copy of the advertisement
or notice of said sale as well as the

plat and survey aforesaid being herewith returned; that in pursuance of said decree and advertisement and after having first executed before the Clerk of said Court in his office the Bond required of your Commissioner as specified in said decree, he proceeded to sell and on the 11th day of June A.D. 1883 by public auction before the door of the Courthouse of said County (the day of sale being County Court day of said County), did sell the above-mentioned land to George W. Gardner, he being the highest bidder, for the sum of eight hundred and fifty (850) dollars, the same being a fair and adequate price for said land, - which said land heretofore supposed to contain only sixty two (62) acres, more or less, was found by said survey and plat to contain one hundred and fifty two and one-half ($152\frac{1}{2}$) acres, more or less, and is situated in Cypress Magisterial District, not far from Whaleyville in said County and is bounded on the North by the lands of Esau Briggs and Elisha Copeland, on the east by the land of Javan Byrd, on the South by the lands of Robert F. Harree and William

Frank Melteer and on the West by the land
of said Melteer and the land of Wm J.
Morgan: that in making said sale
your Commissioner reserved the burial
ground of said Henry H. Byrd's family
covering one-half an acre of said land
and the free right of way to and from the
same, from and to the public county road
for the heirs and relations of said Henry H.
Byrd and such other persons as they may
hermit to use the same: that said sale
was made on the terms and conditions
specified in said decree and in ac-
cordance therewith the said George
W. Gardner paid to your Commis-
sioner in cash the sum of \$117.36, part
of said sum of \$850⁰⁰, (the same being
necessary for the payment of the expenses
of said sale and the costs of said cause),
and for the residue executed his two
Bonds, ^{with Thos. W. Sharage deemed sufficient security thereto,} each for the sum of \$366.³² dat-
ed the 11th. day of June A. D. 1883 and
payable, one six months after its date
and the other twelve months after its date,
both bearing interest from date, which
bonds are herewith returned: and that
the said sum of \$117.36 cash paid as
aforesaid to said Commissioner, has

been by him disbursed in payment of said costs and expenses, as will appear by the vouchers hereto attached and the following statement:

By cash received as above stated		\$	117	36
To 5 per cent coms. on \$300, part of sales,	\$	15	00	
" 2 ditto " on \$550, balance of sales.		11	00	
" paid Geo. T. Parker, Crier at the sale, per rect.		8	00	
" " Peter B. Prentiss, Clerk of Court "		15	00	
" " Wilbur J. Kilby, Attorney's taxed fee and writ tax, per decree tract.		33	00	
" " John L. Fulgham, Sheriff, per rect.		1	60	
" " Robt. R. Prentiss, Court's fee "		15	00	
" " for advertisement and notices of the sale per rect.		7	76	
" " Beverly P. Baker, Surveyor. "		11	00	
		\$	117	36
			117	36

The notice of said sale was posted at several public places in the neighborhood of said land and in said County and at the door of said Courthouse for more than twenty days prior to the day of sale and was printed in the "Suffolk Herald" a newspaper published in the Town of Suffolk, Va. once a week for three successive weeks prior to the sale, and the title to said land was retained until the further order of Court.

Respectfully submitted

22 June 1883

Wilbur J. Kilby, Comr.

Received of Wilbur J. Kilby, Commis-
sioner, the respective sums of money charg-
ed in the foregoing report as paid to us
and set opposite our names respectively
as follows:

Wilbur J. Kilby, Atty. Gen.	\$ 33.00
Peter B. Prentiss, Clerk	\$ 15.00
Ed. D. Parker, Crim.	\$ 8.00
J. L. Fulgham, Shff.	\$ 1.60
Rob. R. Prentiss, Comm.	\$ 15.00

In pursuance of the decree of the Circuit
Court of Anne Arundel County Va. entered the
11th day of October 1883 in the Cause in
Chancery in said Court depending be-
tween Benjamin F. Baker and wife, Plaintiffs
and Mills Rogers Jr. and others, Defendants,
the undersigned has this 29th day of
November A. D. 1883 received of the Clerk of
said Court the two Bonds of George W.
Gardner, mentioned and described in
the above Report

Wilbur J. Kilby Comr.

Benj. F. Baker & wife
vs. } In Chy.
Mills Rogers Jr. & al.

Report of Sale
11th. June 1883

1883. June 23rd. Filed.
ck

Baker wife

vs.

Mills Rogers Jr. & al.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Special Commissioner, Wilbur J. Kilby filed the 23d. day of June A.D. 1883 being the Report of the sale of land made by him in pursuance of the decree entered in this cause the 13th, day of April A.D. 1883 and on the Report of Commissioner Peter B. Prentiss filed the 4th, day of September A.D. 1883 being a Report of the ^{commuted value} ~~commutation~~ of the dower of Sarah E. Rogers and of the curtesy of R. Frank Rogers in said land, made in pursuance of said decree and was argued by counsel

On consideration whereof the Court doth confirm the said two Reports to which no exception has been filed and doth adjudge order and decree that said Special Commissioner, Wilbur J. Kilby, receive

of the clerk of this Court (who will deliver to him and take of him and file in the papers in this cause, a receipt for) the two Bonds of George W. Gardner with Thomas W. Savage security thereto each for the sum of \$366 ³² filed with said Refat of said Commissioner, Wilbur J. Kilby the 23d. day of June A. D. 1883 and due and payable as therein specified and that said Commissioner, Wilbur J. Kilby, proceed to collect said Bonds at their maturity or receive the money therefor before their maturity and all interest due thereon, if the obligors should desire to pay the same before their maturity and out of the money pay first all unpaid costs of this Cause and then pay out the balance to said Sarah E. Rogers the sum of \$165.16 with interest thereon from the 11th. day of June A. D. 1883 till paid, ~~in full~~ ~~of her dower in said land~~ she having consented to receive the same in full of her dower in said land, and ~~out of the balance then remain-~~ ~~ing~~ ^{then} pay one-seventh part of the bal-

ance then remaining, to Ida N. the wife of Benjamin F. Baker and a like part ~~each~~ for each of the following parties, namely, Lulie R. Byrd, Sarah A. Byrd, Alexander H. Byrd, Jesse A. Byrd and Julius J. Byrd, infants under the age of twenty one years to their lawfully appointed and duly qualified guardian or ^{with interest thereon from the 11th day of June A.D. 1883,} guardians, and out of the remaining one-seventh part ^{pay} to R. Frank Rogers the sum of \$62. ⁵⁷ with interest thereon from the 11th. day of June A.D. 1883 till paid in full of the commuted value of his curtesy ~~in right~~ in one-seventh part of ~~the proceeds of the sale of said land~~ and then pay one-third ^{part} of the balance for Era L. Rogers, a like part for Henry B. Rogers and a like part for Luther E. Rogers, infants under the age of twenty-one years, to their lawfully appointed and duly qualified guardian or guardians with interest thereon from the 11th. day of June A.D. 1883 till paid.

And the Court doth further adjudge order and decree that said

Baker & al

vs. } In Chy

Rogers & al.

Sauwamund County
Circuit Court

Octo. 11 1883

Decree

To be entered

Geo. A. Brown.

Copied

Entered Oct 13 1883 Page 631

Commissioner, Wilbur J. Kilby make to said George W. Gardner a deed with special warranty in the usual form conveying to him the real estate purchased by him under proceedings had in this cause when and after said Bonds shall have been paid in full, and make report to Court of his proceedings under this decree.

Baker wife

vs.

Rogers & al

This cause came on this 13th, day of April A.D. 1883 to be again heard on the papers formerly read therein and on the Report of Commissioner, Robert R. Prentiss, filed the 24th, day of March A.D. 1883, being a Report made in pursuance of the decree entered in this cause the 10th. day of October A.D. 1882, and on the examinations of witnesses filed with said Report and was argued by counsel

On consideration whereof ~~the~~ being of the opinion that partition among the parties in interest cannot be conveniently made of the land mentioned and described in the bill in this cause of which Henry H. Byrd died seized and possessed and that the interests of those who are entitled to said land, or its proceeds, will be promoted by a sale of the entire parcel of land and a distribution of the proceeds of the sale among the parties in interest according to their respective rights and it appearing to the Court that none of the parties will

accept the said land or any part of it by allotment or otherwise and pay the other parties such sum or sums of money as their interests therein might entitle them to, the Court, having in view ~~the~~ distribution of the proceeds of the sale among the parties according to their respective rights and interests, doth adjudge, order and decree that Wilbur J. Kilby, who is hereby appointed a Special Commissioner for that purpose, do proceed to sell the said land by public auction on some county Court day before the courthouse door of Chaise-mond County, to the highest bidder, - which said land is situated in Cypress Magisterial District in said County and contains sixty-two (62) acres, more or less, and is bounded by the lands of W^m J. Morgan, Robert F. Harrell, Benjamin F. Baker and others, reserving and excepting from said sale the family burial ground of said Henry H. Byrd deceased on said land ^{and} the free right of way to and from the same from and to the public county road, for the heirs and relatives

of said Henry H. Byrd and such other persons as they may permit to use the same, and that said Commissioner employ a competent surveyor and have said land surveyed and a plat thereof made before proceeding to make said sale, if in his opinion, a survey will promote the sale.

And the said Commissioner will see said land on the terms of payment by the purchaser of enough of the purchase-money in cash to pay the expenses of the sale ~~and a fee of \$50.00 to the attorney for the complainants,~~ and the costs of this suit, and the balance in equal sums at the end of six and twelve months respectively from the day of sale, and will take of the purchaser in evidence of the deferred payments, bonds with good personal security payable to himself and bearing interest from the day of sale and will retain the title to the land until the further order of Court and will file said bonds with his Report which he will make to Court of his proceedings under this decree.

*Including for
of 30.00 to Court*

And the said Commissioner will 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 ^{the day of} said sale and will 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 land, the said Commissioner will execute before the clerk of this Court in his office, a bond in the penalty of \$1000, with good personal security payable to the Commonwealth of Virginia and conditioned for the faithful execution of this decree and all other decrees he may be required to execute in this cause.

~~And the Court doth further adjudge, order and decree that the several parties to this cause assenting to the commutation of the dower of Sarah E. ^{Rogers} as the late widow of said Henry H. Byrd in said land and to the commutation of the curtesy of R. Frank Rogers in the one-seventh interest of his late wife Alice E. deceased in said land, the Court doth adjudge order and decree that one of the Commissioners of this Court do ascertain and report to Court the following accounts:~~
1. An Account showing the present or commuted value of the dower of said

Sarah E. Rogers in said land taking as a basis for his calculation the net proceeds of the sale of said land; and

2. An Account showing the present or commuted value of the curtesy or estate by the curtesy of said R. Frank Rogers in the one-seventh interest in said land of his late wife Alice E. taking as the basis of his calculation one-seventh of the net proceeds of the sale of said land after deducting from the entire proceeds such sum of money as may be ascertained as above required to be due said Sarah E. Rogers in lieu of her dower in said land and make report ^{thereof} to Court together with any matters specially stated deemed pertinent by himself or required by any party to be so stated

Baker wife ^{vs}

vs. } In Chy

Rogers & al

Sausemond County
Circuit Court

^{13/10}
April Term 1883

Decree

To be entered

Geo. Blod,


Copied

Entered O.B. No 1 page 606

Baker & wife

vs.

Rogers & al.

This cause came on this day to be heard on the Bill of the Complainants and the answer of the infant defendants by their guardian ad litem and the joint and several answers of the adult defendants with general replications to said answers and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that the papers in this cause be referred to one of the Commissioners of this Court who is directed to enquire into and report to Court

1. whether the land in the Bill of the Complainants mentioned of which Henry H. Byrd died seized and possessed, can be conveniently divided in kind between the several parties entitled to share therein.

2. If the same cannot be conveniently divided in kind, whether any party will take the entire property and pay therefor to the other parties such sums of money as their interests therein may

entitle them to.

3. And, if said land cannot be conveniently divided in kind and if no party will take the entire property and pay the others for their shares, whether the interests of those who are entitled to the said land, or its proceeds will be promoted by a sale of the entire property, or by the allotment of part and sale of the residue,

which several inquiries the said Commissioner shall make and to the Court report together with any matter specially stated deemed pertinent by himself or required by any party to be so stated, and all evidence that may be taken by him.

Baker & wife

N.J. } In Chy

Rogers & al.

Sanborn and County
Circuit Court
Octo. 10th, 1882

Decree.
To be entered

Wm. V. B. Smith

Entered Chancery Order
Book W. 1 - Page 379

at said

24
At a Circuit Court held for Saunders County
the 10th day of October, 1882.

Baker & wife

Plaintiffs.

Against E. L. Channing

Rogers & others

Defendants.

This cause came on this day
to be heard on the Bill of the Complainants
and the answer of the infant defendants by
their guardian ad litem and the joint and
several answers of the adult defendants with
several replications to said answers and was
argued by Counsel.

On consideration whereof the Court doth
adjudge, order and decree that the papers in
this cause be referred to one of the Com-
missioners of this Court who is directed to
inquire into and report to Court:

1. Whether the land in the Bill of the Complain-
ants mentioned of which Henry H. Boyd died,
seized and possessed, can be conveniently di-
vided in kind between the several parties enti-
tled to share therein.
2. If the same cannot be conveniently divided in
kind, whether any party will take the entire
property and pay therefor to the other par-
ties such sum of money as their interests there-
in may entitle them to.
3. And, if said land cannot be conveniently

divided in kind and if no party will take
the entire property and pay the others for their
shares, whether the interests of those who are en-
titled to the said land, or its proceeds will
be promoted by a sale of the entire property,
or by the allotment of part and sale of the
residue.

Which several inquiries the said
Commissioner shall make and to the Court
report together with any matter specially
stated deemed pertinent by himself or requir-
ed by any party to be so stated, and all evi-
dence that may be taken by him.

A Copy:

Teste:

Peter B. Prentiss, Clerk.

Xnd

Baker & Co.
27 E. Co. Street Oct. 16/82
Hogans Falls

20 March

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

27. February 1883

To Benjamin F. Baker and Ida V. his wife and the said
Ida V. who sues by said Benjamin F. Baker her
husband and next friend.

Plaintiffs,

and Mills Rogers Jr. and Sarah E. his wife, and N. Frank
Rogers and Lillie R. Byrd, Sarah Anna Byrd Alexander
H. Byrd Jesse N. Byrd, Julius J. Byrd and Eva L. Rogers,
Henry B. Rogers and Luther E. Rogers the last eight named
being infants under the age of twenty-one years.

Defendants.

You are hereby notified that I have fixed upon the **20** day of **March**
next, to take and settle, at my office, the following accounts, to-wit:

1. Whether the land in the Bill of the complainants mentioned
of which Henry A. Byrd died seized and possessed can be conveniently
divided in kind between the several parties entitled to share therein.
2. If the same cannot be conveniently divided in kind whether
any party will take the entire property and pay therefor to
the other parties such sums of money as their interests therein
may entitle them to.
3. And if said land cannot be conveniently divided in kind
and if no party will take the entire property and pay the
others for their shares whether the interests of those who are
entitled to the said land, or its proceeds will be promoted by
a sale of the entire property or by the allotment of
part and sale of the residue.

required to be taken by the decree of Nansemond
Court, rendered on the
said Court, in which you are parties, plaintiffs and defendants; at which time and place you
are required to attend.

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

Circuit Court,
1882 in a suit in Chancery depending in
Robert P. Curtis,
Commissioner.

We acknowledge legal and sufficient service of the within
notice. —

Wilbur J. Kilby
~~Witnesses as to the~~
Witnesses as to the
signature of Benj.
F. Baker

Peter B. Prentiss, gen: at litem for
the within named infant defendant

Benj. F. X Baker
mark

Gda V Baker

R. Frank Rogers

Julie R. (Cathy)

Julie R. Byrd, now
wife of R. Frank Rogers,

Sarah E Rogers

Meills, Rogers

Benj. F. Baker wife

Commis. Notice.

Rogers et al.

20. March 1883.

The depositions of Robt. F. Harrell & others taken before me Robt. H. Prentiss a Commissioner in Chancery of the Circuit Court of Hansemond County, at my office in Suffolk Va. on the 20. day of March 1883, to ~~be~~ pursuant to the notice hereto annexed, to be read as evidence in the Chancery cause of Benj. F. Baker & wife against Mills Rogers Jr. & others now pending in the Circuit Court of Hansemond County: -

Present: Wilbur J. Kilby Atto. for Complainants:

Robt. F. Harrell a witness for the Complainants being first duly sworn, in answer to questions deposes and says:

1. Q. State your age, occupation, residence, and do you know the parties to this suit?

Ans. I am 49 years old, I am a carpenter, Hansemond County is my residence, and I know all the parties to this suit. -

2. Q. Are you acquainted with the land of which Henry N. Byrd died seised & possessed, said to contain 62 acres, and lying in Hansemond County?

Ans. I have known the land all my life, my own land adjoins it. -

3 Q State any facts within your knowledge going to show whether the said land can be conveniently divided in kind, between the parties entitled to share therein?

Ans. ~~Of course it~~ I do not think it can be conveniently divided because it is part wood land and there is a house on it, and a road separates it. - ~~and~~ I do not think it could be divided so as to give each party an equal share after the dower was assigned. - The part of each heir would be so small as to destroy its value to a great extent. At least three fourths of the tract is cleared land.

4 Q. What is the value of the land in your judgment, and what is the value of the house (dwelling)?

Ans. The land would be worth from \$500 - to \$700. - The house is worth \$100. -

5 Q Do you know whether any party in interest is willing to take the entire property or pay the others for their interests therein?

Ans. No sir, I have never heard any of them say. -

6. Q. Would the interest of the heirs be promoted by a sale of the entire property and a division of the proceeds?

Ans. I think it will be best to sell, and divide the money, because each one's share of land would be so small that there would be no profit in it. -

Further this Dependent saith not. -

Robert, F. Harrell

Wills Rogers Jr. another witness for Complainant being first duly sworn in answers to questions deposes and says.

1. Q. State your age, occupation, residence and do you know the parties to this suit?

Ans. I am 47 years old, I am a farmer, reside near Chuckatuck in Spousewood, and I know all the parties to the suit and am a Defendant. -

2. Q. Are you familiar with the land of which Henry St. Byrd died seised & possessed containing

62 acres and ^{if so} state any facts in your knowledge going to show whether the said land can be conveniently divided in kind between the heirs? -

Ans.

I am familiar with the said land and have known it all my life. I married Henry N. Byrd's widow and for the past year have lived on it. - I do not think you can divide it in kind because there are a large number of heirs and the shares would be in such small lots as to be of very little value. - The widow has dower in it which would come out first - None of the heirs live on it. - The adults have other places on which they live, and the infants live with their parents. - and the farm is now rented out. - Owing to the fact that the larger part of the tract is ~~woodland~~ ^{cleared} it could not be divided so as to give each party a share of woodland, - and the house could not be divided. -

3. Q.

Would the interest of the heirs be promoted by a sale of the entire property and a division of the proceeds? -

Ans.

I think that the money would do them more

good than the land, as the adults all have homes and the infants live with their parents. - My wife (who is Byrd's widow) desires it sold and wants her share in money. - I can say positively that the interest of the infants will be promoted by a sale, because the property is rented out, and is going down and depreciating in value. -

4. Q. Will any party in interest take the entire property & pay the others in money for their shares?

Ans. I don't know of any party who is - I know I would not. -

Further this Deponent saith not
Mills Rogers, Jr

Beny. J. Baker another witness being first duly sworn in answer to questions deposes and says:

1. Q. State your age, residence, occupation and do you know the parties to this suit?

Ans. I am 30 years old - I live in Suffolk Va. I am a Carpenter, I know the parties to the suit, I am one of the complainants. -

2. Q.

Are you familiar with the land of which Mary
H. Byrd died seized & possessed containing
62 acres, - and if so state any facts in
your ~~know~~ knowledge going to show
whether it would promote the interest
of the infant heirs of the said land to
divide it in kind, or sell it and
divide the proceeds of sale?

Ans. I am familiar with the land, I have
known it for 12 years. I lived on the
adjoining place some four or five
years. There are so many of the heirs, and
the widow has down in it, and the tract is
so small and there is so little wood on
it suitable for fencing, that I do not think
it can be conveniently divided in kind.
I think that the interests of the infants
will be promoted by a sale and a
division of the proceeds of sale, because
the money will do them more good
than the land ever will. - None of the
parties in interest live on it and the place
is going down as all places do when they
are rented out. - I know of none of the
heirs who is willing to take the land and
pay the others for their shares. -

Further this deponent saith not. -

Witness,
Not. R. Prentiss.

Bluf. J. H. Baker
mark

N. Frank Rogers another witness being first duly sworn in answer to questions deposes and says:

1. Q. State your age, residence, occupation and do you know the parties to this suit?

Ans. I am 28 years of age, I live in Nausemond, and am a farmer by occupation, I know all the parties to this suit and am one of the Defendants. -

2. Q. Are you familiar with the land of which Henry N. Byrd died seised and possessed containing 62 acres; if so state any facts in your knowledge going to show whether it would promote the interests of the infant heirs of the said land to divide it in kind, or sell it and divide the proceeds of sale? -

Ans. Yes sir - I am familiar with the land - I have known it for about 8 years - I have lived within three miles of it all my life - I think it would be best to sell it and divide the proceeds because if the land was divided the share of each one would be so small that they could make no

use of it for farming purposes.

I do not know of any of the heirs who ~~are~~ ^{is} willing to take the land and pay the others for their shares.

Further this Deponent said not. —

R. Frank Rogers

Wm J. Morgan another witness being first duly sworn in answer to questions deposes and says:

1. Q. State your age, residence, occupation and
do you know the parties to this suit?

Ans. I am 63 years old, I live in Hansemond County.
I am a farmer and I know the parties to
this suit.

2. Q. Are you familiar with the land of which Henry A. Byrd died seised containing 62 acres, if so, state any facts in your knowledge going to show whether it would promote the interest of the infant heirs of the said land ^{to divide it if land} or to sell it and divide the proceeds of sale?

Ans. I know the land. it adjoins me on one side
I am as familiar with it as with my
own. - My judgment is that it will be best

to sell it and divide the proceeds, because the fences are going down and it will not be possible to rent it (I don't think it can be rented now), and there are ^{at least} ~~some~~ ^{three} of the heirs, and each share would be so small if divided in kind that I think it will be much better for them to sell the land and divide the money. - Then again, whoever got the building would get more than his share would be, and he would not get a foot of land, and would have to pay the others some money to make the shares equal. - If it was divided some would get open land without timber enough to fence it and keep it up. -

Further this Dependent saith not. -

Witness,

Robert D. Prentiss. William J. Morgan ^{his} _{mark}

The witness B. P. Baker being first duly sworn in answer to questions deposes and says:

1. Q. State your age, residence, occupation, and ~~what~~ do you know the parties to this suit?

Age. I am 43 years old, I reside in Vansemond, Farmer and County Surveyor, I know the parties to this suit. -

2. Q.

Are you familiar with the land of which Henry H. Byrd died seized containing 62 acres; if so, state any facts in your knowledge going to show whether it would promote the interest of the infant heirs of the said land to divide it in kind, or to sell it, and divide the proceeds of sale?

Ans.

I know the land though I live about 5 miles from it. I have known it about 25 years. I think it will be best for them to sell it and divide the money, because the land is in such a shape that ^{it cannot be} conveniently divided so as to make the land worth much to the parties. The lots would be so small and almost in the shape of a parallelogram. Some of them would get cleared land with no wood at all on it while some would get timbered land with ^{hardly any} open land. And again whoever ~~of~~ should get the buildings would get more than his share without any land, and would have pay the others some in money to equalize the division.

Further this Dependent saith not.

Beverly P. Baker.

State of Virginia
County of Hansemond to wit:

I Robt. D. Prentiss, a Commissioner in
Chancery of the Circuit Court of Hansemond
County do certify that the foregoing depositions
were taken, sworn to and subscribed before
me at the time and place mentioned
in the caption hereto. -

Given under my hand this 20. Day of
March 1883. -

Robt. D. Prentiss.
Commissioner in Chancery

Commissioners Office
Suffolk Va 20 March 1883.

Benj. F. Baker & wife

^{v.}
Mills Rogers Jr. and others.

To the Circuit Court of
Hansemond County.

Pursuant to a
decree of the Circuit Court of Hansemond
County pronounced on the 10 day of October
1882 in the Chancery cause entitled Benj. F.
Baker & wife v. Mills Rogers Jr. & wife & others (a
copy of which is hereto annexed) the undersigned
one of the Commissioners of the said Court pro-
ceeded to make the enquiries required to be made
by the said decree.

On the 27 day of February 1883 your Commissioner
issued the notice required by law, fixing upon this
day as the time, and his office as the place,
for proceeding to execute the said decree.

Legal and sufficient service of the said notice
was duly acknowledged by the adult parties in
person, and by the guardian ad litem for the
infant defendants. Said notice and acknowledg-
ments in writing are herewith returned.

In order to arrive at the proper conclusions
your Commissioner examined the following wit-
nesses, viz, Robert F. Harrell, Mills Rogers Jr.,

Benjamin F. Baker, ~~Frank~~ R. Frank Rogers, William J. Morgan and Beverly P. Baker. -

Their depositions are herewith returned for the inspection of the Court, as a part of this report. -

This testimony leads your Commissioner to the following conclusions:

First: That the land in the bill of the Complainants' mentioned of which Henry St. Byrd died seised and possessed cannot be conveniently divided in kind between the several parties entitled to share therein. - The tract is small, and after deducting the widow's dower from the tract of 62 acres, the residue would have to be divided into seven parcels, and one of these seven parcels would have to be subdivided into three parts between the three infant children of Alice E. (lately the wife of St. Frank Rogers). - These parcels would be so small as to be almost useless for agricultural purposes, and there is not timber enough to do the necessary fencing, if the land were divided in kind. - Indeed because of the location of the timbered land, and the value of the dwelling-house, it would seem to be an absolute impossibility to make a division of the land, without requiring the payment of ~~money~~ by way of owty of par-

tion. -

Secondly: Neither Benjamin F. Baker, nor Mills Rogers Jr., nor R. Frank Rogers, the adult parties interested in right of their wives and children, are willing to take the entire property and pay the others for their shares. They all have other real estate and do not want to buy the land in the bill described. -

Thirdly: Your Commissioner is clearly of opinion, and so reports, that the interests of those who are entitled to the said land will be promoted by a sale of the entire property, and a proper Division of the proceeds of sale. - The property is depreciating in value for lack of attention, fencing and repairs, and in the hands of a tenant (even if one can be found) is almost certain to deteriorate in value very rapidly. -

All of which is respectfully submitted. -

Robt. A. Prentiss. -

Commissioner in Chancery.

Fee for Notice, Depositions
and Reports \$15 ⁺/₁₀₀.

B. F. Baker & wife

N. Comm's Reports.
& Depositions
dated 20. March 1883.

Mills Rogers Jr. & wife &c

1883. March 24th: Filed
all

Notes of Henry Byrd's land measured -
Beginning on William G. Morgan's Lane at a
Cypress ditch, a corner on Esau Briggs' land with
William G. Morgan, thence down the ditch its
various courses, along William G. Morgan's line,
45 chains and 10 links, to the back fence
William G. Morgan's corner with the Byrd land
thence along the run of a small branch its
various courses 22 chains and 40 links
to another Branch a corner on William F.
Milletier, thence up the last Branch its various
courses 32 chains and 90 links to the fork of
the branch, a corner on Robert F. Harrell with
Javan Byrd, thence up the smaller branch
Javan Byrd's line 11 chains and 88 links to the
lane, thence N. $11\frac{1}{2}^{\circ}$ W. 9.30 to the head of a ditch
thence along the line fence N. 68° E. 6.75, thence N.
 $20\frac{3}{4}^{\circ}$ E. 3.08 to the gate, thence N. $23\frac{1}{2}^{\circ}$ W. 6.80
to a Black Gum, on the ditch, thence up the ditch
N. $54\frac{1}{2}^{\circ}$ E. 2.53, thence N. $74\frac{1}{2}^{\circ}$ E. 5.30 to two Hollies
thence N. 65° E. 4.90 to a corner Black Gum, thence
along a small branch N. 5° W. 6.50 to a pine, thence
due North 4.50 to a Black Gum, thence N. $2\frac{1}{2}^{\circ}$ East
2.53 to a Pine, on William G. Morgan's Lane, a corner
of Javan Byrd, on Elishe Copeland, thence along the
South side of the lane N. $80\frac{1}{2}^{\circ}$ W. 7.35 to a dead oak
thence N. 78° W. 3.28 to a dead Oak, thence N. 79° W.
11.15 to the Beginning, Contains $152\frac{1}{2}$ acres including the
Barren Ground.

B. P. Baker co. surveyor

Benj. F. Baker twife

vs.

Mills Rogers Jr. & al

This Cause came on this day to be again heard on the papers formerly read and on the Report of Commissioner, Wilbur J. Kilby, filed the 29th, day of January A.D. 1884 being a Report of the collection and distribution of money in pursuance of the decree entered in said Cause the 11th, day of October 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 to be done therein, doth order that this cause be removed from the docket,

Baker wife

vs. } In Chy

Rogers & al.

Saunderland County
Circuit Court
April 10 1884

Final decree
To be entered

Geo. W. Wood,
Clerk

Entered 1132nd. p. 653

Benjamin F. Baker & ux & als

v^s

Julia Rogers & ux & als

The joint and several answer of Leilie R. Sarah Anna, Alexander H. Jesse R. and Julius Byrd and Eva L. Henry B. and Luther E. Rogers, infants under twenty one years of age by Peter B. Penter their Guardian ad litem, to the Bill exhibited against them in the Circuit Court of Hanson and County by Benjamin F. Baker & ux & als.

These Respondents answer, and say, that so far as they know, the allegations and statements contained in the said Bill of Complaint may be true; but being infants, and ignorant of their rights and interests in the premises, they submit the same to the keeping of the Court, and pray that no order or decree may be made herein, inconsistent with their rights.

(Signed)

Peter B. Penter.

Guo ad litem

Benjamin F. Baker & Co

~~to~~ { answer of infants

Mills Rogers, Junior, & Co

The joint and several answer of
Lulie R. Byrd, Sarah Anna Byrd,
Alexander H. Byrd, Jesse C. Byrd and
Julius J. Byrd, infants under the
age of twenty-one years, by Peter B.
Prentiss their guardian ad litem, as-
signed to defend them in this suit,
to a Bill of Complaint, exhibited a-
gainst them and others in the Circuit
Court for Hausmann County by Benja.
F. Baker and others.

These Respondents reserving to
themselves the benefit of all just ex-
ceptions to the said Bill, for answer
thereto, by their said guardian ad
litem, answer and say,

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

And having fully answered,

R. Frank Rogers & wife X
Baker & Co

vs. } In Chy.

Rogers & Co

Answer of the
Infant defendants

the said respondents pray to be hence
dismissed with their reasonable costs
in this behalf expended, and they
will ever pray &c.,

Peter B. Prender
Clerk of Court

Benja. F. Baker & wife, Plaintiffs

vs.

Mills Rogers Jr. and wife & al. Defendants.

In Chancery in the Circuit Court of
Hansemond County, Virginia.

The joint and several answers
of Mills Rogers Jr. and Sarah E. his
wife and R. Frank Rogers, Three
of the defendants to the Bill of Com=
plaint exhibited against them and
others in the Circuit Court of Hanse=
mond County by Benja. F. Baker and
wife, Complainants,

These defendants reserving to them=
selves all right of exception to the
said Bill of Complaint for answer
thereto say,

That the facts and statements in
said Bill contained, are true and
that these defendants believe as
charged in said Bill, that the land
of Henry H. Byrd of which he died
seised and which is described in
said Bill, cannot be conveniently
divided in kind and that the in=
terests of those entitled to said land

will be best promoted by a sale of
the land and distribution of the pro-
ceeds among the parties in interest
according to their respective rights;
and that so far as these defendants
are concerned, they are willing that
said land should be sold and
the proceeds distributed as aforesaid.
And that they ^{are} further willing, and do
herely consent, to the sale, ~~the said~~
~~Sarah E. Rogers~~ of ^{the} dower, and ^{of the}
said Sarah E. Rogers in said land
and the life right of said R. Frank
Rogers in one-seventh interest in the
balance of said land and ~~each~~ ^{and}
to ~~accept~~ ^{that} a gross sum in money in
lieu of said dower and life estate
be paid to said Sarah E. Rogers
and R. Frank Rogers respectively.

And now having fully answered the
Bills of the Complainants, these respond-
ents pray hence to be dismissed with
their reasonable costs in this behalf
expended and they will ever pray &c.

Mills Rogers, Jr
Sarah E. Rogers
R. Frank Rogers

State of Virginia }
Chaucesmond County } to wit:

This day personally appeared before me, the undersigned, a Notary Public in and for said County in said State, Mills Rogers Jr. and Sarah E. his wife and R. Frank Rogers and made oath severally that the statements made in the foregoing answer, so far as made of their own knowledge are true and so far as made upon knowledge or information derived from others, they believe them to be true.

Given under my hand this 22nd day of September 1882

Wilbur J. Kilby
Notary Public

Baker & wife

vs. } In Chy

Rogers & al.

Answer of Mills
Rogers & wife and
R. Frank Rogers.

1882 Oct. 2^d Rules / filed clk.

To the Hon. George Blow, Circuit Court
Judge in and for the County ofause=
mond, State of Virginia:

Complaining respectfully repre=
sent and show unto Your Honor, Your
Complainants, Benjamin F. Baker
and Ida N. his wife and the said
Ida N. who sues by said Benjamin
F. Baker her husband and next friend,

That Henry H. Byrd, the father of your
Complainant, said Ida N. Baker, was,
in his lifetime, seised and possessed
of certain real estate, consisting of a
tract of land, containing sixty two
(62) acres, more or less, and situated
in cypress Magisterial District in
said County and State and bounded
by the lands of Wm. J. Morgan, Robert
F. Harnree, Benja. F. Baker and others,
its assessed value being six hundred
and twenty (620) dollars, and that
being so seised and possessed of said
land, he, the said Henry H. Byrd, in
the month of October in the year 1873, de=
parted this life, intestate, leaving a
widow, Sarah E. (who has since married
and is now the wife of Mills Rogers, Junior),
and the following children and heirs

at law, namely: Alice E. (lately the wife of R. Frank Rogers), said Ida N. the wife of said Buja F. Baker, and Lulie R. Byrd, Sarah Anna Byrd, Alexander H. Byrd, Jesse A. Byrd, and Julius J. Byrd, the last five-named being now infants under the age of twenty-one years.

That since the death of said Henry H. Byrd, the said Alice E. his daughter (lately the wife of said R. Frank Rogers), has departed this life leaving her husband, said R. Frank Rogers, surviving her, and the following children and heirs at law, namely: Eva L. Rogers, Henry B. Rogers and Luther E. Rogers, all three of whom are infants under the age of twenty one years.

That the said Sarah E. Rogers, as widow of said Henry H. Byrd, is entitled to dower in said land, ~~and~~ ^{the same having never been assigned to her, and that she} has been living on said land ever since the death of her former husband, said Henry H. Byrd, but your complainants are informed and believe that she intends at no distant day to leave the said land and with her present husband and infant children by her former husband,

said Henry H. Byrd, to take up her residence in another part of said County.

That the said R. Frank Rogers is entitled to a life estate during his own life, as tenant by the curtesy, in the one-seventh interest of his late wife, said Alice E. deceased, ^{the remainder of} in said ^{the assignment of} parcel of land, that may be left after ^{whose tract of said land} dower in the ^{to} said Sarah E. Rogers.

And your Complainants further say that the said parcel of land is liable and subject to partition in one or another of the several modes prescribed by law amongst the parties above-named, who are entitled thereto, but that they believe and so charge that ^{partition of} the said land cannot be conveniently made in any one of said modes and that the interests of those who are entitled to said land will be promoted by a sale thereof and distribution of the proceeds of the sale according to the respective rights of the parties in interest.

And your Complainants further say that they desire to have the said land sold, if it be, as they believe, not susceptible of partition, ^{conveniently} among the parties

entitled thereto, and a gross sum in money in lieu of her dower therein, ~~the~~ paid to the said Sarah E. Byrd and a gross sum in money in lieu of his estate by the curtesy in the one-seventh interest ^{in the remainder of said land} of which his late wife, said Alice E. died seized and possessed, ~~the~~ paid to said R. Frank Rogers out of the proceeds of the sale and the balance divided among the other parties above-mentioned, entitled thereto, according to their respective rights.

In consideration whereof, your Complainants, being without remedy save in a Court of Equity, pray that the said Mills Rogers, Junior and Sarah E. his wife and R. Frank Rogers and Lulie R. Byrd, Sarah Anna Byrd, Alexander H. Byrd, Jesse A. Byrd and Julius J. Byrd and Eva L. Rogers, Henry B. Rogers and Luther E. Rogers the last eight named being infants under the age of twenty-one years, be made parties defendant to this Bill and be required to answer on oath all the allegations therein contained; the adults in their proper persons and the infants by their guardian ad litem

to be appointed for them to defend
their interests in this suit; That
the dower of said Sarah E. Rogers in
said tract of land may be assigned
to her and the one-seventh interest of
which said Alice E. Rogers died seized
and possessed ^{the balance of} in said land may
be assigned or allotted to her heirs
subject to the estate by the curtesy
therein of said R. Frank Rogers, and
the remainder of said ^{land} partitioned
or divided among the parties en-
titled thereto according to their re-
spective interests; or, in case said
land cannot be conveniently di-
vided in kind, that the same may
be sold, including ^{the} said dower ^{therein} of
said Sarah E. Byrd and ^{the} said life
estate ^{of said R. Frank Rogers} in one-seventh interest therein,
of ^{the remainder thereof} said R. Frank Rogers, and a
gross sum in money in lieu of
said dower ^{a gross sum in money} be paid to said Sarah
E. Byrd and to said R. Frank
Rogers in lieu of his estate in the
one-seventh part ^{of the remainder} ~~or interest of said~~
of which said Alice E. his late
wife died seized and possessed
and the balance of the proceeds of

the sale divided among the parties
entitled thereto; That the said Sarah
E. Rogers and the said R. Frank Rog-
ers may be required to say in their
answers whether they are willing to
consent to a sale, ~~and~~ ^{the} of her dower
and ^{he of his} estate respectively in said
land and to take in lieu thereof
a gross sum in money out of the
proceeds of the sale of the land
aforesaid; and that such other and
general relief may be granted your
Complainants as the nature of their
case may require or to Equity shall
seem meet. And, as in duty bound
your Complainants, will ever pray &c.
Wilbur F. Kilby h.g.

26 Aug. 1882

Benja. F. Baker & wife

vs. } In Chy

Mills Rogers Jr. & al.

Bill

Benjamin St. Baker Day: &c

~~4~~
85

Mills Rogers, Jr. Day: &c

1882. Aug: 26th: Sum: in Chy: joined to Sept: Rules, 1882

" Sept: 4th: Bill &c filed - Decree nisi vs adult debts:

" " Peter B. Prentiss, apptd guardian to infants, who filed
their answer to which there was a genl: repl: & cause
set for hearing, as to them, on mo: of Hays' Counsel.

" Octo: 2nd: answer of Mills Rogers, Jr. & Sarah E. his wife, and
R. Frank Rogers filed, genl: repl: thereto, and cause
set for hearing.

" " 10th: Decree for reference to a Commissioner

1883. March 24th: Commr's Report filed

" April 13th: Decree for sale &c

" May 21st: Commr's Bond executed & filed

" June 23rd: Report of sale filed

" Sept: 4th: Report of Commr's Deeds & Convey.

" Octo: 11th: Decree to collect, distribute & make the

1884. July: 29th: Report of Collections & distributions, filed

" Apl: 10th: Final Decree

Chy. Notes

Coole.

Clark	\$18.00
at the	33 an
sale	1.00
Commission Chy (2.22 P)	18.00
	<u>6436 0</u>

LAND IN CYPRESS DISTRICT, NOT FAR from WHALEYVILLE, FOR SALE!

By authority of a decree of the Circuit court of Nansemond county, Va., pronounced the 13th day of April, 1883, in the cause in chancery in said court depending between Benjamin F. Baker and wife, plaintiffs, and Mills Rogers, Jr., and wife, and others, defendants, the undersigned, WILBUR J. KILBY, appointed Special Commissioner for that purpose, will sell by public auction, to the highest bidder, on court day,

Monday, June 11, 1883

before the Courthouse door in Suffolk, Va., all that certain tract of land of which Henry H. Byrd died seised and possessed, situated in Cypress Magisterial district, not far from Whaleyville, in said county, containing, by survey, 152 1-2 acres (heretofore said to contain only 62 acres, more or less), and bounded on the north by the lands of Esau Briggs and Elisha Copeland, on the east by the land of Javan Byrd, on the south by the lands of Robert F. Harrell and William Frank Melteer, and on the west by the land of said Melteer and the land of William J. Morgan.

The burial-ground, on said land, of said Henry H. Byrd's family, covering one-half an acre of land, and the free right of way to and from the same, from and to the public county road, will be reserved for the heirs and relations of said Henry H. Byrd, and such other persons as they may permit to use the same.

TERMS OF SALE:

A sufficient part of the purchase money to pay the expenses of sale and costs of suit will be required in cash, and as to the balance a credit of six and twelve months will be given, the purchaser to give separate bonds in evidence of the deferred payments, in equal sums, with good personal security, and bearing interest from the day of sale.

The farm being in the possession of a tenant for the present year (1883), possession will not be given before 1st January, 1884, except with the consent of the tenant, but the purchaser will be entitled to the rent from the day of sale. The title will be retained until the further order of Court.

 A PLAT OF THE LAND may be seen at the office of the undersigned, in Suffolk, Va.

WILBUR J. KILBY, Commissioner.

GEO. T. PARKER, CRIER.

10 May, 1883.

Sold to Geo W Gardner \$850.00

LAND IN CYPRESS DISTRICT, NOT FAR from WHALEYVILLE, **FOR SALE!**

By authority of a decree of the Circuit court of Nansemond county, Va., pronounced the 13th day of April, 1883, in the cause in chancery in said court depending between Benjamin F. Baker and wife, plaintiffs, and Mills Rogers, Jr., and wife, and others, defendants, the undersigned, **WILBUR J. KILBY**, appointed Special Commissioner for that purpose, will sell by public auction, to the highest bidder, on court day,

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The burial-ground, on said land, of said Henry H. Byrd's family, covering one-half an acre of land, and the free right of way to and from the same, from and to the public county road, will be reserved for the heirs and relations of said Henry H. Byrd, and such other persons as they may permit to use the same.

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Monday, June 11, 1883

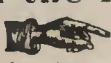
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The burial-ground, on said land, of said Henry H. Byrd's family, covering one-half an acre of land, and the free right of way to and from the same, from and to the public county road, will be reserved for the heirs and relations of said Henry H. Byrd, and such other persons as they may permit to use the same.

TERMS OF SALE:

A sufficient part of the purchase money to pay the expenses of sale and costs of suit will be required in cash, and as to the balance a credit of six and twelve months will be given, the purchaser to give separate bonds in evidence of the deferred payments, in equal sums, with good personal security, and bearing interest from the day of sale.

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GEO. T. PARKER, CRIER.

10 May, 1883.

