

1884-008
Nansemond Co. (Suffolk)

Chancery Causes: Casabianca Johnson & wife vs Nathaniel Williams & wife et al

Hingerty, Matthews, Wright, Morkham, Overton, Bartlett

OVERSIZE

Box 1

- 4 broadsides re: sale of land

LICENSE
—TO—
KEEP BAR-ROOM.

ISSUED

189

BEGINS

189

EXPIRES

189

Issued to in pursuance
of the annexed order of Court.

.....
COMMISSIONER OF THE REVENUE FOR DISTRICT No. IN NANSEMOND COUNTY, VIRGINIA.

Papers in
Chambers
C. M. H. H. H. H. H.
or
for R. H. H. H. H.
taken from
file this 11th
day May 93

Chambers

1000
1000
1000

Cash

Clerk . . .

\$15.00

Atto. May

31.50

Shff:

1.00

Comm. in Chy R.R.P. 15.00

Witnesses . Hermann Matthews } 1.60

" A. R. Mackham } 1.60

" J. H. Overton } 1.60

\$67.30

1.60
1.60
1.60
4.80

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 *Two 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 *10th* 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 Chancery Cause of *Casabianca Johnson & wife Plaintiffs, against Nathaniel E. Williams & wife & others, Defendants*, been appointed Special Commissioner, to ~~sell~~ ^{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 }
B. P. Smith Clerk
said Court

Wilbur J. Kilby (SEAL.)
Thomas G. Elam (SEAL.)
(SEAL.)
(SEAL.)
(SEAL.)

William J. Kilby
To Σ Commr's Bond
Commonwealth

1883
May 21st. Executed & filed

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY - GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Nathaniel E Williams*
and *Francis E* his wife, and *Alfred D Hingerty*, *Thomas*
Percy Hingerty and *George W Hingerty*, the last four
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 *Casabianca Johnson* and *Martha*
W. his wife; and said Martha W. who are by said
Casabianca Johnson her husband and next friend.

and have then and there this Summons. Witness, *PETER B. PRENTIS*, Clerk of our said
Court, at his office, this *24th* day of *August* 188*2*, in the *107th*
year of the Commonwealth.

Teste:

Peter B. Prentis Clerk.

Expected a copy of the within deliver to Nathaniel & William
and Frances E. his wife, each.

J. L. Lufkin Spp

Kilby. p. 9

Cafabianca Johnson & wife
to.

25 { Sum. in Chy.

Nathaniel E. Williams & wife
to.

To September Rules, 1882

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

Virginia

At Rules, in the Clerk's Office of the Circuit
Court of Hansemond County, on Monday the
7th day of September 1882.

Casabianca Johnson and Martha W.
his wife, and said Martha W who sues
by said Casabianca Johnson her hus-
band and next friend Complainants.

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

Nathaniel E. Williams and Francis E.
his wife, and Alfred D. Hengerty,
Thomas Rice Hengerty and George W.
Hengerty, the last four 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 of 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.

Teste:

Peter B. Prentiss. Clerk

1882. September 4th: I hereby acknowledge service of the fore-
going order, and that I have received a copy thereof.

Peter B. Prentiss.

Gdn ad litem

Casabianca Johnson & wife,
to } Order of the
25 } gon: ad litem
Nathaniel E. Williams & wife
Lat.

At a Monthly Court begun and held
for Nassau County the 12th day of
November 1877.

The Court doth appoint John L. Sulgham,
guardian of Alfred D. Frances Ellen, Thomas
Jefferson, and George Washington Wengert,
Orphans of Alfred Wengert, deceased, and
thereupon the said John L. Sulgham entered
into a bond, in the penalty of five hundred
dollars, Conditioned according to law, with
Mills^H Holland, his surety therein, who testified
on oath as to his sufficiency, which said 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 Nassau-
and County on the 8th day of September 1879

The Court ^{doth} appoint John L Fulgham, guardian
of Alfred D. Frances, Thomas J. and George W
Hangerly, orphans of Alfred Hangerly, deceased,
and thereupon the said John L Fulgham
entered into a bond, in the penalty of Eight
Hundred dollars, conditioned according to
law, with James N Brittenden, his surety
therein, who justified on oath as to his suffi-
ciency; which bond being acknowledged by
the obligors therein, is ordered to be recorded

A Copy

Teste:

Peter B. Prentiss, Clerk.

At a Circuit Court. Contemned and held for
Hansamond County The 11th day of October 1883.

Casabianca Johnson & wife Plaintiffs

Against } In Chancery

Nathaniel C Williams & wife & srs Defendants

This cause came on this day to be again heard on
the papers formerly read therein and on the Report
of Special Commissioner Melbur J Kelly filed the
5th day of July AD 1883, and his other Report filed
the 10th day of July AD 1883, both being Reports of
the sale of land in pursuance of the decree entered
in this cause the 13th day of April AD 1883. And
was argued by Counsel.

On Consideration whereof the Court doth
Conferm the said two reports to which no
exception has been filed and doth adjudge, order
and decree that the said Commissioner 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 Toltman M C
Johnson with S Columbus Bartlett security there
each for the sum of \$294⁸¹ filed with said Report.
on the 5th day of July AD 1883. and due and payable
as therein specified and also the two Bonds of Irving
C Brinkley with N. B. Ellmer security there, each
for the sum of \$325⁰⁶ filed with said Report on
the 10th day of July AD 1883. and due and payable
as therein specified, And that said Commissioner

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 one fifth of the balance to Martha W. the wife of Casabianca Johnson, One fifth to Frances E the wife of Nathaniel E Williams, One fifth to Alfred D Nongery and one fifth for Thomas Rice Nongery and One fifth for George W Nongery, infants under the age of twenty one years, to their lawfully appointed and duly qualified Guardian or Guardians.

And the Court doth further adjudge, order and decree that said Commissioner make to said Irving & Brunkley and Tolsman M L Johnson respectively separate deeds with special warranty in the usual form, conveying to them the real estate purchased by them under proceedings had in this cause when and after the above mentioned 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.

To the Circuit Court of Chaussemond
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
between Casabianca Johnson and wife
Plaintiffs against Catharine E. Wil-
liams and wife and others. Defend-
ants, a copy of which decree is hereto
attached; the undersigned, Wilbur
J. Kilby, the Commissioner mentioned
in said decree, respectfully reports to
Court that, as directed by 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 Tolmon M. C.
Johnson with S. Columbus Bartlett security
thereto, each for the sum of \$294.⁸⁹ dated
the 11th. day of June A. D. 1883 and paya-
ble one, six and the other twelve months
after their dates with interest from their
dates, and also the two Bonds of Irving
C. Brinkley with H. C. B. Ellenor security
thereto, each for the sum of \$375.06 and
dated the 30th. 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 Commissioner, has collected
the money for said Bonds and all
interest due thereon; the obligors prefer-
ring to pay before their maturity such
of said Bonds as 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 some necessary expenses out of said money, he has paid out and distributed the balance thereof, as directed by said decree, to and among the persons entitled thereto and in the shares and proportions, as specified in said decree, and as by the following statement and the receipts hereto attached will more fully appear, to wit:

Statement

By Total amount of said two Bonds of said Irving Co. Brinkley each for \$325.06 =	\$ 650 12
" Interest on \$650.12 from 30th. June 1883 to 10 Nov. 1883 - 4m. 10ds.	14 10
" Total amount of said two Bonds of Tollmon M. C. Johnson each for the sum of \$294.89 =	589 78
" Interest on \$589.12 from 11 June 1883 to 11 Dec. 1883 - 6 m.	17 70
To fee charged for writing deed to said Irving Co. Brinkley conveying to him the land sold to him under proceedings in said cause.	5 00
" fee charged for writing deed to said Tollmon M. C. Johnson conveying to him the land sold to him under proceedings in said cause.	5 00
" Amount to Balance	1261 70

1271 70 1271 70

By Balance brought on	\$ 1261 70
To paid Martha W. wife of Casabianca Johnson 1/5 of \$1261.70, per said decree and receipt	\$ 252 34
carried on	252 34 1261 70

brought on	\$252 34	\$1261 70
Do paid Frances E. the wife of Nathaniel E. Williams 1/5 of \$1261.70 per said decree & rect.	252 34	
" " Alfred D. Hingerty 1/5 of said sum of \$1261.70. per said decree & rect.	252 34	
" " 1/5 of said sum of \$1261.70 for Thomas R. Hingerty to John L. Fulgham his guar- dian, per said decree & rect.	252 34	
" " 1/5 of said sum of \$1261.70 for George W. Hingerty to said John L. Fulgham his guardian, per said decree & rect.	252 34	
	<u>\$1261 70</u>	<u>\$1261 70</u>

And the said Commissioner further respect-
fully reports to Court that he has made to
said Irving L. Brinkley and Solomon M. L.
Johnson respectively, separate deeds convey-
ing to them severally, the respective parcels
of land purchased by them under pro-
ceedings had in said cause, - the bonds
mentioned above having been first paid
by them in full

Respectfully submitted
Wilbur J. Kilby, Counr.

15 Dec. 1883

(over)

Receipts

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

Martha W Johnson	}	—	\$ 252 34
Carabianca Johnson			
Frances E Williams	}	—	\$ 252 34
Nathaniel E. Williams			
Alfred D Hingerty	—	\$ 252 34	
John J Fulham Paid for Thos R. Hingerty		\$ 252 34	
John J Fulham Paid for George W Hingerty		\$ 252 34	

C. Johnson wife

vs } In Lohy.

Nathl. E. Williams & als.

Report of Collections
and
Distribution

15 Dec. 1883

1884. Feby. 12th. Filed
ck

Note: 2 duplicate broadsides originally filed with report no. 2 now filed in OVERSIZE

By Leigh Bros. & Phelps, Auctioneers, 120 and
122 Main street, opposite Rodnoke avenue.

**DESIRABLE LOT AND RESI-
DENCE ON FIFTH STREET, IN NEW-
TOWN, PORTSMOUTH, VA., FOR
SALE BY PUBLIC
AUCTION.**

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 Casabianca Johnson and
wife, plaintiffs, and Nathaniel E. Williams and
wife, and others, defendants, the undersigned ap-
pointed Special Commissioner for that purpose
will offer for sale at public auction to the highest
bidder before the door of the Courthouse in Ports-
mouth City, Va., on

SATURDAY, JUNE 30TH,

at 12 o'clock, m. all that certain lot or parcel of
land of which Ellen Hingerty died seized and pos-
sessed, numbered 304 and situated on the west
side of Fifth street in that part of the city of
Portsmouth, Va., known as Newtown and bounded
on the north by the lot of Anthony R. Markham,
on the east by said Fifth street, on the South by
the lot of John F. Simms and on the west by the
lot of said Markham.

The lot fronts 40 feet on said Fifth street and
runs back therefrom 80 feet and has on it a two-
story frame dwelling with high brick basement
above ground and seven rooms. The property is
in fair condition and is desirable for an invest-
ment. It is occupied by a tenant, but possession
will be given at once.

TERMS OF SALE.—A sufficient part of the
purchase money to pay the expense of sale and
cost 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 evi-
dence of the deferred payments, in equal sums
with good personal security, and bearing interest
from day of sale.

The title will be retained until further order of
court.

Persons desiring to purchase are requested if
practicable to visit and inspect the premises be-
fore the day of sale, and for further particulars to
address the undersigned,

jel6-tds
WILBUR J. KILBY.
Commissioner, Suffolk, Va.
LEIGH BROS. & PHELPS.
Auctioneers.

ATX CRUIZES SHELDON

Spec:
News
Porter

Angel by name,
ere
a yearned for him till angels hailed him
And soft a name;
the light of life was all too rare

Worfolk, Va. July

1883

J. Hilby

Commissioner

TO THE EVENING NEWS, DR

C. W. HILL,
K. R. GRIFFIN,
E. E. HATHAWAY. }

Over Santos' Drug Store.

June 16

To adv't sale of House
and Lot in New town
Portsmouth 5 1/2 sqs 7 lines \$13.48

Recd Payment
Hill, Griffin & Co
per order

By LEIGH BROS. & PHELPS, Auctioneers.

**DESIRABLE LOT AND RESI-
DENCE ON FIFTH STREET, IN NEW
TOWN. PORTSMOUTH, VA., FOR
SALE BY PUBLIC
AUCTION.**

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 Casabianca Johnson and wife, plaintiffs, and Nathaniel E. Williams and wife, and others, defendants, the undersigned appointed Special Commissioner for that purpose will offer for sale at public auction to the highest bidder before the door of the Courthouse in Portsmouth City, Va., on

SATURDAY, JUNE 30TH,

at 12 o'clock, M., all that certain lot or parcel of land of which Ellen Hingerty died seized and possessed, numbered 304 and situated on the westside of Fifth street in that part of the city of Portsmouth, Va., known as Newtown, and bounded on the north by the lot of Anthony R. Markham, on the east by said Fifth street, on the South by the lot of John F. Simms, and on the west by the lot of said Markham.

The lot fronts 40 feet on said Fifth street and runs back therefrom 80 feet and has on it a two-story frame dwelling with high brick basement above ground and seven rooms. The property is in fair condition and is desirable for an investment. It is occupied by a tenant, but possession will be given at once.

TERMS OF SALE.—A sufficient part of the purchase money to pay the expense of sale and cost 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 day of sale.

The title will be retained until farther order of court.

Persons desiring to purchase are requested if practicable to visit and inspect the premises before the day of sale, and for further particulars to address the undersigned.

WILBUR J. KILBY, Commissioner.
Je 24-4t 24, 26, 28, 30 Suffolk, Va.

Portsmouth, Va. July 2d 1883

Mr. J. Kelly Corr.

TO "PORTSMOUTH DAILY TIMES," DR.

Advertising
To call of House & lot in
Therston Long H#

\$ 9 =

Paid
to B. B. B. B. B.

Manager.

Suffolk, Va., _____ 1883

Mr Wilbur J Kilby Comr

To The Suffolk Herald, D.^r

Fine Book and Job Printing at Moderate Prices.

1883

June 6 To 150 Hand Bill Notice of Sale
of Lot on 5th St Portsmouth Va \$ 2.25

July 7 1883 Recd Payment J. E. Bookin

Norfolk, Va July 1883

Received of Wilbur J. Kilby, Comr.
Seven and ⁰⁵/₁₀₀ dollars for selling
for him by public auction on the
30th day of June 1883 in Portsmouth
Va. lot cho. 304 on Fifth Street in
Newtown, Portsmouth, Va. owned by
the heirs of Ellen Hingerty deceased,
which said lot was sold for the
sum of \$705⁰⁰ to Irving C. Brinkley.
\$7.⁰⁵

Wm H. H. H. H.



To the Circuit Court of Ansemmund
County, Virginia:

In pursuance of the decree
of said Court pronounced the 13th. day
of April A.D. 1883 in the Cause in Chan-
cery in said Court depending between
Casabianca Johnson and wife, Plaintiffs
and Nathaniel E. Williams and wife and
others, Defendants; the undersigned
Wilbur J. Kilby, appointed Special Com-
missioner for the purposes specified in
said decree, respectfully reports to Court
that having executed before the Clerk of
said Court in his office the Bond with se-
curity required of him as specified in
said decree, he, the said Commissioner
proceeded to advertise and, on the 6th.
day of June A.D. 1883, did advertise
for sale as directed by said decree and
in the manner and for the time and
on the terms and conditions therein speci-
fied, all that certain lot or parcel of
land of which Ellen Hingerty died seized
and possessed numbered 304 and sit-
uated on the West side of Fifth Street in
that part of the City of Portsmouth, Va. call-
ed Chewtown and bounded on the North
by the lot of Anthony R. Markham, on the

east by said Fifth Street, on the South by the lot of John F. Simms and on the West by the lot of said Markham, and having a front of 40 feet on said Fifth Street and running back therefrom 80 feet, - a copy of the notice or advertisement of said sale being hereto attached: that in pursuance of said decree and advertisement and upon the terms and conditions named in said decree, before the door of the Courthouse in the City of Portsmouth, Va. instead of upon the lot or premises as directed by said decree, (it having been ascertained that it would be best and most advantageous to see before said Courthouse door, being a more public place than the premises and a place where bidders would most likely be found), he, the said Commissioner proceeded to see and on the 30th day of June A.D. 1883 did see the above-described lot of land by public auction to Irving L. Brinkley, he being the highest bidder, for the sum of seven hundred and five (705) dollars, the same being a fair and adequate price for said lot: that said sale was made on the

terms and conditions named in said decree and in accordance therewith, the said Irving C. Brinkley paid to said Commissioner in cash the sum of fifty-four and $\frac{88}{100}$ dollars, part of said sum of \$705.⁰⁰ (the same being necessary for the payment of the expenses of said sale), and for the residue, executed his two Bonds with H. C. B. Ellenor deemed sufficient security thereto, each for the sum of \$325.⁰⁶ dated the 30th. day of June A. D. 1883, and payable one six months and the other twelve months after their respective dates with interest from date, - which Bonds are herewith returned; and that the said sum of \$54.⁸⁸ cash paid as aforesaid to said Commissioner has been disbursed by him in payment of said expenses as will appear by the vouchers hereto attached and the following statement:

By cash received as above stated,		\$ 54 88	
To 5 per cent coms. on \$300. part of sales,	\$ 15 00		
" 2 ditto " on \$405. balance of sales	8 10		
" paid Leigh Bros. & Phelps, auctioneers, per rect	7 05		
" " for advertisement of sale in the "Portsmouth Times" per line & rect.	9 00		
" " for advertisement of sale in the "Evening News" of Norfolk, Va. per line & rect.	13 48		
" " for printed notices of the sale, per rect	2 25		
	\$ 54 88	\$ 54 88	

Notice of said sale was posted at the front

door of the dwelling on said lot and at various public places near by, and in Portsmouth, Va. for more than twenty days prior to the day of sale and was printed for two successive weeks prior to the sale in the "Evening News" and "Portsmouth Times" two newspapers, published the former in Norfolk Va. and the latter in Portsmouth, Va. and the title to said lot was retained until the further order of Court.

Respectfully submitted
Wilbur J. Kilby, Comr.

5 July 1883

In pursuance of the decree of the Circuit Court of Chancery and County Va entered the 11th day of October 1883 in the Cause in Chancery in said Court depending between Casabianca Johnson and wife. Plaintiffs, and Nathaniel C. Williams and wife and others Defendants. The undersigned has this 10th day of November 1883 received of the Clerk of said Court the two Bonds of Irving C. Brinkley mentioned and described in this Report.

Wilbur J. Kilby Comr.

C. Johnson & wife

vs. } In Chy.

Nathl. E. Williams & al.

Report of Sale
of land
No. 2

1883 July 10th Filed
C.H.

Note: broadside originally filed w/report no. 1 now filed in OVERSIZE

Suffolk, Va., _____ 1883

Mrs Hilbur J Kilby Comr

To The Suffolk Herald, D^r

Fine Book and Job Printing at Moderate Prices.

May	10	To 100 6 th Sheet Bills Notice of Sale of Land of Ellen Hanger's heirs	1 75
"	23	To Adv Sale of above Land in Herald 6 in 3 Times	6 00
			7 75
June 13 th 83 Paid Payment			J. E. Potter

1883 June 16th. Received of Wilbur J.
Kilby, Comr. five and $\frac{7}{100}$ dollars
in full of taxes for the year 1882 on
the parcel of 100 acres of land owned
by the heirs of Ellen Hingerty and
situated in Chausemond Co. Va.

\$5¹⁷

H E Smith
Co Treas



At a Circuit Court continued and held for Harford County the 13th day of April 1883.

Leasabianca Johnson & wife

Plaintiff

Against } In Chancery.

Nathaniel E. Williams & wife & others

Defendants.

It appearing to the Court, that since the institution of this suit, Alfred D. Wingerly one of the defendants, has attained his full age and is now over the age of twenty one years, on the Motion of Peter B. Prentis, by Counsel, it is ordered that the name of said Peter B. Prentis as guardian ad litem of said Alfred D. Wingerly be discontinued in the subsequent proceedings in this cause and that this suit be hereafter prosecuted against the said Alfred D. Wingerly as one of the adult defendants, and on the Motion of said Alfred D. Wingerly, by Counsel, leave being given him to file his answer, ~~and~~ the same ^{was} accordingly filed this 13th day of April AD 1883.

And thereupon this cause came on this day to be again heard on the papers formally read therein and on said answer with general replication thereto, and on the report of Commissioner Robert P. Prentis 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 real estate mentioned and described in the bill in this cause of which Ellen Klinger died seized and possessed and that the interests of those who are entitled to the said real estate or its proceeds will be promoted by a sale of the whole thereof 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 real estate, 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. Kitz who is hereby appointed a Special Commissioner for that purpose, do proceed to sell by public auction to the highest bidder, the said real estate, which consists of the following parcels, namely:

1. A tract of land situated in Cherokee Magisterial District in Harsemond County. Or containing by estimation one hundred acres, more or less, and bounded on the North by the lands of Stephen B. Wright and S. Columbus Bartlett, on the East by the lands of said Bartlett, and of Cornelius W. Wright and Mary E. the wife of Sylvester Oliver, on the South by the land of James T. Johnson's estate and on the West by the land of Francis C. Down or John T. King, and

2. a lot or parcel of land numbered 304. situated on the west side of Fifth street in that part of the city of Portsmouth, Va. known as Newtown and fronting forty (40) feet on said street and running back therefrom eighty (80) feet, and bounded on the North by the lot of Anthony R. Mackham, on the East by said Fifth street, on the South by the lot of John T. Simmons and on the west by the lot of said Anthony R. Mackham.

And the said ~~judge~~ commissioner will 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 including a fee of \$30. to the Attorney for the complainants and defendants, 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 witness 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 real estate until the further order of Court. and will file said bond with his report, which he will make to Court of his proceedings under this decree.

And the said commissioner will sell the above mentioned parcel of land located in Hanover County, before the Court house door of that County on some County Court day and the above mentioned lot located in Portsmouth, Va. on the premises in that City after having first given notice, in the case of the sale of

said land in Stanwold County, by printed notices to be posted at several public places in the neighborhood of the land and in said County and at said Court house door for at least twenty days, prior to the day of sale and ^{by} publication of said notice once a week for three successive weeks in a Newspaper printed in the Town of Suffolk Va. And after having first given notice in the case of the sale of said lot in Portsmouth Va. by like notices to be posted on the premises at the front door thereof and at public places near by, and in Portsmouth at least twenty days prior to the day of sale and by publication of the notice for two successive weeks in a Newspaper printed in Portsmouth or Norfolk Va.,

But before proceeding to make said sales, the said Commissioners will execute before the Clerk of this Court in his Office, a bond in the penalty of \$2000⁰⁰ 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 order that the said Commissioners employ a competent surveyor, and have said land in Stanwold County surveyed, and a plot made thereof before proceeding to sell the same. if in his opinion a survey will well promote or be of advantage in making the sale.

A Copy
Teste:

Peter B. Prentiss Clerk

Clerk	\$15.00	
Att. Gen.	31.50	
Shiff	1.00	
Commissioner (R.R.)	15.00	
Witness - Herman Matthews	1.60	John H. P. K.
" J. R. Matthews	1.60	
" J. H. Craven	1.60	
	\$62.30	



To the Circuit Court of Houseman
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 Casa-
bianca Johnson and wife, Plaintiffs,
and Nathaniel E. Williams and others
Defendants, a copy of which decree is
hereto attached; the undersigned, Wil-
bur J. Kilby, appointed Special Commis-
sioner for the purposes specified in said
decree, respectfully reports to Court,
that having executed before the Clerk of
said Court in his office the Bond with
security required of him as specified
in said decree, ^{he} the said Commis-
sioner proceeded to advertise and on
the 10th. day of May A.D. 1883 did ad-
vertise for sale as directed by said de-
cree and on the terms and conditions
therein named, all that tract or parcel
of land of which Ellen Hingerty died
seised and possessed described as
a parcel of land situated in Chucka-
tuck Magisterial District in said
County and containing by estimation
one hundred (100) acres, more or less and

bounded on the north by the lands of Stephen B. Wright and S. Columbus Bartlett, on the east by the lands of said Bartlett and Cornelius W. Wright and Mary E. the wife of Sylvester Oliver, on the south by the land of James T. Johnson's heirs and on the west by the land of Frances L. Dunn or John F. King, a copy of the advertisement or notice of said sale being hereto attached; that in pursuance of said decree and advertisement he, the said Commissioner, upon the terms and conditions named in said decree, proceeded to sell and on the 11th day of June A.D. 1883 (that being County Court day of said County), by public auction before the door of the Courthouse of said County, did sell the above described parcel of land to Tolmon M. L. Johnson, he being the highest bidder, for the sum of Seven hundred (700) dollars, the same being a fair and adequate price for said land; that said sale was made on the terms and conditions named in said decree and in accordance therewith, the said Tolmon M. L. Johnson paid to said Commissioner in cash the sum of \$110.²², part of

said sum of \$700.⁰⁰ (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 S. Columbus Bartlett deemed sufficient security thereto, each for the sum of \$294.⁸⁹ dated the 11th day of June A.D. 1883 and payable, one six and the other twelve months after their dates with interest from date, - which bonds are herewith returned; and that the said sum of \$110.²² 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.		\$	110	22
To 5 per cent Coms. on \$300 part of sales,	\$	15	00	
" 2 ditto on \$400. balance of sales.		8	00	
" paid Geo. D. Parker, Crier at the sale, per rect.		7	00	
" " Peter B. Prentiss, Clerk's fees "		15	00	
" " Wilbur J. Kilby, Atty's taxed fee and unit tax "		31	50	
" " John L. Fulgham, Sheriff "		1	00	
" " Robt. R. Prentiss, Court's fee "		15	00	
" " Taxes for 1882 on the land sold. "		5	17	
" " for printed notices of sale &c. "		7	75	
" " Wilbur J. Kilby fees of witnesses "		4	80	
	\$	110	22	\$110 22

(over)

Notice of said sale was posted at several public places in the neighborhood of said land and in said county and at said courthouse door 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.

The Commissioner did not have a survey and plat of said land made, as he did not think the same would promote or be of advantage in making the said sale.

Respectfully submitted

Wilbur J. Kilby, Comr.

22 June 1883

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

Wilbur J. Kilby Atty &c	\$ 31. ⁵⁰
Wilbur J. Kilby, fees of witnesses	\$ 4. ⁸⁰
Peter B. Prentiss Clerk	\$ 15. ⁰⁰
Edw J Parker. Crim.	\$ 7. ⁰⁰
J. S. Fulpham Shff	\$ 1. ⁰⁰
Robt. R. Prentiss Commr.	\$ 13. ⁰⁰

In pursuance of the decree of the Circuit
Court of Chancery and County, Va. entered
the 11th. day of October 1883 in the Cause
in Chancery in said Court defending
between Casabianca Johnson wife Plaintiffs
and Nathaniel E. Williams and others De-
fendants, the undersigned has this
10th. day of November 1883 received of
the Clerk of said Court the two Bonds of
Pollman M. C. Johnson, mentioned and de-
scribed in the above Report.

Wilbur J. Kilby, Commr.

C. Johnson & wife

vs. } In Chy.

Nathl. E. Williams & al.

Report of Sale
of land
No. 1.

1883. July 5th. Filed
etc.

At a Circuit Court continued and held for Har-
mond County, the 10th day of October, 1882.

Johnson Twiss

Plaintiffs.

Against E. In. Chesapeake

Williams ^{wife} ~~Tex~~ Cal.

Defendants.

This cause came on this day to be heard. on the Bill of the Complainants and the exhibits therewith filed and the answer of the infant defendants by their guardian ad litem and the answers of the adults defendants in their proper persons 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 or several parcels of real estate in the Bill of the Complainants mentioned and described, can be conveniently divided in kind between the several parties entitled to share therein.

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

3. And, if said parcels of real estate cannot be conveyed

nicently 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 said real estate, or its proceeds, will be promoted by a sale of the entire property, or by the allotment of part and the 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.

A copy,

Teste:

Peter B. Pentis. Clerk.

Xm

Johnson & Co

20 Co. Decree Octo: 10/82

W. P. H. L. L.

23 March

Commissioner's Office,

SUFFOLK, NANSEMOND COUNTY, VA.

27 February 1883.

To Casabianca Johnson and Martha W. his wife, and said Martha W. who sues by the said Casabianca Johnson her husband and next friend -

Plaintiffs,

and Nathaniel^E Williams and Frances E. his wife and Alfred D. Hingerty, Thomas Rice Hingerty and George W. Hingerty the last four of whom are infants under the age of twenty-one years -

Defendants.

You are hereby notified that I have fixed upon the 23rd day of March next, to take and settle, at my office, the following accounts, to-wit:

1. Whether the land or several parcels of real estate in the Bill of the Complainants mentioned and described 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 parcels of real estate 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 said real estate, or its proceeds, will be promoted by a sale of the entire property, or by the allotment of part and the sale of the residue -

required to be taken by the decree of Nansemond^{Circuit} Court, rendered on the 10th day of October 1882 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.

Robt. R. D. Mantis -
Commissioner

We acknowledge legal and sufficient service of the
within notice.

Peter B. Parter, guardian for
the within named infant, defendants

Frances E. Williams,

Nathl. E. Williams,

Lessa Bianca Johnson

Charles W. Johnson

C. Johnson wife

N.  Outsiders Notice.

Nathl. E. Williams Father,

23. March 1883.

The examination of Herman Matthews and others taken on the 23. day of March 1883, before Robert R. Prentiss, one of the Commissioners in Chancery of the Circuit Court of Nassau County, at the office of the said Commissioners, under a decree of the said Court pronounced on the 10 day of October 1882, in a suit in Chancery therein pending, between P. Johnson and wife plaintiffs, and Nathl E. Williams and others defendants, to be used as evidence before the said Commissioners, touching & certain matters referred to the said Commissioners to be inquired into, by the said Decree. -

Herman Matthews a witness being first duly sworn in answer to questions deposes and says: -

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

Ans. I was ^{years of age} 71, the 23. February last. - I reside in Portsmouth Va. I am a collector of claims. My acquaintance with the parties is very slight. -

2. Q. Are you familiar with the house and lot of which Ellen Hingerty died seized and possessed

fronting 40 feet on Fifth Street in Portsmouth Va. and located between the lots of Anthony R. Markham and John T. Simms; if so, please state whether the same can be conveniently divided between the heirs of the said Ellen Hingerty, and if not whether the interest of the said heirs will be promoted by a sale of the lot and division of the proceeds of sale, and your reasons ~~for your~~ therefor?

Ans.

I am. I have known it for several years. I have been renting it out for the past four or five years. - The lot cannot be conveniently divided in kind. The house covers about two thirds of the front of the lot, and there is only one house on the lot (the dwelling). There being five heirs I do not think it possible to divide it in kind. - If the lot should bring its value I am clearly of opinion that the interest of the heirs will be promoted by a sale and division of the proceeds. - It is very difficult to ~~get~~ rent the property. - It used to rent for \$8 per month, it now rents for \$6. - per month to a good tenant. - The property is in bad order and ~~does~~ not improve. - That is it would take a good deal to put it in first-rate order. - The heirs have no

other property in Portsmouth. - The taxes amount to \$20. or \$25. per year - I have spent very little in repairs. - Not more than \$1. or 1.50 last year was spent for repairs -

Further this Deponent saith not. -

Hermon Matthews.

Cornelius W. Wright, 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 38 years old. reside in Hansemond County. I am a farmer, I know the parties to this suit. -

2. Q. Are you familiar with the tract of 100 acres of land of which Ellen Wingate died seised and possessed in Hansemond Co. adjoining the lands of Robt Bartlett's Est., Mary E. Oliver & others; if so, state whether the same can be conveniently divided in kind between the heirs of Ellen Wingate, and if not whether the interest of the said heirs will be promoted by a sale, and division of the

proceeds thereof?

Ans.

Yes sir, I am familiar with it - I have known it all my life and pass it once a week probably. I ~~live~~^{live} not more than a mile and a half from it all my life. - It could not be divided between them to any advantage - one reason is that the wood lies all in a body, and if it were divided some of the shares would not get any timbered land, and the shares would be lessened in value. The land is cut in too by a public road. - The land cut into five parcels would not be worth much for farming purposes because the lots would be small. -

I think it would be much the best for the children, to sell and divide the money. The land has been rented out for several years and is going down in value. - I think that the money will do them more good than the land.

Further this Deponent saith not.

Correllius. W. Wright

Anthony D. Markham, another witness being first duly sworn in answer to questions deposes and says:

1. Q.

State your age, residence, occupation, and

2
Do you know the parties to this suit?

Ans. I am 13 years, 7 months and 10 days old. I reside in the City of Portsmouth, Va. I am a merchant. I do not know the parties to this suit.

2. Q. Are you familiar with the house and lot fronting 40 feet on Fifth Street in Portsmouth, between the lots of Anthony R. Markham and John T. Simms of which Ellen Singletary died seised and possessed, if so state whether the same can be conveniently divided in kind between the heirs of the said Ellen Singletary, and if not whether the interest of the said heirs will be promoted by a sale and division of the proceeds, and your reasons therefor? -

Ans. I am familiar with the said lot. I have lived on the adjoining lot for seven or eight years past. - The lot cannot be divided to any advantage between the five heirs of Ellen Singletary. The lot fronts 40 feet, and has vacant ground on each side of the house so that there is not room to build on either side of it. - I rather think considering the risk of fire, bad tenants, the cost of repairs, and taxes that the interest of the heirs will be promoted by a sale. - The property is now in very bad condition, and wants a great deal of repairing to make it habitable. Further this Dependent saith not.

Anthony R. Markham

Joseph Henry Weston 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 53 years old, I live in Portsmouth, I am a merchant, I do not know the parties to this suit. -

2. Q. Are you familiar with the house and lot fronting 40 feet on Fifth Street Portsmouth between the lots of Anthony R. Markham and John T. Simms of which Ellen Wingate died seised and possessed; if so state whether the same can be conveniently divided in kind between the heirs of Ellen Wingate and if not whether the interest of the said heirs will be promoted by a sale of the said lot and ~~and~~ a division of the proceeds of sale, and your reasons therefor? -

Ans. Yes sir. I am familiar with the lot. I have known the place for 35 years, ever since I was a boy. - I don't think that the lot can be divided in kind to any advantage, because the house is old and worn out - the house sits nearly in the

Centre of the front of the lot and leaves
no room on either side to build on.
I think that the interest of the heirs will
be promoted by a sale and Division of
the proceeds because it would take at least
five years rent to put it in repair pay taxes
&c. The weather-boarding is falling off.
The foundation is settling and the plaster-
ing is cracking.

Further this Dependent South not.

J H Overton

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

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

Ans. I am 55 years old, reside in Vansemond County,
I am a Farmer, and I am well acquainted
with the parties to this suit.

2. Q. Are you familiar with the tract of land said
to contain 100 acres in Vansemond County
adjoining the lands of Robt. Bartlett's Estate,
Mary E. Oliver and others; if so, state whether
the same can be conveniently divided in kind
between the heirs of Ellen Hingerty, and if

not whether the interests of said heirs will be promoted by a sale and division of the proceeds thereof^s.

Ans.

I am familiar with the land, have known it all my life, and have lived about one mile from it for thirty years, I own land adjoining it and pass by it every day or so.

The land cannot be divided to any advantage among the heirs. for if divided the share of each heir would be too small for farming purposes & a living at farming could not be made on it, Besides a public road runs through it and divides it, and the wood as it lies in such a shape as that, in dividing the land, each party could not be given a share of the woodland and so those who might get part of the cleared land, would have no woodland from which to get fence rails or timber for repairs. - The buildings are on one point of the land and could not be divided.

The interest of the heirs will be promoted by a sale and division of the proceeds of sale, the land is poor and the buildings are out of repair, so much so that the rent will decrease, and will not keep the place

in repair. - The place is decreasing in value every year, and the money will do the children more good than the land. It now rents for \$60. - The children have no property except this land and the house and lot in Portsmouth. - The youngest child is about sixteen years of age, and they are all anxious for the sale to be made. They are nieces and nephews of mine. -
 Thus in this deponent saith not.

Wm. S. A. Wright

I Columbus Bartlett another witness being first duly sworn in answer to questions deposes and says:

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

Ans. I am 27 years old, live in Hantsmond County, farmer by occupation, and I know the parties to this suit. -

2 Q. Are you familiar with the tract of land said to contain 100 acres in Hantsmond County adjoining the lands of Robt Bartlett's Estate, Mary E. Owen and others; if so, state whether the same can be conveniently divided in kind between the heirs of Ellen Wright, and if not whether

the interests of said heirs will be promoted by a sale and division of the proceeds thereof? -

Ans. I am familiar with it - I was raised within $\frac{3}{4}$ of a mile of it and have lived on it for seven years. - I don't think it can be conveniently divided, the tract is so small and lies in such a way that I do not see how it can be divided with justice to all parties. - I think if they sell it the money will do them more good than the land ever will. - The buildings are going down for lack of repairs. - I rent it this year and pay \$60. for it.

Further this deponent saith not.

J. C. Bortlett

Richard Deel another witness being first duly sworn in answer to questions deposes and says:

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

Ans. I am 47 years old reside in Haverwood am a farmer and I know the parties to this suit.

2. Q. Are you familiar with the tract of land said

to contain 100 acres in Vansemond County adjoining the lands of Robt Bartlett's Estate, Mary E. Olson and others; if so, state whether the same can be conveniently divided in kind between the heirs of Ellen Hingray, and if ~~so~~ not whether the interests of said heirs will be promoted by a sale and division of the proceeds thereof?

Ans. I know where it is. I have been knowing the place for several years. I live about two miles from it. I don't think it could be divided conveniently, because there would not be sufficient land to either party to build ^{on} or to cultivate to any advantage. The lots would be too small to justify it.

I think that the interests of the parties would be promoted by a sale and division of the proceeds because the money would be worth more to the parties than the land cut up into small lots. The buildings are depreciating in value for lack of repairs, and the rent will hardly more than keep the place up and pay the taxes.

Further this deponent saith not.

Richard P. Peck

State of Virginia.

County of Hansemond to wit.

I, W. B. R. 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 23 day of March 1883.

W. B. R. Prentiss, Commissioner.

Nathl. E. Williams another witness being first duly sworn in answer to questions deposes and says:

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

Ans. I am 25 years old, I reside in Hansemond am a farmer, and I know all the parties to this suit, I am one of the Defendants. -

2. Q. ~~Are~~ Will any of the parties take either of the parcels of real estate in the bill described and pay the others in money for their shares?

Ans. No sir. I and my wife will not, we want it sold and all the rest want it sold and I think it will promote the interests of all parties,

4

because both pieces of the real estate are depreciating in value, and will sell for more now than it will a few years from now. - And I do not see how it can be conveniently divided in kind between the parties. - Alfred D. Ringerty is now of age and wants the land sold, both the lot and 100 acres of land. - I have been married for two years and my wife has not received anything from the property since her marriage. - The income seems to be consumed in taxes and repairs. -

Further this Dependent saith not. -

Nathaniel E. Williams

Casabianca Johnson another witness being first duly sworn in answer to questions deposes & says.

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

Ans. I was 21 years old the 14. day of Feb'y. 1883, I live near Windsor Isle of Wight Co. Va., I am a farmer, I know the parties to this suit, I and my wife are the plaintiffs. -

2. Q. Will any of the parties take either of the parcels of real estate in the bill described, and pay the others in money for their shares? -

Ans.

Neither my wife nor myself will do so and I have heard all the rest of the parties say that they would not. We want it sold and they all want it sold. We think our interests will be promoted by a sale because we think that the property cannot be conveniently divided in kind. My wife and I have been married over four years and she has received very little income from it. For the last two years she received \$20. or \$25. The agent who has been renting it says that it takes pretty much all the rent for taxes and repairs.

Further this Dependent saith not.

Casabianca Johnson

Taken sworn to, and subscribed before me by Nathaniel E. Williams and Casabianca Johnson this 23. day of March 1883. -

Robt. A. Pentec. Commissioner.

Commissioner's Office,
Suffolk Va., 23 March 1883.

Casabianca Johnson wife

Nathl. E. Williams wife &c

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 C. Johnson wife v.
Nathl. E. Williams wife &c (a copy of
which is hereto annexed) the undersigned one
of the Commissioners of the said Court proceed-
ed 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 ack-
nowledgments in writing are herewith returned.

In order to arrive at proper conclusions your
Commissioner examined the following named
witnesses, viz, Herman Matthews, Cornelius W. Wright,

Anthony N. Markham, Joseph H. Overton, Wm S. St. Wright,
S. Columbus Bartlett, Richard Peck, Nathaniel E.
Williams and Casabianca Johnson. -

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

This testimony leads your Commissioners to
the following conclusions:

First: That the land in the bill of the Complain-
ants mentioned of which Ellen Singery died
seised and possessed cannot be conveniently
divided in kind between the several parties
entitled to share therein. - There are live heirs
of Ellen Singery decd. and the 100 acres
of land in Hansemond County, if divided
into five parcels would be of little value
for agricultural purposes. - The timbered land
lies all in a body and the land is so shaped
that some of the parcels would be left without
sufficient timber to keep ~~it~~ up fences &c. -

The house and lot in Portsmouth cannot be
~~conveniently~~ divided in kind because the lot
has only 40 feet front and the house is located
in the centre so as to leave no room for
building on either side. - It would seem to
be impossible to make a division in kind without
requiring the payment of money by way of
wells of partition. -

Secondly: Neither Nathaniel Williams & wife,
nor Casabianca Johnson & wife nor Alfred D.
Kingsley, ^{the adult parties interested,} is willing to take the entire property
and pay the others for their shares.

Thirdly: Your Commissioner is clearly of
opinion and so reports, that the interests of
those who are entitled to the said real estate
will be promoted by a sale of the entire
property and a proper division of the proceeds
of sale. The rents received are very small,
and both pieces of real estate are depreciat-
ing in value for lack of attention fencing
and repairs, and the evidence is clear that
both pieces are rapidly becoming less valua-
ble. The youngest infant is more than
sixteen years of age, and all the parties in-
terested are anxious that the property should
be sold as soon as possible.

All of which is respectfully submitted.

Robt. A. Wentis.

Commissioner in Chancery.

Fee for Notice, Depositions
and Report \$15.-x

Herman Matthews, witness	\$1.60	} Paid by W. J. Kelly atto. & due to him.
A. R. Markham	" \$1.60	
J. H. Overton	" \$1.60	

C. Johnson & wife

v. ³ ⁴ ^{Commiss}
Reports.
dated 23. Mar. 1883.

Nathl E. Williams & wife
& others.

1883. March 24th. Filed
CLK.

Basabianca Johnson wife

^{vs.}
vs. E. Williams and wife &c,

This Cause came on this day to be again heard on the papers formerly read therein and on the Report of Special ~~Gen~~ Commissioner Wilbur J. Kilby ~~being a Report of the sale~~ filed the 5th. day of July A. D. 1883 and his other Report filed the 10th. day of July A. D. 1883, both being Reports of the sale of land in pursuance of the decree entered in this cause the 13th. day of April A. D. 1883 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 the said Commissioner receive of the Clerk of this Court (who will ~~take of~~ ^{file} him and take of him and ^{file} in the papers in this Cause ~~his~~ a receipt for) the two Bonds of Pollman M. C. Johnson

with S. Columbus Bartlett security
thereto each for the sum of \$ 294.⁸⁹
filed with said Refort ~~which was~~
~~filed as aforesaid~~ on the 5th. day
of July A. D. 1883 and due and
payable as therein specified,
and also the two Bonds of Irving
C. Brinkley with H. V. B. Ellenor
security thereto each for the sum
of \$ 325.⁰⁶ filed with said Refort
~~which was filed as aforesaid~~ on
the 10th. day of July A. D. 1883 and
due and payable as therein speci-
fied, and that said Commissioner
proceed to collect said Bonds or
~~receive the sum~~ at their maturity
or receive the money therefor before
their maturity ~~if~~ and all in-
terest due thereon, if the obligors
should desire to pay the same
before their maturity and out
of the money pay first all un-
paid costs of this cause and
then pay one-fifth of the balance to
Martha W. the wife of Casabianca
Johnson, one-fifth to Frances E. the
wife of Nathaniel E. Williams, one-fifth
to Alfred D. Hugerity, ^{and} one-fifth for

Thomas Rice Hingerty and one-fifth
for George W. Hingerty, infants under
the age of twenty-one years, to their
lawfully appointed and duly qual-
ified guardian, or guardians.

And the Court doth further adjudge
order and decree that said Com-
missioner make to said Irving C.
Brinkley and Tolmon M. C. Johnson
respectively separate deeds with spe-
cial warranty in the usual form
conveying to them the real estate
purchased by them under pro-
ceedings had in this cause when
and after the above-mentioned Bonds
shall have been paid in full
and make report to Court of his
proceedings under this decree.

C. Johnson & wife

vs. } In Chy

Williams & al

Thousand County
Circuit Court

Octo 11th 1883

Decree

To be entered

Geo. B. Low

Copied

Entered Oct. 20 / page 632

Leasabianca Johnson wife

vs.

Williams wife &c.

It appearing to the Court that since the institution of this suit, Alfred D. Hingerty, one of the ~~infant~~ defendants, has attained his free age and is now over the age of twenty-one years, on the motion of Peter B. Prentiss, ~~his guardian ad litem~~, by counsel, it is ordered that the name of said Peter B. Prentiss as ^{of said Alfred D. Hingerty,} ~~said~~ guardian ad litem, be discontinued in the subsequent proceedings in this cause and that this suit be hereafter prosecuted against the said Alfred D. Hingerty as one of the adult defendants. And ~~thereupon~~, on the motion of said Alfred D. Hingerty, by counsel, leave ^{being} given him to file his answer, the same was accordingly filed this 13th day of April A. D. 1883.

And thereupon this cause came on this day to be again heard on the papers formerly read therein and on said answer with general replica-

tion thereto 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, being of the opinion that partition among the parties in interest cannot be conveniently made of the real estate mentioned and described in the bill in this ^{of which Ellen Hingerty died seized and possessed,} Cause, and that the interests of those who are entitled to the said ~~land~~ real estate or its proceeds will be promoted by a sale of the whole thereof 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~~ real estate, 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 ~~doth~~ 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 real estate~~ by public auction ~~on some county Court day before the courthouse door~~ to the highest bidder, the said real estate, which consists of the following parcels, namely:

1. a tract of land situated in Chuckatuck Magisterial District in Nausemund County, Va., containing by estimation one hundred acres, more or less, and bounded on the North by the lands of Stephen B. Wright and S. Columbus Brantlett, on the East by the lands of said Brantlett and of Cornelius W. Wright and Mary E. the wife of Sylvester Oliver, on the South by the land of James S. Johnson's estate and on the West by the land of Francis C. Donn or John F. King; and

2, a lot or parcel of land numbered 304 situated on the West side of Fifth Street in that part of the City of Portsmouth, Va., known as Newtown and fronting forty (40) feet on said Street and running back therefrom eighty (80) feet, and bounded on the North

by the lot of Anthony R. Markham, on the east by said Fifth Street, on the South by the lot of John F. Simms and on the West by the lot of said Anthony R. Markham.

And the said Commissioner will see 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 including a fee of ^{\$30.00} ~~100~~ to the attorney for the complainants and defendants, 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 real estate 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 see the above-mentioned parcel of land located in Chaussemand County, before the Court-house door of that County on some County Court day and the above-mentioned lot

located in Portsmouth, Va. on the premises
in that city, after having first given
notice ~~of~~ ^{in the case of} the sale of said land in Chan-
seland County by printed advertise-
~~ments~~ notices to be posted at several
public places in the neighborhood of
the land and in said county and at said
courthouse door for at least twenty days
prior to the day of sale and by publica-
tion of said notice, once a week for
three successive weeks in a newspaper
printed in the Town of Suffolk Va. and
after having first given notice in the
case of the sale of said lot in Ports-
mouth, Va. by like notices to be posted on
the premises at the front door thereof
and at public places near by, and
in Portsmouth, ~~and by publication of the~~
~~notice~~ at least twenty days prior to the
day of sale and by publication of the
notice for two successive weeks in a
newspaper printed in Portsmouth, ^{or Norfolk} Va.

But before proceeding to make said
sales, the said Commissioner will exe-
cute 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

Johnson wife

W. J. } In Chy.

Williams & al.

Audensmond County
Circuit Court
April Term 1883

Decree.

To be entered

Levi P. Deso.

Copied

Entered 1883 Feb 1 Page 612

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 order
that the said Commissioner employ
a competent surveyor and have said
land in Audensmond County survey-
ed and a plat made thereof before
proceeding to sell the same, if in his
opinion, a survey will promote ~~the~~ sale,
or be of advantage in making the sale,

Johnson & wife

vs.

Williams & wife & al.

This Cause came on this day to be heard on the Bill of the Complainants and the exhibits therewith filed and the answer of the infant defendants by their guardian ad litem and the answers of the adult defendants in their proper persons 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 or several parcels of real estate in the Bill of the Complainants mentioned and described, 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 parcels of real estate cannot be conveniently divided in kind and if no party will take the entire

Johnson wife
vs. } In Chy
Williams wife & co

Kanawha County
Circuit Court
Acts. 10th 1882

Decree
To be entered

Wesley L. Lott,

Entered by Order Clerk
Jno 1 page 578.

atbid

property and pay ~~to~~ the others for their shares, whether the interests of those who are entitled to said ~~proceeds~~ of real estate, or its proceeds, will be promoted by a sale of the entire property, or by the allotment of part and the 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.

C. Johnson wife

vs.

Nathl. E. Williams Ad.

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 12th. day of February 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.

Johnson Swife

vs. } In Chy.

Williams Sal.

Nauvoo County
Circuit Court

April 10 1884

Final decree

To be entered

Geo Brown,

Entered 5th Mo 1st 653

Casabianca Johnson wife &c.

Against

Nathaniel & Williams ^{wife &} &c.

The joint and several answer of
Francis & Williams (the) Henry &c.

Alfred D. Thomas &c. & George

W. Henry, infants under twenty years of age, by Peter
D. Prentiss their guardian ad litem, to the Bill of Complaint
exhibited against them in the Circuit Court of Harrison
County by Casabianca Johnson and Martha W. his
wife, and said Martha W. who sues by said Casabianca
Johnson ^{her husband} and next friend.

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 that
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. Prentiss,

Gdn. ad litem

Casabianca Johnson & wife
do to { Answer of Infants
Nathaniel E. Williams & wife
do.

Johnson and wife

vs.

Williams & wife & al.

In Chancery in the Circuit
Court of Hansemond County. Va.

The separate answer of Alfred
D. Hingerty one of the defendants to
the Bill of Complaint, exhibited
against him and others in the Cir-
cuit Court of Hansemond County
by Casabianca Johnson and wife
Complainants.

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

That on the 13th day of October
1882, since the institution of this suit,
he became twenty-one years of age, and
therefore, being able to speak now for
himself, he is prepared to say that
the facts and statements in said Bill
contained, are true and that he be-
lieves, as charged in said Bill, that
the several parcels of real estate
mentioned and described in said
Bill, cannot be conveniently divid-

ed in kind among the parties entitled thereto, and that the interests of said parties will be best promoted by a sale of said real estate and the distribution of the proceeds among the parties in interest according to their respective rights, and that he is not, nor, to his certain knowledge, is any one of the parties interested, willing to accept said real estate, or any part of it, and pay the other parties for their interests therein, and that so far as this defendant is concerned he is not only willing, but desires that said real estate shall be sold and the proceeds distributed as aforesaid, and that in so far as he can speak for his brothers, Thos. R. and Geo. W. Hingerty, he says that they are also willing and desire to have said real estate sold and the proceeds distributed as aforesaid.

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

Alfred D. Hingerty

State of Virginia }
Kaufermond County } to wit:

This day personally appeared before me Wilbur J. Kilby, a Notary Public in and for said County in said State of Virginia, Alfred D. Hingerty, whose name is signed to the above answer 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
9th. day of April A. D. 1883.

Wilbur J. Kilby
Notary Public

Johnson wife

vs. } In Chy.

Williams wife &c.

Answer of
Alfred D. Hingerty

Johnson & wife

vs.

Williams & wife & al.

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

The joint and several answer of
Nathaniel E. Williams and Frances
E. his wife, two of the defendants to
the Bill of Complaint exhibited
against them and others in the
Circuit Court of Hansemond County
by Casabianca Johnson and wife
Complainants,

These defendants reserving
to themselves all right of exception to
the said Bill of Complaint for an-
swer 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 several
parcels of real estate mentioned and
described in said Bill, cannot be
conveniently divided in kind among
the parties entitled thereto and that
the interests of said parties will be
promoted best by a sale of said real

xxx and that these defendants are not,
nor to their certain knowledge, is any
one of the parties interested, willing to ac-
cept said real estate, or any part of
it and pay the other parties for their
interests therein.

estate and the distribution of the pro-
ceeds among the parties in interest
according to their respective rights
and that so far as these defend-
ants are concerned they are not
only willing, but desire that said
real estate should be sold and
the proceeds distributed as aforesaid.
xxx And now having fully answered
the Bice of the Complainants, these
respondents pray hence to be dis-
missed with their reasonable costs
in this behalf expended and they
will ever pray &c.

Nathaniel E. Williams
Frances E. Williams

State of Virginia }
Hansemond County } to wit

This day personally appeared before me, Wilbur
J. Kilby, a Notary Public in and for the county aforesaid,
Nathaniel E. Williams and Frances E. his wife and
severally made oath that the statements made in
the foregoing answer, so far as made of their own
knowledge, are true and so far as made upon knowl-
edge 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

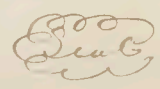
Johnson & wife

vs. } In. Chy

Williams & wife & al.

Answer of
Nathl. E. Williams
and wife

Know all men by these presents, that I, Alfred
Hingerty, of Chuckatuck Township, Hanover
County, Virginia, in consideration of the natural
love and affection, which I have for the heirs of
Ellen Hingerty, have (Reserving to myself the right
to dispose of it I think proper to do so, during
and do by these presents give, grant and convey
my life) given, granted and conveyed with general
warranty unto the heirs of the said Ellen Hingerty
and their heirs and assigns forever, all that tract
or parcel of land conveyed by Deed to me from
Peter B. Paints, who sold under and order of
Court the lands of James Oliver deceased, dated
the 14th day of November, 1870, situated in Chuck-
atuck Township, and County aforesaid, containing
One hundred acres, more or less, and bounded as
follows: On the East by the lands of Robert
Bartlett's Estate and Sylvester Oliver, On the
James P. Johnson; on the West by the lands of
South by the land of Francis C. Down — and
Bartlett's Estate, and on the North by the other lands
of said James Oliver's Estate, And the said Alfred
Hingerty do hereby covenant that I have the
right to convey the said land to the grantees;
that I have done no act to encumber the same;
that the grantees shall have quiet possession of
said land, free from all encumbrances, and that I
will execute any further assurance as may be required
Witness the following signature and seal. ~~This~~

A Hingerty. 

In the Clerk's Office of Nassau County Court, ^{Nov.}
30th ~~day of November~~ 1871.

This Deed was presented and acknowledged, and there-
upon admitted to record, (the requisite ~~not~~ ~~for~~ stamp
~~of \$2.00~~ being affixed and canceled.

Teste

Willis E. Cochran Clerk

A copy

Teste

Peter B. Prentiss. Clerk

Alfred Hingerty ^{X100}
to { Chy Bond
Ellen Hingerty's heirs

"Exhibit B"

This Deed made this 1st day of February 1866, between John K. Cooke and Fanny B. his wife of the first part and Ellen Hingerty of the second part, Witnesseth, that for and in consideration of the sum of Six hundred and fifty dollars paid by the said party of the second part to the said parties of the first part, the receipt of which is hereby acknowledged, the said Cooke and wife, have sold to the said Ellen Hingerty, the house and lot in that part of Portsmouth known as Newtown situated on Third Street adjoining the lot sold by M. Cooke to - Guy, and bounded as follows. Beginning 41 feet from the South West intersection of Henry & 5th Streets, running thence West 80 feet, thence South 40 feet, thence East 80 feet, thence North 40 feet to the beginning: And that the said Cooke and wife do covenant to and with the said Ellen Hingerty that they will warrant specially the title the said lot.

Witness the following Signatures and Seals

J. K. Cooke {Seal}
F. B. Cooke {Seal}

City of Portsmouth, to wit:

I, John Nash a Justice in and for the city aforesaid do certify that Fanny B., the wife of John K. Cooke whose names are signed to the writing above bearing date February 1st

1866, personally appeared before me in the city
aforesaid and being examined by me privily and
apart from her husband and having the writing
aforesaid fully explained to her she the said Fanny
B., acknowledged the said writing to be her act
and declared that she had willingly executed the
same and does not wish to retract it.

Given under my hand this 1st day of February 1866.

John Nash. J.P.

In the Clerk's office of the Court of Hastings for
the city of Portsmouth the 6th day of February
1866. This deed was acknowledged by John K.
Cooke a party thereto and together with the
certificate annexed of the privy examination
of the same event, admitted to record.

Teste. Dempsey Nash,
C.C.

a copy. Teste:

L. J. Phillips, C.C.

by A. W. Hawley, D.C.

John K. Cooke
et al. } Copy sent
to }

Ellen Wingerty

"Exhibit A"
filed with the Bill
Johnson & wife
vs.
Williams & al.

Fee, including postage, 50¢

To the Hon. George Blow, Circuit Court
Judge in and for the County of Cause-
mound, in the State of Virginia:

Complaining respectfully represent
and show unto Your Honor, Your Com-
plainants, Casabianca Johnson and
Martha W. his wife and said Martha W.
who sues by said Casabianca Johnson, her
husband and next friend,

That Ellen Hingerty, the mother of
your Complainant, said Martha W. Johnson
was in her (the said Ellen's) lifetime
seised and possessed of a certain lot
or parcel of land known as lot No. 304,
situated on the West side of 5th. Street
in that part of the City of Portsmouth, Va.
known as Newtown and fronting forty
(40) feet on said Street and running
back therefrom Eighty (80) feet, and
bounded on the North by the lot of Anthony
R. Markham, on the East by said fifth
Street, on the South by the lot of John F.
Simms and on the West by the lot of said
Anthony R. Markham, and having upon
it a dwelling house of two stories upon
a brick basement, and being the same
lot which by deed dated the first
day of February 1866 and recorded the

6th day of February 1866 in the Clerk's office of the Hastings Court for said City of Portsmouth, was conveyed for the sum of \$650.⁰⁰ by John K. Cooke and wife unto said Ellen Hingerty, as will appear by a duly certified copy of said deed filed herewith as part of this Bill and marked "Exhibit A"

That being so seised and possessed of said lot of land as aforesaid, she, the said Ellen Hingerty in the year 1871 or 1872, departed this life, intestate, leaving her husband, Alfred Hingerty surviving her, and the following children and heirs at law, namely: Martha W. wife of said Casabianca Johnson and one of your Complainants, and Frances E. the wife of Nathaniel E. Williams (to whom she has been married since the death of said Ellen), and Alfred D. Hingerty, Thomas Rice Hingerty and George W. Hingerty, the last three named being now as well as said Frances E. under the age of twenty one years

That since the death of said Ellen but prior to the 13th day of September 1875 (on which day John L. Fulgham qualified as his administrator,) the said

Alfred Hingerty, late husband of said Ellen, departed this life intestate.

That by deed without date, but recorded the 30th. day of November 1871 in the Clerk's office of the County Court of Hanseman County, Virginia (a duly certified copy of which is herewith filed as part of this ~~deed~~ Bill and marked "Exhibit B"), the said Alfred Hingerty did grant and convey unto ^{the} said heirs of said Ellen Hingerty (and they are now seised and possessed of) a certain tract of land situated in Chuckatuck Magisterial District in said County and containing one hundred (100) acres, more or less and bounded on the North by the land of Stephen B. Wright (which formerly belonged to James Oliver and was sold to Exum B. Britt by Peter B. Prentiss Esq. and by said Britt to said Wright), on the East by the land of Robert Bartlett's estate or his heirs and the land of Mary E. the wife of Sylvester Oliver, on the South by the land of James P. Johnson's estate or his heirs, and on the West by the land of Francis C. Donn or John P. King, and the land of said Bartlett's estate or heirs, and being

all that part of James Oliver's lands which was sold and conveyed by Peter B. Prentiss Comr. to said Alfred Hingerty by deed dated the 12th. day of September 1871, for the sum of \$695⁰⁰ — the assessed value of said land being \$600.

And your Complainants further say that whilst said heirs of said Ellen Hingerty are seised and possessed of said lot and said parcel of land as aforesaid, yet they do ^{not} occupy or live upon either said lot or parcel of land, nor do they or any one of them expect to use or occupy the same.

And your Complainants further say that said lot in said City of Portsmouth, Va. and said parcel of land in said County are liable and subject to partition in one or another of the several modes prescribed by law amongst said heirs above-named who are entitled thereto, but that they believe and so charge that said lot and parcel of land are not susceptible of partition conveniently in any one of said modes and that the interests of said heirs will be promoted by a sale thereof and the distribution of the proceeds of the sale among said heirs according to their respective rights.

And your Complainants further say that they desire to have the said lot and parcel of land sold, if they be ^{not}, as your Complainants believe them not to be, susceptible of partition conveniently among said heirs, and to have the proceeds of the sale divided among said heirs according to their respective rights.

In consideration whereof, your Complainants, being without remedy save in a Court of Equity, pray that the said Nathaniel Williams and Frances E. his wife and Alfred D. Hingerty, Thomas Rice Hingerty and George W. Hingerty, may be made parties defendant to this Bill and be required to answer on oath all the allegations herein 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 said lot and parcel of land may be partitioned or divided among said heirs according to their rights respectively, if said partition can be conveniently made in kind, But, if said partition cannot be conveniently made in kind, as your Complainants say it cannot, then, your Complainants further

pray that said lot and parcel of land
may be sold and the proceeds of the
sale divided among the parties entitled
thereto; and that such other and general
relief may be granted Your Complain-
ants as the nature of their case may
require or to Equity shall seem meet.
And as in duty bound Your Complain-
ants will ever pray &c.

Wilbur J. Kilby
h. v.

24th. August 1882

Johnson & wife

vs. } In Chy

Williams & wife & al.

Bill

Casabianca Johnson & up: de

^{AS}
to J. C. L. Notes

Nathaniel E. Williams Lef: dal.

1882. Aug: 24th: Sum: in Chy: moved to Sept: Rules, 1882

" Sept: 7th: Bill de filed - Decree nisi vs deft: Nathl E Williams

" " " Peter B. Prentiss, apptd ad litem to infants, who filed their

ans: to which there was a genl: repl: & cause set for hearing as

to them, on Dec: of Plffs' Counsel. Nathl E. Williams & wife filed, genl: repl: in answer of the Defts.

" Octo: 2nd: ~~Bill de filed~~ & cause set for hearing

" " 10th Decree of reference to a com for inquiries

1883, March 24th: Report of Comm: filed

" Apl: 13th Decree for sale.

" May 21st: Comm's Board executed filed

" July 5th Report of sale of land filed (No: 1)

" " 10th Do. Do. Do: Do: (No: 2)

" " 10th Do. Do. Do: Do: (No: 2)

1884. Feb: 12th: Report of Collections & Distribution filed.

" Apl: 10th Final Decree

Chy: Notes

LAND

IN CHUCKATUCK DISTRICT, NEAR SUFFOLK,

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 Casabianca Johnson and wife, plaintiffs, and Nathaniel E. Williams 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 11th, 1883,

before the Courthouse door in Suffolk, Va., all that certain tract of land of which Ellen Hingerty died seised and possessed, situated in Chuckatuck Magisterial district, in said county, and containing, by estimation,

100 ACRES,

more or less, and bounded on the north by the lands of Stephen B. Wright and S. Columbus Bartlett; on the east by the lands of said Bartlett and Cornelius W. Wright, and Mary E., the wife of Sylvester Oliver; on the south by the land of James T. Johnson's heirs, and on the west by the land of Francis C. Donn or John F. King.

The land is about three miles from Suffolk, consists of about one-half cleared and one-half wood land, and has on it a considerable quantity of pine timber suitable for wood and truck boxes. The dwelling-house and other houses are only medium in quality and condition.

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 the Court.

WILBUR J. KILBY, Commissioner.

GEO. T. PARKER, CRIER.

10 May, 1883.

Sold to J. M. Johnson 700.00

DESIRABLE LOT

AND

RESIDENCE,

On 5th St., in Newtown, Portsmouth, Va.

For Sale by Public Auction.

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 Casabianca Johnson and wife, plaintiffs and Nathaniel E. Williams and wife, and others, defendants, the undersigned appointed Special Commissioner for that purpose will offer for sale by Public Auction, to the highest bidder before the door of the Courthouse in Portsmouth City, Va.

On Saturday, June 30th, at 12 o'clock, m.

all that certain lot or parcel of land of which Ellen Hingerty died, seised and possessed, numbered 304 and situated on the west side of Fifth Street in that part of the city of Portsmouth, Va., known as Newtown and bounded on the north by the lot of Anthony R. Markham, on the east by said Fifth Street, on the South by the lot John F. Simms and on the west by the lot of said Markham.

The lot fronts 40 feet on said Fifth street and runs back therefrom 80 feet and has on it a two story frame dwelling with high brick basement above ground and seven rooms. The property is in fair condition and is desirable for an investment. It is occupied by a tenant, but possession will be given at once.

TERMS OF SALE.

A sufficient part of the purchase money to pay the expense of sale and cost 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 day of sale.

The title will be retained until further order of court.

Persons desiring to purchase are requested if practicable to visit and inspect the premises before the day of sale and for further particulars to address the undersigned.

WILBUR J. KILBY, Commissioner,

June 6th, 1883

SUFFOLK, VA.

DESIRABLE LOT

AND

RESIDENCE,

On 5th St., in Newtown, Portsmouth, Va.

For Sale by Public Auction.

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 Casabianca Johnson and wife, plaintiffs and Nathaniel E. Williams and wife, and others, defendants, the undersigned appointed Special Commissioner for that purpose will offer for sale by Public Auction, to the highest bidder before the door of the Courthouse in Portsmouth City, Va.

On Saturday, June 30th, at 12 o'clock, m.

all that certain lot or parcel of land of which Ellen Hingerty died, seised and possessed, numbered 304 and situated on the west side of Fifth Street in that part of the city of Portsmouth, Va., known as Newtown and bounded on the north by the lot of Anthony R. Markham, on the east by said Fifth Street, on the South by the lot John F. Simms and on the west by the lot of said Markham.

The lot fronts 40 feet on said Fifth street and runs back therefrom 80 feet and has on it a two story frame dwelling with high brick basement above ground and seven rooms. The property is in fair condition and is desirable for an investment. It is occupied by a tenant, but possession will be given at once.

TERMS OF SALE.

A sufficient part of the purchase money to pay the expense of sale and cost 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 day of sale.

The title will be retained until further order of court.

Persons desiring to purchase are requested if practicable to visit and inspect the premises before the day of sale and for further particulars to address the undersigned.

WILBUR J. KILBY, Commissioner,

June 6th, 1883

SUFFOLK, VA.

LAND

IN CHUCKATUCK DISTRICT, NEAR SUFFOLK,

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 Casabianca Johnson and wife, plaintiffs, and Nathaniel E. Williams 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 11th, 1883,

before the Courthouse door in Suffolk, Va., all that certain tract of land of which Ellen Hingerty died seised and possessed, situated in Chuckatuck Magisterial district, in said county, and containing, by estimation,

100 ACRES,

more or less, and bounded on the north by the lands of Stephen B. Wright and S. Columbus Bartlett; on the east by the lands of said Bartlett and Cornelius W. Wright, and Mary E., the wife of Sylvester Oliver; on the south by the land of James T. Johnson's heirs, and on the west by the land of Francis C. Donn or John F. King.

The land is about three miles from Suffolk, consists of about one-half cleared and one-half wood land, and has on it a considerable quantity of pine timber suitable for wood and truck boxes. The dwelling-house and other houses are only medium in quality and condition.

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 the Court.

WILBUR J. KILBY, Commissioner.

GEO. T. PARKER, CRIER.

10 May, 1883.