

1887-011

Nansemond Co. (Suffolk)

Chancery Causes: Zachary T. Holland vs Admro^t Dempsey Boon et al

OVERSIZE

Box 2

-1 broadside

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *John L. Fulgham, Sheriff*
and *Administrator*, of the estate of *Dempsey Boon* de-
ceased; *Michael Ann Boon*, Widow of said *Dempsey*
Boon deceased; *Alexander Boon*, *John T. Boon*, *Martha*
Jane Boon, *Mary C. Boon*, *Cordey Boon*, *Margaret*
Ann Boon and *Idorice Boon*, the last six in-
fants—

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 *May* next, to answer *a*

Bilt in Chancery, exhibited against *them*
in the said Court by *J. T. Holland*

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said
Court, at his office, this *25th* day of *April* 1881, in the *105th*
year of the Commonwealth.

Teste:

Peter B. Prentis. Clerk.

J. J. Holland

[#]
vs { Sum^s in Chy:

John L. Fulgham, Shff: & Adm^r
of Hampshire Bourn. dec'd Val:

To May Rules, 1881

Executed a copy & delivered to
Mildred Ann Bourn a copy for
Alexander Bourn left with
^{with his mother who is above the age of 16 years}
at his home he being at the
time away

J. L. Fulgham Shff

I hereby acknowledge service
of the within

J. L. Fulgham Adm

Let Shff acknowledge service - gave copy on Mildred's house for
for Alexander Bourn with her - as that is his home - he is now
temporarily away

Virginia:

At Rules held in the Clerk's
Office of the Circuit Court of
Henric County on Mon-
day the 2nd day of May
1881

J. J. Holland,

Plff.

vs In Chancery

John L. Fulgham ^{Shammond Administrator of the Estate of}
~~of Ramsey Boon dec'd~~
and others.

Defts.

On the motion of the
Complainant by Counsel, Peter B.
Prentiss is appointed guardian ad
litem to John J. Boon, Martha Jane Boon, Mary C. Boon,
Cordy Boon, Margaret Ann Boon and Idonia Boon —
the infant defendants in this
cause and it is ordered that
notice be given the said guard-
ian of his appointment by serv-
ing on him a copy of this order
Teste:

Peter B. Prentiss: Clerk

1881. May 2nd: I acknowledge service of the foregoing
order and that I have received a copy of the same.

Peter B. Prentiss:

Gdn: ad litem

J. T. Hollman
to J. T. Hollman
Dempsey Burns per
ref. & al

order apts. John
and Helen

Born

Know all Men by these Presents,

THAT WE, *C. H. Causey and J. C. Causey*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the just and full sum of *Three Hundred (300)* 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 *10th* day of *December* in the year one thousand eight hundred and *eighty one* and in the *106th* 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 *C. H. Causey*

who has ~~by this day qualified before the~~ a decree of the Circuit Court of Nansemond County pronounced on the *10th* day of *October 1881*, in the chancery cause of *J. T. Holland vs Dempsey Born's admr, et al.* been appointed special commr. to sell the land in the proceedings mentioned shall faithfully discharge his duties as such 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.

Peter B. Prentiss clk

C. H. Causey
J. C. Causey

(Seal.)

(Seal.)

(Seal.)

(Seal.)

(Seal.)

C. H. Leary
To } Bond - Com
Commonwealth

1881
Sec 10 - executive
& filed

To the Circuit Court of Hanscom County,
Pursuant to a decree of said Court pronounced
at the October term, 1881, in a cause in chan-
cery depending therein between J. T. Holland
and Dempsey Boon's admor and others
a copy of said decree being herewith filed,
the undersigned having been appointed
special Commissioner for certain purposes
named in said decree respectfully re-
ports to Court his action as follows —

That after having first executed his
bond before the Clerk of this Court in the penal-
ty therein specified, your Comm^r of Sale adver-
tised the said land, in the proceedings
mentioned and described, for three weeks
in the mode prescribed in said decree;
and on Monday the 12th day of December 1881,
being County Court day, did offer the same
before the Court house door of Hanscom
County for sale to the highest bidder, in
accordance with the terms prescribed
in said decree, where ²~~John T. Holland~~ ²~~John T. Holland~~ ²~~John T. Holland~~ be-
came the highest bidder and purchaser
of said land for the sum of \$81.⁰⁰
all of which said purchaser elected
to pay in cash and which has
been disposed of by your Commis-
sioner as follows —

VIRGINIA:—IN THE CIRCUIT
Court of Nansemond county—July Special
Term, 1881.—
Margaret Reid

Plaintiff,

Vs

John L. Fulgham, Sheriff of Nansemond county
and personal representative of Jane Copeland,
deceased, James Reid, William Henry Reid,
Elijah Reid, the unknown heirs of Joe Reid,
Frank Reid, Elisha Reid (an infant) and
Martha Ann, Frances Ann, Sarah Jane and
Isaiah Bailey

Defendants,

IN CHANCERY.

* * * * * On consideration whereof the
Court doth adjudge, order and decree that the
defendant, John L. Fulgham, Sheriff of Nansemond
county and personal representative of Jane
Copeland or Reid, deceased, do render an account
of his transactions as such, before one of
the Commissioners of this Court.

That all debts due by said deceased may be
ascertained and stated.

That the heirs at law of said deceased may be
ascertained.

That the fee-simple and annual value of the
land of said decedent may be ascertained and
stated for the information of the Court, and
whether it will be necessary to sell all or any
part of said land. * * * * *

A notice of the time and place of taking the
aforesaid accounts to be published once a week
for four successive weeks in a newspaper published
in Suffolk, shall be equivalent to personal
service on the parties.

An abstract—Teste :

PETER B. PRENTIS, Clerk.



COMMISSIONER'S OFFICE, }
Suffolk, Va., }
August 16th, 1881. }

The parties, plaintiff and defendants, interested
in the accounts required by the foregoing decree
are hereby notified that I have fixed upon the
23rd day of September next, as the time, and my
office aforesaid as the place to take and state the
same, at which time and place they are notified
to attend.

Given under my hand as Commissioner of the
said Circuit Court the day and year aforesaid.

PETER B. PRENTIS, Commissioner,

C. H. CAUSEY, p q.

aug19-4t

Virginia:

At a Special Term of the Circuit
Court of Hansemond County held
on the 21st day of July, 1881.

J. T. Holland.

Plaintiff

vs J. Inchy

John L. Fulgham Sheriff and adm^r:

of Dempsey Bourn dec^d & al . . . Defendants

This Cause, by consent, came on this day to be heard on the bill of the Complainant taken for Confessed as to the adu^l defendants, on whom process had been duly served, and they still failing to appear and plead, answer and demur thereto; the answer of the infant defendants by Peter B. Prentiss their guardian ad litem, with general replication to said answer, exhibits filed, and was argued by Counsel.

On consideration whereof the Court doth adjudge, order and decree that the defendant John L. Fulgham, Sheriff and adm^r of Dempsey Bourn dec^d do render an account of his transactions as such before one of the Commissioners of this Court.

That all debts due by said decedent may be ascertained and stated.

That the heirs at law of said decedent may be ascertained,

That the fee-simple and annual value of said decedent's land may be ascertained and stated, and whether a sale of the same will be necessary, All which accounts the said Commissioners will examine, state and settle and report to Court, with any matter specially stated, deemed pertinent by himself, or which any of the parties may require to be so stated, and due notice of the time and place of taking said accounts shall be given by the Commissioners to the parties interested in the mode prescribed by law

And the cause is continued for

A copy,

Teste,

Peter B. Prentiss, Clerk.

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

August 16th 1881

To J. I. Holland - - - - -

Plaintiff

and John L. Fulgham Sheriff and administrator of the estate of Dempsey Boon deceased including Ann Boon, widow of said Dempsey Boon dec'd, Alexander, John S., Martha Jane, Mary E., Cordy, Margaret Ann and Isadora Boon the last six infants - - - - - Defendants.

You are hereby notified that I have fixed upon the 2nd day of September (1881) next, to take and settle, at my office, the following accounts, to-wit:

1. An account of the transaction of John L. Fulgham, Sheriff, and adm^r, of Dempsey Boon, dec'd,
2. An account of all debts due by said Dempsey Boon, dec'd, or his estate, their dignity and priority.
3. An account of the fee-simple and annual value of the real estate of said Dempsey Boon dec'd, and whether a sale thereof will be necessary.

(See copy decree attached)

required to be taken by the decree of Nansemond Court, rendered on the 21st day of July (3rd Term) 1881 in a suit in Chancery depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

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

Peter B. Prentiss,
Comm^r in Chy:

Commissioners Office,

Suffolk, Va. Sept: 23^d. 1881

To the Circuit Court of Hansemond County,

In pursuance of a decretal order of the Circuit Court of Hansemond County, pronounced at the July Special Term thereof, in the year 1881, in a certain cause in Chancery in said Court depending, wherein J. T. Holland is plaintiff and John L. Fulgham Sheriff, and administrator of Dempsey Bourn dec^d, and others are defendants, the undersigned having given notice to parties, as directed by the aforesaid order, as will appear by a copy of the notice herewith returned, and duly certified proceeded this day to execute the said order, a copy of which duly attested is annexed hereto, and now herewith reports the result of his proceedings as follows.

Account No. 1-

An Account of the Transactions of John L. Fulgham, Sheriff of Hansemond County and administrator of Dempsey Bourn-dec^d.

Your Commissioner reports that as

it appears that said John L. Fulgham has received into his hands no property from the Estate of said Dempsey Boon dec'd, he has no account of any transactions as administrator aforesaid to take and settle,

Account No. 2.

An account showing the debts due by the said Dempsey Boon dec'd or his estate.

A debt due the plaintiff J. T. Hollander
as per exhibit

} \$52.78

Int from January 1st 1877.

Your Commissioner has no knowledge of any debt other than the above, due by said Dempsey Boon dec'd or his estate

Account No. 3

An account showing the fee-simple and annual values of the Real Estate of said Dempsey Boon, deceased, and whether or not a sale will be necessary.

Your Commissioner reports, that said
Dempsey Boon died seized and pos-
sessed of a small tract or parcel of land
situated in Hanover County, Vir-
ginia containing 38 acres, more or
less, and adjoining the lands of Lemuel
and J. G. Holland and others

The fee simple value of said
land is estimated at the sum of \$. \$150.⁰⁰
And the Annual value at . . \$20.⁰⁰

But your Commissioner reports
further that the said Dempsey Boon
left a widow who is entitled to dower
in said land and after the assign-
ment of dower to said widow the
residue will not ~~be~~ be suffi-
cient to pay the above mentioned
debts in five years, and hence a
sale of the said land subject to the
dower right aforesaid will be ne-
cessary to pay said debts and costs.

Respectfully submitted

Commissioner

Peter B. Prentiss

Commissioner

\$7.⁵⁰/₁₀₀

J. J. Holland

is { Com^{rs} Rep^t

Gempey Bonis adun^o

Fused Sept. 24/5: 1881

Holland

vs. ...

Boone Adm't.

This cause came on this day to be again heard on the paper formerly read therein and on the report of sale of Special Commissioner C. H. Causey and was argued by Counsel.

On consideration whereof the Court doth adjudge order and decree that the purchase of the said land, J. T. Holland having elected to pay cash for said land and it appearing from the report of Court Causey that all costs have been paid and that the balance has been paid over to the plaintiff in the cause in part satisfaction of the amount due him, that said Spl. Court Causey ^{has} made to said J. T. Holland a deed with special warranty in the usual form, and nothing more remaining to be done in this cause it is ordered that the same be removed from the docket.

Holland

Is

Boon's account

1882

Octo Term

Rough decem

year 50 years term

To be entered,

year 1887

W. H. H.

Enter as no 2 p. 1

Final

At a Circuit Court held for Hanseman
County at the October Term, 1881.

J. T. Holland

Plff

vs J Chy

Dempsey Bourn per. rep & al Defts.

This Cause came on this day to be again heard on the papers formerly read therein and on the report of Commr. Peter B. Prentiss, made in this Cause pursuant to a decree of this Court pronounced at the July Special Term thereof, 1881, and was argued by Counsel.

On consideration whereof the Court doth confirm said report to which no exception has been filed, and doth adjudge, order and decree that C. H. Causey, who is hereby appointed special Commissioner for that purpose, proceed to sell at Public Auction before the Court House door of Hanseman County, Virginia, on some Court day, the real estate of which ~~Dempsey~~ Bourn died seized and possessed described as a small tract of land situated in Hanseman County Virginia containing thirty-eight (38) acres, more

or less, and adjoining the lands of Lemuel and J. P. Holland and others.

And the Court doth further adjudge, order and decree that said Special Com^t. before proceeding to sell said land, do advertise the time and place of sale by notices to be posted at the Court House door of said County and in the vicinity of said land for at least three weeks prior to the day of sale. And that said Com^t sell said land on a credit of one and two years, except cash enough to pay costs of suit and expenses of sale, and take from the purchaser bonds with good security, in evidence of the deferred payments to be made one and two years after date of sale, with interest from the date thereof, and that said Com^t retain the title to said land until the further order of the Court.

And said land shall be sold subject to the dower therein of Mildred Ann Boon, widow of said Dempsey Boon decd.

But said Com^t. before proceeding to sell said land in accordance with

this decree shall execute before the
Clerk of this Court in his office a bond
in the penalty of three hundred dollars,
with good security, payable to the Com-
monwealth of Virginia, and Condition-
ed for the faithful execution of this decree
and of all other decrees he may be required
to execute in this Cause.

And the Cause is Continued &c,

3. J. Holland
re E. Chy

Dempsey Books Admin

1881
10th Octo Term

Rough drawn to
be entered.

Geo. Brown.

Entered O. B. No. 1

12-3-38-9

Copied

In the Circuit Court of Hausenwald County
J. T. Holland. Plaintiff
vs J. In Chey
Jno. L. Fulgham, Sheriff & adm^r of
Dempry Boon dec^d & al. Defendant

This cause ^{be} ~~is~~ ^{conjoint} ~~which~~ came on this day
to be heard on the bill of the complainant taken for
confessed as to the adult defendants, on
whom process had been duly served, and
they still failing to appear and plead, an-
swer and demur thereto, the answer
of the infant defendants by Peter B. Preu-
tin their guardian ad litem, with gen-
eral replication to said answer, ex-
hibits filed, and was argued by Coun-
sel.

On consideration whereof, the Court
doth adjudge, order and decree that the
defendant John L. Fulgham, Sheriff and
adm^r of Dempry Boon dec^d do render
an account of his transactions as such
before ~~the~~ of the Commissioners of this
Court.

That all debts due by said decen-
dent may be ascertained and stated.
That the heirs at law of said decedent
may be ascertained.

That the fee simple and annual value

decidants
of said land may be ascertained and
stated, and whether a sale of the same
will be necessary.

All which accounts the said Commis-
sioner will examine, state and settle and
report to Court, with any matter specially
stated, deemed pertinent by himself, or
which any of the parties may ~~be~~ require
to be so stated - and due notice of the
time and place of taking said accounts
shall be given by the Commissioner to
the parties interested in the mode pre-
scribed by law.

And the cause is continued &c.

J. J. Holland

J. J. Holland

Deming Brown

July 1881
Spec. Lem

Rough Secured

To be entered

Revised Sec.

Entered O.B. 1882

To the Circuit Court of Hanseman County
The joint and separate answers of John T.
Martha Jane, Mary E., Cordy, Margaret
Ann and Isolina Boon, infants under
the age of twenty-one years by Peter B.
Prentiss their guardian ad litem, to
a bill in chancery exhibited in said
Court by J. T. Hollander against them
and John L. Fulgham Sheriff of Hanseman
County and as such executor of Dempsey
Boon dec'd, Michael Ann Boon and
Alexander Boon.

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

Peter B. Prentiss,
Guardian ad litem

J. J. Holland
vs { In chey

Dempsey Boon's
per reh & al

Answer of Infants



Fiske & Brother, Printers.

\$5278

January 1st 1877

12 months after date

promise to pay unto

J. T. Holland his heirs, administrators or assigns,
without offset, Fifty two and 78/100 Dollars,

for value received; and it is agreed upon by the parties that the interest on this Note shall
be at the rate of 6 per centum per annum, payable in advance; and we, maker and
endorser, hereby waive the benefit of our Homestead Exemptions as to this debt.

Credit the maker.

Wm. S. R. Butler

his
Dorothy & Co. Secy & Cash

Note S. Bourn

\$ 52.78

paid Jan 1/77

Exhibit "A"

In the Circuit Court of Hanscom County
To the Hon. George Blow, Judge of
said Court.

Humbly complaining,
sheweth unto your Honor, your Orator
Zachary J. Holland, respectfully represents
to the Court and says: That on the 1st
day of January 1877, Dempsey Boon made
his certain writing obligatory under his
hand and seal for the sum of Fifty-
two dollars and $\frac{78}{100}$ (\$52.⁷⁸) for value
received, and payable twelve (12) months
after the date thereof to your complain-
ant, the said writing obligatory being
filed herewith, marked "A", and prayed
to be taken as a part of this bill: that
although at divers times the said Demp-
sey Boon in his lifetime was requested
by your Complainant to pay the said
sum of money aforesaid, yet he wholly
failed to pay the same or any part there-
of, nor did any one else before his death,
nor has any one since his death, paid
the same nor any part thereof.

That the said Dempsey Boon on the day
of , 188 , departed this life, intestate

leaving a widow, Mildred Ann Boon,
and the following named children, to
wit: Alexander, John T., Martha Jane,
Mary E., Cordy, Margaret Ann and
Idonia Boon, as his heirs at law, the
~~last five being under the age of twenty-one years;~~
That the said Dempsey Boon left very
little personal estate, but died seized
and possessed of a parcel of land con-
taining 38 acres, more or less, sit-
uated in Hansemond County, Virginia
and adjoining the lands of Samuel
and J. S. Holland and assessed on the
lands book of said County at one
hundred and fifty-six dollars.

That the estate of said Dempsey Boon
was by an order of Hansemond County
Court made on the 23rd day of April, 1881
committed to the hands of John L. Gul-
gham, Sheriff of said County for admin-
istration according to law, as will be
seen by a copy of the order of said Court
herewith filed and marked exhibit "B".
That there being little or no personal
estate it will be necessary to sell
the said land to pay the said debt.
In tender consideration whereof, forasmuch

as your complainant is compelled in the
premises, save in a Court of Equity where
matters of this sort are alone and properly
cognizable, your complainant prays
that the said parties, who have been duly
summoned as parties defendant in
this suit, to wit: John L. Fulgham
Sheriff of Harsemond County and as
such administrator of the estate of
Dempsey Boon deceased, Milched Ann
Boon, widow, Alexander Boon, John T.
Boon, Mentha Jane Boon, Mary C. Boon,
Cordy Boon, Margaret Ann Boon and
Idonia Boon, be made defendants to
this bill and answer the allegations
^{the adults in proper person & the infants by their guardian ad litem}
contained herein: That the accounts of
said John L. Fulgham as personal repre-
sentative of Dempsey Boon, deceased, may
be settled, that all debts due by said
deceased may be ascertained and stated,
That the heirs at law of said deceased
may be ascertained, that the fee simple
and annual values of said land may
be also ascertained, that if necessary
the said land may be sold, subject
however to the dower of the widow, unless

she elect to commute the same, all
debts properly proved paid, and the
surplus, if any, divided among the
heirs at law and distributees of said
Dempsey Boon deceased, and that
your Honor will grant your com-
plainant such further and general
relief as may be consistent with equity
and the case requires.

And your Complainant will ever pray &c.

J. J. Holland
by E. H. Causey Atty.

J. J. Holland
vs. { In Chancery

Dempsey Boon's
Admin^r &c.

"Bill"

J. T. Holland

th
vs

Demsey Boon's admth

1881 Apl. 25. Sumth in ch^y issued to May Rule 1881

" May 2nd. Bill & x bts filed & decree nisi is adust clef.

" " " Pet^r B. Prentis apt: gdm: ad litem to infants
who filed their answer to which there was
genl. repln: & cause set for hearing on
motion of Relff^r Commth as to them

" June 6th: Decree nisi confirmed & cause set for
hearing on mo: of Relff^r Commth

" July 21 - Decree for acct. by Courtth

" Sept. 24 - Repth of Courtth Prentis filed

Chy notes.

J. T. Holland

vs J. Chay papers

Dempsey Boon's per-
sonal representation

1887

June (Special) Term.

Final Decree.

Pursuant to a decree of the Circuit Court of Nansemond county, pronounced at the October term 1881, in the chancery cause of Z. T. Holland vs Dempsey Boon's administrator, the undersigned as special commissioner will offer for sale before the Court House door of Nansemond county,

On Monday, December 12, 1881,

(County Court day), the parcel of land in the proceedings mentioned, situated in Holly Neck District, not far from Holland's Corner.

TERMS:--Cash enough to pay unpaid costs of suit, and expenses of sale, balance on a credit of one and two years, title retained till the further order of Court. Said land will be sold subject to the dower of Mildred Boon, widow of said Dempsey Boon, dec'd.

C. H. CAUSEY, Commissioner.

3-7. Holland

attorneys	31,50
Club	5.00
Comm	5.00
Shff.	1.00
Comm	4.00
Amer	2.50
Print	6.00
	55.00
	81
	25.95