

1889-004

Nansemond Co. (Suffolk)

Chancery Causes: Hiram T. Artman vs Elisha J. Winborne & wife et al

Eley, Fulghem, Prentis

1887. July 15th. Recd of Peter B. Preater, Comr.
of Sum of Thirty (30) dollars, on account of funds
in his hand, which he will owe me, from the
Sale of my land, under the Order of the Cir.
Court of Harris County, after the payment
of my commission, shown in the Ch. Land etc
Hearse J. Delmonico vs. Elston J. Winburn Lat.
(\$15⁰⁰ of which was paid to me by the said Preater,
on 12 months since)
\$30⁰⁰

E. J. Winburn

1887. Aug: 30th. recd of said Preater, Two dollars,
E. J. Winburn

Rofock, Va. Feby 26 '87.

Peter B. Prentiss Commission pay to
The order of E. M. Baum Twelve
(\$12.) Dollars, and charge the
same to me, or my a/c.

E. J. Winborne

I accept the within
order, and will pay it
on the 1st of April 1887.

Peter B. Prentiss, Cashier

Feb. 28/87.

E. M. Baum.
A. E. Hall & Co.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY - GREETING :

YOU ARE HEREBY COMMANDED TO SUMMON *Elisha J. Wimbome and
Margaret E. his wife, Peter B. Prentiss, Trustee, William Eley,
and John L. Fulgham.*

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be
held for the said Court, on the first Monday in *September* next to answer a
Bill in Chancery, exhibited against *them*
in the said Court by *Hiram J. Artman,*

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said
Court, at his office, this *31st* day of *August* 1883, in the *108th*
year of the Commonwealth.

Teste :

Peter B. Prentiss Clerk.

Execute a copy of the within Elisha J. Winburn—
and Margarette & his wife Peter B. Prentis trustee
and William Coley

J. L. Fushman Sff

Prentis. p. 9

Hiram J. Atkinson

to { Secy. in Chy.

Elisha J. Winburn dal

To Supt. Roles, 1883

I hereby acknowledge legal
service of the within Subpoena

J. L. Fushman Sff

Pro: B. H. 1. Page

Civ. Co.

Know All Men by These Presents,

THAT WE, *Peter B. Prentiss and Charles H. Cansey*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of
Fifteen hundred (1500) 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 *20th* day of *August*
in the year one thousand eight hundred and *eighty-five*, and in the *110th*
year of the Commonwealth. And we hereby waive our homestead exemption as to this obligation.

THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above bound

Peter B. Prentiss

was by a Decree of the
who ~~has~~ *this day qualified before the* *Circuit* Court of Nansemond County,
pronounced on the 10th day of April, 1884, in the Chancery Cause of
H. D. Melman, Plaintiff, against Elisha J. Winborne and others,
Defendants, appointed a Special Commissioner to sell certain Real
Estate in said Cause described,

under said Decree or any future Decree that may be pronounced in said Cause
shall faithfully discharge the duties of his said trust, then the above obligation to be void, or else to
remain in full force and virtue.

Executed in presence }
of the Court. }

Peter B. Prentiss (SEAL.)
Ch. H. Cansey (SEAL.)
(SEAL.)
(SEAL.)
(SEAL.)

Peter B. Peabody; Shl: Comm

P. S. Band

Commonwealth

1885-

Aug: 20th:

\$16⁵⁰/₁₀₀

Berkeley Va

Sept 22nd 1887

At Sight. Pay to L. M. Morgan
or Order. the Sum of Sixteen dolls
\$16⁵⁰/₁₀₀ Value rec'd + Chge to
Lo. Peter B. Bruntiff
Suffolk Va

E. J. Winborne

Norfolk, Va. Nov. 18, 1886.
P. B. Prudden, pay to E. W. Bann
the sum of Forty (\$40.) Dollars, and charge
the same to my a/c in final settlement.

E. J. Winborne

Accepted for deposit
Peter B. Prudden, Va.
Dec. 1st 1886



E. M. Baum



FOR COLLECTION,
For Credit,
THE MERCHANTS BANK,
Norfolk, Va.

250 ⁰⁰

Recd Seven dollars in part payment of the
 within note January 21st 1880 Wm Eley 5th
 January 21st 1881 Received in part payment of
 the within note Five dollars \$5. Wm Eley 5th
 Jan'y 21st 1882 Recd Twenty five dollars in
 part payment of the within note
 Wm Eley

Eliza J. Whitcomb

13^{and} \$250⁰⁰

Wm Eley.

5th Jan'y. 1880 &
 rec'd 54 Wood & iron sh.
 on bal & chattel 551.

1886 Apr. 25th. Paid \$316.97
 by Afe. Cour. Peter B. Brew-
 ster in full of this bond

Mr J. B. Pinter
Will you please
pay to Mr

J. J. Fitzpatrick \$14 $\frac{50}{100}$
And charge the same
to my acct
E. J. Veriborne

J. G. D. Munn
Frame Two Story
Built Rock Wall
Boards up & down
on casting. Started
on Barboursville
on Sept. 1st. Wife
H. Locutt. Side of
Foundry House 16 ft -
on other side 8 ft
Beelders Risk 30 days
and 7200

To The Circuit Court of Hanover County, Virginia

In pursuance of the Decree of said Court, pronounced on the 13th day of April, 1886, in the Cause, in Chancery in said Court depending, between Abram J. Altman, Plaintiff, and Elisha J. Whitborne and others, Defendants: The undersigned, Special Commissioner, named in said Decree, respectfully reports, that he has conveyed the Real Estate, in the bill and proceedings mentioned, in said Cause, to Jacob W. Daughley, the purchaser thereof, by deed, with special warranty, and has distributed the fund in his hands, as directed, by said Decree as the following statement will show:

Statement

1886. April 13th	By Cash in hands of Commr: as per report of Sale filed 1 November, 1885.	\$895 75
	To Amount retained for drawing deed to purchaser of the land sold, and the unpaid costs of said	\$10 75
	" balance in Commissioner's hands for distribution	885 00
		\$895 75 \$895 75
1886. April 13th	By balance in Commissioner's hands for distribution, brought down	\$885 00
25	To paid Holland & Ballard, per said Decree	\$8.47
	" int: on \$5 ²⁶ from 25. March 1885. to 25 th April 1886	34 8 81 ✓
"	" A.W. Ballard do do do	\$4.71
"	" int: on \$2 ¹¹ as above	17 4 88 ✓
"	" Wm. Eley's personal representatives " "	\$300.72
"	" int: on \$250 ⁰⁰ as above	11.25 316 97 ✓
"	" Byrd, Duke & Co. " " "	\$3.80
"	" int: on \$2 ²⁰ as above	17 3 99 ✓
	Carried forward	\$334 65 \$885 00

Brought forward

\$334 65 ~~\$585 04~~

To Paid A. S. Eley, for said decree . . . \$43.75

int: on \$31.75 from 25th March 1885

to 25th April 1886

2.06 ~~\$48 76~~ ✓

To " John L. Feltgauer do do do \$131.35

" " int: on \$104.75 as above

4.81 ~~\$138 16~~ ✓

To " William H. Holmes " \$30.40

" " int: on \$23.17 as above 1.57 ~~\$31 91~~ ✓

To " Ethredge Bros & Co " \$42.02

" " int: on \$32.54 as above 2.12 ~~\$44 14~~ ✓

To " Mills H. Holland " \$30.94

" " int: on \$23.58 as above 1.53 ~~\$32 47~~ ✓

To " P. H. Lee & Son " \$1.92

" " int: on \$4.50 as above .21 ~~\$7 21~~ ✓

To " Thomas W. Smith " \$6.70

" " int: on \$3.75 as above .26 ~~\$6 96~~ ✓

To " James R. Parker " \$12.03

" " int: on \$9.00 as above .57 ~~\$12 62~~ ✓

To " Holland & Ballard " \$15.20

" " int: on \$12.83 as above .83 ~~\$16 03~~ ✓

To " John W. Duck " \$122.23

" " int: on \$121.25 as above 7.88 ~~\$130 11~~ ✓
800 00

1886 April 25th. Received of Peter B. Prentis, Special Commissioner, the respective sums of money charged in the foregoing Report as paid to us and set opposite our respective names as follows:

Holland & Ballard by Wilbur J. Kilby, Atto.	\$ 881
Mills H. Holland by Wilbur J. Kilby Atto.	\$ 32 47
Holland & Ballard by Wilbur J. Kilby Atto.	\$ 16 03
Th. Walter Eley ^{one of the Exets of} } Lyon Eley Dec -	\$ 316 97
John L. Fulham	" 138 16
John W. Smith -	696
Wm. H. Holmes by Rob. R. Prentis Atty.	31 91
Etheredge & Brooks by R. R. Prentis Atty.	44 14
Irwin H. Duck by Rob. R. Prentis, Atty.	130 11
A. S. Eley.	45 76

Mr. C. Pamel Winborne Dr. *En Dixie Dandberg*
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, 15c. on the \$100.	Co. School Tax, 5c. on the \$100.	Dis. School Tax, 5c. on the \$100.	TOTAL AMOUNT OF TAXES.
No. 1348 No. of Acres, 75-	2 25	75	1 88	1 13	38	38	6 23
To Real Estate, value \$ 250	33	11	28	17	06	05	1 00
" Personal Property, value \$ 110							
" Income, &c., value \$		1 00	50				1 50
" Poll Taxes							9 23
Total							47
Five per cent. additional							9 74
Total							

RECEIVED PAYMENT. of Peter B. Prentis, Spl. Commr. H. E. Smith, TREASURER.
By J. B. Vaughan

To the Circuit Court of Hanover County, Va.
 The undersigned, as the Administrator with the
 Will Annexed of Peter B. Prentiss, late of this County,
 deceased, respectfully begs leave to file the follow-
 ing report in the matter of.

Miriam T. Artman, . . . Plaintiff
 vs & In chancery
 Elisha J. Winborne & al. . . . Defendants.

Which Cause is now depend-
 ing in this Court.

As appears by the unfinished re-
 port wholly in the handwriting of
 the late Peter B. Prentiss there was in
 his hands to the credit of the above
 Cause on the
 13th of April, 1886, the sum of \$895.00
 of which there was paid out
 to various Creditors the sum of \$800.02
 thus leaving a balance in his
 hands of ~~\$95.00~~ ~~84.98~~
 which is accounted for as
 follows

		Dr	Cr.
1886. Apr. 13	By Balance in hands of Court Peter B. Prentiss.		\$ 84 98
" "	Interest @ 6% to Nov. 18. 1886		3 01
" Nov. 18	To paid E. M. Baum per order of E. J. Winborne, per order recd.	\$ 40 00	
1887. Apr. 1	By interest @ 6% on \$47.99 bal due -		1 03
" " "	To paid E. M. Baum per order recd	12 00	
" July 15 th	By interest @ 6% on 37.02 -		0 46
" " "	To paid E. J. Winborne per recd	30.00	
" Sept. 22	By interest @ 6% on \$74 ⁸ / ₁₀₀ bal. due		0 09
" " "	To paid F. M. Morgan per draft.	16 00	
" " "	By Balance due Court P. B. Prentiss		8 43
		\$ 98 00	\$ 98.00

over

1887
Sept. 22

To amount due Comr Prentiss \$ 8 43
Note In addition to this it
appears that said Comr P. B. Prentiss
also paid H. E. Smith, Treasurer
of Hancock County a tax ac-
count due by E. J. Winborne of \$9.74.
Also an order of said Winborne
in favor of J. J. Fitzpatrick for 14.50

It thus appearing that said
Comr. Peter B. Prentiss has fully
paid out all money that were
in his hands to the Credit of this
Cause. Your petitioner prays
for a decree to that effect and
the Confirmation of this report

Respectfully Submitted

C. H. Causey Attorney of
Peter B. Prentiss dec'd,

To the
Hon C. W. Hill
Judge Cr: Ct.
Hancock Co. Me.

H. J. Cushman

vs

E. J. Winborne

Comr P. B. Prentiss

report

At a Circuit Court held for the County of
Stammond the 10th day of April 1884

H. T. Artman

Plaintiff

Against J. M. Chancery

Elisha J. Minburn, &c.

Defendant

This cause came on this day to be further heard
on the papers formerly filed, and on the Report
of Commissioner Walter G. Hilly made pursuant
to the decree entered herein on the 10th day of October
1883 which report is dated and was filed on the
29th day of March 1884. To which no exceptions
have been taken, and was argued by Counsel.

On Consideration whereof, it is adjudged, ordered
and decreed that the said report, and the same is, in
all respects, ratified, approved and confirmed
and that J. B. Purvis, who is hereby appointed
a Special Commissioner for the purpose, do
proceed, after having first advertised the time,
place and terms of sale in some convenient news
paper, and by hand bills judiciously circulated, for
at least three weeks previous to the day of sale,
to sell the real estate in the Bill numbered, of
which Elisha J. Minburn is seized and possessed,
at public auction, in front of the Court House door,
of Stammond County on some Court day,
upon the following terms, to wit: One third of the
purchase money shall be required in cash, and
the residue in two equal instalments, payable in
six and twelve months from the day of sale, to be
evidenced by the bonds of the purchaser, with good
personal security bearing interest from the day of
sale, and the title to be retained until the further
order of the Court, or if the purchaser elect to do so

he may pay the whole of the purchase money in cash. Out of the cash payment the said Special Commissioner shall pay the costs of this suit and the expenses of sale, and the residue he shall hold subject to the future order of the Court. The said sale is not to be made earlier than the next July term of the County Court of Harrison County. But for the said Peter B. Prentiss Special Commissioner shall have any authority under this decree, he shall execute and deliver a proper bond, with security in the penalty of \$1500 ⁺, payable to the Commonwealth of Virginia, and conditioned for the faithful performance of his duties under this or any future decree that may be pronounced in this cause, and a proper certificate, that the said bond has been executed according to law shall be annexed to and published with the said advertisement and he shall make report to Court.

A Copy.

Teste.

Peter B. Prentiss, Clerk

Suffolk, Va., Nov 7th 1885

Mr P B Prentiss Trustee Comr
To Suffolk Herald, Dr.

Aug 24 To Printing 25 Bills Sale of E Wauborne Land	75
Aug 25 To publishing Sale of Land E Wauborne 4 in 3 W also layout	5.00
J. B. Bookman	5.75

P B Pruty
Justice

1883. October 31st. Received of Peter B. Prentiss,
Special Commissioner the sum of Ten dollars.
for selling Elsie J. Wimburn's land by auction
on the 12th day of October, 1883.

(\$10⁰⁰)

Edw J Parker Cris

To The Circuit Court of Hanseman County,
Virginia:

In pursuance of the Decree of said Court, pronounced the 10th. day of April, 1884, in the Cause, in Chancery in said Court depending between Hiram J. Atwood, Plaintiff, and Elisha J. Winborne and others, Defendants, a copy of which Decree is hereto attached, the undersigned, Peter B. Prentiss, appointed Special Commissioner for the purposes named in said Decree, respectfully reports to Court, that after having first executed before the Clerk of said Court, in his Office, the bond required of him as Commissioner aforesaid, under said Decree, he proceeded to advertise, and did, on the 25th day of September, AD, 1883, advertise the lands of said Elisha J. Winborne, mentioned in said Decree, for sale, on the terms and conditions named in said Decree, by posting printed notices of the sale, for more than three weeks, prior to the day of sale, at the Court House Door of said County, and at various public places in said County, and in the neighborhood of said lands, and by publication of said notice, once a week, for three successive weeks, in the "Suffolk Herald" a newspaper printed in the Town of Suffolk, in said County, and that in pursuance of said Decree and Notice, he offered for sale, and, on the 12th. day of October, 1883 (being County Court day of said County) did sell the said lands, by public Auction, before the Court House Door of said County, on the terms

and Conditions named in said Decree, and, at said Sale Jacob H. Daughley, as the highest bidder, became the purchaser, for the sum of Nine hundred and fifty (950) dollars, being a fair and adequate price for said land, which said purchaser, paid in cash, as by said Decree he was permitted to do:

Out of said sum of \$750.00
Your Commissioner has
disbursed the following sums,
to wit:

To 5 per cent Coms: on \$300. = \$15.00

" 2 do do on \$650. = 13.00

" paid Wilbur J. Kelly, Comms
in Chy: his fee for making
up cash report, per rect.
on report } 10.00

" John J. Cox, Dy: Supt. .. do. do 50

" The Suffolk Herald for advertising
sale & for printing hand bills, per rect 5.75

" Geo. J. Parker, Cus, at Sale 14.00

" balance in hand 895.75

\$950.00 \$950.00

By Balance, in Comms' }
hands brought down, and }
Subject to the order of the Court } \$895.75

Respectfully submitted

This 1st day of November, 1885.

Peter B. Prouty
Special Commissioner

Hiram J. Atkinson

vs S. Luby

Elisha J. Winburne Ad.

Comr's. Report of Sale

1885. Nov. 1st. Filed.
clk.

H

To Hiram T. Artman, Plaintiff

and Elisha J. Winborne and Margaret E. his
wife. Peter B. Prentiss, Trustee, Wm. Eley and
John L. Fulgham, Defendants

You are hereby notified that on the 25th day of March 1885
at my office, in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and
settle the following account which ~~is~~ ^{is} to be taken, stated and settled and reported to Court in pursuance of the
decree of the Circuit Court of Nansemond County, Va., rendered the 14th,
day of October 1884 in the suit in chancery pending in said Court to which you
are parties plaintiff and defendant, to wit:

A further Account of the liens upon
the real estate of which Elisha J. Winborne
is seised and possessed showing their
amounts and respective priorities to-
gether with any other Account deemed
pertinent by myself or required by
any of the parties to be so stated.

Given under my hand, as Commissioner in Chancery of said Court, this 10th day of
March 1885

WILBUR J. KILBY,

Commissioner in Chancery.

Sufficient and legal service of this
notice is hereby acknowledged by us
severally.

1885 March 10th.

Robt. D. Prentiss, Attorney.

J. L. Fulham
Peter B. Prentiss, Trustee

The undersigned has served the within notice
upon Elisha J. Winborne by delivering a copy
thereof in writing to him in person this 10th.
day of March 1885.

J. T. Cox left for
J. L. Fulham Sheriff

P. B. Prentiss Trustee
and return by
J. T. Cox left for
J. L. Fulham Sheriff
of copy in E. J.
Winborne

In the Circuit Court of Fauquier
County, State of Virginia

Hiram T. Artman, Plaintiff

vs.

} In Chancery

Elisha J. Winborne and others
Defendants.

To the Circuit Court of Fauquier
County, Virginia:

In pursuance of the decree of
said Court pronounced the 14th. day
of October 1884 in the Cause in Chan-
cery in said Court depending be-
tween Hiram T. Artman, Plaintiff
and Elisha J. Winborne and others,
Defendants, the undersigned, Wil-
bur J. Kilby, one of the Commissioners
in Chancery of said Court, respect-
fully reports to Court that on the
10th. day of March 1885 he gave no-
tice as required by said decree, to
the parties to said Cause that on the
25th. day of March 1885, he would
proceed to take and settle at his of-
fice a further Account of the liens
upon the real estate of which said
Elisha J. Winborne is seised and
possessed showing their amounts
and respective priorities together
with any other Account deemed
pertinent by himself, or required by
any of the parties to be so stated, as

required by said decree, as will appear by the original of said notice hereto attached and the endorsements thereon, and that having completed the taking and settlement of said Account at his office on said 25th day of March 1885, he herewith respectfully submits the result of the proceedings as follows:

First Liens Of equal dignity No. 1.

Holland &
Ballard

W. J. Kilby
p. q.

A Judgment rendered by J. K. P. Daughtrey, a Justice of the Peace, the 11th day of January 1879 and docketed in the Clerk's office of Hausenrind County Court the 18th day of July 1879 in favor of Holland & Ballard against said Elisha J. Winborne for Interest from 15 July 1878 to 25 March 1885, - 6 y. 8 m. 16 ds.
Costs

-	\$	5 26
		2 11
		1 10
	\$	8 47

No. 2

A. W. Ballard

A Judgment rendered by J. K. P. Daughtrey, a Justice of the Peace the 11th day of January 1879 and docketed in said Clerk's office the 18th day of July 1879 in favor of A. W. Ballard against said Elisha J. Winborne for
Int. from 20 Octo. 1878 to 25 Mar. 1885
Costs

-	2 61
	1 00
	1 10
	4 71
\$	13 18

brought on

\$ 13 18

Second Lien

W^m Eley.

A deed of trust dated and recorded the 21st. day of January 1879 in said Clerk's office, executed by said Elisha J. Winborne and his wife, Margaret E. to Peter B. Prentiss, Trustee, to secure to W^m Eley the payment of the sum of —

250 00

Interest from 21 Jan. 1879
to 21 Jan. 1880, — 1 year. \$ 15.00
Paid 21 Jan. 1880 12.00

3.00

Interest on \$250.⁰⁰ from 21.

Jan. 1880 to 21 Jan. 1881 — 1 year 15.00

18.00

Paid 21 Jan. 1881 5.00

13.00

Interest on \$250.⁰⁰ from 21 Jan.

1881 to 9 Jan. 1882, — 11m. 19ds. 14.55

27.55

Paid 9 Jan. 1882 25.00

2.55

Interest on \$250.⁰⁰ from 9 Jan.

1882 to 25 Mar. 1885, — 3y. 2m. 16ds. 48.17 = 50 72 = 300 72

Interest to be added on \$250.⁰⁰
from 25 Mar. 1885 till paid.

carried on

\$ 313 90

brought on

\$ 313 90

Third Lien

Byrd Duke
Hco.
(Urich Byrd.
Jas. M. Duke
& Wm. Hedg-
cotte)

A Judgment rendered by J.
K. P. Daughtrey a Justice of the
Peace, the 1st. day of November
1879 and docketed the 13th. day
of May 1880 in favor of Byrd
Duke Hco. against said Eli-
sha J. Winborne for -
Interest from 1 May 1879 to 7
Jan. 1880, - 8m. 6ds.

Costs

Paid 7 Jan. 1880

Interest on \$8.82 from 7 Jan. 1880
to 18 Feby. 1880, - 1m. 12ds.

Paid 18 Feby. 1880

Interest on \$2.90 from 18 Feby. 1880
to 25 March 1885, - 5y. 1m. 7ds.

9 00

37

1 10

10 47

1 65

8 82

08

8 90

6 00

2 90

90

3 80

Fourth Lien

A. S. Eley

A Judgment rendered by J. K. P.
Daughtrey, a Justice of the Peace,
the 24th. day of July 1880 and
docketed in said Clerk's office
the 16th. day of February 1881 in favor
of A. S. Eley against said Elisha
J. Winborne for the sum of -
Interest from 14 July 1879 to
25 March 1885, - 5y. 8m. 11ds.

Costs

carried on

31 75

10 85

1 10

43 70

361 40

brought on

361 40

Fifth Lien

John L.
Fulgham.

A deed of trust dated the 4th day of November 1880 and recorded in said Clerk's office the 5th day of January 1881, executed by said Elisha J. Winborne and wife to Peter B. Prentiss. Trustee to secure to John L. Fulgham, the sum of and the fees for writing and recording the same, to wit

100 00

4 75

104 75

Total

Interest from 1 Jan. 1881 to 25 March 1885 - 4 y. 2 m. 24 ds

26 60

131 35

Sixth Lien - No. 1.

Wm H.
Holmes.

A Judgment rendered by J. K. P. Daughtrey, a Justice of the Peace, the 19th day of January 1883, but not docketed, in favor of Wm H. Holmes against said Elisha J. Winborne for -

3 17

Interest from 3d. May 1881 to 25 Mar. 1885. - 3 y. 10 m. 22 ds.

75

Costs

1 10

5 02

Sixth Lien - No. 2.

Wm H.
Holmes

A Judgment rendered by J. K. P. Daughtrey, a Justice of the Peace, the 19th day of January 1883, but not docketed, in favor of Wm H. Holmes against said Elisha J. Winborne for -

20 00

Interest from 1 Nov. 1881 to 25 Mar. 1885. - 3 y. 6 m. 24 ds.

4 28

Costs

1 10

25 38

carried on

523 15

523 15

brought on
Sixth Lien, - chs. 3

Etheredge & Brooks A Judgment rendered by J. K. P. Daughtrey, Justice of the Peace the 19th. day of January 1883 but not docketed, in favor of Etheredge & Brooks against said Elisha J. Winborne for -

	32	56	
Interest from 15 Dec. 1880 to 25 Mar. 1885. - 4y. 3m. 10 ds.	8	36	
costs	1	10	42 02

Seventh Lien, - chs. 1.

Mills H. Holland A Judgment rendered by J. K. P. Daughtrey, Justice of the Peace, the 3d. day of March 1883, but not docketed, in favor of Mills H. Holland against said Elisha J. Winborne for -

	12	16	
Interest from 3 Mar. 1883 to 25 Mar. 1885 - 2y. 22 ds.	1	50	
costs	1	10	14 76

Seventh Lien, - chs. 2

Mills H. Holland A Judgment rendered by J. K. P. Daughtrey, Justice of the Peace the 3d. day of March 1883 but not docketed, in favor of Mills H. Holland against said Elisha J. Winborne for -

	11	42	
Interest from 24 Apr. 1879 to 25 March 1885. - 5ys. 4m. 1d.	3	66	
costs	1	10	16 18
carried on			596 11

brought on

596 11

Seventh Lien, No. 3

P. H. Lee
Son

A judgment rendered by J. K. P. Daughtrey, Justice of the Peace, the 3d. day of March 1883 but not docketed in favor of P. H. Lee Son against said Elisha J. Winborne for -

Interest from 6 May 1880 to 25 Mar. 1885. - 4y. 10m. 19ds.

costs

4 50

1 32

1 10

6 92

Eighth Lien

Thos. W.
Smith

A judgment rendered by Benjamin Riddick, Justice of the Peace, the 17th. day of March 1884 in favor of Thos. W. Smith against said Elisha J. Winborne for -

Interest from 30 Aug. 1881 to 25 Mar. 1885. - 3y. 6m. 25ds.

costs

3 95

1 55

1 20

6 70

Ninth Lien
No. 1

Jas. R.
Parker

A judgment rendered by J. K. P. Daughtrey, Justice of the Peace, the 24th. day of May 1884 in favor of James R. Parker ^{but not docketed} against said Elisha J. Winborne for -

Interest from 1 Apr. 1881 to 25 March 1885. - 3y. 6m. 24ds.

costs

9 00

1 93

1 10

12 03

carried on

621 76

brought on
Ninth Lien
No. 2

\$ 621 76

Holland
& Ballard

W. J. Kilby
p. q.

A judgment rendered by
J. K. P. Daughtrey, Justice of the
Peace the 24th. day of May 1884
but not docketed, in favor of
Holland & Ballard against
said Elisha J. Winborne for -
Interest from 7 Aug. 1883 to
25 Mar. 1885 - 1y. 7m. 18ds.

12 83

1 27

Costs

1 10

15 20

Tenth Lien

I. W. Duck

A deed of trust dated 9th.
day of February 1885 and
recorded the same day in
said Clerk's office, execut-
ed by said Elisha J. Winborne
alone to Robert R. Prentiss, trust-
ee, to secure to Irvin W. Duck
the payment of the sum of -
Interest from 9 Feby. 1885 to 25
March 1885 - 1m. 17ds.

121 28

95 122 23

Total

\$ 759 19

The above list includes all the liens
of which the Commissioner has any
knowledge, now in existence upon
the land of Elisha J. Winborne, includ-
ing those heretofore reported as spe-
cified in the Report of the undersigned
filed in said Cause the 29th. day of
March 1884 as well as those not there-
in mentioned nor heretofore reported.
In the said Report filed the 29th.

day of March 1884, the lien in favor of William Eley for \$282.22 is reported as the first, when it should have been reported as the second lien, as it is the second in order of time, and the lien in favor of Holland and Ballard for \$8.10 and that in favor of A. W. Ballard for \$4.53 are reported as the second, when they should have been reported as the first liens of equal dignity as they are the first in order of time.

And the lien in favor of John L. Fulgham for \$123.61 is in said Report put down as the fourth lien, when it should have been reported as the fifth.

And the lien mentioned in said Report in favor of A. S. Eley is erroneously reported as the fifth and erroneously for \$38.57 with interest from 30th April 1878, and \$1.10 costs. It should have been reported as the fourth lien and for the sum of \$31.75 with interest from 14 July 1879 and \$1.10 costs.

The said lien in favor of John L. Fulgham is the fifth and that in favor of said A. S. Eley is the fourth in order of time as herein reported.

And the lien stated in said Report in favor of Thos. W. Smith is stated as the seventh when it should have been stated as the eighth lien, as it is the eighth in the order of time.

All the errors mentioned above as being in said Report filed the 29th day of March 1884, are corrected in

this Report.

The lien in favor of Hiram T. Artman for \$63, mentioned in said Report, is omitted from this Report as it has been satisfied.

All the liens mentioned in this Report are still unsatisfied liens upon the land of said Elisha J. Winborne mentioned and described in said Report filed the 29th. day of March 1884.

Respectfully submitted this 26th. day of March 1885.

Wilbur J. Kilby
Counr. in Chancery

Counr's fee	\$10.00
Sheriff's "	.50
	\$10.50

1885 Nov. 3d. Received of Peter B. Prentis Special Counr. ten (10) dollars in full of my fee above
Wilbur J. Kilby Counr.

1885 Nov. 3d. Received fifty cents in full of my fee above - received of P. B. Prentis. Spl. Counr.
J. T. Cox ~~Stiff~~ Stiff

Artman H. T.

vs. } In Chy.

Winborne E. J. & al.

Commissioner's Report
of liens upon the land
of Elisha J. Winborne
26 March 1885

No. 2

• 1885. March 26th. Filed.
cm

Commissioner's Office,

SUFFOLK, NANSEMOND COUNTY, Va.

14 March 1884

To Hiram T. Artman, Plaintiff —

and Elisha J. Winborne and Margaret E. his ^{Plaintiffs,}
wife, Peter B. Prentiss, Trustee, William
Eley and John L. Fulgham —
^{Defendants.}

You are hereby notified that I have fixed upon the 29th day of March 1884
~~next~~, to take and settle, at my office, the following accounts, to-wit:

1. An Account of the real estate of which said Elisha J. Winborne is seised and possessed with its annual and fee-simple value.
2. An Account of all the liens upon the said real estate according to their respective priorities.
3. Any other account stated specially deemed pertinent by the undersigned or which any of the parties in interest may require to be so stated.

required to be taken by the decree of Nansemond Circuit Court, rendered on the 10th.
day of October 1883 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.

Wilbur J. Kilby
Comm. in Chancery

1884 March 14th, Service of the within
notice is hereby severally acknowledged
by us

Peter B. Prentiss, Trustee.

J. L. Lulpham
H. J. Peterson

1884 March 15th. I have this day served
~~notice~~ the within notice upon Elisha J. Winborne
and Margaret E. his wife by delivering copies
hereof in writing to them in person.

J. L. Cox D. of for
J. L. Lulpham shiff.

At a Circuit Court. Held for Nassau County
the 10th day of October 1883

H. T. Artman

Plaintiff

Against } In Chancery

Elisha J. (Warborne &c

Defendant

This Cause which has been regularly matured
and set for hearing or rules according to law,
came on this day to be heard on the bill (and the
exhibits therewith filed) taken for confessed as
to all of the defendants, on whom process had
been duly served, and they still failing to appear
and plead, answer or demur, to the said bill
and was argued by Counsel.

On Consideration whereof the Court doth adjudge
order and decree that this Cause be referred to
one of the Commissioners of this Court, who
is directed to take state and report the following
Accounts

- 1 An Account of the real estate of which
Elisha J. (Warborne is seized and possessed, with
its annual and full simple value.
2. An Account of all the liens upon the said
real estate, with their respective priorities
- 3 Any other account stated specially deemed
pertinent by the Commissioner or required
by any other parties in interest to be so stated
And the Cause is continued &c.

In the Circuit Court of Fauquier
County, Virginia

Hiram T. Artman, Plaintiff

vs.

} In Chancery

Elisha J. Winborne and others, Defendants

To the Circuit Court of Fauquier
County, Virginia.

In pursuance of the decree
of said Court pronounced the 10th. day
of October 1883 in the Cause in Chancery
in said Court depending between Hiram
T. Artman, Plaintiff, and Elisha J.
Winborne and others, Defendants, a
copy of which decree is hereto attached;
the undersigned, Wilbur J. Kilby, one of
the Commissioners in Chancery of said
Court, respectfully reports to Court that
having, on the 14th. day of March 1884, given
notice as required by said decree
to the parties to said Cause, that he
would on the 29th day of March 1884
proceed to take and settle at his of-
fice the several accounts required by
said decree to be taken and settled
as will appear by a copy of said notice
hereto attached and the endorsements
thereon, he proceeded on this 29th. day
of March 1884 to take and settle said
accounts at his office and that hav-
ing completed the accounts, he herewith
respectfully submits the result of the
proceedings as follows:

Account No. 1

An Account of the real estate of which the said Elisha J. Winborne is seised and possessed with its fee-simple and annual values.

The said Elisha J. Winborne is seised in fee-simple of a tract of land with a dwelling house and other houses upon it, situated in Holy Creek Magisterial District in Chaussemond County, Va. containing 75 acres, more or less, and bounded by the lands formerly owned by Henry A. Winborne and James R. Purvis and by the land of Talbot G. Daughtrey and the public county road leading from Buckhorn to the South Quay road. Its fee-simple value is —

and its annual value \$ 70 00
It is assessed for taxation at

\$ 700 00

\$ 525 00

Account No. 2
An Account of all the liens upon the
said real estate according to their
respective priorities

The above-described land
of said Elisha J. Winborne
is subject to the following
liens for the amounts of the
following claims against
him due to the persons nam-
ed as follows:

First Lien

Wm. Eley.

A deed of Trust dated and
recorded the 21st. day of Jan-
uary 1879 in the Clerk's office
of Hausmond County Court
executed by said Elisha J.
Winborne and Margaret E.
his wife, conveying said land
to Peter B. Prentiss, Trustee, to
secure to William Eley the
payment of the sum of -
Interest from 21 Jan. 1879 to 21
Jan. 1880 - 1 year.

\$ 250 00

\$ 15 00

Paid 21 Jan. 1880

12 00

\$ 3 00

Interest on \$ 250⁰⁰ from 21 Jan.
1880 to 21 Jan. 1881 - 1 y.

15 00

18 00

Paid 21 Jan. 1881

5 00

13 00

Interest on \$ 250 from 21 Jan. 1881
to 9 Jan. 1882 - 11 m. 19 ds.

14 55

27 55

Paid 9 Jan. 1882

25 00 =

2 55

carried on

\$ 252 55

Amount due W^m Eley brought on
Interest on \$250 from 9 Jan. 1882
to 1 Jan. 1884 - 1 y. 11 m. 22 ds.
Due W^m Eley 1. Jan. 1884
with interest on \$250 part
thereof from that day.

\$ 252 55

29 67

\$ 282 22

Second Liens - Of equal dignity.
No. 1.

Holland &
Ballard

A Judgment rendered by
J. K. P. Daughtrey, a Justice of
the Peace, the 11th day of
January 1879 and docketed
in said Clerk's office the
18th day of July 1879 in favor
of Holland & Ballard against
said Elisha J. Winborne for
Interest from 15 July 1878 to
1 Jan. 1884 - 5 y. 5 m. 16 ds.
Costs

5 26

1 74

1 10

\$ 8 10

No. 2.

A. W. Bal-
lard

A Judgment rendered by J. K.
P. Daughtrey, a Justice of the
Peace, the 11th day of January
1879 and docketed in said Clerk's
office the 18th day of July 1879
in favor of A. W. Ballard against
said Elisha J. Winborne for
Interest from 20 Octs. 1878 to
1 Jan. 1884 - 5 y. 2 m. 11 ds.
Costs

2 61

82

1 10

\$ 4 53

carried on

\$ 294 85

brought on

\$ 294 85

Third Lien

Byrd, Duke
Hes.

A judgment rendered by J. K. P. Daughtrey, a Justice of the Peace the 1st. day of November 1879 and docketed the 13th. day of May 1880 in favor of Byrd, Duke Hes. against said Elisha J. Winborne for -

Interest from 1 May 1879 to 7 Jan. 1880 - 8m. 6 ds.

Costs

\$ 9 00

37

1 10

\$ 10 47

Paid 7 Jan. 1880

1 65

8 82

Interest on \$ 8.82 from 7 Jan. 1880 to 18 Feby. 1880 - 1m. 12 ds.

08

8 90

Paid 18 Feby. 1880

6 00

2.90

Interest on \$ 2.90 from 18 Feby 1880 to 1 Jan. 1884 - 3y. 10m. 13 ds.

67 \$ 3 57

Fourth Lien

John L.
Fulgham.

A deed of Trust dated the 4th. day of November 1880 and recorded in said Clerk's office the 5th. day of January 1881 executed by said Elisha J. Winborne and wife conveying said land to Peter B. Prentiss, Trustee to secure to John L. Fulgham the payment of the sum of - and the expense of the execution of said deed and the record of the same, to wit

\$ 100 00

4 75

Total

\$ 104 75 \$ 298 42

brought on	\$	104	75	\$	298	42
Interest from 1 Jan. 1881 to 1 Jan. 1884 (3 years) on \$104.75		18	86	\$	123	61

Fifth Lien

A. S. Eley.

See later Report.

A judgment rendered by J. K. P. Daughtrey, a Justice of the Peace, the 24th. day of July 1880 and docketed in said Clerk's office the 16th. day of Feby. 1881 in favor of A. S. Eley against said Elisha J. Win-borne for the sum of -
Interest from 30 April 1878 to 1 Jan. 1884 - 5 y. 8 m. 1 d.
costs

\$	38	57
	13	12
	1	10
\$	52	79

Sixth Lien

Hiram P. Artman

A judgment rendered by said J. K. P. Daughtrey, a Justice of the Peace, the 17th. day of June 1882 ~~and docketed in said Clerk's office the 12th. day of Feby. 1883~~ in favor of Hiram P. Artman against said Elisha J. Winborne for -
Interest from 27 March 1879 to 15 Dec. 1882 - 3 y. 8 m. 18 ds
costs

Satisfied by
payment of \$164.10
plus 1. July 1884.
J. W. D. Davis
J. W. D. Davis

\$	79	60
	17	75
	1	10
	98	45
	39	33
\$	59	12

Paid 15 Dec. 1882

Interest on \$59.12 from 15 Dec. 1882 to 1 Jan. 1884 - 1 y. 16 ds.
carried on

\$	3	88	\$	63	00
			\$	537	82

brought on

\$537 82

Seventh Lien

Thos. W.
Smith

A Judgment rendered by
Benja. Riddick, a Justice of
the Peace, the 17th. day of Mar.
1884 and docketed ~~the same~~
~~day in said Clerk's office in~~
favor of Thos. W. Smith against
said Elisha J. Winborne for
Interest from 1 Aug. 1881 to 1
Jan. 1884 - 2 y. 5 m.

costs

\$ 3 95

57

120 \$ 5 72

Total 1. Jan. 1884

\$543 54

Account No. 3

An Account specially stated deemed
pertinent by the Commissioner.

Under this head, the Commissioner re-
ports that the above-mentioned deed
of trust in favor of Wm Eley consti-
tuting the first lien on the said land
of Elisha J. Winborne, in addition to
said land, covers the following chat-
tel estate of said Winborne, to wit:

5 hogs, 20 barrels of corn, 1000 pounds
of fodder, 3 bushels of peas, 75 chickens,
a lot of shucks and sweet potatoes and
10,000 feet of sawed lumber.

The Commissioner has no knowledge
as to the value of this chattel estate,
nor as to its location or existence.

Respectfully submitted this 29th. day of
March 1884.

Wilbur J. Kilby

Comr. in Chancery.

Comr's fee \$10.00
Sheriff's fee 1.00

(over)

Received of Robt. R. Prentiss ten (10) in full of my
fee within.

Wilbur J. Kilby, Comr.
22 Sept. 1884

Artman H. P.

vs. } In Chy.

Winborne E. J. & al.

Commissioners Report
of land and liens
upon it.

29 March 1884

No. 1

1884. March 29th. Filed
ck

At a Circuit Court Continued and held for
Hanseman County, the 13th day of April, 1886.

Horace J. Putnam Plaintiff.

Against & In Chancery

Elisha J. Winborne and others Defendants

This Cause came on this day to be heard upon the
papers formerly read and upon the report of Peter
B. Reuter, Special Commissioner, showing, that he has
sold the real estate in the bill described, to Jacob H.
Daugherty for \$950, which report is dated and was
filed on the 1 day of November, 1885, and to which no
exceptions have been filed and was argued by Counsel:
On consideration whereof, the Court doth ratify, approve
and confirm the said report and the said sale, in
all respects, and doth adjudge, order and decree, that
the said Peter B. Reuter, who is hereby appointed a Special
Commissioner for the purpose, do convey the said real estate
to Jacob H. Daugherty, the purchaser thereof, by deed,
with Special warranty. This further adjudged, ordered and
decreed, that the said Peter B. Reuter, Special Commissioner,
do proceed to distribute the fund now in his hands, to
the Creditors of the said E. J. Winborne, as shown by the
report of Commissioner Kilby, filed on the 26 day of March,
1885, as follows:

He shall pay to Holland & Ballard or to W. J. Kilby their
Attorney \$8⁴⁹, with interest on \$3²⁶₁₀₀, from 25. March, 1885,
until paid; To A. W. Ballard \$4⁷ with interest on \$2⁵¹ from
25 March, 1885, until paid; To Wm. Eley's personal representatives
\$300⁷² with interest on \$250, from 25 March, 1885, until paid;
To Byrd, Duke & Co \$3⁸⁹ with interest on \$2⁷⁰ from 25 March,
1885, until paid; To A. S. Eley \$43⁷⁰ with interest on \$31⁷⁵,
from 25 March, 1885, until paid; To John L. Fulgham,

\$131³⁵ with interest on \$104⁷⁵ from 25 March, 1885, until paid; To William H. Holmes or to Rob: R. Prentiss, his attorney, \$30⁴⁰ with interest on \$23¹⁷ from 25 March, 1885, until paid; To Etheridge & Brooks, or to Rob: R. Prentiss, attorney \$42⁰² with interest on \$32⁵⁶ from 25 March, 1885, until paid; To Mills H. Holland or to W. J. Kilby, his attorney \$30⁷⁴ with interest on \$23⁵⁸ from 25 March, 1885, until paid; To P. H. Lee & Son, \$1⁷² with interest on \$4⁵⁰ from 25 March, 1885, until paid; To Thomas W. Smith \$6⁷⁰ with interest on \$3⁷⁵ from 25 March, 1885, until paid; To James R. Parker, \$12⁰³ with interest on \$9 from 25 March, 1885, until paid; To Holland & Ballard or to W. J. Kilby, their attorney, \$15²⁰ with interest on \$12⁸³ from 25 March, 1885, until paid; to Irvin W. Duck or to Rob: R. Prentiss, his attorney, \$122²³ with interest on \$121²⁸ from 25 March, 1885, until paid: and he shall also pay the unpaid costs of this suit, and make report to Court.

A Copy:

Teste:

Peter D. Prentiss, Clerk.

N. J. Artman

^{vs}
Elisha J. Winborn & others. -

This cause came on this day to be heard upon the papers formerly read and upon the report of Peter B. Prentiss, Special Commissioner ~~the~~ showing that he has sold the real estate in the bill described to Jacob N. Daughtrey for \$950., which report is dated and was filed on the 1. day of November 1885, and to which no exceptions have been filed and was argued by counsel:

On consideration whereof the Court doth ratify approve and confirm the said report and the said sale in all respects, and doth adjudge order and decree that the said Peter B. Prentiss, ~~Special Com~~ who is hereby appointed a Special Commissioner for the purpose do convey the said real estate to Jacob N. Daughtrey the purchaser thereof by deed with special warranty. -

It is further adjudged, ordered
and decreed, that the said Peter
B. Prentiss, Special Commissioner
do proceed to distribute the fund
now in his hands to the creditors
of the said E. J. Winborn as
shown by the report of Commissioner
Killy filed on the 26 day of
March 1885, as follows:

He shall pay to Holland & Ballard
or to W. J. Killy their attorney \$8.47
with interest on \$5.26 from 25-
March 1885-until paid; To A. M.
Ballard \$4.71 with interest on \$2.61
from 25-March 1885-until paid;
To Wm Eley's personal representatives
\$300.72 with interest on \$200.-
from 25-March 1885-until paid;
To Byrd Duke & Co. \$3.80 with interest
on \$2.90 from 25-March 1885-until
paid; To A. S. Eley \$43.70 with
interest on \$31.75 from 25-March
1885-until paid; To John L. Fulgham
\$131.35 with interest on \$104.75
from 25-March 1885-until paid;
To William H. Holmes or to Rob. R.
Prentiss his attorney \$30.40 with interest
on \$23.17 from 25-March 1885-until

or to Rob. R. Prentiss ^{Attorney}
paid; To Etheredge & Brooks \$42.⁰²
with interest on \$32.⁵⁶ from 25-
March 1885 until paid. To Mills &
Holland or to W. J. Kilby his attorney
\$30.⁹⁴ with interest on \$23.⁵⁸ from
25-March 1885 until paid; To J. H.
Lee & Son \$6.⁹² with interest on \$4.⁵⁰
from 25-March 1885 until paid; To
Thomas W. Smith \$6.⁷⁰ with interest
on \$3.⁹⁵ from 25-March 1885 until
paid; To James R. Parker \$12.⁰³ with
interest on \$9. from 25-March 1885;
until paid. To Holland & Ballard
\$ or to W. J. Kilby their attorney \$15.²⁰
with interest on \$12.⁸³ from 25-March
1885 until paid; to Ivin W. Duet
or to Rob. R. Prentiss his attorney \$122.²³
with interest on \$121.²⁸ from 25-
March 1885 until paid. - And
he shall also pay the unpaid costs
of this suit and make report
to Court. -

H. J. Artman

11 DECREE

Hinborn &

Enter 13th April 1886

Y. W. B. C. D.
Entered 1886

of 1886

N. J. Artman

^{N.}
Elisha J. Winborne and others.

This cause came on this day to be further heard upon the papers formally read, and was argued by counsel:

On consideration whereof the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this Court, who is directed to take, state and report to the Court a further account of the liens upon the real estate of which Elisha J. Winborne is seised and possessed, showing their amounts and respective priorities; together with any other account deemed pertinent by himself or required by any of the parties to be so stated. Notice of the time and place of taking the said account need only be given to Elisha J. Winborne and to Robert N. Prentiss, counsel. -

H. J. Artman

N.  Deere

E. J. Winburn & Co

Enter 14 Oct. 1884

Geo. B. Low.

Entered 1884 No 2 p. 12

H. J. Artman

^{vs}
Elisha J. Winborne and others

This cause came on this day to be further heard on the papers formerly read and on the report of Commissioner William J. Kilby made pursuant to the decree entered herein on the 10. day of October 1883, which report is dated and was filed on the 29. day of March 1884, to which no exceptions have been taken, and was argued by counsel. -

On consideration whereof it is adjudged, ordered and decreed that the said report be and the same is, in all respects, ratified approved and confirmed, and that

P. B. Prunier who is hereby appointed a Special Commissioner for the purpose, do proceed, after having first advertised the time, place and terms of sale in some convenient newspaper, and by hand-bills judiciously circulated, for at least three weeks previous to the day of sale, to sell the real estate in the bill described of which Elisha J. Winborne is seised and possessed, at public auction, in front of the Court house door of Nauset County on some Court day, upon the following terms, to wit:

The said sale is not to be made earlier than the next
July Term of the County Court of Hanseman and County.

* And a proper certificate that
the said bond has been executed
according to law shall be
annexed to and published with
the said advertisement.

one third of the purchase money shall be
required in cash, and the residue in two
equal instalments payable in six and twelve
months from the day of sale, to be evidenced
by the bonds of the purchaser with good
personal security bearing interest from the
day of sale, and the title to be retained
until the further order of the Court. - Or
if the purchaser elect to do so he may pay
the whole of the purchase money in Cash. -
Out of the cash payment the said Special
Commissioner shall pay the costs of this suit,
and the expenses of sale and the residue
he shall hold subject to the future order of
the Court. *

But before the said Peter
D. Prentiss Special Commissioner shall have
any authority under this decree he shall ex-
ecute and deliver a proper bond with security
in the penalty of \$1500. * payable to the Com-
monwealth of Virginia and conditioned for
the faithful performance of his duties under
this or any future decree that may be pro-
nounced in this cause. * And he shall make
report to Court. -

~~And this case is referred to one of the
Commissioners of this Court who is directed
to sign and report what is the value
of the property to be sold.~~

A. J. Artman

v.  Deere

E. J. Winborn & Co

Enter 10 April 1884

Geo. B. Co.

Enter 10 April 1884
Copied

Niram T. Artman. -

^{N.}
Elisha J. Winborne and Margaret E. his
wife, William Eley, John L. Fulgham and
Peter B. Prentiss Trustees. -

This cause, ~~concerning this day to be~~
which has been regularly matured and set
for hearing at rules according to law came
on this day to be heard on the bill,
(and the exhibits therewith filed) taken for
confessed as to all of the defendants, on
whom process had been duly served and
they still failing to appear and plead
answer or demur to the said bill, and
was argued by counsel. -

On consideration whereof the Court doth
adjudge order and decree that this cause
be referred to one of the Commissioners
of this Court, who is directed to take,
state and report the following accounts:

1. An account of the real estate of
which Elisha J. Winborne is seized and
possessed, with its annual and fee sim-
ple value. -
2. An account of all the liens upon the
said real estate with their respective
priorities. -
3. Any other account, stated specially.

Cash.

H. J. Artman

Comm 11.

Att. H. 16.50

Sh. 2.50

Clerk 10.

40.00

19 June 1884.

M. DEEREE

Winborne 70.

Enter 10. Octo 1883

Geo. H. H. H.

Copied

Entered 83 No 1 page 626

deemed pertinent by the Commission or
required by any of the parties in inter-
est to be so stated.
And the cause is continued T.C.

Hiram T. Artman

^{v.}
Elisha J. Winborne and Margaret E. his wife
William Ely, John L. Fulgham and Peter B.
Prentis, Trustees. -

This cause came on this day to be heard on the bill taken for confessed as to the defendants Elisha J. Winborne and Margaret E. his wife, William Ely, John L. Fulgham and Peter B. Prentis, Trustees, on whom process had been duly served, they still failing to appear and plead answer or demur to the said bill, on the exhibits therewith filed, and was argued by counsel: -

On consideration whereof the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this Court, who is directed to state, settle and report to Court the following accounts, viz: -

1. An account of the real estate of which Elisha J. Winborne is seized and possessed, together with its annual and fee simple value. -
2. An account of the liens upon the said real estate, ^{showing} ~~with~~ their amounts and respective priorities. -
3. Any other account deemed pertinent by the Commissioner or required by any of the parties to be specially stated. -

H. J. Artman

N. 3 Decree
3 for Aps.

E. J. Winborn T.

Enter Octo 1883.

Hiram J. Artman,

^{N.}
Elisha J. Winborne & others. -

This cause came on this day to be further heard upon the reports of Peter B. Prentis, Special Commissioner, and upon the report of C. H. Causey, Administrator c. t. a. of said Peter B. Prentis, deceased, which reports were this day filed, and to which no exceptions have been taken, and was argued by counsel.

On consideration whereof it appearing to the Court that the said Special Commissioner has fully disbursed all the funds which came into his hands to the parties entitled thereto, the said reports are in all respects ratified, approved and confirmed. -

And the objects of this suit having been accomplished, it is ordered to be stricken from the docket.

H. J. Artman

v. Σ Final
Deere

E. J. Winborn & Co

Enter 17 April 1889

C. W. H. in

Entered Chancery
Order Book No 2
p 265.

This Deed, Made the 4th: _____ day
of November _____ one thousand eight hundred and ~~seventy~~ eighty (1880)

between Elisha J. Winborne _____ and

Margaret E. _____ his wife, of the county of Nausemoud

and State of Virginia, of the one part, and Peter B. Prentiss _____

chosen as trustee for the purposes herein named, of the other part, Witnesseth:

That the said Elisha J. Winborne _____ and

Margaret E. _____ his wife, do grant, with general warranty,
unto the said Peter B. Prentiss _____

trustee as aforesaid, the following property, to wit: All that tract, piece or parcel of land situate, lying and being in the County of Nausemoud Stoly Neck District in the State of Virginia, and bounded and described as follows: Seventy five (75) acres, more or less, and adjoining the lands of James R. Purvis, Henry A. Winborne, Talbot G. Daughtrey, and the road leading from Buckhorn to the South Quay road, being the same tract of land on which the said grantors now reside. Said land, being now subject to a Deed of Trust executed by the said Winborne & wife to Peter B. Prentiss, Trustee for Wm Eley, dated and of record the 21st: day of January 1879 - to secure a debt of \$250⁰⁰ evidenced by a bond for said sum, payable to the said Wm Eley, & due 21st Jan'y: 1880, or 12 months after its date.

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

In Trust, to secure to Jno L. Fulgham of the County of Nansemond in the State of Virginia the payment of the sum of One hundred (100) dollars evidenced by a bond of even date with this Deed, and payable to the said Jno. L. Fulgham on the 1st day of January 1881 and it is covenanted and agreed between the parties aforesaid, that in case of a sale the same shall be made after first advertising the time, place and terms thereof for ten (10) days, and upon such terms as the said Trustee shall direct, and after paying the expenses of executing this trust, if then unpaid, including a commission of five per cent to the said Trustee, then to discharge the amount of money, principal and interest, then due and unpaid of the said debt; and the residue, if any, pay as the law directs. It is also covenanted and agreed this Deed of Trust shall secure any bond given in renewal or curtail of the aforementioned bond

In all other respects this Deed shall be executed according to the law governing trust sales.

Witness the following signatures and seals:

Elisha J. Winborne (SEAL.)

Margaret E. Winborne (SEAL.)

State of Virginia,

To wit:

County of Nansemond

I. W. J. Holland a Notary Public in and for the county aforesaid, in the State of Virginia, do certify that Margaret E. Winborne the wife of Elisha J. Winborne whose names are signed to the writing above, bearing date the 4th day of November 1880, 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 Margaret E. Winborne 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 4th day of November eighteen hundred and seventy eighty (1880)

W. J. Holland Notary Public

Virginia:

To wit:

County of Nansemond

I. W. J. Holland a Notary Public in and for the said county, in the State of Virginia, do certify that Elisha J. Winborne whose name is signed to the writing above, bearing date the 4th day of November 1880, has acknowledged the same before me in the county aforesaid.

Given under my hand this 4th day of November 1880.

W. J. Holland Notary Public.

In the Clerk's Office of Nansemond County Court, the 5th day of January 1881.

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

Copy
DEED of TRUST.

Elisha J. Winborne
 & wife

To

Peter B. Prentiss, Trustee
 for
 Inc: L. Fulgham.

Exhibit No. 3.

with Bill of
 A. J. Artman

W. Winborne &c.

This Deed, made the 21st day of January in the
year eighteen hundred and seventy-nine between Elisha J. Winborne
and Margaret E. his wife

of the County of Nausemond in the State of Virginia

of the one part, and Peter B. Prutis Chosen Trustee for the
purpose herein named of the other part:

WITNESSETH, that the said Elisha J. Winborne and Margaret E.
his wife do grant unto the said

Peter B. Prutis, Trustee as aforesaid

the following property, to-wit: a certain tract, piece or parcel of land
situate, lying and being in Holy Neck Magisterial District
Nausemond County aforesaid containing Seventy-five (75)
acres more or less and adjoining the lands of
James R. Purvis, Henry A. Winborne, Talbot E. Daughtry,
and the road leading from Buckhorn to the South
May road being the same tract of land on which
the said grantors now reside. Together with
all and singular the appurtenances belonging to the
same. Also the following chattel property to-wit:
Five (5) hogs, Twenty (20) barrels of corn 1000 pounds
of fodder, three (3) bushels of peas, 25 chickens,
a lot of chucks & sweet potatoes and Ten thou
sand feet of sawed lumber.

In Trust, To secure to *William Eley* _____ of the
County of *hansemond* _____ the payment of *Two hundred*
and fifty (250) dollars, evidenced by a bond being
even date with this Deed, executed by the said
Elisha J. Winborne to the said *William Eley*, and
payable *Twelve (12) months* after date, with interest
from date, at the rate of *six (6) per cent per annum*,

and upon the further trust that the said *Elisha J. Winborne* _____
_____ shall remain in quiet and peaceable possession of the
above granted and described premises, ^{& Chattel *Realty*} and take the profits thereof to *his* _____ own use, until
default be made in the payment of the debt aforesaid, in whole or in part, _____

_____ and
upon such default being made, the said *Peter B. Prentiss Trustee* as aforesaid
shall, so soon thereafter as he shall be requested by the said *William Eley* or his
Personal Representative or assignee so to do, sell the above granted property at
public auction, at such time and place, and upon such terms and conditions, as he may deem expedient,
having first given notice of such time and place of sale for at least *Twenty (20)* _____
days, by advertisements in one or more newspapers published in the *Town* _____ of
Suffolk, Virginia _____, and out of the proceeds of such sale, after paying
all the expenses attending the execution of this trust, including a ^{*five (5) per cent*} commission, on said proceeds of sale to
the said *Trustee* _____

_____ shall pay to the said *William Eley* _____
_____ or his assigns, the debt aforesaid
with interest thereon, or so much thereof as may remain unpaid, and the balance, if any, to the said
Elisha J. Winborne, _____ or his assigns.

The said *Elisha J. Winborne* covenant^s that he will warrant generally the property hereby conveyed, and will pay all taxes, levies and assessments upon said property so long as he, or his assigns shall hold the same. And the said grantor hereby waives the benefit of his homestead exemption as to the aforesaid debt and obligation, and as to this contract.

WITNESS the following signatures and seals:

E. J. Winborne [SEAL.]

Maggie E. Winborne [SEAL.]

Peter B. Prutis (Trustee) [SEAL.]

State of Virginia:

Hansewood County to wit: _____

I, *C. H. Causey* a *Notary Public* for the
County aforesaid, in the State of Virginia, do certify that *E. J. Winborne*
and *Peter B. Prutis Trustee* _____

_____ whose names are signed to the writing above, bearing
date on the *21st* day of *January* in the year eighteen hundred
and seventy-nine have acknowledged the same before me, in my _____

County aforesaid. _____

Given under my hand, this *21st* day of *January* in the year 1879 .

C. H. Causey
Notary Public

State of Virginia.

Nansemond County

TO-WIT:

I, C. H. Causey a Notary Public for the

County of Nansemond in the state of Virginia, do

certify that Margaret E. Winborne the wife

of Elisha J. Winborne whose names

are signed to the writing above, bearing date on the 21st: day of January

in the year eighteen hundred and seventy- nine personally appeared before

me, in the County aforesaid, and being examined by me

privily and apart from her husband, and having the writing aforesaid fully explained to her, she, the said

Margaret E. Winborne 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 21st: day of January in the year 1879

C. H. Causey
Notary Public

In the Clerk's Office of Nansemond County Court
the 21st: day of January 1879.

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

Test:

Peter B. Prentiss Clerk

A. copy

Test:

Peter B. Prentiss, Clerk

Elisha J. Winborne

To Copy Deed of Trust
Peter B. Prentiss, Justice for W. & L. Co.

Exhibit No. 2

with Bill of

H. J. Artman

Winborne T. P.

Virginia :

Before J. R. P. Doughtney, a Justice of the Peace
~~By the Circuit Court of~~ NANSEMOND COUNTY :

the 17th day of June 1882

H. J. Oldman

Plaintiff.

against

E. J. Winbourn

Defendant.

Judgment was granted the Plaintiff against the Defendant for the sum of
Seventy-nine (79) Dollars and Sixty (60) Cents,
with interest thereon, to be computed after the rate of Six (6) per centum per annum,
from the 27th day of March 1877, till
payment and the costs. Subject to a credit of \$39.33 Decr: 1882.
Plaintiff's Costs, \$1

An Extract,

Teste,

Peter B. Prentiss Clerk.

Judgment Vouched }
Feb: 12th. 1883 }

H. J. Artman

vs { Extract of Judgt.

E. J. Winborne

Exhibit No. 2.
with Bill of
H. J. Artman -

vs
Winborne &c

Wiram J. Artman

against -

Elisha J. Winborn and Margaret E. his wife William Cley, John L. Fulgham and Peter B. Prentis, Trustees -

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

Humbly complaining sheweth unto your honor, your orator Wiram J. Artman, of Suffolk, Nansemond County, Virginia that, on the 17. day of June 1882, before J. K. P. Daughtrey a Justice of the Peace of Nansemond County, he recovered a judgment against Elisha J. Winborn for the sum of Seventy nine dollars and sixty cents, with interest thereon at the rate of six per centum per annum from the 27. day of March 1879 till paid and \$1.¹⁰ costs; on which judgment a writ of fieri facias was duly issued by the said justice, directed to Geo. B. Vaughan Constable of the said County, who returned the same to the Clerk's Office with the following return endorsed thereon, to wit "No effects -"

The said judgment was duly docketed in the Clerk's Office of Nansemond County Court

on the 12 day of February 1883, a duly attested extract of the same is herewith filed marked "Exhibit No. 1" and your orator prays that it may be read as a part of this bill.

That the said Elisha Winborne is seized and possessed of a tract of land containing seventy-five acres more or less lying in Holy Neck Magisterial District, Nausemond County adjoining the lands formerly owned by James R. Purvis, the lands of Henry A. Winborne, Talbot G. Daughtrey and the road leading from Buckhorn to the South Quay road, and your orator is advised that the balance due upon his said judgment is a lien under the statute law of Virginia, on the said real estate.

That in order to secure to William Eley the sum of Two hundred and fifty dollars the said Elisha J. Winborne ^{and wife} executed a deed of trust conveying the said real estate to Peter B. Prentiss, Trustee.

The said deed is dated and was admitted to record on the 21 day of January 1879, a copy of the same is herewith filed marked "Exhibit No. 2" and your orator prays that it may be read as a part of this bill.

That in order to secure to John L. Fulgham the sum of One hundred dollars the said Elisha Winborne and wife executed a deed of trust conveying the said real estate to Peter B. Prentiss, Trustee.

The said deed is dated the 4. day of November 1880, and was admitted to record on the 5. day of January 1881. - A copy of the same is herewith filed marked "Exhibit No. 3", and your orator prays that it may be read as a part of this bill. - Both of the debts secured by the said deeds of trust are due and payable, and the value of the said land greatly exceeds the amount of the said liens by deeds of trust. In tender consideration whereof and forasmuch as your orator is remediless in the premises save in a Court of equity, where matters of this sort are properly cognizable and relievable he prays that the said Elisha Winborne and Margaret E. his wife, William Ely, John L. Fulgham and Peter B. Prentiss, Trustees, may be made parties defendant to this bill and required to answer the same on oath; that the equity of redemption in the said real estate belonging to the said Elisha Winborne may be sold to satisfy your orators judgment, or that the fee simple in the said land may be sold and the liens thereon satisfied in the order of their priority; that all proper accounts may be taken, and for such other, further and general relief as the nature of the case requires and the principles of equity may justify. - Notice is hereby given that

the Court will be asked to allow the complai-
ant's counsel a reasonable fee, out of any money
under the control of the Court in this cause, for
instituting and conducting this suit.

And your orator will ever pray &c.

Let a Subpoena go &c.

Rob. R. Dentis p. q.

N. J. Artman
by Counsel.

Clay.

Dentis p. q.

N. J. Artman

Dill &
3 Exhibits
W. m.

Elisha J. Winborne &c.

H. J. Altman

25th Chy. Notes

E. J. Weinbaum & Co.

1883. Aug: 31st: Sum^y in Chy. app^d to Sept^r: Rules, 1883.

" Sept: 3rd: Bill &c filed - Decree nisi in all the depts.

" Octo: 1st: Decree nisi confirmed & cause set for
hearing on mo: of M^{rs} Counsel.

" " 10th: Decree for accounts.

1884. March 29th: Comm^r's Report filed

" Octo: 14th: Decree for further acc^{ts}.

1885 - March 26th: Comm^r's Report filed.

" Aug: 20th: Sp^l. Comm^r's (of Sale) bond exonerated &c

" Nov: 1st: Report of Sale filed

1886. Apl: 15th: Decree to distribute under the Lth

Chy. Notes