

1888-016

Nansemond Co. (Suffolk)

Chancery Causes: Tazewell J. Saunders et al vs Ritchie Saunders et al

Wright, Goodson, Kilby, Gay

To

Ritchie Saunders, William G. Saunders, Annie C. Saunders, Ida Lavinia Saunders, Alfonso S. Wright Thomas B. Wright, Wilbur C. Wright Jesse H. Wright, Leighton A. Wright and Lucy A. Wright, infants under the age of twenty-one years;

You are hereby notified that on the first day of June 1887 we shall ask the Circuit Court of Chautauque County, which will then be in Special Session, to allow a fee to our counsel for services, to be paid out of the moneys under the control of said Court, in the Cause in Chancery in said Court depending wherein we are Complainants and you are Defendants.

Given under our hands this 26th day of April 1887

Dazewell J. Saunders,
Cornelius W. Wright
and others. Complainants in said Cause,
By Wilbur J. Kilby,
their Counsel.

Saunders & al.

vs. } In Chy

Saunders & al.

Notice of application
for fee to be paid
to Counsel for the
Complainants

Sufficient and legal service of this
notice is hereby accepted and acknowl-
edged by us this 27th. day of April
1887.

Peter B. Prentiss, guardian ad litem

for the within named defendants
all of whom are infants

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Ritchie Saunders, William
G. Saunders, Maunie C. Saunders, Ida Lavinia' Saunders,
Alfonso S. Wright, Thomas B. Wright, Wilbur C. Wright,
Jesse H. Wright, Leighton A. Wright and Lucy A.
Wright: all infants, under the age of twenty-one years,
Defendants,*

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, Danielius
in the said Court by Jewell J. Saunders, Danielius
W. Wright, James Robert Wright and Amelia J. his
wife, Solomon J. Saunders, Thomas J. Saunders, Algernon
H. Saunders and Virginia L. his wife, and Alexander
L. Saunders, Plaintiffs.*

and have then and there this Summons. Witness. PETER B. PRENTIS, Clerk of our said
Court, at his office, this *11th* day of *August* 188*6*, in the *111th*
year of the Commonwealth.

Teste:

Peter B. Prentis Clerk.

Kilby. p. 1
Tazewell J. Saunders
Sol:

25 { Sum: in Chy:

Ritchie Saunders Sol
infants.

To September Rule 5, 1884

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

Know All Men by These Presents, That we, *Wilbur J. Kilby and L. Clay Kilby,*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of *Two Thousand (2000)* DOLLARS, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. ~~Sealed with our seals, and dated this~~ day of ~~in the year one thousand eight hundred and eighty-~~ and in the

~~year of the Commonwealth.~~ The obligors herein hereby waive all benefit of the homestead exemption as to the obligation of this bond, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter claims or offsets other than legal tender currency of the United States. ~~Sealed with our seals, and dated this 26th day of October, in the year one thousand eight hundred and eighty-Nine, and in the 11th Year of the Commonwealth~~

THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above bound *Wilbur J. Kilby.*

~~was by a decree of~~ who ~~has~~ this day qualified before the *Circuit* Court of Nansemond County, pronounced on the *13th day of October 1886,* in the *Chancery Cause of Jazewell J. Saunders & others, Plaintiffs against Ritchie Saunders and others,* Defendants appointed a Commissioner to make sale of certain Real Estate in said Cause described, shall faithfully discharge his duties as such Commissioner under said decree, and all other decrees he may be required to execute in said Cause,

~~shall faithfully discharge the duties~~ of his said trust, then the above obligation to be void, or else to remain in full force and virtue.

Executed in presence }
of the Court. }

Wilbur J. Kilby
L. Clay Kilby



Wilbur J. Kilby, Comr

To S Bond

Commonwealth

~~~~~

1886

Octo: 26th. Executed & filed

At Rules held in the Clerk's office of  
the Circuit Court for the County of Chau-  
semond, on the 6<sup>th</sup>. day of September  
A. D. 1886.

Jazewell J. Saunders, Cornelius  
W. Wright, James Robert Wright and  
Amelia T. his wife, Solomon J. Sam-  
ders, Thomas J. Saunders, Algernon  
H. Saunders and Virginia L. his  
wife and Alexander L. Saunders. -- Complainants

Against        }    In Chancery

Ritchie Saunders, William G.  
Saunders, Annie C. Saunders,  
Ida Lavinia Saunders, Alfonso  
S. Wright, Thomas B. Wright, Wil-  
bur C. Wright, Jesse H. Wright  
Leighton A. Wright and  
<sup>all infants under the age of twenty-one years.</sup>  
Lucy A. Wright -- Defendants

On the motion of the Complainants  
by counsel, Peter B. Prentiss is assigned  
guardian to the defendants, all of whom  
are infants under the age of twenty-one years,  
to defend them in this suit.

Peter B. Prentiss. Clerk  
of the Circuit Court of Massachusetts County

Saunders Sal.

vs. } In Chy.

Saunders Sal.

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Order appointing  
guardian ad litem  
for the infant de-  
fendants

To the Circuit Court of Fauquier  
County, Va.

In pursuance of the decree  
of said Court pronounced on the  
14th day of April A.D. 1887 in  
the cause in Chancery in said  
Court depending between Taze-  
well J. Saunders and others, Com-  
plainants and Ritchie Sam-  
ders and others, Defendants,  
a copy of which decree is here-  
to attached; the undersigned  
respectfully reports to Court  
that, as directed by said  
decree, he has received of the  
clerk of said Court the two  
bonds of Algernon H. Saunders  
mentioned in said decree  
each for the sum of sixteen  
hundred and seventy-one  
dollars bearing interest from  
the 18th day of November 1886,  
and has collected the money  
therefor together with all in-  
terest due thereon to the day  
of collection and has dis-  
bursed the money in the man-  
ner specified in said decree  
and in the decree entered in

said cause on the 4th. day of June 1887, as the following statement and the receipts or vouchers hereto attached will fully show to wit:

### Statement.

|                                                                                                                                       |         |         |  |            |
|---------------------------------------------------------------------------------------------------------------------------------------|---------|---------|--|------------|
| By Principal sum of said Bonds each for the sum of \$1671. <sup>00</sup>                                                              |         |         |  | \$ 3342 00 |
| " Interest on \$3342 from 18 Nov. 1886 to 30 Dec. 1887, - 1 y. 1 m. 12 ds.                                                            |         |         |  | 224 00     |
| Total                                                                                                                                 |         |         |  | \$ 3566 00 |
| To paid Wilbur J. Kilby, Atty. his fee as per said decree of 4 June 1887, and as per his receipt.                                     | \$25 00 |         |  |            |
| " " Same for writing deed conveying to said Algernon H. Saunders the land purchased by him under proceedings in said cause, per rect. | 5 00    | 30 00   |  |            |
|                                                                                                                                       |         |         |  | \$ 3536 00 |
| ✓ To paid Amelia T. the wife of James Robert Wright 1/8 of \$3536, per rect.                                                          | 442 00  |         |  |            |
| ✓ " " Virginia L. the wife of Algernon H. Saunders 1/8 of \$3536, per rect.                                                           | 442 00  |         |  |            |
| " " Alexander L. Saunders 1/8 of \$3536. <sup>00</sup> per rect.                                                                      | 442 00  |         |  |            |
| Carried on                                                                                                                            | 1326 00 | 3536 00 |  |            |

|            |                                                                                            |           |         |
|------------|--------------------------------------------------------------------------------------------|-----------|---------|
| brought on |                                                                                            | 1326 00   | 3536 00 |
| ✓          | To paid Ritchie Saunders 1/8 of \$3536. per rect.                                          | 442 00    |         |
| ✓          | " " Solo J. Saunders. Guardian of W <sup>m</sup><br>G. Saunders 1/8 of \$3536. per rect.   | 442 00    |         |
| ✓          | " " Jas. Rob. Wright. Guardian of Lau-<br>rie Saunders 1/8 of \$3536. per rect.            | 442 00    |         |
| ✓          | " " Jazewell J. Saunders. Guardian of Ida<br>Lavinia Saunders 1/8 of \$3536. per rect.     | 442 00    |         |
| ✓          | " " Cornelius W. Wright Guardian of Al-<br>fonso S. Wright 1/6 of 1/8 of \$3536. per rect. | 73 66 2/3 |         |
| ✓          | " " Same, Guardian of Thomas B.<br>Wright 1/6 of 1/8 of \$3536. per rect.                  | 73 66 2/3 |         |
| ✓          | " " Same, Guardian of Wilbur L.<br>Wright 1/6 of 1/8 of \$3536. per rect.                  | 73 66 2/3 |         |
| ✓          | " " Same, Guardian of Jesse H.<br>Wright 1/6 of 1/8 of \$3536. per rect.                   | 73 66 2/3 |         |
| ✓          | " " Same, Guardian of Leighton A.<br>Wright 1/6 of 1/8 of \$3536. per rect.                | 73 66 2/3 |         |
| ✓          | " " Same, Guardian of Lucy A.<br>Wright 1/6 of 1/8 of \$3536. per rect.                    | 73 66 2/3 |         |
|            |                                                                                            | 3536 00   | 3536.00 |

And the undersigned further re-  
ports to Court that he has made  
a deed, as directed by said decree  
of the 14th day of April 1887, to said  
Algernon H. Saunders with special

warranty in the usual form, conveying to him the parcel of land purchased by him under proceedings in said cause.

Respectfully submitted this  
6th. day of January 1888.

Wilbur J. Kilby  
Special Comr.

1888 Jan. 6th. Received of Wilbur J. Kilby, Special Comr. the sums of money set opposite our names below, the same being the amounts charged in the above Report as paid to us respectively, to wit:

Ritchie Saunders \$442.<sup>00</sup>

Hazavell J. Saunders Guardian  
of J. L. Saunders } \$442.<sup>00</sup>

Solomon J. Saunders Guardian  
of Wm G. Saunders } \$442.<sup>00</sup>

C. W. Wright Guardian of Alfonso S. Wright \$73.66<sup>2</sup>/<sub>3</sub>

C. W. Wright Guardian of Thomas B. Wright — \$73.66<sup>2</sup>/<sub>3</sub>

C. W. Wright Guardian of Wilbur C. Wright \$73.66<sup>2</sup>/<sub>3</sub>

C. W. Wright Guardian of Jesse H. Wright — \$73.66<sup>2</sup>/<sub>3</sub>

C. W. Wright Guardian of Leighton A. Wright \$73.66<sup>2</sup>/<sub>3</sub>

C. W. Wright Guardian of Lucy A. Wright \$73.66<sup>2</sup>/<sub>3</sub>

Jon R. Wright Guardian of Hannie C. Saunders \$442.<sup>00</sup>

Alex. L. Saunders. — \$442.<sup>00</sup>

Wilbur J. Kilby, Atto. — \$25.00

Instead of paying the share of Ritchie Saunders in the money distributed as above, to his guardian, the undersigned has paid the same to him in person, he being now over the age of twenty-one years.

Wilbur J. Kilby, Comr.  
6 Jan. 1888.

Received of Wilbur J. Kilby Special Comr.  
four hundred and forty-two dollars in  
full of my share of the proceeds of the sale  
of the real estate of which Thomas J. Samu-  
ders Sr. died seised and possessed, -  
decreed to be paid to me by the decree  
entered on the 14th. day of April 1887 in  
the suit in Chancery in the Circuit  
Court of Chaussemond County depending  
between Tazewell J. Saunders and others  
Plaintiffs and Ritchie Saunders and others  
defendants

\$442<sup>00</sup>/<sub>100</sub>

x Amelia B. Wright  
Jan. 6, 1888

Received of Wilbur J. Kilby Special Commissioner, four hundred and forty-two dollars in full of my share of the proceeds of the sale of the real estate of which Thomas J. Saunders Sr. died seised and possessed, - decreed to be paid to me by the decree entered on the 14th. day of April 1887 in the suit in Chancery in the Circuit Court of Chaussemond County depending between Tazewell J. Saunders and others, Plaintiffs and Ritchie Saunders and others, Defendants.

\$442.<sup>00</sup>

Virginia, J. Saunders.  
6 Jan. 1888

At a Monthly Court held for Nassau and County, the 14th day of  
February, 1887.

Alonso S. Wright and Thomas B. Wright, Children of Cornelius W.  
Wright, this day, in open Court, made choice of Cornelius W. Wright, their  
father, for their guardian, whom the Court doth approve. And therefore, the  
said Cornelius W. Wright entered into a bond, in the penalty of  
Four hundred dollars, conditioned according to law, with William S. R.  
Wright and James R. Wright, his sureties therein, who justified on  
oath, as to their sufficiency, and which said bond being acknowledged by the  
obligors therein, is ordered to be recorded.

A Copy:

Teste:

Peter B. Pontie, Clerk

At a Monthly Court held for Nauset and County, the 14th day of February, 1887.

William G. Saunders, Orphan of Thomas J. Saunders, Sr. deceased, this day, in open Court, made choice of Solomon J. Saunders, for his guardian, whom the Court doth approve: And thereupon, the said Solomon J. Saunders entered into a bond, in the penalty of Twelve hundred dollars, conditioned according to law, with Alexander L. Saunders and Aaron Acker, his sureties therein, who justified on oath, as to their sufficiency, and which said bond being acknowledged by the obligors therein, is ordered to be recorded.

A Copy  
Teste:

Peter B. Prentiss, Clerk.

An Monthly Court held for Hantswood County,

The 14th day of February, 1887.

Nannie E. Saunders, <sup>Admin</sup> of Thomas J. Saunders, Sr.  
deceased, this day in open Court made choice of  
James Robert Wright, <sup>whom the Court doth approve,</sup> for her guardian, and  
thereupon, the said James R. Wright, entered into a  
bond in the penalty of Twelve hundred dollars, condi-  
tioned according to law, with William S. N. Wright,  
his surety therein, who justified an oath, as to his  
sufficiency, and which said bond being acknowledged  
by the obligors therein, is ordered to be recorded.

A Copy

Teste

Josiah B. Prentiss. Clerk.

At a Monthly Court held for Hausman County, the 14th day of  
February, 1887.

The Court doth appoint Fazelwell J. Saunders, guardian of  
Ida Lavinia Saunders, orphan of Thomas J. Saunders, Sr. de-  
ceased. And thereupon, the said Fazelwell J. Saunders entered  
into a bond in the penalty of Twelve hundred dollars,  
conditioned according to law, with Washington G. Williams,  
his surety thereon (who justified on oath as to his sufficiency,  
and 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, the 14th day of February, 1887.

The Court doth appoint Cornelius W. Wright, guardian of Wilbur C. Wright, Jesse H. Wright, Leighton A. Wright, and Lucy A. Wright, his children: And thereupon, the said Cornelius W. Wright entered into a bond, in the penalty of Eight hundred dollars, conditioned according to law, with William S. W. Wright and James Robert Wright, his sureties therein, who justified on oath, as to their sufficiency, and which said bond being acknowledged by the obligors therein, is ordered to be recorded.

A Copy: Do

Teste:

Peter B. Rentis. Clerk

A Circuit Court continued and held for Nausemond County the 14<sup>th</sup> day of April 1887.

Jozewell Saunders & al                      Plaintiffs  
against In Chancery  
Ritchie Saunders & al                      Defendants.

This Cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner Wilbur J. Kilby, filed the 12<sup>th</sup> day of February 1887, (the same being) a Report of the sale of the land of which Thomas J. Saunders Sr. did seised and possessed in pursuance of the decree entered herein on the 13<sup>th</sup> day of October 1886) and on the paper marked "Paper E," this day filed by leave of the Court (the same being the renunciation in writing of Jozewell Saunders, Solomon J. Saunders and Thomas J. Saunders Jr of their right, as heirs and distributees of said Thomas J. Saunders Sr, to any part of the proceeds of the sale of said land) and was argued by counsel.

On consideration whereof the Court doth approve and confirm said Report to which no exception has been taken and doth adjudge order and decree that the said Commissioner receive of the Clerk of

this Court the two bonds of Algernon H. Saunders filed with said Report with John B. Saunders, James O. Branch, Milton J. Butte and Thomas J. Saunders Jr., Sureties There to, each for the sum of sixteen hundred and seventy-one dollars, bearing interest from the 18th day of November 1886, and proceed to collect the money at their Maturity or receive the money before their Maturity if the obligors should desire to pay the money before their Maturity, and the said Clerk is directed to deliver said Bonds to said Commissioner and take of him a receipt for them and file the receipt with the papers in this cause. And the said Commissioner is directed to pay first all unpaid costs of this suit out of said money and then to pay the balance to the heirs and distributees of said Thomas J. Saunders Sr. deceased who are entitled thereto as follows; To Amelia the wife of James Robert Wright one-eighth part; to Virginia L. the wife of Algernon H. Saunders, a like part; to Alexander L. Saunders a like part; to the lawfully appointed and duly qualified guardians of Ritchie Saunders, William J. Saunders, Hattie C.

Saunders and Ida Lavinia Saunders  
infants under the age of twenty one  
years, for each of them a like part  
and to the lawfully appointed ~~and~~  
duly qualified guardian or guardians  
Alfonso S. Wright, Thomas B. Wright,  
Wilbur C. Wright, Jesse H. Wright,  
Leighton A. Wright and Lucy A. Wright  
infants under the age of twenty one  
years, for each of them one sixth  
of one-eighth part of said money  
and make report to Court of his  
transactions and file with the Report  
proper vouchers for such sums  
of money as he may disburse by  
virtue of this decree,

And the Court doth further adjudge  
order and decree that said commis-  
sioner make to said Algernon H.  
Saunders after the payment of said  
bonds and the interest thereon in  
full, a deed with special warranty  
in the usual form conveying to  
him the parcel of land purchased  
by him under proceedings in this  
suit, By Consent of the parties  
hereto given in open Court and here entered of  
record, this cause may be submitted to the  
Judge of this Court in vacation for decision or  
decree to be made therein in vacation

a copy

Teste:

Peter B. Prentiss, Clerk

Saunders & al. <sup>Xmnd.</sup>

vs { In Chy.

Saunders & al.

At a Special Term of the Circuit  
Court, continued and held for Nause-  
mond County the 14th day of June 1887.  
Jezewell Saunders & al. complainants. —  
against, In Chancery  
Ritchie Saunders & al Defendants. —

This cause came on this day  
to be again heard on the papers  
formerly read and on the notice in  
writing which was given by the  
Complainants to the defendants <sup>and was duly served upon the defendants</sup> on  
the 27th day of April 1887 said notice  
having been filed with the papers  
herein specifying that the Com-  
plainants, would on this day, ask  
the Court to allow a fee to their coun-  
sel to be paid out of the money  
under the control of the Court in  
this cause for the services of  
said counsel herein and was  
argued by counsel.

On consideration whereof the Court  
doth allow unto said counsel  
for his services herein, a fee of  
forty dollars to be credited with the  
sum of fifteen dollars already  
received by him, and doth order,  
that special Commissioner Milburn  
J. Kilby pay the balance of said fee, to wit:  
the sum of twenty-five dollars out of  
the money which may come into  
his hands in pursuance of the

Saunders & al.  
vs. J. Mulhy

Saunders & al.

Report of collections  
and disbursements  
6 Jan. 1888

Confirmed 17 April 1888

1888. Jan'y: 28th. Filed  
C.R.

These entered herein on the 14th;  
day of April last before proceeding  
to disburse said money and the-  
cified in said decree and make  
report thereof to Court.

Attesty  
Shake:  
Peter J. Valentis, Clerk

To the Circuit Court of Fauquier County, Va.

In pursuance of the decree of said Court pronounced the 13th. day of October 1886 in the suit in Chancery in said Court depending between Tazewell J. Saunders and others, Plaintiffs, and Ritchie Saunders and others, Defendants, the undersigned respectfully reports to Court that by authority of said decree he sold by public auction on the premises on the 18th. day of November 1886 the land in said decree mentioned and described, namely, all the land of which Thomas J. Saunders Sr. died seised and possessed situated on the road leading to Milner's wharf near Everett's Bridge and on the South side of the creek which runs from said bridge to Fauquier River, in Chuckatuck Magisterial District in said County containing 361 acres, more or less and bounded by the lands of E. J. Matthews, Jacob W. Jordan, James W. Hall, Clara A. Stebbins, Isaac J. Monelle, David Lawrence, Henry J.

Phillips and said creek and road; the purchaser thereof being Algernon H. Saunders as the highest bidder for the sum of \$3500.

That before proceeding to sell said land the undersigned gave notice of the time, place and terms of the sale in the manner and for the length of time specified in said decree and executed before the Clerk of said Court in his office the Bond required by said decree and obtained of said Clerk a certificate of the due execution of said bond and appended a copy of the certificate to said notice.

That said certificate and a copy of said notice are hereto attached.

That said land was sold on the terms and conditions specified in said decree and in compliance therewith the said Algernon H. Saunders paid part of said sum of \$3500, namely, \$158.<sup>00</sup> cash <sup>and</sup> executed his two bonds with John B. Saunders, Jas. O. Branch Milton J. Butler and Thomas J. Saunders Jr. securities for the balance; which two bonds are hereto at =

tached.

That said sum of \$158. has been disbursed by authority of said decree in payment of the costs of said suit and expenses of said sale as the following statement and the receipts hereto attached will fully show:

Statement

|                                                                              |         |           |
|------------------------------------------------------------------------------|---------|-----------|
| By Cash received as above stated                                             |         | \$ 158 00 |
| To 5 per cent coms. on \$300 =                                               | \$15.00 |           |
| " 2 " " " \$3200 =                                                           | 64.00   | \$ 79 00  |
| " paid Geo. T. Parker, Crier, per rect.                                      | 5 00    |           |
| " " J. E. Booker, Printers Bill "                                            | 7 50    |           |
| " " Wilbur J. Kilby, Atty. etc "                                             | 31 50   |           |
| " " Peter B. Prentiss, Clerk's fees "                                        | 15 00   |           |
| " " Robt. R. Prentiss, Comr. "                                               | 15 00   |           |
| " " Geo. W. Turney, for horse etc. to take Comr. to place of sale, per rect. | 2 00    |           |
| " " Expenses of trip to Norfolk to obtain decree in vacation in said suit.   | 3 00    |           |
|                                                                              | 158 00  | 158 00    |

The title to said land was retained until the further order of Court.

Respectfully submitted this 10th, day of February, 1887.

Wilbur J. Kilby  
Special Comr.

(over)

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

|                             |         |
|-----------------------------|---------|
| Rob. S. Prentiss, Commr.    | \$15.-  |
| Peter B. Prentiss, Clerk.   | \$15.00 |
| Geo. W. Murray              | \$2.00  |
| Wilbur J. Kilby, Atto. etc. | \$31.50 |

**E**XCELLENT FARM NEAR EVERETT'S  
BRIDGE, IN NANSEMOND  
COUNTY, FOR SALE.

By authority of the decree of the Circuit Court of Nansemond county, Va., pronounced the 13th day of October, 1886, in the suit in chancery in said court depending between Tazewell J. Saunders and others, plaintiffs, and Ritchie Saunders and others, defendants, I shall sell by public auction, to the highest bidder, on the premises,

**ON THURSDAY, NOVEMBER 18, 1886,**

all the land of which Thomas J. Saunders, Sr., lately died seised and possessed and upon which he resided at the time of his death, situated on the road leading to Milner's wharf, near Everett's Bridge, and on the south side of the creek which runs from said bridge to Nansemond river, in Chuckatuck Magisterial district, in said county, containing 361 acres, more or less, and bounded by the lands of E. J. Matthews, Jacob W. Jordan, James W. Hall, Clara A. Stebbins, Isaac J. Monelle, David Lawrence and Henry T. Phillips and said creek and road. The land consists of the two parcels which said Thomas J. Saunders, Sr., purchased, respectively, of the trustee of Joseph M. Kelly and wife in October, 1857, and of the trustee of William H. Goodson in April, 1870. Each parcel is an excellent farm of itself, with necessary dwelling, outhouses, and other improvements, and plenty of timber for firewood, etc. The soil is good and produces good crops of the kind common to the country.

**TERMS.**—Enough of the purchase money will be required in cash to cover costs of suit and expenses of sale, and the balance in equal sums at the end of six and twelve months, respectively, with interest from the day of sale, the purchaser to execute bonds in evidence of the deferred payments, with good personal security, with the privilege, if he should so prefer, of paying the entire purchase money in cash.

The title to the land will be retained until the further order of Court.

**WILBUR J. KILBY,**  
Special Commissioner.

**GEO. T. PARKER,** Crier.

I, Peter B. Prentis, Clerk of the Circuit court of Nansemond county, Va., do hereby certify that the bond required of Wilbur J. Kilby, Special Commissioner appointed by said Court by its decree on the 13th day of October, 1886, in the suit in chancery pending in said court between Tazewell J. Saunders and others, plaintiffs, and Ritchie Saunders and others, defendants, to sell the land of which Thomas J. Saunders, Sr., died seised and possessed, has been executed with security deemed sufficient by me.

Given under my hand this 26th day of October, 1886.

oc29-3t

**PETER B. PRENTIS,** Clerk.

on strange misfortunes—strange, sad  
ings.  
The Proper Weight of Man.  
Professor Huxley asserts that the p  
weight of man is 151 pounds, made u  
follows: Muscles and their appurtena  
88 pounds; skeleton, 24 pounds; ski  
pounds; fat, 28 pounds; brain, 3 no

able, man-  
their  
any  
she  
vint

Suffolk, Va., Nov. 17<sup>th</sup> 1886  
J. Kilby Commissioner  
To Suffolk Herald, Dr.  
Fine Job Work a Specialty.

TERMS:

Transient Advertisements and  
Subscriptions, Payable in  
Advance.  
Annual Advertisers are Re-  
quired to Settle Quar-  
terly.  
Job Work, Cash on Delivery.

1886

Oct 29

To Publishing sale of  
J. J. Saunders Land  
16 1/2 in 3 Weeks  
" 100 Bills sale of  
J. J. Saunders Land

6.00

1.50

\$7.50

Paid by Walter J. Kilby Sec. Com.  
J. J. Saunders  
Pubr

W. J. Halby

"

1886 Apr. 18th. Received of Wilbur  
J. Kilby. Special Commr. Five dol-  
lars for services rendered as  
crier at the sale this day of  
the land of which Thomas J.  
Saunders died seised and  
possessed - sold under de-  
cree of Court.

\$5<sup>00</sup>/<sub>100</sub>

Geo T Parker, Crier,

I, Peter B. Prentiss, Clerk of the Circuit Court of Staunton County, Va. do hereby certify that the Bond, required of Wilbur J. Kilby, Special Commissioner, appointed by said Court by its decree on the 13<sup>th</sup> day of October 1886 in the suit in Chancery pending in said Court between Tazewell J. Saunders and others, Plaintiffs and Ritchie Saunders and others Defendants to sell the land of which Thomas J. Saunders Sr. died seised and possessed, has been executed with security deemed sufficient by me.  
Given under my hand this 26<sup>th</sup> day of October 1886.

Peter B. Prentiss, Clerk

# EXCELLENT FARM

Near Everett's Bridge, in Nansemond County,  
❧FOR SALE!❧

---

By authority of the decree of the Circuit Court of Nansemond county, Va., pronounced the 13th day of October, 1886, in the suit in chancery in said court depending between Tazewell J. Saunders and others, plaintiffs, and Ritchie Saunders and others, defendants, I shall sell by public auction, to the highest bidder, on the premises,

## ON THURSDAY, NOVEMBER 18, 1886,

all the land of which Thomas J. Saunders, Sr., lately died seised and possessed and upon which he resided at the time of his death, situated on the road leading to Milner's wharf, near Everett's Bridge, and on the south side of the creek which runs from said bridge to Nansemond river, in Chuckatuck Magisterial district, in said county, containing 361 acres, more or less, and bounded by the lands of E. J. Matthews, Jacob W. Jordan, James W. Hall, Clara A. Stebbins, Isaac J. Monelle, David Lawrence and Henry T. Phillips, and said creek and road. The land consists of the two parcels which said Thomas J. Saunders, Sr., purchased, respectively, of the trustee of Joseph M. Kelly and wife in October, 1857, and of the trustee of William H. Goodson in April, 1870. Each parcel is an excellent farm of itself, with necessary dwelling, outhouses, and other improvements, and plenty of timber for firewood, etc. The soil is good, and produces good crops of the kind common to the country.

### Terms:

Enough of the purchase money will be required in cash to cover costs of suit and expenses of sale, and the balance in equal sums at the end of six and twelve months, respectively, with interest from the day of sale, the purchaser to execute bonds in evidence of the deferred payments, with good personal security, with the privilege, if he should so prefer, of paying the entire purchase money in cash.

The title to the land will be retained until the further order of Court.

**WILBUR J. KILBY,**

**SPECIAL COMMISSIONER.**

**GEORGE T. PARKER, Crier.**

---

I, PETER B. PRENTIS, Clerk of the Circuit Court of Nansemond county, Va., do hereby certify that the bond required of Wilbur J. Kilby, Special Commissioner appointed by said Court by its decree on the 13th day of October, 1886, in the suit in chancery pending in said court between Tazewell J. Saunders and others, plaintiffs, and Ritchie Saunders and others, defendants, to sell the land of which Thomas J. Saunders, Sr., died seised and possessed, has been executed with security deemed sufficient by me.

Given under my hand this 26th day of October, 1886.

PETER B. PRENTIS, CLERK.

At a circuit court continued  
and held for Nansemond County  
on the 13th of October 1886.

Jazewell J Saunders & al. Plaintiffs  
vs. } In Chancery

Ritchie Saunders & al. Defendants.

This cause came on this  
day to be again heard on the papers  
formerly read and the Report of  
Commissioner Robert R Prentiss  
filed the 30th day of September  
A. D. 1886 being a report in pursu-  
ance of the decree made herein on  
the 11th day of September A. D. 1886 and  
on the examination of witnesses  
filed with said Report and was  
argued by counsel.

On consideration whereof the  
court doth confirm the said Re-  
port to which no exception has been  
filed, and it appearing that the  
land mentioned and described in  
the Bill cannot be conveniently  
divided in kind between the  
several parties entitled to share  
therein, and that no one of the  
parties is willing to accept the  
entire property and pay the other  
parties for their interests and that  
the interests of all the parties  
will be promoted by a sale of the  
entire property and distribution of

the proceeds of the sale among the parties according to their respective rights and interests, the Court doth adjudge order and decree that Wilbur J. Kilby, who is hereby appointed Special Commissioner for that purpose do proceed to sell the said land by public auction on the premises or before the Courthouse door of this County on some County Court day, on the terms of payment by the purchaser of enough of the purchase-money in cash to meet the costs of this suit and the expenses of the sale and the residue in equal sums at the end of six and twelve months respectively with interest from the day of sale the purchaser to execute to said Commissioner separate Bonds in evidence of the deferred payments with good personal security, with the privilege, if he should so prefer, of paying the entire purchase-money in cash on the day of sale and the title to the land to be retained until the further order of Court.

But before proceeding to make sale of said land, said special Commissioner will advertise the time place and terms thereof by printed

notices for twenty days at least prior to the day of sale and by publication of the notice once a week for three successive weeks in a newspaper published in the

Town of Suffolk and will execute before the Clerk of this Court in his office a Bond in the penalty of two thousand dollars with good personal security, payable to the Commonwealth of Virginia and conditioned for the faithful discharge of his duties under this decree and all other decrees he may be required to execute in this cause and will obtain of said Clerk a certificate that said Bond has been executed as required by law and append the same or a copy thereof to the advertisement or notice of the sale.

And said Special Commissioner will make report to Court of his proceeding under this decree.

A copy

Teste:

Peter B. Prentiss, Clerk

|                            |     |                |    |
|----------------------------|-----|----------------|----|
| Cash                       | ... | \$15.00        | pd |
| Attor. & Tax               | ... | \$31.50        | pd |
| Comm <sup>4</sup> (R.R.P.) | ... | \$15.00        | pd |
|                            |     | <u>\$61.50</u> |    |

By authority of the decree pronounced  
by the Circuit Court of Chaussemond Coun-  
ty on the 14th day of April 1887 in the  
suit in Chancery pending in said Court  
in which this Report was filed; the  
undersigned has this day received of  
the Clerk of said Court for the purposes  
stated in said decree, the two Bonds  
of Algeron H. Saunders mentioned in  
this Report each for the sum of  
\$1671.<sup>00</sup>

Wilbur J. Kilby, Court.  
24th. June 1887

Ingewell J. Saunders & Co.  
vs  
S. C. D. & Co.  
17th. Oct. 1886  
Ritchie Saunders & Co.

Saunders & al.

vs. } In Chy.

Saunders & al.

---

Report of Sale  
of Land

1887. Feb: 12th: Filed.  
C.R.

In the Clerk's Office of the Circuit  
Court of Hansemond County on  
Monday the 13th day of September A.D. 1886  
the following Decree pronounced on  
the 11th day of September A.D. 1886 in the  
following cause has been by George  
Blow Esquire ordered to be entered in  
vacation, to wit:

Jazewell J. Saunders  
Cornelius W. Wright, James  
Robert Wright and Amelia J.  
his wife. Solomon J. Saunders,  
Thomas J. Saunders, Algernon  
H. Saunders and Virginia  
L. his wife and Alexander  
L. Saunders

Complainants

Against } In Chancery  
{

Ritchie Saunders, William G.  
Saunders, Nannie C. Saunders,  
Ida Lavinia Saunders,

Alfonso S. Wright Thomas  
B. Wright, Wilbur C. Wright  
Jesse H. Wright, Leighton  
A. Wright and Lucy A.  
Wright, all infants un-  
der the age of twenty-one years — Defendants

This cause regularly matured and  
set for hearing at Rules came on this  
day to be heard in vacation on the bill

of the Complainants and the exhibits  
therewith filed and on the answers of  
all the defendants, being infants under  
the age of twenty-one years, by Peter B.  
Prentiss, their Guardian ad litem, appointed  
at Rules to defend them in this suit, <sup>and</sup> on  
the answer of said guardian ad litem  
in his proper person, with general repli-  
cations to said answers and was argued by  
counsel.

And it appearing from the paper marked  
"D" and filed with the papers in this cause  
that reasonable notice of the applica-  
tion for this decree has been given  
by the plaintiffs to the defendants, 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 hereby directed to as-  
certain and report to the Court as follows:  
1- Whether the parcels of land mentioned  
and described in the Bill can be con-  
veniently 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 accept the entire property and  
pay therefor to the other parties such  
sums of money as their interests

therein may entitle them to.

3. If the same cannot be conveniently divided in kind and property will take the entire property and pay the others for their shares, whether the interests of those who are entitled to the property, or its proceeds, will be promoted by a sale of the entire property, or allotment of part and sale of the residue and distribution of the proceeds of the sale according to the respective rights of those entitled to the lands.

Which several inquiries the said Commissioner will make and to the Court report together with any matters specially stated deemed pertinent by himself or required by any party to be specially stated.

Teste.

Peter B. Prentiss Clerk.

A copy

Teste.

Peter B. Prentiss Clerk

Saunders & al. <sup>"X-m-d"</sup>

vs  $\frac{1}{2}$  Chy. Decree  
Saunders & al.

a copy

30

29 Sept.

To  
Jazewell J. Saunders, Cornelius W. Wright, James  
Robert Wright and Amelia J. his wife, Solomon  
J. Saunders, Thomas J. Saunders, Algernon H.  
Saunders and Virginia L. his wife and Alexander  
L. Saunders. - Complainants

and  
Ritchie Saunders, William S. Saunders, Fannie C. Saunders,  
Ida Savinia Saunders, Alfonso S. Wright, Thomas B.  
Wright, Wilbur C. Wright, Jesse H. Wright, Leighton  
A. Wright and Lucy A. Wright, all infants under the  
age of twenty-one years. Defendants

You are hereby notified that on the 30th day of September 1886  
at my office in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and  
settle the following accounts which are to be taken, stated and settled and reported to Court in pursuance of the  
decree of the Circuit Court of Hansemond County, Va., rendered the 11th  
day of September 1886 in the suit in chancery pending in said Court to which you  
are parties plaintiff and defendant, to wit:

1. Whether the parcels of land mentioned and described  
in the Bill 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 accept the entire  
property and pay therefor to the other parties  
such sums of money as their interests therein  
entitle them to.
3. If the same cannot be conveniently divided in kind  
and no party will take the entire property and pay  
the others for their shares whether the interests  
of those who are entitled to the property or its  
proceeds will be promoted by a sale of the  
entire property or allotment of part and  
sale of the residue, and distribution of the  
proceeds of the sale according to the respective  
rights of those entitled to the lands.

Given under my hand, as Commissioner in Chancery of said Court, this 15th day of  
September 1886

Rob. R. Bland,  
Commissioner in Chancery.

Sufficient and legal service of this notice is  
herely accepted and acknowledged by us sev-  
erally this 18th, day of September A.D. 1886;

Fazwill J Saunders  
C. W. Wright  
James R Wright  
Amelia J. Wright  
V. J. Saunders  
T J Saunders  
A. H. Saunders  
Virginia L. Saunders  
A. L. Saunders,  
Peter B. Prentiss Guardian ad litem  
for all the Defendants, who are infants

The deposition of Jazewell J. Saunders  
and others taken before the undersigned  
Robert H. Prentiss, Commissioner in Chancery  
on the 30. day of September 1886 to be  
read as evidence in the chancery cause  
of Jazewell J. Saunders and others  
against Ritchie Saunders and others  
depending in the Circuit Court of  
Hausemond County -

Present: W. J. Kilby, Counsel for Complainant.

Jazewell J. Saunders 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?

A. I am 37 years old, reside in Hausemond  
County, am a farmer. I know the par-  
ties and am one of the complainants.

2. Q. Do you or not know the land in the  
bill mentioned of which Thos. J.  
Saunders Sr. died seised and possessed,

if you do state whether the same  
can be conveniently divided between  
the parties entitled ~~to~~ to share  
therein?

a. I know the land, have known it  
for 20 years, was partly raised on  
it. - It cannot be divided with  
any advantage to the parties. - There  
are eleven shares, and one of these  
shares would have to be divided  
into six parts. - Each of the eleven  
shares would be entitled to about  
33 acres as the tract contains  
361 acres. - The farm contains some  
woodland, some marsh and some  
cleared land. - I think that there is  
not more than 100 acres of cleared  
land. - It is impossible to divide it so  
as to give each party a part of  
each kind of land without destroying  
its value. - To give any one of the  
parties a sufficient quantity to make  
it of value, would necessitate the pay-  
ment of money to the others in order  
to equalize the division. - And none  
of the parties are willing to take the  
~~land~~ entire farm and pay the others

for their shares.

3 Q. Would it not promote the interests of the parties to sell the land and divide the proceeds?

A. Yes. - Because the farm is now in good condition and will I think bring a ~~good~~<sup>better</sup> price than if held and rented out, for if it should be rented it will almost certainly depreciate in value for it will be impossible to find a tenant who will take proper care of it in my judgment. The rights of no person will be violated by the sale.

Further this deponent saith not.

Tazewill J. Saunders

Alexander L. Saunders 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?

A. I am 22 years old, reside in Nausemond

County, I am a farmer, I know the parties and am one of the complainants. --

2. Q. If you know the land referred to, state how long you have known it and whether it can be conveniently divided between the parties entitled to share therein?

A. I know the land, was born on the place, and have lived on it all my life. -- I think that it cannot be divided because the shares would be so small that they would be of no practical value, owing to the character and shape of the land and the buildings on it. -- About one third is cleared land, more than half of the balance is woodland. -- All the buildings are right together within one enclosure and consist of <sup>grange</sup> dwelling with six rooms, two barns and stable. --

So far as I know none of the parties are willing to take the entire property and pay the others for their interests therein. --

3Q

Would the interests of the parties be promoted by a sale?

A. Yes of the entire property, because I think the farm will sell for more now because ~~the~~ ~~for~~ it is now in good condition, and is likely to depreciate if rented out. — And as tenants in common I do not think that the heirs are likely to keep it up.

Further this opponent said, not.  
A. L. Saunders.

Geo. W. Gay 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?

A. I am 43 years old, live in Ish of Night Co. but ~~ad~~ ~~near~~ ~~the~~ adjoining the land in the bill described, I am a farmer, I know all the parties to this suit?

2. Q.

Do you know the land in the bill described, if so how long have you known it, and can it be conveniently divided in kind between the parties entitled to share therein?

A.

I have known it for fifteen or twenty years. It cannot be divided because the shares would be so small as to be of little or no value as farming land. And land in that section is of no value except for farming purposes. It might be divided into two farms but even then I think that it would not sell for any more as two farms than as one, and therefore I think that the interests of all the parties will be promoted by a sale of the whole farm and a division of the proceeds.

Further this deponent saith not.  
Geo. M. Gay

Wm. S. Wright 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?

A.

I am 58 years old, live in Vansemond County. I am a farmer. I know all the parties to this suit.

2. Q

Are you familiar with the land in the bill mentioned, if so, how long have you known it, and can it be conveniently divided in kind between the parties entitled thereto?

A.

I have known the land for all of thirty years have been very familiar with it for at least twenty-five years. It cannot be divided with any advantage to the heirs, because each share would be so small as to be of little value as farming lands and they could not ~~make~~ make it profitable in any other way. I think that the interests of all the parties will be promoted by a sale of the farm as a whole and a division of the proceeds of sale in

money. -

Further this deponent saith not. -

W<sup>m</sup> S. Wright

Thos J. Saunders Jr. being first duly sworn in answer to questions deposes and says.

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

A. I am 27 years old, reside at Ervotts Bridge in Hansemond County, I am a merchant and farmer, I know all the parties to this suit - I am one of the complainants. -

2. Q. Are you familiar with the land in the bill described, if so, state whether it can be conveniently divided in kind between the parties entitled ~~to~~ to share therein? -

A. I am familiar with <sup>the land</sup> was born and raised on it. - It cannot be divided in kind to any advantage. Because of its shape, it would be impossible

it is very irregular, lying along the creek which is very ~~crooked~~ with a good deal of marsh land. It would be of very little value as farming land if divided into more than two pieces, and it would be impossible to divide the buildings there. - I think that the farm will sell to better advantage if sold as a whole and that the interests of all the parties will be promoted by a sale of the whole and a division of the proceeds. -

So far as I know none of the parties are willing to take the entire property and pay the others for their interests. - I am not willing to do so. -

Further this deponent saith not  
J. Saunders Jr

Solomon J. Saunders 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?

A. I was 29 at my last birth-day, reside in Fauquier County, am a farmer, I know all the parties to this suit, I am one of the complainants?

2. Q. Are you familiar with the land in the bill described; if so state whether or not the interests of those entitled to share therein will be promoted by a sale thereof, or by a partition of the same in kind?

A. Yes I have known it all my life, was an infant when my father moved to it, and I was raised there. - There is no way whatever that I can see by which it could be divided without sacrificing the interests of the heirs. There are so many of the heirs that even if it be possible to

divide it in kind the shares would  
be of little value as farming  
land. - I certainly think that  
the interests of all the parties  
will be promoted by a sale  
of the farm and a division  
of the proceeds of sale. -  
None of the parties so far as  
I know are willing to take  
the farm and pay the others  
for their interests. - I am  
not willing to do so. -

Further this deponent saith not.  
Solomon J. Saunders

State of Virginia,  
County of Hansemond, to wit:  
I Robt. Hentis 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. - Given under my hand this 30.  
day of September 1886. -

Robt. Hentis  
Commissioner in Chancery -

Commissioners Office  
Suffolk W. 30. Sept. 1886.  
Tazewell J. Saunders and others

Ritchie Saunders and others

To the Honorable George Blow, Judge  
of the Circuit Court of Nansemond  
County:

Your Commissioner (the adult  
parties and the guardian ad litem  
of the infant defendants having  
duly acknowledged service of ~~the~~  
notice of the time and place of  
executing the decree made in the  
above entitled cause on the 11th  
day of September 1886) proceeded  
at his office on this day to  
make the enquiries directed by the  
said decree. - In making the said  
enquiries he took the depositions of  
Tazewell J. Saunders, Alexander L.  
Saunders, George W. Gay, Mrs. J.  
N. Wright, Thomas J. Saunders Jr.  
and Solomon J. Saunders. -

The said depositions and the notice  
above mentioned are herewith re-  
turned. -

And from the evidence thus furnished your Commissioner, he now reports:

1. That the parcels of land, <sup>in the bill described</sup> cannot be conveniently divided in kind between the parties entitled to share therein, because they now constitute one good farm with all the necessary buildings, the value of which would be in great measure destroyed if it were divided into small parcels. - Indeed it would seem from the testimony that owing to the shape and character of the land a partition in kind would be almost impossible. -
2. That no party will accept the entire property and pay therefor to the others such sums of money as their interests entitle them to. -
3. That the interests of those entitled to the property will be promoted by a sale of the whole of the same, and a division of the proceeds of the sale in ~~accordance~~ <sup>with</sup> proportions to their respective ~~right~~ interests in the lands. -

Respectfully submitted,

Robt. A. Prentiss,  
Commissioner.

Fee \$15-<sup>+</sup>.

T. J. Saunders & Co.

Comrs.  
Report

Ritchie Saunders & Co.

Dated 30. Sept. 1886.

1886. Sept. 30th. Filed  
clk

# EXCELLENT FARM

Near Everett's Bridge, in Nansemond County,

❧ **FOR SALE!** ❧

---

By authority of the decree of the Circuit Court of Nansemond county, Va., pronounced the 13th day of October, 1886, in the suit in chancery in said court depending between Tazewell J. Saunders and others, plaintiffs, and Ritchie Saunders and others, defendants, I shall sell by public auction, to the highest bidder, on the premises,

**ON THURSDAY, NOVEMBER 18, 1886,**

all the land of which Thomas J. Saunders, Sr., lately died seised and possessed and upon which he resided at the time of his death, situated on the road leading to Milner's wharf, near Everett's Bridge, and on the south side of the creek which runs from said bridge to Nansemond river, in Chuckatuck Magisterial district, in said county, containing 361 acres, more or less, and bounded by the lands of E. J. Matthews, Jacob W. Jordan, James W. Hall, Clara A. Stebbins, Isaac J. Monelle, David Lawrence and Henry T. Phillips, and said creek and road. The land consists of the two parcels which said Thomas J. Saunders, Sr., purchased, respectively, of the trustee of Joseph M. Kelly and wife in October, 1857, and of the trustee of William H. Goodson in April, 1870. Each parcel is an excellent farm of itself, with necessary dwelling, outhouses, and other improvements, and plenty of timber for firewood, etc. The soil is good, and produces good crops of the kind common to the country.

## Terms:

Enough of the purchase money will be required in cash to cover costs of suit and expenses of sale, and the balance in equal sums at the end of six and twelve months, respectively, with interest from the day of sale, the purchaser to execute bonds in evidence of the deferred payments, with good personal security, with the privilege, if he should so prefer, of paying the entire purchase money in cash.

The title to the land will be retained until the further order of Court.

**WILBUR J. KILBY,**

**SPECIAL COMMISSIONER.**

**GEORGE T. PARKER, Crier.**

---

I, PETER B. PRENTIS, Clerk of the Circuit Court of Nansemond county, Va., do hereby certify that the bond required of Wilbur J. Kilby, Special Commissioner appointed by said Court by its decree on the 13th day of October, 1886, in the suit in chancery pending in said court between Tazewell J. Saunders and others, plaintiffs, and Ritchie Saunders and others, defendants, to sell the land of which Thomas J. Saunders, Sr., died seised and possessed, has been executed with security deemed sufficient by me.

Given under my hand this 26th day of October, 1886.

PETER B. PRENTIS, CLERK.

*Sold to A. Hagerling for \$3000.00*

To  
Ritchie Saunders, W<sup>m</sup> G. Saunders  
Nannie C. Saunders, Ida Lavinia  
Saunders, Alfonso S. Wright, Thos.  
B. Wright, Wilbur C. Wright, Jesse  
H. Wright, Leighton A. Wright  
and Lucy A. Wright:

Take notice that on the 11th.  
day of September 1886 we shall  
make application to the Hon.  
Geo. Blow, Circuit Court Judge  
in and for the County of Han-  
smond at his chambers in  
vacation in the City of Norfolk  
Va. for a decree to be entered  
in the suit in Equity depend-  
ing in said Court wherein we  
are plaintiffs and you are  
defendants, directing one of  
the Commissioners of said Court  
to enquire and report to Court  
whether the real estate mentioned  
in the Bill in said suit can  
be conveniently divided in kind  
between the parties interested in  
the same, in <sup>any</sup> one of the modes  
prescribed by law and if  
not, whether the interests of  
all parties will be promoted

by a sale of said land and  
the distribution of the proceeds  
of the sale among the parties  
according to their respective  
rights. And, if for any cause  
said application should not be  
made on the day named, it  
will be made on one of the next  
succeeding four or five days.

Respectfully,

Tazewell J. Saunders  
Cor. W. Wright and  
others, Plaintiffs as  
aforesaid.

By Wilbur J. Kilby  
their Counsel.

25 Aug. 1886

Sufficient and legal service of the  
above notice is hereby accepted  
and acknowledged by us, the de-  
fendants, in the suit therein men-  
tioned this 25th day of August 1886,

Ritchie Saunders

William G. Saunders

Nannie C. Saunders

Ida Lavinia Saunders

Alfonso S. Wright

Thos. B. Wright

Wilbur C. Wright

Jose H. Wright

Leighton A. Wright and

Lucy A. Wright, ~~et al.~~

by Peter B. Prentiss, their Guardian  
ad litem

Peter B. Prentiss. Guardian ad litem

Saunders & al.

vs. } In Chy.

Saunders & al.

---

Notice of applica-  
tion for decree  
in vacation

Paper D

To the Honorable Chandler W. Hill, Circuit Court Judge in and for Claiborne County:

The undersigned respectfully represent and say that there is now pending in said Court a Chancery suit, which was instituted on the 11th day of August A. D. 1886 by Tazewell J. Saunders, Cornelius W. Wright and others, Plaintiffs, against Ritchie Saunders, Wm G. Saunders and others, Defendants, for the purpose of effecting a partition of the real estate of which Thomas J. Saunders Sr. died seised and possessed among his heirs and distributees, or the sale thereof and the division of the proceeds among his said heirs and distributees.

That under proceedings had in said suit the said real estate has been sold and the proceeds will soon be ready for distribution.

That the undersigned are three of the sons of said Thomas J. Saunders Sr. and heirs and dis-

tributees of his estate along with his other heirs and distributees, all of whom are parties to said suit.

But the undersigned, having received advancements from their father during his lifetime, respectfully decline to account for the same, or the value thereof, and hereby waive and renounce their right to claim any share or part of the proceeds of the sale of said real estate and pray that the said entire proceeds may be divided among, and paid to, all the other of said heirs and distributees according to their respective rights and interests.

Respectfully submitted this  
28th. day of March 1887.

Gugwilt J. Saunders  
Solomon J. Saunders  
Thos J. Saunders

Saunders & al.

vs. } In Chy.

Saunders & al.

---

Paper &.

Saunders Tal.

vs.

Saunders Tal.

This cause came on this day to be again heard on the papers formerly read and on the notice in writing which was given by the Complainants to the defendants and was duly served upon the defendants on the 27th day of April 1887. - said notice having been filed with the papers herein, specifying that the Complainants would, on this day, ask the Court to allow a fee to their Counsel to be paid out of the money under the control of the Court in this cause, for the services of said Counsel herein, and was argued by counsel.

On consideration whereof the Court doth allow unto said Counsel for his services herein, a fee of forty dollars to be credited with the sum of fifteen dollars already received by him, and doth order that Special Commissioner, Wilbur J. Kilby pay the balance of said fee, to wit, the sum of twenty-five dollars out of the money which may come into his hands in pursuance of the decree entered herein on the 14th day of April last.

Saunders Hal.

vs. } In Chy

Saunders Hal.

In the Circuit Court  
of Chausemond County  
June 4th 1887

Decree

To be entered.

C. M. Tree

Entered 07th Dec 2 p 1140

before proceeding to distribute said  
money as specified in said decree  
and make report thereof to Court.

Saunders Sal.

vs.

Saunders Sal

This Cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner, Wilbur J. Kilby, filed the 12th. day of February 1887 (the same being a Report of the sale of the land of which Thomas J. Saunders Sr. died seised and possessed in pursuance of the decree entered herein on the 13th. day of October 1886) and on the paper marked "Paper E" <sup>(this day filed by leave of the Court)</sup> (the same being the ~~for~~ renunciation in writing of Tazewell J. Saunders, Solomon J. Saunders and Thomas J. Saunders Jr. of their right, as heirs and distributees of said Thomas J. Saunders Sr., to any part of the proceeds of the sale of said land) and was argued by counsel.

On consideration whereof the Court doth approve and confirm said Report to which no exception has been taken and doth adjudge order and decree that the said Commissioner receive of the Clerk of

~~the~~ Clerk of this Court the two Bonds of Algernon H. Saunders ~~with John B. Saunders~~ filed with said Report with John B. Saunders, James O. Branch, Milton J. Butler and Thomas J. Saunders Jr. sureties thereto, each for the sum of sixteen hundred and seventy-one dollars, ~~and~~ bearing interest from the 18th day of November 1886, and proceed to collect the ~~same~~ <sup>money</sup> at their maturity, or receive the money ~~therefor~~ before their maturity if the obligors should desire to pay the ~~same~~ <sup>money</sup> before their maturity, and the said Clerk is directed to deliver said Bonds <sup>to</sup> said Commissioner and take of him a receipt for them and file the receipt with the papers in this cause,

And the said Commissioner is directed, ~~to~~ to pay <sup>first</sup> all unpaid costs of this suit out of said money and then to pay ~~and distribute~~ the balance to the heirs and distributees of said Thomas J. Saunders Sr. deceased who are entitled thereto as follows; To Amelia J. the wife of James Robert Wright one-eighth eighth part; to Virginia L. the wife of Algernon H. Saunders a like part; to Alexander L. Saunders a like part; to

the lawfully appointed and duly qualified guardians of \_\_\_\_\_  
Ritchie Saunders, William G. Saunders,  
Jammie C. Saunders and Ida Larinia  
Saunders, infants under the age of  
twenty-one years, for each of them a  
like part; and to the lawfully ap-  
pointed and duly qualified guardians  
~~of~~ or guardians of Alfraso S. Wright,  
Thomas B. Wright, Wilbur C. Wright,  
Jesse H. Wright, Leighton A. Wright and  
Lucy A. Wright infants under the  
age of twenty-one years, for each of  
them, one-sixth of one-eighth part of  
said money, and make report  
to Court of his ~~proceedings under~~  
~~this decree~~ transactions and file with  
the Report proper vouchers for such sums  
of money as he may disburse by virtue  
of this decree.

And the Court doth further adjudge  
order and decree that said Commissioner  
make to said Algernon H. Saunders ~~to~~  
after the payment of said bonds and  
the interest thereon in full, a deed with  
special warranty in the usual form  
conveying to him the parcel of land  
purchased by him under proceedings  
in this suit.

By consent of <sup>the</sup> parties given hereto

Samders Sal.

vs. } In Chy.

Samders Sal.

In the Circuit Court  
of Chausmond County  
April 14th, 1887

Decree

To be entered

C. M. Hill

Index 173 p. 130

given in open Court and here entered  
of record. This case may be submitted  
to the Judge of this Court in vacation for  
decision or decree to be made therein in  
vacation.

Tazewell J. Saunders Sal.

vs.

Ritchie Saunders Sal.

This cause came on this day to be again heard on the papers formerly read and on the Report of Commissioner, Robert R. Prentiss filed the 30th. day of September A.D. 1886 being a report in pursuance of the decree made herein on the 11th. day of September A.D. 1886 and on the examinations of witnesses filed with said Report and was argued by counsel.

On consideration whereof the Court doth confirm the said Report to which no exception has been filed, and it appearing that the land mentioned and described in the Bill cannot be conveniently divided in kind between the several parties entitled to share therein, and that no one of the parties is willing to accept the entire property and pay the other parties for their interests and that it ~~will promote~~ the interests of all the parties ~~it~~ will be pro-

noted by a sale of the entire property and distribution of the proceeds of the sale among the parties according to their respective rights and interests, the Court doth adjudge, order and decree that Wilbur J. Kilby, who is hereby appointed ~~the~~ Special Commissioner for that purpose, do proceed to sell the said land by public auction ~~on the premises~~ <sup>on the premises</sup> before the Courthouse door of ~~said~~ this County on some County Court day, ~~subject~~ on the terms of payment by the purchaser of enough of the purchase-money in cash to meet the costs of this suit and the expenses of the sale and the residue in equal sums at the end of six and twelve months respectively with interest from the day of sale, the purchaser to execute to said Commissioner separate Bonds in evidence of the deferred payments <sup>with the privilege, if he should so prefer, of paying the entire purchase-money in cash on the day of sale,</sup> with good personal security, and the title to the land to be retained until the further order of Court, But before proceeding to make

Special  
sale of said land, ~~the~~ said Com=  
missioner, ~~will~~ Wilbur J. Kilby, will  
advertise the time, place and terms  
thereof by printed notices for ~~at~~  
~~last~~ <sup>at least</sup> twenty days prior to the day  
of sale and by publication of  
the notice once a week for three  
successive weeks in a newspaper  
published in the Town of Suffolk  
and will execute before the Clerk  
of this Court in his office a Bond  
in the penalty of two thousand dollars  
with good personal security, payable  
to the Commonwealth of Virginia  
and conditioned for the faithful  
~~discharge of his duties~~ <sup>under this</sup>  
~~execution of this~~ decree and all  
other decrees he may be required  
to execute in this cause and  
will obtain of said Clerk a cer=  
tificate that said Bond has been  
executed as required by law and  
append the same or a copy thereof  
to the advertisement, or notice  
of the sale.

And said <sup>Special</sup> Commissioner will  
make report to Court of his pro=  
ceedings under this decree.

Saunders Sal.

vs } In Chy.

Saunders Sal.

In the Circuit Court  
of Chautauque County,  
October 13<sup>th</sup>, 1886

Decree

To be entered

Geo. Brown

Entered 10/20/86

In the Circuit Court of Aus-  
smond County  
In vacation,

Pazwee J. Saunders  
Cornelius W. Wright, James  
Robert Wright and Amelia  
J. his wife, Solomon J. Sam-  
ders, Thomas J. Saunders Al-  
germon H. Saunders and  
Virginia L. his wife and  
Alexander L. Saunders- Complainants

Against } In Chancery

Ritchie Saunders, William  
G. Saunders, Channie C. Sam-  
ders, Ida Lavinia Saunders  
Alfours S. Wright, Thomas B.  
Wright, Wilbur C. Wright  
Jesse H. Wright, Leighton  
A. Wright and Lucy A.  
Wright, all infants un-  
der the age of twenty-one years. Defendants

~~Reasonable notice having been  
given of the application for this  
decree having been given by  
the plaintiffs to the defendants~~

appointed at Rules to defend them  
in this suit

This Cause, regularly matured  
and set for hearing at Rules,  
came on this day to be heard  
~~on the Bill~~ in vacation on the  
Bill of the Complainants and  
the exhibits therewith filed and  
on the answers of all the de-  
fendants, being infants under  
the age of twenty-one years, by  
Peter B. Prentiss, their guardian,  
~~ad litem~~ <sup>ad litem</sup> ~~of~~ <sup>on the answer</sup> and of said guar-  
dian ad litem in his proper  
person, with general replications  
to said answers and was ar-  
gued by Counsel.

And it appearing from the  
paper marked "D." and filed  
with the papers in this cause  
that reasonable notice of the  
application for this decree has  
been given by the plaintiffs to  
the defendants. The Court doth  
adjudge, order and decree that  
the papers in this cause be re-  
ferred to one of the Commissioners  
of this Court who is hereby di-  
rected to ascertain and report  
to Court as follows:—

1. Whether the parcels of land mentioned and described in the Bill 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 accept the entire property and pay therefor to the other parties such sums of money as their interests therein may entitle them to.

3. If the same cannot be conveniently divided in kind and no party will take the entire property and pay the others for their shares, whether the interests of ~~all parties~~ those who are entitled to the property, or its proceeds, will be promoted by a sale of the entire property, or allotment of part and sale of the residue, and distribution of the proceeds of the sale according to the respective rights of those entitled to the lands.

Which several inquiries the said Commissioner will make and to the Court report together with

Saunders Sal.

vs. } In Chy.

Saunders Sal.

In the Circuit Court  
of Chaussemond County  
In Vacation

September 11th. 1886.

Decree

To be entered

Geo. B. Snow.

Judge

Entered Chy: Order Book

N: 2 page 86

any matter specially stated  
deemed pertinent by himself or  
required by any party to be spe-  
cially stated.

Saunders & al.

vs.

Saunders & al.

This cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner, Wilbur J. Kilby, filed the 28th. day of January A.D. 1888 (the same being a Report of collections and disbursements in pursuance of the decrees entered herein on the 14th. day of April and the 4th. day of June A.D. 1887) and was argued by counsel.

On consideration whereof the Court doth approve and confirm said Report to which no exception has been taken and doth adjudge order and decree that the proceedings had herein be final and binding between the parties and doth order that this cause, in which there is nothing more to be done, be removed from the docket.

Saunders

vs. } In Chy.

Saunders

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In the Circuit Court  
of Hausenmond County  
April 17th, 1888

Final decree

To be entered  
@ m f i e

Entered Chy Order  
Book No. 2. P. 201

In the Circuit Court of Cause=  
mond County, Va.

Sanders & al. Complainants  
Against } In Chancery  
Sanders & al. Defendants

The joint and several answers of Peter B. Prentiss, Guardian ad litem assigned to defend the infant defendants, Ritchie Saunders, W<sup>m</sup> G. Saunders, Annie C. Saunders, Ida Larima Saunders, Alfonso S. Wright, Thomas B. Wright, Wilbur C. Wright, Jesse H. Wright, Leighton A. Wright and Lucy A. Wright in this suit and of said infants by their said guardian ad litem, to the Bill of Complaint exhibited against them in the Circuit Court for the County of Chaussemond by Jazewell J. Saunders, Cornelius W. Wright and others:

These Respondents reserving to themselves the benefit of all just exceptions to the said Bill for answer thereto, the said in-

facts by their said guardian ad litem and said guardian ad litem in his proper person, say,

That the matters stated in said Bill, in so far as they are informed, are true and that the land mentioned in said Bill, though subject to partition, cannot be conveniently divided in kind among the parties in interest, and that <sup>the</sup> interests of all parties will be promoted by a sale of the land and a distribution of the proceeds of the sale among the parties according to their respective rights; but being by reason of ~~their~~ their infancy and tender years incapable of understanding or taking care of their rights and interests, the said infants commit themselves and their rights and interests to the protection of the Court and pray that no decree may be pronounced to their prejudice.

And now having fully an-

swered, these Respondents pray  
to be hence dismissed with  
their reasonable costs in this  
behalf expended, and they will  
ever pray etc.

Ritchie Saunders

William G. Saunders

Nannie C. Saunders

Ida Lavinia Saunders

Alfouso S. Wright

Thomas B. Wright

Wilbur C. Wright

Jesse H. Wright

Leighton A. Wright

Lucy A. Wright

infants &c &c.

Peter B. Prentiss, their guardian

ad litem

6 Sept. 1886

Peter B. Prentiss, guardian ad litem

State of Virginia

Chaucesmond County } to wit

This day personally appeared  
before me, Wilbur J. Kilby, a Notary  
Public in and for said County, the  
above named Wm G. Saunders, Ritchie  
Saunders, Nannie C. Saunders, Al-  
fouso S. Wright and Thomas B.

Sanders & al.

vs. } In Chy.

Sanders & al.

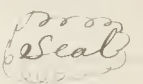
Answers of the  
infant defendants  
and guardian ad  
litem

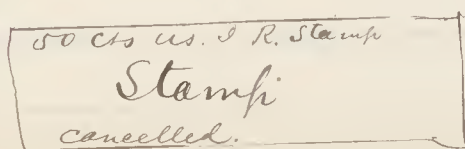
Wright, who are over fourteen  
and under twenty-one years  
of age, and also said Peter B.  
Prentiss, Guardian ad litem, and  
made oath that they believe the  
several statements made in the  
above answers are true.

Given under my hand this  
6th. day of September 1886  
Wilbur J. Kilby  
Notary Public

Whereas by a Deed of Trust executed on the 19th day of April 1869, by William H. Gordon and pursuant to a Decree of the Circuit Court of Nansemond County, pronounced on the 20th day of April 1869, as therein set forth, for the purpose of securing certain debts therein mentioned, there was conveyed among other things, to William Eley, the Trustee therein named, one tract of land, lying in Nansemond County, on the road to Milners, containing Eighty (80) acres, more or less: on which the said William H. Gordon then resided, bounded by the lands of George Gordon, Thomas Saunders and Merit Briggs: and whereas, the said William Eley Trustee as aforesaid has been required by the creditors in said Deed to make sale of said tract of land for the purpose of paying said debts: And whereas, the said William Eley, Trustee as aforesaid in execution of said Trust, proceeded to advertise the sale of said land, by notices at the Court House Door of Nansemond County and various other public places, near the premises, and by advertisements in the "Christian Seen" for at least fifteen days, and did, on the 2nd day of November, 1869, on the premises sell, at auction, on a credit of six months, with interest from date, the said tract of land and its appurtenances, when the same was purchased by Thomas J. Saunders, for the sum of Three Hundred and five

Dollars, which with all the interest thereon accrued, he has this day paid. This Deed therefore made this 19<sup>th</sup> day of April A.D. 1870, between the said William Eley, Trustee as aforesaid, of the one part, and the said Thomas J. Saunders, of the other part Witnesseth, that the said William Eley Trustee as aforesaid, in consideration of the premises, doth grant with special warranty unto, the said Thomas J. Saunders, his heirs and assigns forever, the said tract of land and its appurtenances aforesaid, sold as aforesaid.

Witness the following signature and seal,  
William Eley (Trustee) 



In the clerk's Office of Mansfield County Court the 6th day of May 1870.

This Deed was acknowledged by William Eley, Trustee, and thereupon admitted to record (the requisite stamp of 50c having been affixed and cancelled)

Teste:

Peter B. Prentiss D.C.

A Copy

Teste:

Peter B. Prentiss Clerk.

William Eley. Trustee <sup>"X mid."</sup>

To } His acopy  
Thomas J Saunders

Saunders Sal.

vs. } In Chy.

Saunders Sal.

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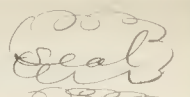
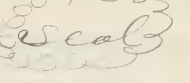
Exhibit C  
filed with the Bill

Whereas Joseph M. Kilby by his deed of Trust dated the 20th day of February 1857, did in order to secure the payment of certain debts as therein named, convey, among other things to John R. Kilby, trustee as therein named, the following parcel of land, to wit: a tract of land in Nausemond County, lying on Everetts Bridge creek and containing Two hundred and sixty nine acres (but by recent survey, two hundred and eighty one acres, one rood & eight poles, more or less), which land was by said Trustee, sold before the Court house door of Nausemond County, on the 17th day of October 1857, and purchased by Thomas Saunders, as will be more fully seen by reference to the deed to said Saunders from said John R. Kilby Trustee — and whereas in said deed of Trust Eudora Kilby - the wife of Joseph M. Kilby did not join & relinquish her right of dower therein — and now the said Eudora being willing to sell her interest therein to said Saunders, this deed is now made to convey to said Saunders all right she has in said Land.

This deed therefore made this 23<sup>rd</sup> day of October 1857, between the said Joseph M. Kilby and Eudora his wife of the one part (and the said Thomas Saunders of the other part. Witnesseth. That the said Joseph M. Kilby and Eudora, his wife

in consideration of one hundred and fifty dollars do grant unto the said Thomas Saunders and his heirs and assigns forever all the right of dower, and all other right, title and estate therein, free from themselves and all persons claiming under them.

Witness the following signatures and seals

Joseph M. Kilby   
Eudora Kilby 

Nansemond County to wit:

I, John R. Kilby, a <sup>Public</sup> Notary in and for the said County, in the State of Virginia, do certify that Eudora Kilby, the wife of Joseph M. Kilby, whose names are signed to the foregoing writing bearing date the 23<sup>d</sup> day of October 1857 personally came before me in said County, and being examined by me privily and apart from her said husband, and having the said writing fully explained to her, she the said Eudora Kilby acknowledged the same to be her act, and declared that she has willingly executed the same and that she did not wish to retract it. Given under my hand this 23<sup>d</sup> day of October 1857.

John R. Kilby  
Notary Public

Nansemond County to wit:

I, John R. Kilby, a Notary Public in and for said County & State of Virginia, do certify that Joseph M. Kilby, whose name is signed to the foregoing writing bearing date the 23<sup>d</sup> of Octo. 1857 has acknowledged the same before me in said County. Given under my hand this 23<sup>d</sup> day of Octo. 1857.

John R. Kilby  
Notary Public

In the Clerk's Office of Nansemond County Court, the 23<sup>rd</sup> day of October 1857.

This Deed was received certified by John R. Kilby, a Notary Public in and for the County of Nansemond and State of Virginia, as to its acknowledgment before him by Joseph M. Kilby: and with the certificate of the privy examination of the same covert annexed, was thereupon admitted to record.

Teste;

Abraham T. Norfleet D.C.

In the Clerk's Office of Nansemond County Court, the 3<sup>rd</sup> day of November 1866.

The foregoing Deed with the original certificates thereon was produced by Thomas J. Saunders to the Clerk of said Court, and on his application is recorded anew; the book in which the same was originally recorded having been destroyed.

Joseph M. Kilby <sup>X 1000</sup> wife

To { Deed acopy

Thomas Saunders

Saunders Tal.

vs. } In Chy.

Saunders Tal.

---

Exhibit B.  
filed with the Bill

by the receiving of the Clerk's Office  
and records on the 14th day of  
February 1866.

Clerk

Peter B. Prentiss Clerk

a copy

Platte.

Peter B. Prentiss Clerk

whereas Joseph M. Kilby by his deed of trust dated the 2<sup>nd</sup> day of February 1857, did, in order to secure certain debts as therein named, convey to John R. Kilby as trustee therein among other things the following parcel of land to wit: a tract of land in Nausumond County, lying on Everett's bridge creek, and containing two hundred and sixty nine acres, (but by recent survey two hundred and eighty one acres, one Rod + eight poles, more or less), and adjoining the lands of Merrill Briggs, Wm. H. Goodson & others, and by said creek, and which was purchased by said Joseph M. Kilby & James C. Luke & wife by deed dated the 11<sup>th</sup> day of December 1856 with power to the said John R. Kilby trustee as aforesaid, to sell the said Land and appurtenances, at private or public sale and for cash or on credit as he may deem best -

And whereas the said John R. Kilby as Trustee aforesaid did advertise the sale of said Land in the "Christian Sun" a Newspaper published near Suffolk and in the Norfolk & Portsmouth Herald, a Newspaper published in Norfolk and also extensively by printed & hand bills & notices, at the leaughouse door of Nausumond County & many other public places, did on Monday the 12<sup>th</sup> day of October 1857 (being County Court day) before the leaughouse door of said County offer the said Land for sale, on the following

terms - to wit: one third cash, and the balance on six months credit, with interest from date, when the same was purchased by Thomas Saunders for the sum of Twelve hundred and sixty five dollars -

This deed therefore made this 12th day of October 1857 between the said John R. Kilby trustee as aforesaid of the one part, and the said Thomas Saunders of the other part, Witnesseth that the said John R. Kilby as trustee aforesaid doth grant with special warranty unto the said Thomas Saunders and his heirs & assigns forever the land aforesaid sold as aforesaid (and in which the wife aforesaid Joseph M. Kilby has not relinquished her right of dower)

Witness the following signature and seal

John R. Kilby } Seal  
Trustee }

In the Clerk's Office of Nauset County Court, the 14th day of October 1857. This deed was acknowledged by John R. Kilby Trustee, and thereupon admitted to record.

Teste

Peter B. Prentiss, clerk.

In the Clerk's Office of Nauset County Court, the 3<sup>d</sup> day of November 1866.

The foregoing deed with the original certificate thereon, was produced by Thomas

J. Saunders, to the Clerk of said Court,  
and on his application is recorded anew:  
the book in which the same was orig-  
inally recorded, having been destroyed  
by the burning of the Clerk's Office and  
records on the 7th day of February 1866.

Teste

Peter B. Prentiss, Clerk.

Acopu

Teste:

Peter B. Prentiss, Clerk.

John R. Kilby, <sup>trustee</sup>

to plead a copy

Thomas Saunders

Saunders tal.

vs. } In Chy.

Saunders tal

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Exhibit A  
filed with the Bill

In the Circuit Court of Nausemond  
County, Va.

Tazewell J. Saunders,  
and others - - - - - Complainants

Against } In Chancery

Ritchie Saunders,  
and others - - - - - Defendants

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

Humbly complaining respectfully  
represent and show unto Your  
Honor, Your Complainants, Tazewell  
J. Saunders, Cornelius W. Wright, James  
Robert Wright and Amelia T. his wife,  
Solomon J. Saunders, Thomas J. Saunders  
Algernon H. Saunders and Virginia L.  
his wife and Alexander L. Saunders,

That in the month of April in  
the year 1886, Thomas J. Saunders  
Sr. departed this life intestate,  
and seised and possessed of  
the following real estate, to wit:  
1. A parcel of land situated in

near Everett's Bridge in Cherokee  
Magisterial District in said County,  
containing two hundred and  
eighty-one (281) acres, more or less  
and bounded by the lands of  
E. J. Matthews and others and the  
Creek leading to said Bridge, and  
the ~~other~~ parcel of land described  
below, - which parcel of land was  
sold and conveyed to said Thos.  
J. Saunders Sr. by John R. Kilby, Trustee  
by deed dated the 12th. day of October  
A. D. 1857 and duly recorded and by  
Joseph M. Kilby and wife by deed  
dated the 23d. day of October A. D.  
1857 and duly recorded, as will ap-  
pear by copies of said deeds here-  
with filed as parts of this Bill and  
marked "Exhibits A and B."

2. A parcel of land adjoining  
the above-described parcel and  
containing eighty (80) acres, more  
or less, and being the same land  
which Wm H. Goodson once owned  
and which by William Eley his  
Trustee was sold and conveyed  
to said Thos. J. Saunders Sr. by  
deed dated the 19th. day of April

A.D. 1870 and duly recorded, as will appear by a copy of said deed herewith filed as part of this Bill and marked "Exhibit C"

That said Thomas J. Saunders Sr. left no widow surviving him.

That his heirs and distributees surviving him are ~~as follows~~, ten children, namely, Your Complainants, Tazewell J. Saunders, Amelia T. wife of James Robert Wright, Solomon J. Saunders, Thomas J. Saunders, Virginia L. wife of Algernon H. Saunders and Alexander L. Saunders, and Ritchie Saunders, William G. Saunders, Jamie C. Saunders and Ida Lavinia Saunders, the last four named being infants under the age of twenty one years, and six grand-children, namely, Alfonso S. Wright, Thomas B. Wright, Wilbur C. Wright, Jesse H. Wright, Leighton A. Wright and Lucy A. Wright, all infants under the age of twenty one years.

That said grand-children of said Thomas J. Saunders Sr. are the children of his daughter, Aetana, by her husband Your Complainant, said Cornelius

W. Wright.

That said Octavia departed this life in the month of October in the year 1884, prior to the time of the death of the said Thomas J. Saunders Sr.

That all of her said Children are now living.

That the said two parcels of land descended at the death of said Thomas J. Saunders Sr. to his said heirs and distributees and are now subject to partition and division among them according to their respective rights and should be divided accordingly, or sold and the proceeds of the sale divided among the parties.

In consideration whereof Your Complainants being without remedy save in a Court of Equity where such matters are properly cognizable, pray that said Ritchie Saunders, William G. Saunders, Annie C. Saunders, Ida Lavinia Saunders, Alfons A. Wright, Thomas B. Wright, Wilbur C. Wright, Jesse H. Wright, Lightner A. Wright and Lucy A.

Might may be made parties  
defendant to this Bill and be  
required to answer all the al-  
legations thereof by their guardian  
ad litem to be appointed to defend  
them in this suit. they being  
infants under the age of twenty  
one years; that said parcels of  
land may be divided in kind,  
if partition thereof can be con-  
veniently <sup>between the parties entitled thereto</sup> made, and the portions  
of Your Complainants allotted  
to them in severalty; or if par-  
tition thereof cannot be conve-  
niently made between the par-  
ties entitled thereto and the  
interests of those who are entitled  
thereto or to the proceeds thereof  
will be promoted by a sale thereof,  
that said parcels of land be  
sold and the proceeds of the sale  
distributed according to the rights  
of those entitled; and that all  
proper orders and decrees may be  
made and inquiries directed in  
the premises and all such other,  
further and general relief granted  
Your Complainants as the na-  
ture of their case may require

or to Equity may seem meet.  
And Your Complainants will  
ever pray etc.  
Wilbur J. Kilby p.g.

11 Augt. 1886

Sanders & al.

vs. } In Chy.

Sanders & al.

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Bill

Jayewell J. Saunders Ld

to Chy: Notes

Ritchie Saunders Ld:

1886. Aug: 11th: Sum<sup>y</sup> in Chy: issued to Septo: Rules, 1880

" Sept: 6th: Bill L 3 Xths: filed

" " " Peter B. Prentis, appointed guardian of children to the  
deft: (all of whom are infants)

" " " Answer of the Infants (defendants) to their  
9th: at return filed, to which there was a  
general exception: a Cause set for hearing  
on mo: of Plff's Counsel

" " 13th: Vacation Decree for Decree

" " 20th: Report filed

" Octo: 13th: Decree for Sale

" " 26th: Comms of Sale's Bond executed filed

" " " Certif: as to execution of Commis: Bond, given

1887. Feb: 12th: Report of Sale filed

" Apr: 14th: Decree to Collect & distribute

" June 4th Decree allowing fee to Counsel

1888. Jan: 28th Report of Collections & disbursements, filed

Chy. Notes

Chancery Papers

Jayewell J. Saunders & al.

Against

Ritchie Saunders & al.

Wilbur J. Kilby & al.

1888  
April Term.  
Final Decree.