

1888-017

Nansemond Co. (Suffolk)

Chancery Causes: Thomas Q. Gilliam vs Admr of Van Rensselaer Brainard et al

Carr, Carswell, Smith

VIRGINIA—NANSEMOND COUNTY,
to wit—in vaeation: In the Clerk's office
of the Circuit court for the county of Nanse-
mond, on the 10th day of February, 1886—

Thomas Q. Gilliam, suing for the benefit of
himself and all ereditors of Van Rensselaer
Brainard, deeeased.....Complainant,

AGAINST

John L. Fulgham, Sheriff of Nausemond
county, and as such administrator of the
estate of Van Rensselaer Brainard, deeeased;
Wilbur J. Kilby, trustee; John C. Brainard
and Hannah E., his wife; L. O. Brainard
and Louise, his wife; Leonard Carr and
Elizabeth V., his wife; Johu A. Carswell and
Abbie C., his wife; C. N. Smith and Ada K.,
his wife; Charles C. Brainard and Benjamin
F. Brainard.....Defendants.

IN CHANCERY.

The object of this suit is to subject the real
and personal estate of whieh said Van Rens-
selaer Brainard died seised and possessed, in
said county, to the satisfaction of his debts,
and especially all that parcel of land, which
he owned at the time of his death, sitnated in
Barrett's Neek, in said county, known as the
Davis or Norsworthy land, containing 195
aeres, more or less, and bounded by the land
of Julius B. Crumpler (formerly Johu T. Pru-
den's land), the land of James J. Phillips
(called the Ferry Point farm), and the lands
of others. And affidavit having been made
and filed that the said John C. Brainard and
Hannah E., his wife; L. O. Brainard and Lou-
ise, his wife; Leonard Carr and Elizabeth V.,
his wife; John A. Carswell and Abbie C., his
wife; C. N. Smith and Ada K., his wife;
Charles C. Brainard and Benjamin F. Brain-
ard are non-residents of this Commonwealth,
it is ordered that they appear here within one
month after due publication of this order and
do what is necessary to proteet their interests
in this suit.

A copy—Teste:

PETER B. PRENTIS, Clerk.

WILBUR J. KILBY, p. q.

fel2-4w

the Circuit Court of Cause-
mond County, Va.

Thos. Q. Gilliam, suing etc. Plaintiff

Against } In Chancery

Van Rensselaer Brainard's Personal
Rep. and others. Defendants

I, John E. Brooker, editor and
proprietor of the Suffolk Herald, a
newspaper printed in the Town of Suf-
folk in said County, do hereby cer-
tify that the annexed order of Pub-
lication was duly published in the
said newspaper once a week for four
successive weeks from and after
the 12th, day of February A.D. 1886.

Given under my hand this 16th
day of March A.D. 1886.

J. E. Brooker
Edr. Propr
Suffolk Herald

Gilliam etc.

vs. } In Chy.

Brainard & al.

Certificate of J. E.
Brooker, Editor of
"Suffolk Herald"
as to Publication
of Order of Publi-
cation once a week
for four successive
weeks.

VIRGINIA—NANSEMOND COUNTY,
to wit—in vacation: In the Clerk's office
of the Circuit court for the county of Nanse-
mond, on the 10th day of February, 1886—

Thomas Q. Gilliam, suing for the benefit of
himself and all creditors of Van Rensselaer
Brainard, deceased.....Complainant,

AGAINST

John L. Fulgham, Sheriff of Nansemond
county, and as such administrator of the
estate of Van Rensselaer Brainard, deceased;
Wilbur J. Kilby, trustee; John C. Brainard
and Hannah E., his wife; L. O. Brainard
and Louise, his wife; Leouard Carr and
Elizabeth V., his wife; John A. Carswell and
Abbie C., his wife; C. N. Smith and Ada K.,
his wife; Charles C. Brainard and Benjamin
F. Brainard.....Defendants.

IN CHANCERY.

The object of this suit is to subject the real
and personal estate of which said Van Rens-
selaer Brainard died seised and possessed, in
said county, to the satisfaction of his debts,
and especially all that parcel of land, which
he owed at the time of his death, situated in
Barrett's Neek, in said county, known as the
Davis or Norsworthy land, containing 195
acres, more or less, and bounded by the land
of Julius B. Crumpler (formerly John T. Prn-
den's land), the land of James J. Phillips
(called the Ferry Point farm), and the lands
of others. And affidavit having been made
and filed that the said John C. Brainard and
Hannah E., his wife; L. O. Brainard and Lou-
ise, his wife; Leonard Carr and Elizabeth V.,
his wife; John A. Carswell and Abbie C., his
wife; C. N. Smith and Ada K., his wife;
Charles C. Brainard and Benjamin F. Brain-
ard are non-residents of this Commonwealth,
it is ordered that they appear here within one
month after dne publication of this order and
do what is necessary to protect their interests
in this suit.

A copy—Teste:

PETER B. PRENTIS, Clerk.

WILBUR J. KILBY, p. q.

fc12-4w

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

Thos. Q. Gilliam, suing etc.

vs. } In Chancery.

Van Rensselaer Brainerd's Per. Rep. & al.

State of Virginia }
Causemond County } to wit

On this 16th. day of March
1886, Peter B. Prentiss, Clerk of the
Circuit Court of Causemond County,
appeared in person before the un-
derigned, Wilbur J. Kilby, a Notary
Public in and for said County and
State, and made oath that on the
first day of the County Court of
said County at the March Term
thereof in the year 1886, he posted
a copy of the annexed order of Pub-
lication at the front door of the
Courthouse of said County

Peter B. Prentiss

Clerk of the Circuit Court in
Causemond County, Virginia

Subscribed and sworn to be=

Gilliam etc.

vs. } In Chy.

Brainard & al.

Affidavit of Peter
B. Prentis as to post-
ing Order of Public
ation at Court-
house door.

For me this 16th day of March
1886

Wilbur J. Kilby
Notary Public

Virginia - Nansemond County to wit - In Vacation:
In the Clerk's Office of the Circuit Court for the County of
Nansemond, on the 10th day of February, 1880 -

Thomas Q. Sullivan, suing for the benefit of
himself and all other Creditors of Van Rensselaer
Brainard, deceased Complainant.

Against & In Chancery

John L. Fulgham, Sheriff of Nansemond County, and as
such, Administrator of the Estate of Van Rensselaer Brainard,
deceased; Wilbur J. Kelly, Trustee; John C. Brainard and
Hannah E. his wife; L. O. Brainard and Louise, his wife;
Leonard Can and Elizabeth V. his wife; John A. Carswell
and Abbie C. his wife; C. H. Smith and Ada K. his wife;
Charles C. Brainard and Benjamin F. Brainard . . . Defendants.

The Object of this Suit is to subject the real and personal estate of which
said Van Rensselaer Brainard died seized and possessed, in said County,
to the satisfaction of his debts, and, especially, all that parcel of land
which he owned at the time of his death, situated in Barrett's Neck, in
said County, known as the Davis or Horseshoe land, containing 175
acres, more or less, and bounded by the land of Julius B. Crumpler (for-
merly John D. Ponder's land), the land of James J. Phillips (called the Ferry
Point farm), and the lands of others. And affidavit having been made
and filed, that the said John C. Brainard and Hannah E. his
wife; L. O. Brainard and Louise, his wife; Leonard Can and
Elizabeth V. his wife; John A. Carswell and Abbie C. his wife;
C. H. Smith and Ada K. his wife; Charles C. Brainard and
Benjamin F. Brainard, are non-residents of this Commonwealth:
it is ordered, that they appear here, within one month after
due publication of this order, and do what is necessary to

Thomas G. Sullivan, Esq.
to 25 { Order of Publication
Van Rensselaer & Brainerd's Publ.
Rep. & al.
1886
Feb'y: 10th: Awarded.

Protect their interests in this suit.

Wade:

Peter B. Smith's Clerk

William J. Hilly. B. 7.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY - GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *John L. Fulgham, Sheriff of*
Nansemond County, and as such Administrator of the estate of Van Rensselaer
Brainard, deceased; Walter J. Kilby, Trustee; John C. Brainard and
Hannah C. his wife; L. O. Brainard and Louise, his wife; Leonard
Carr and Elizabeth V. his wife; John W. Carswell and Abbie C. his
wife; C. N. Smith and Ada K. his wife; Charles C. Brainard and
Benjamin^{Jr} Brainard, 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 *March*, next to answer a

Bill in Chancery, exhibited against them
in the said Court by *Thomas L. Gilliam, suing for the benefit*
of himself and all creditors of Van Rensselaer Brainard, deceased.
Complainant.

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said
Court, at his office, this *10th* day of *February* 188*6*, in the *110th*
year of the Commonwealth.

Teste:

Peter B. Prentis Clerk.

Sufficient and legal service of this summons and the receipt of a copy thereof is hereby acknowledged by us severally this 10th day of February A.D. 1886.

Wilbur J. Kilby, Trustee,
J. L. Fulgham Sheriff
of Hanson Co

Kilby, p. 7,
Thomas L. Gilliam, Surg
&c.

vs { Sum. in Chq;

John L. Fulgham, Sheriff of
Hanson Co. and as such
Adm'r. of the Estate of Wm.
Hanson, deceased, dec'd
Ad.

To March Rules, 1886

Civil

Know All Men by These Presents, That we, *Wilbur*

J. Kelly

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of *Two Thousand (2000)* DOLLARS, to the payment whercof, 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 28th day of October in the year one thousand eight hundred and eighty-six, and in the 111th 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 *Thomas Q. Gilliam* suing for the benefit of himself and all other Creditors of *Van Rensselaer Brainard* deceased, Complainant against *John L. Fitzhugh* Sheriff of Nansemond County and as such Administrator of the Estate of *Van Rensselaer Brainard* deceased, Defendants, appointed a Commissioner to make sale of certain Real Estate, in said Cause described, and 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: 28th. Foranted filed

In the Circuit Court of Chause-
mond County

Thomas Q. Gilliam, suing for the
benefit of himself and all cred-
itors of Van Rensselaer Brainard
deceased. Complainant

Against } In Chancery

John L. Fulgham, Sheriff of Chause-
mond County and as such admin-
istrator of the estate of Van Rensse-
laer Brainard, deceased, Wilbur
J. Kilby, Trustee and others, De-
fendants.

This day Wilbur J. Kilby appeared
in person before me, Peter B. Prentiss
Clerk of the Circuit Court in
and for the County of Chausemond
in the State of Virginia, and
made oath that John C. Brainard,
and Hannah E. his wife, L. O.
Brainard and Louise, his wife
Leonard Carr and Elizabeth
V. his wife, John A. Carswell and
Abbie C. his wife, C. H. Smith
and Ada K. his wife, Charles
C. Brainard and Benjamin F.
Brainard, against whom and
others, Thomas Q. Gilliam, suing for
the benefit of himself and all

Thos. Q. Gilliam, Surg
etc.

VJ.

Van Rensselaer Brain-
ard's Per. Rep. & als.

Affidavit as to non-
residence of de-
fendants

creditors of Van Rensselaer Brain-
ard deceased, has instituted a
suit in Equity in said Court, are
each and all non-residents of this
Commonwealth.

Given under my hand this 10th.
day of February A. D. 1886.

Peter B. Prentiss. Clerk

The Clerk of the Circuit Court
of Causemond County will issue
summons in Chancery to March
Rules 1886 as follows:

Thomas Q. Gilliam, suing for
the benefit of himself and all
creditors of Van Rensselaer Brain-
ard, deceased. Complainant

Against } In Chancery

John L. Fulgham Sheriff of Cause-
mond County, and as such Admin-
istrator of the estate of Van Rensse-
laer Brainard deceased, Wilbur
J. Kilby, Trustee, John C. Brainard,
~~and L. O. Brainard~~ and Hannah E.
his wife, L. O. Brainard and Louise
his wife, Leonard Carr and Eliza-
beth V. his wife, John A. Carswell
and Abbie C. his wife, C. V. Smith
and Ada K. his wife, Charles C.
Brainard and Benjamin F. Brain-
ard — Defendants.

Memo:

John C. Brainard and Hannah E.
his wife, L. O. Brainard and Louise
his wife, Leonard Carr and Eliza-

Leth V. his wife, John A. Carswell
and Abbie C. his wife, C. A. Smith
and Ada K. his wife, Charles C.
Brainard and Benjamin F.
Brainard being non-residents, let
an order of Publication be published
according to law as to them

Wilbur J. Kilby
p. 9.

10 Feby. 1886

pay said \$1.50

att. i -
Memo: for sent

To the Circuit Court of Cause-
mond County;

In pursuance of the decree
of said Court pronounced on the
14th day of April 1887 in the suit
in Chancery in said Court de-
pending between Thomas Q. Gil-
liam, Complainant, and the
Personal Representative of Van
Rensselaer Brainard deceased
and others ~~and others~~, defend-
ants, a copy of which decree
is hereto attached; the un-
dersigned respectfully reports
to Court that he has received
of the clerk of said Court the
two Bonds of Rosa V. Primer
mentioned in said decree, each
for the sum of four hundred
and forty eight and ⁹⁵/₁₀₀ dol-
lars bearing interest from the
13th day of December 1886 and
that he has collected the money
for said Bonds together with
the interest due thereon and
has disbursed the money in
the manner specified in said
decree, as the following statement
and the receipts hereto attached

will fully show, to wit:
Statement.

By Principal sum of said Bonds				
each for \$448.95 =				\$ 897 90
" Interest on \$897.90				49 94
Total				\$ 947 84
To Fee for writing deed conveying				
to said Rosa V. Pinner the				
land purchased by her under				
proceedings in said cause.			5 00	
" paid Thos. Q. Gilliam on				
account of his claim a-				
gainst said Van Rensselaer				
Brainard, per said decree & sect.			942 84	
			947 84	947 84

And the undersigned further re-
ports to Court that he has made to
said Rosa V. Pinner a deed with
special warranty in the usual form
conveying to her as and for her sole
and separate estate for her sole
and separate use and benefit
the parcel of land purchased by
her under proceedings in said suit.

Respectfully submitted this 13th. day of
January 1888.

Wilbur J. Kilby, Special Commr.

Statement of the claim of Thomas
Q. Gilliam against Van Rensse-
laer Brainard mentioned in
the above Report, to wit:

Principal	\$600.00
Interest from 29 Octo. 1877 to 29 Nov. 1886, - 9y. 1m.	<u>327.00</u>
	<u>\$927.00</u>

Interest on \$600. from 29 Nov. 1886 to 13 Jan. 1888. - 1y. 3m. 14 ds.	<u>46.50</u>
	<u>\$973.50</u>

1888 Jan. 13th. Received of Wilbur
J. Kilby, Special Commr. five hun-
dred and forty-two & $\frac{84}{100}$ dol-
lars in part of the above claim
for \$973.⁵⁰.

Wilbur J. Kilby Atty. for
Thos. Q. Gilliam

At a Circuit Court continued and held
for Nassau County the 14th day of April 1887.

Thomas Q. Gilliam, suing &c. Plaintiff.

Against } In Chancery
Van Rensselaer Brainard's Ex. &c. Defendants.

This cause came on this
day to be again heard on the papers
formerly read and on the Report of
Special Commissioner Melbourn Kilby
filed the 12th day of February 1887 (the
same being a Report of the sale of the
land of which Van Rensselaer Brain-
ard died seized and possessed in pur-
suance of the decree entered herein
on the 13th day of October 1886), 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 Rosa
H. Piener filed with, said Report,
with James H. Piener, George W. Bells
and John Hirst sureties thereto,
each for the sum of four hundred
and forty-eight and 95/100 dollars,
bearing interest from the 13th day
of December 1886 and proceed to
collect the money at the maturity
of the Bonds, 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 Complainant, Thomas A. Gilliam or his attorney, on account of his claim for the sum of nine hundred and twenty-seven dollars heretofore proved in this suit against said Bankers salar Brainerd with interest on six hundred dollars paid thereof, from the 29th day of November 1886 till paid 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 Commissioner make to said Rosa T. Pinner after the payment of said Bonds and the interest thereon in full, a deed with

Special warranty in the usual
form conveying to her as
and for her sole and separate
estate for her sole and separate
use and benefit the parcel of
land purchased by her under
proceedings in this suit.

A copy

Teste:

Peter B. Pentis. Clerk

Gilliam etc.
vs. J In Chy.
Brainard & al.

Report of collections
and disbursements
13 Jan. 1888

Confirmed 14 April 1888

1888. Jan. 16th: Filed.
clk

For Sale!

A GOOD FARM ON NANSEMOND RIVER!

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 Thomas Q. Gilliam, plaintiff, and the personal representative of Van Rensselaer Brainard, deceased, and others, defendants, I shall sell by public auction, to the highest bidder, before the Courthouse door of said county, on County court day,

MONDAY, DECEMBER 13, 1886,

all that certain parcel of land of which said Brainard died seised and possessed, called the Norsworthy or Davis land, situated in Barrett's Neck, in Chuckatuck Magisterial district in said county, on Nansemond river, and on the new road leading to Ferry Point wharf on said river, containing 195 acres, more or less, and bounded by the land of Julius B. Crumpler (formerly the land of John T. Pruden), the land of James J. Phillips (called Ferry Point farm), the lands of the estates of Peter H. Houseman and Louis T. Livermore, deceased, the land of Thomas Q. Gilliam and said river.

The water-front of this farm consists of the very best oyster flats on said river, and the farm is within one-half mile of said wharf. The soil is good and produces readily such crops as are usually raised in the section in which it is located, such as cotton, corn, peanuts, potatoes, &c.

Terms of Sale:

Enough of the purchase money to meet the costs of suit and expenses of sale will be required in cash and the balance in equal sums at the end of six and twelve months, respectively, with interest from day of sale, the purchaser to execute 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.

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

WILBUR J. KILBY,

SPECIAL COMMISSIONER.

GEORGE T. PARKER, Crier.

OCTOBER 28, 1886.

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 Thomas Q. Gilliam, plaintiff, and the personal representative of Van Rensselaer Brainard, deceased, and others, defendants, to sell the land of which said Brainard died seised and possessed, has been executed with security deemed sufficient by me.

Given under my hand this 28th day of October, 1886.

PETER B. PRENTIS, CLERK.

To the Circuit Court of Haus-
mond County:

In pursuance of the decree
of said Court pronounced the 13th.
day of October 1886 in the suit
in Chancery in said Court de-
pending between Thomas Q Gil-
liam Plaintiff and the Per-
sonal Representative of Van Rens-
selaer Brainard deceased and
others. Defendants, the undersign-
ed respectfully reports to Court
that by authority of said decree
he sold by public auction before
the Courthouse door of said County
on County Court day, Monday, the
13th. day of December 1886 the
land in said decree men-
tioned and described, namely,
all that certain parcel of land
of which said Brainard died
seised and possessed called the
Borsworthy or Davis land, situated
in Barretts Creek in Chuckatuck
Magisterial District in said County
on Hausmond River and on the
new road leading to Ferry Point
wharf on said River, containing 195
acres, more or less, and bounded

by the land of Julius B. Emphler (formerly the land of John T. Pender) the land of James J. Phillips (called Ferry Point farm), the lands of the estates of Peter H. Houseman and Louis T. Livermore deceased, the land of said Thomas Q. Gilliam and said River, - the purchaser thereof being Rosa V. wife of James H. Primer ^{as the highest bidder} as and for her sole and separate estate for her sole and separate use and benefit for the sum of \$1050.⁰⁰

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 Rosa V. Primer paid part of said sum of \$1050. namely, the sum of \$152⁶⁰ cash and executed her two Bonds with James H. Primer, Geo. W. Butts, and John Hirst securities for the balance, ~~payable~~ in two installments, each of like amounts, namely \$448⁹⁵ payable six and twelve months after date with interest from the day of sale.

Said Bonds are hereto attached and the title to said land was retained until the further order of Court.

The said sum of \$152⁶⁰ has been disbursed by the undersigned by authority of said decree in payment of the costs of said suit and the expenses of said sale as the following statement and the receipts hereto attached will fully show:

(over)

Statement

By Cash received as above stated			\$ 152 60
To 5 percent coms. on \$300 =	\$15.00		
" 2 " " " " \$ 750	15.00	30 00	
" paid Geo. T. Parker, Crier, per rect.		8 00	
" " J. Ed. Booker, Printer's bills "		23 50	
" " Taxes for 1884		15 98	
" " " for 1885		14 86	
" " " for 1886		13 76	
" " Peter B. Prentiss, Clerk's fees "		15 00	
" " Wilbur J. Kilby, Atto. for Plff. "		16 50	
" " Robt. R. Prentiss, Courr. "		15 00	
		152 60	152 60

Respectfully submitted this
10th day of February 1887.

Wilbur J. Kilby
Special Courr.

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

Robt. R. Prentiss, Commr.

\$15.

Peter B. Prentiss, Clerk

\$15.

Wilbur J. Kilby, Atto. etc.

\$16.50

Mr. Annunciation Brumard Esq Dr.

1886.

To H. E. SMITH, Treasurer of Nansemond County, Va.

No. <u>38</u>	State Tax, 30 cents on the \$100.	State School Tax, 10c. on the \$100.	County Levy 25c. on the \$100.	Parish Levy, 12½c. on the \$100.	Co. School Tax, 5c. on the \$100.	Dis. School Tax, 5c. on the \$100.	Co. Road Tax, 10c. on the \$100.	TOTAL AMOUNT OF TAXES.
No. of Acres, <u>195</u>								
To Real Estate, value \$ <u>16,775.50</u>	<u>4.98</u>	<u>1.66</u>	<u>4.87</u>		<u>8.3</u>	<u>8.3</u>	<u>1.66</u>	<u>13.10</u>
" Personal Prop'y, value \$.....								
" Income, &c., value \$.....								
" Poll Taxes <u>22</u>								
Total.....								<u>13.10</u>
Five per cent. additional.....								<u>66</u>
Total.....								<u>13.76</u>

Received Payment.

H. E. Smith

Treasurer.

Mr. V. Braxward

Don

1885.

To H. E. SMITH, Treasurer of Nansemond County, Va.

No.	State Tax, 30 cents on the \$100.	State School Tax, 10c. on the \$100.	County Levy 25c. on the \$100.	Parish Levy, 10c. on the \$100.	Co. School Tax, 5c. on the \$100.	Dis. School Tax, 5c. on the \$100.	TOTAL AMOUNT OF TAXES.
No. of Acres, <u>195</u>							
To Real Estate, value \$ <u>1657.50</u>	<u>4.97</u>	<u>1.66</u>	<u>4.13</u>	<u>1.66</u>	<u>83</u>	<u>83</u>	<u>14.10</u>
" Personal Property, value \$.....							
" Income, &c., value \$.....							
" Poll Taxes.....							
Total.....							<u>\$14.10</u>
Five per cent. additional.....							<u>76</u>
Total.....							<u>14.86</u>

RECEIVED PAYMENT.

H. E. Smith

TREASURER.

[Receipt to be given where land is redeemed under Act of February 26, 1886, for annual sale of Delinquent Lands.]

OFFICE OF THE TREASURER OF THE

\$ 15⁹⁸

County of *Nausumund*

Dec 30th, 1886

Received of *Walter Kieby*
Fifteen

Dollars & *thirty eight* Cents.

on account of the redemption of *195* acres land returned delinquent for the non-payment
of Taxes and County Levies by the Treasurer of *Nausumund*, for the year

1884

195 Acres, as follows, to-wit:

State Tax,	\$ 727
County Levies for all purposes,	801
Commissions,	70
Expenses of sale,	

Total,

\$ 15⁹⁸

W. Kieby

Treasurer.

1886 Dec. 13th. Received of Wilbur J.
Kilby, Special Commr. Eight dol-
lars for services rendered as
crier at the sale this day of
the land of which Van Rensse-
laer Brainerd died seized
and possessed - sold under
decree of Court.

\$8.⁰⁰

Geo W. Parker Crier

FOR SALE—A GOOD FARM ON NANSEMOND RIVER!

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 Thomas Q. Gilliam, plaintiff, and the personal representative of Van Rensselaer Brainard, deceased, and others, defendants, I shall sell by public auction, to the highest bidder, before the Courthouse door of said county, on County court day,

MONDAY, DECEMBER 13, 1886,

all that certain parcel of land of which said Brainard died seised and possessed, called the Norsworthy or Davis land, situated in Barrett's Neck, in Chukatuck Magisterial district in said county, on Nansemond river, and on the new road leading to Ferry Point wharf on said river, containing 195 acres, more or less, and bounded by the land of Julius B. Crumpler (formerly the land of John T. Prudden), the land of James J. Phillips (called Ferry Point farm), the lands of the estates of Peter H. Houseman and Louis T. Livermore, deceased, the land of Thomas Q. Gilliam and said river.

The water-front of this farm consists of the very best oyster flats on said river, and the farm is within one-half mile of said wharf. The soil is good and produces readily such crops as are usually raised in the section in which it is located, such as cotton, corn, peanuts, potatoes, &c.

TERMS OF SALE.—Enough of the purchase money to meet the costs of suit and expenses of sale will be required in cash and the balance in equal sums at the end of six and twelve months, respectively, with interest from day of sale, the purchaser to execute 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.

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 Thomas Q. Gilliam, plaintiff, and the personal representative of Van Rensselaer Brainard, deceased, and others, defendants, to sell the land of which said Brainard died seised and possessed, has been executed with security deemed sufficient by me.

Given under my hand this 28th day of October, 1886.

no19-4t **PETER B. PRENTIS,** Clerk.

WONDERLAND OF SCIENCE.
Easy and Interesting Experiments for
Home Circle.

NOVEMBER 19, 1886.

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

Suffolk, Va.,
J. Kilby Special Comr
To Suffolk Herald, Dr.
Fine Job Work a Specialty.

Nov 19 To Publishing Notice of Sale
of Brainerd Land
7 aches 4 weeks
" 100 Hand Bills of same
Paid by William J. Kilby, Spl Comr
H. Hooker
Pubr

Suffolk, Va.,

1886

Mr H. Q. Gilliam

TERMS:

Transient Advertisements and
Subscriptions, Payable in
Advance.

Annual Advertisers are Re-
quired to Settle Quar-
terly.

Job Work, Cash on Delivery.

To Suffolk Herald, Dr.

Fine Job Work a Specialty

1886
Feb. 12 To Publishing order of Publication
in Ches Suit vs V Bramard & others
5 inches 4 weeks

7.00

Paid by Wilbur J. Kilby Spe Comm
J. H. Doolen
Pubr

Suffolk, Va.,

1888

Mr Robt H Prentiss Comr in Chancery

To Suffolk Herald, Dr.

TERMS:

Transient Advertisements and
Subscriptions, Payable in
Advance.

Annual Advertisers are Re-
quired to Settle Quar-
terly.

Job Work, Cash on Delivery.

Fine Job Work a Specialty

1888

June

18

To Publishing Notice to Creditors of
J Brainard & Co in Chancery
Suit of J Q Gilliam vs
Brainard & Co Personal Rep & others
5 inches 4 weeks

7.00

Paid by Wilbur J. Kilby Sec Comr
J E Proctor
Pubr

I, Peter B. Prentiss, Clerk of the Circuit Court of Chausemond 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 Thomas Q. Gilliam, Plaintiff and the Personal Representative of Van Rensselaer Brainerd deceased and others Defendants, to sell the land of which said Brainerd died seized and possessed, has been executed with security deemed sufficient by me.

Given under my hand this 28th. day of October 1886.

Peter B. Prentiss. Clerk

At a circuit Court continued
and held for Nassau County the
13th day of October 1886.

Thomas G. Gilliam, suing for
the benefit of himself and
all creditors of Van
Rensselaer Brainard deceased. Complainant.

Against } In Chancery
John L. Fulgham, Sheriff of
Nassau County, and as such
administrator of the estate of
Van Rensselaer Brainard,
deceased; Wilbur Kilby Trustee,
John C. Brainard and Hannah
E. his wife, L. O. Brainard and
Louise, his wife. Leonard Carr
and Elizabeth V. his wife John
A. Caswell and Abbie C. his
wife, C. N. Smith and Ada K.
his wife, Charles C. Brain-
ard and Benjamin F. Brain-
ard.

Defendants.

This Cause came on
this day day to be again heard on the
papers formerly read and on the
Report of Commissioner Robert R.
Prennis filed the 14th day of Sep-
tember A. D. 1886 being a Report of
the land of Van Rensselaer Brainard
in this County and debts due by him
made in pursuance of the decree
entered ^{having} the 19th day of April A. D. 1886, and

was agreed by counsel.

On consideration whereof the Court doth ratify and confirm said Report to which no exception has been filed, and doth the ad judge, order and decree that Wilbur J. Kilby, who is hereby appointed Special Commissioner for that purpose, do proceed to sell the land of which Jan Rensselaer Brainard died seized and possessed in this County mentioned and described in said Report, by public auction before the Court house 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 remainder 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 Special 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 sell said land said land, said Special Commissioner will advertise the time, place, and terms of the sale 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, Va. 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 proceedings under this decree.

A copy

Teste:

Peter B. Prentiss, Clerk

Cash

Clark

\$15.00

Att. Gen.

16.80

Comm. Rec.

15.00

Under

14.00

70.50

By authority of the decree of the Circuit
Court of Chaussemond County, pronounced the
14th. day of April 1887 in the suit in Chau-
ceny in said Court depending between T. Q
Gilliam, Complainant and Van Rensselaer
Brainard's Per. Rep. and others, Defend-
ants, the undersigned has this day receiv-
ed of the Clerk of said Court the two
bonds of Rosa V. Primer, mentioned
in this Report, each for the sum of
\$448.⁹⁵ for the purposes specified in
said decree

Wilbur J. Kilby Comr.
24 June 1887

Thomas Q. Gilliam
Suing to City June 13th
1886
Van Rensselaer Brainard's
Per. Rep. &c.

Gilliam etc.

vs. } In Chy.

Brainard & als.

Report of Sale
of Land

1887. Feb. 12th: Filed.
CCK

At a Circuit Court held for Nassau-
mond County on the 12 Day of
April 1885. -

Thomas Q. Gilliam for D^o

^{vs}
Van Rensselaer Brainard's Adm^r D^o

x x x The Court doth adjudge
order and decree that the papers
in this cause be referred to one
of the Commissioners of this Court
who is directed to take said and
report to Court the following ac-
counts, to wit:

1. An account of the transactions of
John L. Fulgham, Sheriff of Nassau-
mond County and as such administrator of
the estate of Van Rensselaer Brainard
deceased, showing what personal
or chattel estate of said deceased
if any has come into his hands and
is now liable for the debts of said
deceased. -
2. An account of all debts due by
said deceased or his estate according
to their priorities. -
3. An account of the real estate of

which said Van Rensselaer Braward died
seised and possessed, showing its fee
simple and annual values. -

4. An account of any matters specially
stated deemed pertinent by himself or
which any of the parties may require
to be so stated. -

An Extract
Teste

Peter B. Prentiss. Clerk

COMMISSIONER'S OFFICE,
SUFFOLK, VA., June 14, 1886. }

COMMISSIONER'S NOTICE.—

To Thomas Q. Gilliam, suing for himself and
all creditors of Van Rensselaer Brainard,
deceased Plaintiffs,

AND

John L. Fulgham, Sheriff of Nansemond
county, and as such administrator of the
estate of Van Rensselaer Brainard, deceased;
Wilbur J. Kilby, trustee; John C. Brainard
and Hannah E., his wife; L. O. Brainard
and Louisa, his wife; Leonard Carr and
Elizabeth V., his wife; John A. Caswell
and Abbie C., his wife; C. N. Smith and
Ada K., his wife; Charles C. Brainard and
Benjamin F. Brainard. Defendants.

You are hereby notified that I have fixed
upon Friday, July 16, 1886, to take, state and
settle, at my office in Suffolk, Va., the follow-
ing accounts, to wit:

1. An account of the transactions of John
L. Fulgham, Sheriff of Nansemond county,
and as such administrator of the estate of
Van Rensselaer Brainard, deceased, showing
what personal or chattel estate of said de-
ceased, if any, has come into his hands and is
now liable for the debts of said deceased.

2. An account of all debts due by said de-
ceased or his estate, according to their pri-
orities.

3. An account of the real estate of which
said Van Rensselaer Brainard died seised and
possessed, showing its fee simple and annual
values.

4. An account of any matters specially
stated deemed pertinent by myself or which
any of the parties may require to be so stated.

Which accounts are required to be taken by
the decree of the Circuit court of Nansemond
county, pronounced April 12, 1886, at which
time and place you are required to attend.

Given under my hand, as Commissioner in
Chancery of the said Court, this 14th day of
June, 1886.

ROB. R. PRENTIS,
Commissioner.

WILBUR J. KILNY, p. q.

jc18-4t

Office of the Suffolk Herald,

Suffolk, Va.,

1878

I We hereby certify that the order, of which the annexed is a copy, has been published in the SUFFOLK HERALD in the manner prescribed by law, once a week for four successive weeks.

~~ELIM & CAMPBELL, Eds. Herald.~~

Wm. Bookers Pub. Herald

Suffolk, Va.,

1886

Mr W J Kilby Atty

To Suffolk Herald, Dr.

TERMS:

Transient Advertisements and
Subscriptions, Payable in
Advance.

Annual Advertisers are Re-
quired to Settle Quar-
terly.

Job Work, Cash on Delivery.

Fine Job Work a Specialty

June 18 To Pub Notice of Court
Gilliam Van Ransacker &c
vs J L Fulgham Shff &c

7.00

Commissioner's Office,

SUFFOLK, NANSEMOND COUNTY, VA.

14 May 1886

To Thomas Q. Gilliam, suing for the benefit of himself and all creditors of Van Rensselaer Brainard deceased,

and John L. Fulgham Sheriff of Nansemond County and as such administrator of the estate of Van Rensselaer Brainard deceased, William J. Kilby, Trustee, John C. Brainard and Hannah E. his wife, L. O. Brainard and Louise his wife, Leonard Carr and Elizabeth V. his wife, John A. Carewell and Abbie C. his wife, C. N. Smith and Ada K. his wife, Charles C. Brainard and Benjamin F. Brainard. Plaintiffs, Defendants.

You are hereby notified that I have fixed upon the 16th day of July (1886) next, to take and settle, at my office, the following accounts, to-wit:

1. An account of the transactions of John L. Fulgham Sheriff of Nansemond County and as such administrator of the estate of Van Rensselaer Brainard deceased showing what personal or chattel estate of said deceased if any, has come into his hands and is now liable for the debts of said deceased. -
2. An account of all debts due by said deceased or his estate according to their priorities. -
3. An account of the real estate of which said Van Rensselaer Brainard died seized and possessed, showing its fee simple and annual values. -
4. An account of any matters specially stated deemed pertinent by myself or which any of the parties may require to be so stated. -

required to be taken by the decree of Nansemond Circuit Court, rendered on the 12th day of April 1886 in a suit in Chancery depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

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

Robt. D. Trentis,
Commissioner.

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

Wilbur J. Kilby, Trustee,
J. L. Lueham Sheriff

T. D. Gilham

Commissioner's Office,
Suffolk Va. 16 July 1886.

Thomas Q. Gilliam for &c

^{1.}
Van Rensselaer Brainard decd and others -
To the Circuit Court of
Nauvau County.

Pursuant to a
decree of the Circuit Court of Nauvau-
mond County, pronounced in the above
entitled cause on the 12 day of
April 1886 (an extract of which is
hereto annexed) the undersigned one
of the Commissioners in Chancery of
the said Court, having first given
notice of the time and place of
taking the accounts directed by the
said decree, by publication once a
week for four successive weeks in
the Suffolk Herald a newspaper
published in Suffolk Va, and by
personal service of the said notice
upon Willbur J. Tilby, Justice, John L.
Fulgham Sheriff &c and Thomas Q.
Gilliam, proceeded to execute the
said decree and herewith reports
as the result of the enquiries
by him made: -

First: That no personal estate came into the hands of John L. Fulgham Sheriff of Nansemond County and as such administrator of Van Rensselaer Brainard decd., and that hence he has no funds in his possession liable for the said decedent's debts. -

Secondly: That the only claim proved is the debt of the complainant, viz;

Bond due to Thomas Q. Gilliam:
Principal \$600.

Interest from 29. Octo. 1877 to

29. Nov. 1886 - 9 yrs. 1 month $\frac{3}{4}$ 327.

1886 Nov. 29. Prin. & Interest due \$927. $\frac{3}{4}$

Thirdly: Van Rensselaer Brainard died seized and possessed of the following real estate;

A parcel of land lying in Barretts Neck Chuckatuck Magisterial District Nansemond County Virginia containing 195 acres more or less, bounded by the lands of

Julius B. Crumpler (formerly the land
of John T. Andrew), the land of James
D. Phillips (called Ferry Point Farm),
the lands of the estates of Peter
H. Houseman and Louis J. Livermore
deceased and Nausemond River -
Familiarly known as the Davis
or Horsworthy land. -

Its assessed value is \$1637.⁵⁰

Its real value is supposed to be \$1600.[±]

Its annual value is supposed to be \$125.[±]

All of which is respectfully submitted,

Robt. A. Prentiss
Commissioner in Chancery.

Fee \$15.

J. Q. Gilliam for V.

Comms Report

11.  Dated 16 July 1886

Van Rensselaer Brainerd's
Adm^r. V.

1886. Sept. 24th: J. Q. I.
clk.

For Sale!

A GOOD FARM ON NANSEMOND RIVER!

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 Thomas Q. Gilliam, plaintiff, and the personal representative of Van Rensselaer Brainard, deceased, and others, defendants, I shall sell by public auction, to the highest bidder, before the Courthouse door of said county, on County court day,

MONDAY, DECEMBER 13, 1886,

all that certain parcel of land of which said Brainard died seised and possessed, called the Norsworthy or Davis land, situated in Barrett's Neck, in Chuckatuck Magisterial district in said county, on Nansemond river, and on the new road leading to Ferry Point wharf on said river, containing 195 acres, more or less, and bounded by the land of Julius B. Crumpler (formerly the land of John T. Pruden), the land of James J. Phillips (called Ferry Point farm), the lands of the estates of Peter H. Houseman and Louis T. Livermore, deceased, the land of Thomas Q. Gilliam and said river.

The water-front of this farm consists of the very best oyster flats on said river, and the farm is within one-half mile of said wharf. The soil is good and produces readily such crops as are usually raised in the section in which it is located, such as cotton, corn, peanuts, potatoes, &c.

Terms of Sale:

Enough of the purchase money to meet the costs of suit and expenses of sale will be required in cash and the balance in equal sums at the end of six and twelve months, respectively, with interest from day of sale, the purchaser to execute 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.

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

WILBUR J. KILBY,

SPECIAL COMMISSIONER.

GEORGE T. PARKER, Crier.

OCTOBER 28, 1886.

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 Thomas Q. Gilliam, plaintiff, and the personal representative of Van Rensselaer Brainard, deceased, and others, defendants, to sell the land of which said Brainard died seised and possessed, has been executed with security deemed sufficient by me.

Given under my hand this 28th day of October, 1886.

PETER B. PRENTIS, CLERK.

Sold to J. H. Parker for \$1000

J. Q. Gilliam etc.

vs.

Brainard & 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 12th. day of February 1887 (the same being a Report of the sale of the land of which Van Rensselaer Brainard died seized and possessed in pursuance of the decree entered herein on the 13th. day of October 1886), 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 Rosa V. Primer, filed with said Report, with James H. Primer, George W. Butts and John Hirst sureties thereto, each for the sum of four hundred and forty-eight and $\frac{95}{100}$ dollars, bearing interest from the 13th. day of ~~September~~ December

1886 and proceed to collect the money at ~~their~~ ^{the} maturity of the Bonds, 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 Complainant, Thomas Q. Gilliam, or his attorney, ~~the sum of five hundred and twenty-seven dollars~~ on account of his claim for the sum of five hundred and twenty-seven dollars, ~~heretofore~~ ^{heretofore} proved in this suit against said Van Rensselaer Brainard with interest on six hundred dollars part thereof, from the 29th day of November 1886 till paid, and make report to Court of his ^{transactions} ~~proceedings~~ under this decree and file with the Report proper vouchers for such sums of money as he may

disburse by virtue ~~hereof~~ of this decree.

And the ~~said Comm~~ Court doth further adjudge order and decree that said Commissioner make to said Rosa ^{after the payment of said bonds and the interest thereon in full} a deed with special warranty in the usual form conveying to her as and for her sole and separate estate for her sole and separate use and benefit the parcel of land purchased by her under proceedings in this suit, ~~when~~ ~~after the payment of said bonds~~ ~~and the interest thereon in full.~~

Gilliam etc.

vs. } In Chy

Brannard & al.

In the Circuit Court
of Chaussemond County
April 14 1887

Decree

To be entered

C. M. H. C.

Entered 175 No 3 / 127

Gilliam

vs.

Brainard & al.

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 24th. day of September A.D. 1886 being a Report of the land of ~~the~~ Van Rensselaer Brainard in this County and debts due by him, made in pursuance of the decree entered herein the 12th. day of April A.D. 1886, and was argued by counsel.

On consideration whereof the Court doth ratify and confirm said Report to which no exception has been filed, and doth adjudge, order and decree that Wilbur J. Kilby, who is hereby appointed Special Commissioner for that purpose, do proceed to sell the land of which Van Rensselaer Brainard died seized and possessed in this County mentioned and described in said Report, by public auction

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 remainder 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 Special Commissioner separate Bonds in evidence of the deferred payments with ^{with the privilege, if he should so prefer, of paying the entire purchase-money in cash on the day of sale.} good personal security and the title to the land to be retained until the further order of Court.

But before proceeding to sell said land, said Special Commissioner will advertise the time, place and terms of the sale 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, Va. and will execute before the Clerk of this Court in his office a Bond

in the penalty of two thousand dollars
dollars with good personal security
payable to the Commonwealth of
Virginia and conditioned for the
faithful ~~execution~~ 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 and 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 Special Commission-
er will make Report to Court
of his proceedings under this
decree.

Gilliam

vs. } In Chy.

Brainard & al.

In the Circuit Court
of Chausemond County
October 13th 1886

Decree

To be entered

Geo. P. Benson
—

Entered Oct 20th 1886

copied

Thomas Q. Gilliam, suing for the benefit of himself and all creditors of Van Rensselaer Brainerd deceased

Against } In Chancery

John L. Fulgham, Sheriff of Chautauque County and as such administrator of the estate of Van Rensselaer Brainerd deceased, Wilbur J. Kilby, Trustee, John C. Brainerd and Hannah E. his wife, L. O. Brainerd and Louise his wife, Leonard Carr and Elizabeth V. his wife, John A. Carswell and Abbie E. his wife, C. V. Smith and Ada K. his wife, Charles C. Brainerd and Benjamin F. Brainerd.

This cause, which had been regularly matured at Rules and in which the Plaintiff had proceeded ^{the defendants} against John C. Brainerd and Hannah E. his wife, L. O. Brainerd and Louise his wife, Leonard Carr and Elizabeth V. his wife, John A. Carswell and Abbie E. his wife, C. V. Smith

and Ada K. his wife, Charles E. Brainard and Benjamin F. Brainard, who are not residents of this Commonwealth, in the manner prescribed by law against absent defendants, came on this day to be heard on the ~~Bill~~ Order of Publication as to said absent defendants which had been duly published and posted as required by law, and on the Bill taken for confessed as to said absent defendants as well as to the defendants, John L. Fulgham Sheriff of Chautauque County and as such administrator of the estate of Van Rensselaer Brainard deceased and Wilbur J. Kilby, Trustee. They as well as said absent defendants still failing to appear and plead answer and demurr to said Bill and on the exhibits filed with the Bill and was argued by Counsel.

On consideration whereof the Court doth adjudge, order and decree that the papers in this cause be referred to one of the Commission-

ers of this Court who is directed to take, state and report to Court, the following accounts, to wit:

1. An Account of the Transactions of John L. Fulgham, Sheriff of Townsend County and as such administrator of the estate of Van Rensselaer Brainerd ^{deceased}, showing what personal or Chattel estate, ~~if any,~~ has of said deceased, if any, has come into his hands and is now liable for the debts of said deceased.

2. An Account of all debts due by said deceased or his estate according to their priorities.

3. An Account of the real estate of which said Van Rensselaer Brainerd died seised and possessed, showing its fee simple and annual values.

4. An Account of any matters specially stated deemed pertinent by himself or which ~~are~~ any of the parties may require to be so stated.

Gilliam etc.

vs. } In Chy.

Brainard & als.

In the Circuit Court
of Massachusetts County.
April 12th, 1886

Decree

To be entered

Geo. Brew.

Entered 0th Dec 2
p 72

Gilliam

vs.

Brainard & 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 16th. day of January A. D. 1888 (the same being a Report of collections and disbursements in pursuance of the decree entered herein on the 14th. day of April 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.

Gilliam

vs. } In Chy.

Brainard & al.

In the Circuit Court
of Chaussemond County
April 14th, 1888

Final Decree
To be entered
C. M. Hill

Entered Chy. Order
Book No. 2. P. 199

At a Monthly Court held for Nassau and County

The 8th day of February 1886.

On the motion of Thomas L. Gelliam, it is ordered that the Estate of Von Rensselaer Brainard be committed to John L. Fulgham, Sheriff of this County for Administration according to law, it appearing that the said Von Rensselaer Brainard has been dead, more than three months and no person having applied for Administration on his Estate.

A Copy Test.

Peter B. Prentiss, Clerk

Gilliam etc.

vs. } In Chy.

Brainard & al.

Exhibit E.
filed with the Bill

At a Monthly Court held for Nassau and County
the 9th day of August, 1880

By consent of all parties concerned, waiving notice,
and on motion of J. Q. Gilliam, Wilbur J. Kilby, is
appointed Trustee, in place of John R. Kilby, deceased
the Trustee, named in a Deed of Trust executed by
Van Rensselaer Brainard, the 29th day of October,
1877, and recorded the 9th day of July, 1878, for the
benefit of said J. Q. Gilliam, in Nassau and
County Court Clerk's Office.

A Copy:

Teste

Peter B. Prentiss, Clerk.

Gelliam. de
to { In Oby
Braun & Sons

Exhibit D"
fixed with the Bell

This Deed, made the twenty ninth day of October one thousand eight hundred and seventy seven. Between Vanrenselaer Brainard, of the County of Nansemond and State of Virginia, of the one part. (Late of Rich land County State of Wisconsin) and John R Kelly chosen as trustee for the purposes herein named, of the other part, Witnesseth: That the said Vanrenselaer Brainard does grant, with general warranty unto the said John R Kelly, trustee as aforesaid, the following property, to wit: a tract of land in Barrell's Neck, Nansemond County, Virginia, containing about one hundred and fifty acres, more or less, being all that part of the "Norsworthy land" this day sold to the said Brainard by said Gilliam & wife as a tract of one hundred and twenty five acres, more or less, which lies to the North and west of the place called the "Cat Pond" - The whole of which land is more particularly described in said Deed from Gilliam & wife, and the Deeds therein referred to (The land now conveyed being only part of the land sold by said Gilliam & wife to said Brainard, and is now conveyed to secure the residue of the Purchase Money, together with all and singular the appurtenances belonging to the same. In trust to secure to said J & G Gilliam, his heirs, executors, Administrators or assigns, the sum of six hundred dollars (the Residue of the Purchase Money for said land) with legal interest from this day and payable three years after date, (with the right to said Brainard to pay the said sum of Money or any part thereof before date of payment) and further evidenced by Bond dated this day, with power to sell said land now conveyed as the law directs, and to pay costs & expenses of sale (including a Commission of five per cent to said Trustee on all sales) and then pay the residue as the law directs

Witness the

following signature and seal.

Van Rensselaer Braemar. *Seal*

Virginia
County of Nansemond } To wit:

I Wilbur J. Kelly, a Notary Public in for the said County, in the State of Virginia, do certify that Van Rensselaer Braemar whose name is signed to the writing above, bearing date the 29th day of October 1877. Has acknowledged the same before me in the County aforesaid

Given under my hand this 29th day of October 1877.

Wilbur J. Kelly
Notary Public

In the Clerk's Office of Nansemond County Court, the
9th day of July, 1878.

This Deed of Trust was received, and with the certificate annexed, admitted to record

Teste

Peter B. Prentiss, Clerk

A Copy:

Teste

Peter B. Prentiss, Clerk

Gilliam etc.

vs. } In Chy.

Brainard & al.

"Exhibit C."
filed with the Bill



Three years after date with legal interest
from now till paid (if the maker hereof can pay ^{part before due} ~~all or any~~) I promise to pay
unto J. R. Gilliam his heirs
executors, administrators, or assigns, the just and full sum of Six hundred
Dollars and _____ Cents,
for value received; for the payment of which I bind my self, my heirs,
executors and administrators, firmly by these presents; and I hereby waive the benefit of
my Homestead Exemption as to this debt and obligation.

As witness my hand and seal this 29th day of October
in the year of our Lord one thousand eight hundred and seventy seven.

Witness

John R. Kilby

W. R. Brainard (Seal.)

Gilliam etc.

vs. } In Chy.

Brainard & als.

Exhibit B
filed with the Bill

Brainard

4600

Secured by record of
Deed on Land

This Deed,

made the 29th day
of October in the year of our Lord one thousand eight hundred
and seventy seven between J L Gilliam
and Martha P. his wife of the
County of Isle of Wight in the State of Virginia
of the one part, and Varrensclaer Braenard of Richland
County - State of Wisconsin
of the other part, Witnesseth: That in con-
sideration of the sum of Sixteen hundred dollars.

the said
J. L. Gilliam and Martha P.
his wife, do grant with general warranty, unto the said Varrensclaer
Braenard and to his heirs and assigns, forever, the
following real estate, to wit: A Tract of land in Borrett's Neck,
Nansemond County, Virginia containing one hundred
and ninety five acres, more or less, and adjoining the
Lands of John T. Pridgen, The Ferry Point Farm and others
& is usually called the "Newworth Land" sometimes the
"Davis Land," & is the same land this day conveyed to said
J L Gilliam by John R. Kelly, Commissioner by Deed recorded,
reference for cures and distances is here made to the
Deed to E. F. Williamson, dated the 3rd day of January, 1872.
from J. C. Newworth and others, the right is claimed &
retained by said Gilliam to cut off the said land, all the pine
trees now growing on the said land, which measures six
inches in diameter when cut the usual distance from
the ground & the said Gilliam to have three years to get
said trees off said land & the right to ship the same, from
the landing on the Nansemond River & to have right to
from the said premises & landing

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

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

Witness the following signatures and seals:

Witnesses:

Geo M Waddell

J L Gilem [SEAL.]
her
Martha P Gilem [SEAL.]
neat

State of Virginia,
County of Isle of Wight } To wit:
I Geo M Waddell, a Notary Public

in and for the county aforesaid
in the State of Virginia, do certify that Martha P Gilem the
wife of Thomas L Gilem whose names are

signed to the writing above, bearing date the 29th day of October
1877, personally appeared before me in the county aforesaid, and being duly
examined by me privily and apart from her husband, and having the writing
aforesaid fully explained to her, she the said Martha P Gilem
acknowledged the said writing to be her act, and declared that she had willingly
executed the same, and does not wish to retract it.

Given under my hand this 10th day of November eighteen
hundred and seventy seven.

Geo M Waddell
Notary Public for the County of Isle of Wight Va

Virginia,
County of Nansemond } To wit:

I, John R Kelly, a Notary Public in and for
the said county, in the State of Virginia, do certify that J L Gilem
whose name is signed to the writing above,
bearing date the 29th day of October 1877, has
acknowledged the same before me in the county aforesaid.

Given under my hand this 29th day of October 1877

John R Kelly
Notary Public

In the Clerk's Office of Nansemond County Court, the 19th
day of November 1877.
This Deed was received, duly certified and thereupon ad-
mitted to record.

Teste
C H Housey D.C.

N Copy: Teste
Peter B. Purvis. Clerk

Deed of Bargain and Sale.

Thos. Q. Gilliam & ux.

TO

Van Rensselaer Brainard

Gilliam etc.

vs. } In Chy.

Brainard & als.

"Exhibit A"
filed with the Bill

Thos: Q. Gilliam & al

25 { 3 Exhibits filed
with the Bill

Paul: Rep: & al:

In the Circuit Court of Chause-
mond County, Va.

Thomas Q. Gilliam, suing etc.

vs. } In Chancery

Van Rensselaer Brainard's Per. Rep.
and others.

To the Honorable George Brown,
Circuit Court Judge in and for
the County of Chausemond in the
State of Virginia:

Humbly complaining respect-
fully represents and shows unto
Your Honor, Your Complainant,
Thomas Q. Gilliam, suing for the
benefit of himself and all cred-
itors of Van Rensselaer Brainard
deceased,

That prior to the first day
of April A. D. 1885 either in the
year 1884 or 1885, the said Van
Rensselaer Brainard departed this
life intestate possessed of no
personal estate, but seized and
possessed of a parcel of land
situated in Chausemond County

Barnetts Creek in Chuckatuck Mag-
isterial District in Chausemond
County in the State of Virginia
containing one hundred and
ninety-five (195) acres, more or
less, and bounded by the land
of Julius B. Krumpler (formerly the
land of John T. Pender), the land
of James J. Phillips (called Ferry
Point Farm), the lands of the estates
of Peter H. Houseman and Louis T.
Livermore deceased, and Chause-
mond River, - which said land
is known as the Davis or Chausworthy
land and was sold and con-
veyed unto said Van Rensselaer
Brainard by Thos. Q. Gilliam and
wife by deed dated the 29th. day
of October 1877 and duly recorded,
as will appear by a duly authen-
ticated copy of said deed filed
herewith as part of this Bill and
marked "Exhibit A"

That the price for which the
said Brainard purchased said
land was the sum of sixteen
hundred dollars as stated in
said deed.

That at the time of the purchase of said land, the said Brainard paid part of said sum of sixteen hundred dollars, to wit, the sum of one thousand dollars ^{in cash}, and executed his Bond for the balance, to wit, the sum of six hundred dollars, payable to your Complainant three years after its date with interest from its date till paid, as will appear by said Bond herewith filed as part of this Bill and marked "Exhibit B."

That by a deed of trust made the 29th day of October 1877 and duly recorded, the said Brainard conveyed part of said parcel of land, to wit, one hundred and fifty acres, ^{to John R. Kilby, Trustee in trust} more or less, as in said deed of trust set forth, to secure ~~the~~ to your Complainant the payment of said Bond and said sum of six hundred dollars, as will appear by a duly authenticated copy of said deed of trust filed herewith as part of this Bill and marked "Exhibit C."

That on the 7th day of August in the year 1880, Wilbur J. Kilby, was appointed trustee by the County Court of said County in the place of said John R. Kilby, the trustee named in said deed of trust who had departed this life, with all the rights, powers, duties and responsibilities of the said John R. Kilby as trustee aforesaid, as will appear by an extract, duly authenticated, from the records of said County Court herewith filed as part of this Bill and marked "Exhibit D."

That on the 8th day of February in the year 1886, on the motion of said Your Complainant, the estate of ^{said} Brainard was committed ^{by said County Court} to John L. Fulgham, Sheriff of said County for administration according to law, as will appear by a duly authenticated extract from the records of said County Court herewith filed as part of this Bill and marked "Exhibit E."

Your Complainant says that the said Brainard did not

in his lifetime, nor has any person for him since his death paid said sum of six hundred dollars or any part of it and that the same is now all due and payable to your Complainant.

That said sum of \$600. and the interest due thereon together amount now to the sum of \$900. and that ~~that~~ part of said land which by said deed of trust was conveyed to secure the payment of said sum of \$600. will not sell for enough to satisfy said sum of \$900. and for the satisfaction of said sum of \$900. all said land (that part not subject to, as well as that part subject to, said deed of trust) will have to be sold.

That this is so because since the purchase of said land by said Brainard, no improvements have been ~~made~~ added to, nor repairs made upon the land, and such buildings and fences and improvements as

were on it at the time of the purchase have been allowed to decay and rot away, and the land itself has remained uncultivated and been allowed to grow up in bushes, and all the timber of any value has been cut off it.

That the said Brainerd left no chattel or personal estate in this County, nor elsewhere so far as Your Complainant is informed.

That the only property left by said Brainerd ~~was said land~~ to which his creditors, including Your Complainant, can look for the satisfaction of their claims, is said land.

That the heirs at law and distributees of said Brainerd are John C. Brainerd and Hannah E. his wife, L. O. Brainerd and Louise his wife, Leonard Carr and Elizabeth V. his wife, John A. Carswell and Abbie C. ^{his wife} ~~his wife~~ ^{his wife} ~~his wife~~ ^{his wife} Charles C. Brainerd and Benjamin F. Brainerd.

In consideration whereof Your

Complainant being without remedy
save in a Court of Equity, prays
that said John L. Fulgham, Sheriff
of Chaussemond County and as such
administrator of the estate of Van
Russelsaer Brainard deceased, Wil-
bur J. Kilby, Trustee, John C. Brain-
ard and Hannah E. his wife,
L. O. Brainard and Louise his
wife, Leonard Carr and Elizabeth
V. his wife, John A. Carswell and
Abbie C. his wife, C. A. Smith and
Ada K. his wife, Charles C. Brain-
ard and Benjamin F. Brainard
may be made parties defendant
to this Bill and be required to
answer the same and all the
allegations in it contained, but
answers under oath are hereby
waived; that an account of
all the debts due by said Van
Russelsaer Brainard deceased
or his estate together with proof
of the same, ~~may be taken~~
specifying their priorities if
any, and an account of the
transactions of said John L.
Fulgham, as sheriff and ad-
ministrator aforesaid, showing

what personal or chattel estate of said Van Rensselaer Brainerd if any, has come into his hands ~~subject~~ liable to the satisfaction of said debts, and an account of the real estate, including the land aforesaid, of which said Van Rensselaer Brainerd died seised and possessed, showing its fee-simple and annual values, may be taken and report thereof made to Court; that said real estate and land may be sold and the proceeds thereof, together with the proceeds of said personal or chattel estate, if any, ~~may~~ applied in satisfaction and payment of said debts including the claim aforesaid of Your Complainant according to their priorities; that all other proper accounts may be taken ~~all~~ and all necessary orders or decrees may be made and inquires directed in the premises, and such further and general relief given Your Com-

plainant as the nature of his
case may require or to Equity
shall seem meet and proper!
and as in duty bound Your
Complainant will ever pray
etc.

Wilbur J. Kilby p. q.

10 Feby. 1886

Thos. Q. Gilliam etc.

vs. } In Chy.

Van Rensselaer Brain-
ard and others.

Bill

Thomas G. Gilliam, Surg. &c

25 J. Chy. Notes

John L. Fulgham, Shff. of Harseman County, has
such Order of the Estate of Van Householder Brown and
deed &c.

1886. Feb: 10th Sum. in Chy: joined to March Rules, 1886

" Affidavit as to the non-residence of all
the depts. except John L. Fulgham, Shff. &
and Wilbur J. Kelly, Trustee, made & filed

" " " Order of Publication awarded vs. all
the non-resident defendants.

" March 1st Bill & Exhibits filed - Dece. nisi vs. Depts. John
L. Fulgham, Shff. &c & Wilbur J. Kelly
Trustee.

" April 5th Certificate of Publication filed

" " 5th Dece. nisi Confirmed.

" " " Affidavit that the Or. of Pub. had been posted
according to law

" " " Cause set for hearing on mo: of Plff's
Counsel.

" " 12 Decree for accounts

" Sept. 24, Report of Comr. filed

" Octo: 13th Dece. for sale &c

" " 28th Comr. of Sale Bond executed & filed

" " Certif. given, as to execution of said Comr. Bond

1887. Feb: 12th: Report of Sale filed

" April 14th: Dece. for Collection & Distribution

1888. Jan: 16th: Report of Alcher & disbursement & filed

Chy. Notes

Chancery Papers

Thomas L. Gilliam, single

Aggravated

Van Rensselaer Brown & Co.
Per. Rep. & al.

William J. Kilby, p. 7

1888

April Term
Final Decree.

Kaufmann & Co.

Ch	\$15-
all the	16.50
Case R.R. 11	15.00
Printed	14.00
	<u>60.00</u>