1886-012
Nansemond Co. (Suffolk) Chancery Causes: John J. Kirk vs Willie Minton & wife et al

Harrison, Cowling, Pinner

E. E. Holland pr

Chancery Papers

J. J. Kirk

against

Willie Minter & wife
et al:

1886
October Term
Final Decree.

Nansemond Cir: Ct:

Costs
Clk. $12.00
Atty 15.00
Mil tax 1.50
Sheff. 1.00
$29.50

J. J. Kirk

vs

E Chy: Notes

Willie Morton and Lizzie his wife & Als

1885 Feby: 9th: Summ in Chy: issd to March Rules, 1885.

" March 2nd: Bill & exhibit filed. Decree Nisi vs adult defts.

" " " Peter B. Proctor appointed guardian ad litem to infant who filed his answer to which there was a general replication & Cause set for hearing in term.

" April 6th: Decree nisi confirmed & cause set for hearing

" " 28th: Decree to reassign Decree for Division

" Octr: 15th Decree for Sale &c

1886 March 5th: Report of Sale, filed

" April 12th: Decree to Clerk, make deed &c

" May 3rd: Report & Commissioners Deed &c

Chy: Notes

At a Special Term of the Circuit Court continued and held for Nansemond County the 28th day of April 1885.

J. J. Kirk — Plaintiff

against } In Chancery

Willie Minton & wife & al. — Defendants

This cause came on this day to be heard on the bill taken for confessed as to adult defendants, the answer of infant defendant by Peter B. Prentis her guardian ad litem and of said guardian ad litem, with replications and exhibits filed and was argued by Counsel, on consideration whereof the Court doth order adjudge and decree that C. T. Minton, H. T. Phillips, Jno. J. Bunting, John Hurst and J. H. Underwood, who are hereby appointed Commissioners for the purpose, any three or more of whom, being first duly sworn, do go upon the land in the proceedings mentioned, of which the said John H. Harrison, decd was seized of an estate of inheritance during his marriage

with the said Lizzie Minton, and assign and allot to the said Lizzie Minton late widow of said Jno. H. Harrison dec'd, by metes and bounds, having regard to quality and quantity, one equal third part in value of the said land, as her dower therein - and that the said Commissioners, or any three of them, being first duly sworn, do proceed to lay off and divide the residue of said real estate of which said Jno. H. Harrison died seized and possessed, in the bill mentioned, into two equal parts, having regard to quality and quantity, and assign one of said parts to Strangie Harrison, and the other to Jno. J. Kirk

But if the said Commissioners shall find it impracticable to divide said land among the aforesaid parties, or should be of opinion that the interest of said parties would be more promoted by a sale of the same, in such case they are required to report the facts upon which their opinion is based, to the Court and what, in their opinion, is the fee simple value of all of the land of which Jno. H. Harrison, dec'd died seized and possessed, and in

either case they are required to report to Court their proceedings under this decree.

A Copy

Test,

Peter B. Dantis Clerk.

J. J. Kirk
against
McCoy

Millie Minton et ux
et als

a copy of decree

Special term
April 28th 1885.

Nansemond County (to wit) ap-20th/85

In obedience to the order hereunto attached we the undersigned Commissioners being first duly sworne did on the above day and date Examine and View the Land mentioned in the order hereunto attached and in our opinion it is impracticable if not impospible to make an Equitable Division of the said Land because of its peculiar situation and condition and in our opinion the Interest of all parties concerned will be promoted by a sale of the whole together, and that six hundred dollars is a fair cash Value of the Land

Commissioners

C. T. Clinton

J. H. Underwood

John H. Ward

Comm's Report
Kirk Land

Filed Sept 21st 1885
CK

Kirk
vs
Hunter et al. } In Chancery

This cause came on this day to be again heard, on the papers formerly read, and the report of sale, made by Comr E. E. Holland, in obedience to a decree in this cause, of the tract of land in the bill and proceedings mentioned, to which report there is no Exception and was argued by Counsel: On Consideration whereof the Court doth approve and confirm said report and said sale, and doth order, adjudge and decree that when and as soon as C. P. Hunter shall have paid in full to said Comr E. E. Holland, the bonds given for the credit instalments of his purchase, that the said Comr E. E. Holland shall convey unto him by good and sufficient deed with special warranty, the tract of land in the bill and proceedings mentioned. And the Court doth further order, adjudge and decree that the papers in this cause be returned to one of the Commissioners of this Court, who is directed to ascertain and report to Court, the amount of the purchase money, which computed according to the tables for such cases made and provided, the said Lizzie Hunter is entitled to receive, as her widow of Jno W. Harrison Sr. in lieu of her dower in the lands of her said late husband. And the said Commissioner E. E. Holland is directed to collect the bonds given for the credit instalments, and when said bonds are paid in full, the Court doth order, adjudge and decree that the said Comr E. E. Holland, after paying the costs of this suit, do pay unto Lizzie Hunter late widow as aforesaid the amount of the purchase money to which she is found to be entitled by the report of said Commissioner to whom the papers in this

cause is referred for such report if no Exception is filed thereto, and as to the residue, then remaining in his hands the said Comr E. E. Hall and Shaw pay one half thereof to J. J. Kinston and the other one half to the legally qualified Guardian of Stanzie Harrison, taking from said parties their receipts for the amounts paid and filing them in the papers in this cause -

And the said Comr E. E. Hall and is directed to report his proceedings hereunder to Court

Clerk
E. E. Chaney
Winston N.C.

Copied Jan. 18 86
Dawes Ste Entered -

Geo. T. Sloan
Dep. Clk

Recorded Order Book
No 2 Page 67

Min K

vs

Willie Minton & wife & als

This cause came on again this day to be heard on the papers formerly read, and on the report of C. F. Minton, Jno. Hirst and J. H. Underwood, three of the Commissioners appointed by the decree entered herein on the 2nd day of April A.D. 1885, to which report there is no exception, and was argued by Counsel. On consideration whereof the Court doth approve and confirm said report and the several parties hereto assenting to the commutation of the dower of Lizzie Minton, the wife of Willie Minton, in the real estate of her late husband Jno. H. Ransom in the proceedings mentioned, and that she shall receive in lieu of such dower so much of the proceeds of sale of such real estate as shall be a just compensation therefor to be ascertained and reported by a Commissioner of this Court, doth further order adjudge and decree that E. E. Hall and, who is hereby appointed a Commissioner for the purpose, do proceed, after having advertised the time, place and terms of sale by posting notices thereof at three or more public places in the County, and also

posting notice thereof at the door of the Court house of Nansemond County, on some Court day previous to day of sale, to sell the real Estate, exempt from dower, in the bill and proceedings mentioned, of which Jno. H. Harrison died seized and possessed, consisting of a tract of land at Everetts Bridge in Nansemond County, Virginia, containing 15 acres, more or less, and bounded on the East and North by Nansemond River on a creek thereof; on the South by the lands of Thomas Saunders and on the West by the Cutland Tract and being on both sides of the County road leading from Suffolk to Chuckatuck, at public auction, in front of the Court house of Nansemond County, on some Court day, upon the following terms, to-wit: One half Cash, and the residue in two equal instalments, payable respectively at three and six months from day of sale, the credit instalments to be on interest from the day of sale; taking from the purchaser bonds with good personal security for the deferred payments and the title to be retained until the further order of the Court. And the said Commissioner is directed to deposit the Cash instalment deducting therefrom the Expenses of sale, including his Commissions, in the Farmers Bank of Nansemond to the credit of the Court.

of this Suit, and to report his proceedings hereunder to Court, returning therewith a Certificate of such deposit and the bonds given for the Credit instalments. But the said Commissioner E. E. Holland, shall receive no money under this decree until he shall Enter into bond with Sufficient security in the Clerks office of this Court, payable to the Commonwealth of Virginia, in the penalty of $1000.00 and Conditioned for the faithful discharge of his duties hereunder, or under any other decree in this Cause hereafter rendered.

Ky. No
Dec
Mutual Friends
Oct. 15th
Dec. Term 1865
Pa. Circuit

Geo. Burnett,

Indict. 1073 Ins. & fr. 61

(Copies)

Wm. Cassatt Witness

Minnie Briggs
P.D

E. E. Holland
Esq.

J. J. Kirk -

vs

Lizzie Hunter & Lizzie, his wife & also Strangie Harris an infant under 21 years of age -

This cause come on this day to be heard on the bill taken for confessed as to absent defendants, the answer of infant defendant by Peter B. Prentis their Guardian ad litem and of said Guardian ad litem, with exhibits filed and was argued by Counsel: On Consideration whereof the Court doth order adjudge and decree that E. T. Hunter, H. T. Phillips, Jno. J. Bunting, & John Hurst and W. J. Underwood, who are hereby appointed Commissioners for the purpose, any three or more of whom, being first duly sworn, do go upon the land in the proceedings mentioned, of which the said Jno. W. Harris, died was seized of an estate of inheritance during his marriage with the said Lizzie Hunter, and assign and allot to the said Lizzie Hunter, late the widow of said Jno W. Harris, so died, by metes and bounds, having regard to quality & quantity and equal third part in value of the said land, as her dower therein and that the said Commissioners, or any three of them, being first duly sworn, do proceed to lay off and divide the

remains of said real estate of which
said Jno. H. Harrison died seized and possess-
ed, in the bill mentioned, and assign
& into two equal parts, having regard to
quality and quantity, and assignment of
said parts to Strangie Harrison, and the
other to Jno. J. Kirk.
But if the said Commissioners should find
it impracticable to divide said land among
the aforesaid parties, or should be of op-
inion that the interests of said parties
would be more promoted by a sale
of the same, in such case they are re-
quired to report the facts upon which
their opinion is based, to the Court and
what, in their opinion, is the fee sim-
ple value of all of the land of which
Jno. H. Harrison died seized and possessed.
And in either case they are required to
report to Court their proceedings in
the premises.

Decree

To be entered
April 20th 1885
Geo Blow, J.

Let Consent to this
Decree —
E. E. Ballard for
Minnie Biggs - P.Q.
Entered 113 Decree Book 31

The depositions of Jno. M. Cowling and others, taken before me. E. E. Holland, a Notary Public, in and for the County in the State aforesaid on the 12th day of October 1885 in a certain cause depending in the Circuit Court of Nansemond in which Jno. J. Mott is plaintiff and Minton Tabb defendants -

Jno - M Cowling, being duly sworn deposes and says as follows -

1st Q - What is your age, residence and occupation and do you know the parties to this suit?
Ans - 76 years old, resid in Nansemond County, am a farmer, and do know the parties to this suit -

2d Q - Do you know anything about the situation of the land, in the suit described between these parties,
I do - I once owned a part of it

3d Q - How is it situated?
It is situated on Everetts Bridge Creek, where there is a wharf on it, and consists of five acres of high land, and 10 acres of boggy and marsh land.

4th Q - Can it be well partitioned among three parties?
It cannot ~~be~~

5th Q - Why? Ans. Because there is only five acres of high land, and there is on this a steep hill which renders it practically worthless, and the 10 acres of marsh land is also practically worthless. There is

a wharf on the land which alone makes it valuable, [redacted] to be divided & if to give this wharf to any of the parties or any two would be to give them all which is of any value.

Signed—

Jn. M. Cowling

H. P. Pinner being duly sworn deposes
Says as follows.

1st Q What is your age, residence, occupation
& how are you connected with this suit
Ans 34 years old, I reside in Hannibal
County and am a livery merchant, and I am
parties to this suit

2nd Q Are you acquainted with the land of
which Jno W Harrison & Jno Segar and possessed
at Everetts Budd & Co?
I am, there are about 10 or 15 acres
of ich-

3rd Q Can it be divided into three equal parts?
No.

4th Q Why?
Because ich is practically worthless except
for the wh of thob is on ich, ~~and to divide this~~
and this could not well be divided.

H. P. Pinner

Kirk vs Mentor adls

This cause came on this day to be again heard on the papers formerly read, and on the report of distribution made by the Comr E. E. Holland, to which report there is no exception and was arguedly Counsel: On Consideration whereof the Court doth approve and confirm said report, and there being nothing further to dispose of in this suit, doth order and decree that it be struck from the docket.

Mark v Hunter vol 4

Final Decree

Oct 11th

Oct Term 1886

To be entered

Geo D Reed

Judge

Entered Oct 13th 1886 J. P. 96

Final

The Answer of Stronjoe Hanneson, an infant, under the age of twenty-one years by Peter B. Peeples, her guardian ad litem to a Bill of Complaint in the Circuit Court of Hanneman County against her and others, by J. J. Kirk.

This Respondent says that being an infant and ignorant of her rights in the premises she cannot admit any of the allegations stated in the Bill. She therefore submits her interests to the Court and prays that no order or decree may be made in the premises inconsistent with her rights.

(Signed)

Peter B. Peeples, Guardian ad litem

J. J. Kirk

Against } In Chy.

Willie Mundar & wife &al

Answer of Infant

The answer of Lizzie Minton, late the widow of J.H. Harrison sr. one of the defendants to a bill of complaint filed against her in the Circuit Court of the county of Nansemond by J.J. Kirk Complainant. The respondent reserving to herself the benefit of all such exceptions to the said bill, for answer thereto, or to so much thereof as she is advised that it is material she should answer, answers and says: That it is that J.H. Harrison sr. was in his lifetime seized and possessed of a certain tract of land, lying and being in Nansemond County Virginia, to wit: a certain tract of land at Everetts Bridge in said county and State containing acres more or less and bounded on the East and North by Nansemond River or a creek thereof and adjoining the lands of Thomas Saunders and others and being on both sides of the county road leading from Suffolk to Chuckatuck and being so seized and possessed of the said real Estate sometime during the year 188 departed this life intestate leaving a widow Lizzie Minton who has since said Harrison's death married Willie Minton, John H. Harrison Jr. and Shangai Harrison his only children and heirs at Law

It is also true that Shangie Harrison is an infant under the age of 21 yrs. that the said J. H. Harrison Jr. has disposed of all his right, title and interest in said real estate of which his father died seized and possessed to the complainant J. J. Kirk. It is not true that that the said real estate is susceptible of partition among the parties entitled thereto. your respondent is desirous that the said real estate be sold, her dower commuted that the court shall give her in money, which the law in such cases provides, Having fully answered the complainants bill she prays to be hence dismissed with her reasonable costs by her in this behalf expended, and she will ever pray &c.

Lizzie Minton

Minnie Briggs
N. P.

State of Virginia
County of Nansemond to wit;

This day personally appeared before me Minnie Briggs a Notary Public for the county and State aforesaid Lizzie Minton whose answer is above written, and made oath to the statements contained in the

Said answer, so far as made of his own knowledge are true, and so far as made from knowledge, or information derived from others, they are believed to be true

Sworn and to my hand this 7th day of April 1885

Merritt Briggs
Notary Public

Aubrey

This Deed,

made the 16th: day of December in the year of our Lord one thousand eight hundred and eighty-four, between Jno: H. Harrison and Victoria his wife of the County of Nansemond, in the State of Virginia, of the one part, and Jno: J. Kirk of the County of Nansemond, State of Virginia of the other part, Witnesseth: That in consideration of the sum of One hundred and seventy five dollars the said Jno: H. Harrison and Victoria his wife do grant with general warranty, unto the said Jno: J. Kirk and to his heirs and assigns, forever, the following real estate, to-wit: all their right, title and interest of whatsoever Kind or Character in all that certain piece or parcel of land, lying and being in Nansemond County, Virginia, at Everett's Bridge, in said County, and bounded as follows, to wit: on the East by the Creek or river: on the West by the Outland tract: on the South side by the lands of Thomas Saunders; and on the North by the Creek: the County road dividing the said tract in two pieces; and being the same land which was purchased by Jno: H. Harrison, Sr: from J. E. Outland and Outlaw Freeman by Deed duly recorded in Nansemond County Deed Book No. 4, page 287, and from J. J. Howell by Deed duly recorded in Clerk's Office, Deed Book No. 4, page 324; a fuller description of which said tract can be had by reference to said Deeds, and being the land, or interest in which the said Jno: H. Harrison inherited from his father Jno: H. Harrison, Sr- it is intended that this Deed shall embrace every right title and interest of said Harrison & wife, in said land.

together with all and singular the appurtenances belonging to the same.

And the said Jno. H. Harrison ~~~ covenants that he has the right to convey the said land to the said grantee; that the said grantee shall have quiet possession of the said land; that he has done no act to encumber the said land; and that he will execute such further assurances of the said land as may be requisite.

Witness the following signatures and seals.

John H. Harrison [SEAL.]

Witnesses:

her
Victoria X Harrison [SEAL.]
mark

State of Virginia,
County of Nansemond, To wit:

I, E. E. Holland, a Notary Public in and for the county aforesaid in the State of Virginia, do certify that Victoria Harrison, the wife of Jno. H. Harrison, ~~~ whose names are signed to the writing above, bearing date the 16 day of Dec. 1884, personally appeared before me in the county aforesaid, and being duly examined by me privily and apart from her husband, and having the writing aforesaid fully explained to her, she, the said Victoria Harrison 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 29 day of Dec ~~~ eighteen hundred and eighty-four.

E. E. Holland
N. P.

Virginia,
County of Nansemond, To wit:

I, E. E. Holland, a Notary Public ~~~ in and for the said county, in the State of Virginia, do certify that Jno. H. Harrison, ~~~ whose name is signed to the writing above bearing date the 16 ~~~ day of December 1884, has acknowledged the same before me in the county aforesaid.

Given under my hand this 16 ~~ day of Dec ~~ 1884

E. E. Holland
N. P.

In the Clerk's Office of Nansemond County Court, the 31st day of December, 1884.

This Deed was presented with the certificates annexed, and admitted to record.

Teste: Peter B. Prentis.

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

Deed

(Copy)

Deed of Bargain and Sale.

Jno. H. Harrison & wife

TO

Jno J. Kirk

Exhibit
("A")

To Hon Geo. Blow, Judge of the Circuit Court of Nansemond County.

J. J. Kirk
vs Willie Minton and Lizzie, his wife
and ~~Grace~~ Strange Harrison an infant under the
age of twenty one years.

Your Complainant, J. J. Kirk, respectfully represents and shews unto your Honor that ~~some time during the 188~~ J. H. Harrison
Sr was in his lifetime seized and possessed of a certain tract of land lying and being in Nansemond County, Virginia, to wit: A certain tract of land at Everetts bridge, in said County in said state, containing acres more or less and bounded on the East and North by the Nansemond river or a creek thereof, and adjoining the lands of Thomas Saunders (dec'd) and others and being on both sides of the County road leading from Suffolk to Chuckatuck, and being so seized and possessed of the said real estate some time during the year 188 departed this life, intestate, leaving a widow, Lizzie Minton, who has since Harrisons death married Willie Minton, and Jno H. Harrison Jr and Grace Strange Harrison, his only children and heirs at law. The said Gracie Harrison is an infant under the age of twenty one years. The said Jno.

N. Harrison Jr. has disposed of all his right, title and interest in said real estate of which his father died seized and possessed, to your complainant as will appear by deed herewith filed as a part of this bill and marked Exhibit "A."
And your complainant further states that the said real estate is, as he believes, incapable of partition among the heirs entitled thereto, but if it be not, then your complainant desires the same to be sold, and the proceeds divided among the adult and infant heirs according to their respective rights, the shares of the infant to be held as directed by Statute in such case made and provided. States the property is not divisible in kind. Your complainant further states and here states, that the interests of those who are entitled to the said real estate will be promoted by a sale of the whole real estate, or by an allotment of land and sale of the residue.
In tender consideration whereof and in as much as your complainant is remediless in the premises save by the aid of a Court of Equity, where these matters are alone cognizable, your complainant prays that the said Willie Hinton and Lizzie his wife

Stanyan

and ~~Grace~~ Harris an may be made defen-
tis defendant to this Bill and required on
their oaths to answer the same, that a proh-
er guardian ad litem may be assigned the
infant defendant to defend her interest in
this suit, who shall also answer the Bill;
that ~~this~~ widow be required in her answer
to state whether she desires her dower assigned
in land, or commuted; that the said real
estate be divided between the several par-
ties entitled thereto and your complainant's
portion allotted to him, and in case the said
real estate cannot be partitioned and
divided in kind, that the same be ordered to
sold and the proceed of such sale be divided
among the parties entitled thereto; that all
proper orders and decrees may be made
and proper enquiries directed, and that all
such other, further and general relief may
be granted your complainant as the na-
ture of his case may require or to Equity
shall seem meet. And your complainant
will ever pray &c-

E. E. Hall and
A. G.

E. E. Hellums p. q

J. J. Hinks.
vs. In Chancery
Hunton & als

Bill

Hansomes Cir. Ct.

DEPOSITED WITH

FARMERS BANK OF NANSEMOND,

BY

E. E. Rosser and Spl. Comm.

Kirby's Munford etals

Dec 17th, 1885

as follows:

	Dollars.	Cents
Currency, = = =		
Gold, = = = =		
Silver, = = = =		
Checks and Drafts, = = (Enter separately.)		60
	268	
W. R. Jones & Co.		
Total, = = =	$268	60

All Available Text Successfully Captured

DEPOSITED WITH

FARMERS BANK OF NANSEMOND,

BY

E. E. Holland
Spl Comm. Rivers & Mineral
Apr 30, 1886

as follows:

	Dollars.	Cents
Currency, = = =	310.	00
Gold, = = = =		
Silver, = = = =		
Checks and Drafts, = = (Enter separately.)		
Total, = = =	310.	00

Suffolk Co Dec 24 1885

Received of E. E. Holland Town, Six Dollars for Copying and selling the Harrison Land

Chas D Hawker, Cons.

Suffolk, Va., 188

Mr. E. Holland Spl Com'r

To Suffolk Herald, Dr.

83

Nov 7	To Printing 50 8vo Bills Sale of Land Kirk Vs Minton Et als		1 50
	Rec'd Pay	J. E. Brooks Prop'r	

At a monthly Court continued and held for Jonesmond County, the 18th day of October, 1888.

J J Keith — Plaintiff

Against } In Chancery.

Willie Stanton + wife + al — Defendants

This cause came again this day to be heard on the papers formerly read, and on the report of C J Stanton pro Heist and J A Underwood, three of the Commissioners appointed by the decree entered herein on the 28th day of April A.D. 1888, and depositions herein filed, to which report there is no exception, and was argued by Counsel On consideration whereof the Court doth approve and confirm said report and the said Lizzie Stanton in her own right as being for commutation of her dower in the real estate of her late husband John H. Harrison in the proceedings mentioned, and she to shall receive in lieu of said dower so much of the proceeds of sale of such real estate as shall be a just compensation therefor to be ascertained and reported by a Commissioner of this Court. doth further order, adjudge and decree that E E Hollens, who is hereby appointed a Commissioner for the purpose, do proceed, after having advertised the time, place and terms of sale, by posting Notices thereof at three or more public places in the County and also publishing notice thereof at the door of the Court House of Jonesmond County, on some Court day previous to day of sale. To sell the real estate, Except so much dower in the said and [illegible]

erecting Improvements of which Jno H Hanson sr died
seized and possessed, consisting of a tract of land at
Everitts Bridge in Nansemond County Virginia,
containing 15 acres, more or less, and bounded on the
East and North by Nansemond River or a creek thereof
on the South by the lands of Thomas Saunders and
on the West by the Outland tract and being on both sides
of the County road, leading from Suffolk to Churchland
at public Auction, in front of the Court House of
Nansemond County on some Court day, upon the
following terms, to wit: One half cash, and the residue
in two equal instalments, payable respectively at
three and six months from day of sale, the credit
instalments to bear interest from the day of sale,
taking from the purchaser bonds with good personal
security for the deferred payments and the title to be
retained until the further order of the Court, and
the said Commissioner is directed to deposit the
cash instalment, deducting therefrom the
expenses of sale including his commissions, in
the Farmers Bank of Nansemond, to the credit of
the Court in this suit, and to report his proceedings
hereunder to Court, returning therewith a certificate
of such deposit and the bonds given for the credit
instalments, But the said Commissioner E E Holland
shall receive no money under this decree until
he enter into bond with sufficient security
in the Clerks office of this Court, payable to

Commonwealth of Virginia in the penalty of $1000.00 and conditioned for the faithful discharge of his duties hereunder, or under any other decree in this cause hereafter to be rendered.

A Copy

Teste:

Peter B. Prentis. Clerk

Costs

Clerk	$12.00	(Paid P.B.P. Clk
Attys:	15.00	Paid E. E. Holland
Tax on Summ's	1.50	(Paid P.B.P.)
Shff	1.00	J. L. Fulgham Paid
	$29.50	
Com'rs Attys:	15.00	M. Briggs Paid
	$44.50	

all

Xmid

J. J. Kirk

20th Copy Decree Oct. 15/85

Willie Mullen & wife & al

To the Honorable Judge of the Circuit Court of Hansen County:

Kirk vs Minton & als. In Chancery.

The undersigned Commissioner appointed by a decree made in the above cause proceeded to execute the duties thereby enjoined upon him.
After advertising the time, terms and place of sale as directed by said decree, your Commissioner proceeded to sell at public auction to the highest bidder, in front of Hansen and Evans Store on the 4th day of Dec. the said land in the bill and proceedings mentioned, for which C. T. Minton made the highest bid and became the purchaser at $620
He has complied with the terms of his purchase by paying the cash instalment and giving bonds for credit instalments. Deducting from cash instalment amounting to $310.00

Costs of Advertising	1.50	
Commissions of Commissioner	21.40	
Crier	6.00	
Clk	13.50	
Attorney	15.00	
Sheriff	1.00	
Deed	5.00	
Seal	$63.40	63.40
		$246.60

Your Commissioner has deposited the proceeds in the Farmers Bank of Hansen and retains a copy of said receipt

And returns herewith a statement of such deposit and also bond of purchaser for credit instalments.

Your Commissioner has given bond required by decree.

Respectfully submitted

E. E. Hancock

Special Commissioner

Report of Sale

63.40
.15 Quits
79.40

Filed March 5-1866

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Willie Minton and Lizzie, wife of his wife, late the widow of J. H. Harrison, Sr.; and Strangie Harrison an infant 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 March *next to answer a Bill in Chancery, exhibited against* them, *in the said Court by* J. J. Kirk.

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 7th *day of* February, *188*5, *in the* 109th *year of the Commonwealth.*

Teste: Peter B. Prentis. *Clerk.*

E. E. Holland vs. P. J.

J. J. Kirk
vs
Summons in Chy.
W. Mc Mullen Sheriff, Hall
To March Rules, 1885

Rec'd

Executed Feby 27th 1885 and a Copy delivered to
each of the within named defendant

J Y Cox Dep'd for
J L Fulgham
Sheff

Know All Men by These Presents,

THAT WE, E. E. Holland and J. E. Holland

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of One thousand (1000) DOLLARS, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 24th day of October in the year one thousand eight hundred and eighty-five, and in the 110th year of the Commonwealth. And we hereby waive our homestead exemption as to this obligation.

THE CONDITION OF THIS OBLIGATON IS SUCH, That if the above bound E E. Holland,

who has, by ~~this day qualified before the~~ a Decree of the Circuit Court of Nansemond County, pronounced on the 15th day of October, 1885, in the Chancery Cause of J. J. Kirk, Plaintiff, against Willie Minton & wife and others, Defendants, been appointed Commissioner to sell certain Real Estate in said Cause described, shall faithfully perform his duties, as such Commissioner, under said decree, (or any other decree in said Cause, hereafter to be rendered)

~~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~~.

E. E. Holland (SEAL.)

J. E. Holland (SEAL.)

(SEAL.)

(SEAL.)

(SEAL.)

J. J. Kirk

To Comm's Bond

Willie Mullen Lunatic

1885

Octo: 24th:

Virginia:

At Rules Held in the Clerk's Office of the Circuit Court of Nansemond County, on Monday, the 2nd day of March, 1885.

J. J. Kirk . . . . . Complainant,

against

In Chancery

Willie Minton and Lizzie, his wife, late the widow of J. H. Hanson, Sr, and Strangie Hanson, an infant, under the age of twenty-one years. . Defendants.

On the motion of the Complainant, by Counsel, Peter B. Prentis is appointed guardian ad litem, to the infant in this suit: And, it is ordered, that notice be given the said guardian of his appointment, by serving on him a Copy of this order.

Teste:

Peter B. Prentis. Clerk.

J. J. Kirk

against } In Chy.

Willie Mountain Lumber Co.

Order appointing Referee

1885, March 2 nd: I acknowledge service of the within order, and that I have received a copy of the same.

Peter B. Parker Jr.

Solr. for Plff.

Received of E. E. Holland, Special Commissioner in the Chancery Cause of Kirk vs Hinton vals the sum of one hundred and twenty eight 81/100 dollars ($128.81) the remainder of the proceeds of sale of the lands of Jno H. Harrison, Sr. which Lizzie Hinton, his late widow is entitled, according to the Report of Comm W. J. Kelly, to receive in lieu of her dower

May 15th '86

Lizzie Hinton
by
Minnie Briggs
her atty.

Receipt
of
Lizzie Winston.

Received of E. E. Holland Pl Com'r in the Suit of Mrs W. D. Hunter vs the sum of Two hundred and three 69/100 dollars ($203.69) in payment of share of proceed of sale of the land of Jno D. Harrison dec'd.

May 12th 86

John J Thirk

Rec'd of E. E. Holland, Sh. Comm. of the Circuit Court of Nansemond County in the Chancery Cause of Kirk vs Mintz &als - the sum of two hundred and three dollars and ninety cents, being the portion of the proceeds of sale of the land mentioned in said order to which my ward Strange Harrison is found to be entitled

May 15th 1886. — Ellen Florist, Guardian

Receipt
of
Hirsh Guardian

Report of distribution of E. E. Horeand
by Court in cause of Kirk vs Mountcastle

Amt proceeds of sale		$620.00
To P. B. Prentis Clk	12.00	
To Attys fees	31.60	
To Sheriff	1.00	
" Crier	6.00	
" Costs of advertising	1.50	
" Fee for drawing deed	5.00	
" Commissions on $620	21.40	
" to Hally Court	5.00	
" Jno J. Hurst Guardian	203.90 ✓	
" Jno J. Kirk	203.89 ✓	
" Lizzie Mountcastle	128.81 ✓	
	$620.00	$620.00

Report of Distribution.

To the Circuit Court of Nansemond County, Va.

In pursuance of the decree of said Court pronounced the 12th. day of April 1886 in the Cause in Chancery in said Court depending between John J. Kirk, Plaintiff and Wm. A. Minton and others Defendants; the undersigned Wilbur J. Kilby, one of the Commissioners of said Court, respectfully reports to Court that, as directed by said decree he has ascertained the amount of the purchase-money for the land sold under proceedings had in said Cause to which according to the tables in such cases made and provided, Elizabeth J. wife of Wm. A. Minton is entitled to receive or take in lieu of her dower in said lands, in which she was entitled to dower as the widow of the late John H. Harrison, deceased, and that he now respectfully

submits the result as follows:

It appears from the Report of Special Commissioner. E. E. Holland, being the Report of the sale of said land, filed in said cause on the 5th. day of March 1886, that said land was sold on the 14th. day of December 1885 for the gross sum of — $620.00

and that the costs of said cause and expenses of said sale were $78.40

leaving the net proceeds of the sale = $541.60

Estimating future costs at 5.00

and the balance is = $536.60

for distribution.

The said Elizabeth J. Miston is intitled to the interest at six per cent per annum on one-third of the above sum of $536.60, to wit. on the sum of $178.87 in lieu of her dower in said land. Her income, therefore, from said sum of $178.87 at the rate of six per cent interest thereon, will be $10.73.22 per annum.

She being forty years of age at the time of said sale and the present value on the basis of six per cent interest of an annuity of $1.00 for every year a person of her age may live, being $12.002, 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 the dower of said Elizabeth J. Minton in said land is ascertained by multiplying the said sum of $10.73.22 by said sum of $12.002, to be in money the sum of $128.81.

Respectfully submitted this 3d. day of May 1886.

Wilbur J. Kilby
Comr. in Chy.

Comr's. fee $5.00

Received the above fee of five dollars of E. E. Holland Spl. Comr.
22 May 1886 Wilbur J. Kilby. Comr.

Kirk J. J.

vs. } In Chy.

Winton tal.

Report of Comr. as to Commutation of dower.

1886. May 3rd Filed