

1889-011
Nansemond Co. (Suffolk)

Chancery Causes: William Norfleet Harrell, gdn vs Lucy V. Phelps, infant et al

Copeland, Roberts, Beale, Bryant, Keeling, Cohoon, Wright, Ames, Jordan,
Hargroves, Driver

Folder 1 of 2

Manuery Papers,

William Norfleek & Co.

Against

Lucy V. Phelps & als

Wilbur J. Kilby. p. 7

1889.

Oct. Term.

Final Decree

Manuery & Co.

F. S. HANBROCK & CO., 66 & 68

No. 2

APPER.
W YORK. SOLE MANUFACTURERS.

Cash

1000 . . . \$15.00

Att. . . . 16.50

1.00

Engl. Ship . . . 15.00

No. R. R. R. Comm. . . . 8.00

Printer . . . \$33.50

Cash \$5.00
Att. 50.00
Ship 1.00
Comm. R. R. 3.00
\$59.00

Harrell Gdn.

^{vs.}
Phelps & 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 on the 10th. day of August A.D. 1889 (the same being a Report of disbursements made by him in pursuance of the decrees entered herein on the 20th. day of December A.D. 1888 and the 17th day of April A.D. 1889) and on the Report of Robert R. Prentiss a Commissioner in Chancery of this Court, filed herein on the 30th. day of September A.D. 1889 (the same being a Report of the transactions of the Complainant, William Christy Harrell as Guardian of Lucy V. Phelps, James Oscar Phelps and Annie L. Phelps in pursuance of said decrees), and was argued by Counsel.

On consideration whereof the Court doth confirm said Reports to which no exception has been taken, and doth adjudge

order and decree that the proceedings had in this cause be final and binding between the parties and that the clerk of this Court do certify to the Clerk of the County Court of this County in which said William Anfleet Hancee qualified as guardian aforesaid, a copy of the account of the transactions of said Guardian as ~~specified~~ stated in said Report of Commissioner Robert R. Prentiss with a memorandum at the foot thereof stating the style of this suit and the date of this decree to be recorded by the Clerk of said County Court in the book in his office in which ~~are~~ the accounts of guardians are required to be recorded.

And it appearing that there is nothing more to be done in this cause it is ordered that it be removed from the docket.

Hamell, Gdn. etc.

vs. } In Chy.

Phelps & al.

In the Circuit
Court of Chauce-
mond County.

October 11th 1889

Final Decree

To be entered

C. H. Hill

Entered Chancery
Order Book No.
2 page 288.

Whereas by a decree of the Circuit Court of
Hansemond County in the State of Virginia,
pronounced on the second day of November
in the year of our Lord eighteen hundred and
eighty seven in the cause or suit in Chancery
in said Court depending between William Hopton
Hanell Guardian of Lucy T. Phelps, James Oscar Phelps,
and Annie L Phelps Complainant, and said Lucy
T. Phelps, James Oscar Phelps and others defendants,
it was decreed and ordered that the real
estate of which James O Phelps did seise
and possessed, mentioned and described
in the Bill in said cause, be sold, and that
Wilbur Kilby, as special Commissioner pro-
ceed to sell the same on the terms and con-
ditions specified in said decree, - said real
estate consisting of two parcels of land
described as follows, to wit:

1. A parcel of land situated on the east side
of the County road in Bennett's Postum in
Sleepy Hole Magisterial District a short
distance North from Beach Grove Church
in said County, containing sixty six
and one half ($66\frac{1}{2}$) acres more or less, and
bounded on the North by James D. Taylor's
land, on the East by the land of Jeremiah
and John W. Jones, on the South by the land
of Severn J. Harington and on the West by

said road and consisting of the parcel of sixty five (65) acres of land, more or less which by deed dated the 3rd day of January A.D. 1874 and recorded on page 161 of deed book No. 4 was sold and conveyed by Jacob H. McKeeling and wife to said James A. Phelps together with an interest in common with others in the land known as "Cross Swamp" and of the parcel of one and a half acres of land, more or less, which by deed dated the 27th day of April A.D. 1874 and recorded on page 568 of deed book No. 8, was sold and conveyed by Jas. Ed. Wright and wife to said James A. Phelps, together with all and singular the appurtenances belonging to the same:

2. A parcel of land situated in said District in said County a short distance South of Driver's Store on the main road leading from Suffolk to Portsmouth, Va. containing from ten to fifteen acres, more or less and bounded by the lands of John Hegartybody, and the Dorr and the "Lee Farm" belonging to Charles J. Groome and said Cross Swamp and being the same land which by deed dated the 10th day of September A.D. 1865 and recorded the 12th day of February A.D. 1872 on page 128

of deed book No 3, was sold and conveyed to James Phelps by Louisa Cohoon, Willis E. Cohoon and Wm J Cohoon and which by the will of said James Phelps was devised to said James A Phelps together with all and singular the appurtenances belonging to the same.

And whereas before proceeding to sell said real estate said Commissioner, as directed by said decree, did advertise the time, place and terms of sale, and did give notice thereof for a period of more than twenty days by printed notices posted in the neighborhood of the land, at various public places in said County and at the door of the Court house of said County and by publication of the notice once a week for three successive weeks in the "Suffolk Herald"; a Newspaper published in the Town of Suffolk in said County and did execute before the Clerk of said Court the Bond required of him by said decree and did obtain of said Clerk a certificate of the due execution of said Bond and did append a copy of said certificate to said notice; And whereas by Authority of said decree and in pursuance of said notice the said Commissioner did sell said real estate by public auction before

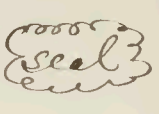
the Court house door of said County on
County Court day, Monday the 17th day
of December A. D. 1887, to William Noftlet
Hauell, as the highest bidder for the sum
of twenty five hundred (2500) dollars on
the terms and conditions specified in said
decree: And whereas in compliance
with said terms and conditions the said
William Noftlet Hauell did pay part of
said sum of twenty five hundred dollars,
to wit the sum of One hundred and
thirty three dollars in Cash and for the
remainder did execute his two bonds with
Severn F. Warrington and Wm J. Jordan Sureties
thereto, each for the sum of One Thousand
One hundred and eighty three and ⁵⁰/₁₀₀ dollars
bearing interest from the day of sale and
payable to said Commissioner one six
and the other twelve months after date. And
Whereas by a further decree of said Court
pronounced in said cause on the 17th day
of April A. D. 1888, it was decreed and ordered
that said Commissioner receive of the Clerk
of said Court the said two Bonds of Wm:
Noftlet Hauell and others and proceed to
collect the money before their maturity if
the obligors should desire to pay the
money before their maturity or collect

the money at the maturity of the Bonds,
and after the payment of the money and
all interest thereon in full, make to said
William ^{Hofleet} Hanell a deed with special warranty
in the usual form conveying the above-
described parcels of land to him; the
said sale having been approved and
confirmed by said Court in the last
above mentioned decree.

And whereas the money for said bonds
has been paid to said Commissioner together
with all interest thereon.

This Deed, therefore made this 9th day of
May A.D. 1888 between the said Wilbur J.
Kilby, as special Commissioner aforesaid
of the one part and said William Hofleet
Hanell of said County of the other part
Witnesseth: That in consideration of the
premises and of said sum of twenty five
hundred dollars and in execution of
the last above-mentioned decree, the said
Wilbur J. Kilby as special Commissioner
aforesaid, doth sell grant and convey with
special warranty unto the said William Hof-
leet Hanell and to his heirs and assigns
forever, the above described parcels of
land together with all and singular the op-
portunances belonging to the same. And

the said Wilbur J. Kilby, Commissioner as
aforesaid the title to the said parcels of
land against himself and his heirs and
all persons claiming by, through or under
him, will forever warrant and defend.

Witness the following signature and seal,
Wilbur J. Kilby Special Comr. 

In the Clerk's Office of Taunsemond County Court,
the 22nd day of May, 1888.

This Deed was presented and acknowledged
by Wilbur J. Kilby, Special Commissioner,
and thereupon admitted to record.

Teste:

Peter B. Prentiss Clerk

Copy

Teste:

Peter B. Prentiss. Clerk

X m d

Harrell, Gdn. etc.

vs. } In Chy.

Phelps & als.

Exhibit F.
filed with the
Petition of Wm.
Ch. Harrell, 22
Augt. 1888.

To the Hon. C. W. Hill, Circuit
Court Judge in and for Chause-
mond County, Va.

Humbly Complaining re-
spectfully represents and
shows unto Your Honor, Your
Petitioner, William Chiswell
Harrell

That by a decree of the Cir-
cuit Court of said County pro-
nounced on the 2nd day of
November 1887 in the Cause
in Chancery in said Court
depending between Your Peti-
tioner as Guardian of Lucy
V. Phelps, James Oscar Phelps
and Annie L. Phelps. Com-
plainant, and Lucy V. Phelps
James Oscar Phelps and others
Defendants, it was decreed
and ordered that certain
parcels of land, mentioned
and described in the Bill
in said Cause, of which James
A. Phelps Sr. died seized and
possessed, be sold by public
auction on the terms and con-
ditions specified in said de-

oree and that Wilbur J. Kilby, as Special Commissioner, proceed to make the sale;

That on the 12th. day of December 1887 the said Commissioner offered said parcels of land for sale by public auction before the Courthouse door of said County and Your Petitioner became the purchaser thereof as the highest bidder for the sum of \$2500.

That on the 17th. day of April 1887 by a decree pronounced in said Cause, the said sale was confirmed and said Commissioner directed to make to Your Petitioner a deed with special warranty conveying said parcels of land to him,

That in pursuance of said last mentioned decree, the said Commissioner made to Your Petitioner the deed aforesaid, as will appear by a duly certified copy of the deed filed herewith as part of this Petition and

marked Exhibit A.

Your Petitioner has recently discovered that, being the guardian of said Lucy V. James O., and Annie L. Phelps and as such the Complainant in said cause, he was not permitted by law to be the purchaser of said parcels of land at said sale, either directly or indirectly and that his title to said parcels of land is, therefore, imperfect - said parcels of land having descended to said Lucy V. James O. and Annie L. Phelps from their father, said James A. Phelps Sr. and having been decreed to be sold under proceedings in said cause, for their benefit.

Your Petitioner would not have purchased said land if he had been aware of the fact that under the law he could not purchase it. His purchase of it was, ~~therefore~~, an unintentional mistake and oversight on his

part as well as on the part
of said Commissioner and
all parties concerned.

Your Petitioner, therefore, prays
for a rehearing of said de-
cree confirming said sale
and that the said decree
of the 17th. day of April 1888
in so far as it confirms
said sale and directs a
deed to be made to Your Pe-
titioner and the said sale it-
self ^{and said deed} may be rescinded and
a re-sale of said land or-
dered and the sum of \$2500,
paid by Your Petitioner for
said land, refunded to
him and all his rights
and interests in the prem-
ises fully protected, and
he will ever pray etc.

Wm. C. Harrell

By Wilbur J. Kilby
his counsel

22 August 1888

Harrell, Gdn.

vs. } In Chy.

Phelps & al.

Petition of W^m
A. Harrell,

1888. Aug: 22nd. Filed.
ck:

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

Harrell, Idm. etc. Complainant

Against } In Chancery
Phelps & als. defendants

The answer of John B. Primer,
Attorney at Law, ^{the} Guardian ad li-
tem, appointed to defend ~~the in-~~
~~fant defendants~~ James Oscar
Phelps, Annie L. Phelps, William
A. Phelps Jr. James A. Phelps Jr.
Jack Phelps, R. Wallace Phelps
James P. Harrell, Sallie Lou
Harrell and Dudley S. Copeland
the infant defendants ^{in this suit} to the
Bill of Complaint, exhibited a-
gainst said infant ^{defendants} and others
in the Circuit Court of Cause-
mond County by William Chisleet
Harrell, Guardian of Lucy V.
Phelps, James Oscar Phelps and
Annie L. Phelps, minors:

This Respondent reserving to
himself the benefit of all just
exceptions to said Bill, for answer
thereto, says,

That upon information derived of others he believes the facts stated in said Bill are true and that for reasons stated in said Bill he thinks the sale of the land in said Bill mentioned and described and the investment of the proceeds of the sale or the application thereof for the use and benefit of said infants, ^{as provided by law} ~~in the manner specified in said Bill~~, undoubtedly promotive of the interests of said infants and ~~that~~ such sale not violative of any persons rights,

But, said infants are of tender years and by reason of their infancy are incapable of understanding or taking care of their rights and interests. This Respondent, therefore, commends said infants and their rights and interests to the protection of the Court and prays that no decree may be pronounced which will tend to their prejudice or be against their interests in this suit. And now having fully answered this Respondent prays to be hence

dismissed with his reasonable
costs in this behalf expended
and he will ever pray etc.

John B. Pinney
Guardian ad Litem, &c.

State of Virginia }
Ausemound County } to wit

This day John B. Pinney, Guardian ad litem etc. whose name is signed to the foregoing answer, appeared in person before me, Wilbur J. Kilby, a Commissioner in Chancery of the Circuit Court for the County aforesaid in said State and made oath that the matters in said answer stated as of his own knowledge are true and those stated upon information of others he believes to be true.

Given under my hand this 17th.
day of April 1889.

Wilbur J. Kilby,
Commissioner in Chancery.

Hamell, Gdn. etc.

vs. } In Chy.

Phelps & al.

Answer of John
B. Primer guardian
ad litem for the
infant defendants

Filed 17 April 1889
in Court by leave
of Court

In the Circuit Court of Chausemond
County, Va.

Harrell, Gdn. etc. Complainant

Against } In Chancery

Luey V. Phelps & al. Defendants.

The joint and several answers of
Luey V. Phelps, James Oscar Phelps, An-
nie L. Phelps, William A. Phelps, James
A. Phelps, Jack Phelps, R. Wallace Phelps,
James P. Harrell, Sallie Lou Harrell and
Dudley S. Copeland infants under the
age of twenty one years by Peter B. Pru-
tis, their guardian ad litem, as-
signed to defend them in this suit,
to ^{the} Bill of Complaint exhibited against
them and others in the Circuit Court
for the County of Chausemond, by Wil-
liam Corflect Harrell, Guardian of
Luey V. Phelps, James Oscar Phelps,
and Annie L. Phelps, minors:

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

That they are infants of tender
years and by reason of their infancy

are incapable of understanding or taking care of their rights and interests. They, therefore, by their said guardian, commit themselves and their rights and interests to the protection of the Court and pray that no decree may be pronounced, which will tend to their prejudice or be against their interests in this suit.

And now having fully answered the said Bill, these respondents pray hence to be dismissed with their reasonable costs in this behalf expended, and they will ever pray etc.

Lacey V. Phelps

James Oscar Phelps

Annie L. Phelps

William A. Phelps

James A. Phelps

Jack Phelps

R. Wallace Phelps

James P. Howell

Sallie Low Howell

Dorley S. C. Plam

by Peter B. Prentiss, Their Guardian ad litem

Harrell, Gdn. etc.

vs. } In Chy.

Phelps & al.

Answers of the in-
fant defendants
by their guardian
ad litem.

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

Harrell, Gdn. etc. Complainant

Against } In Chancery

Lucy V. Phelps & al. Defendants,

The separate answer of Peter B. Prentiss, Guardian ad litem assigned to defend the ^{in his own proper person} infant defendants in this suit, to the Bill of Complaint exhibited against said infants and others in the Circuit Court of Chausemond County by William Corflect Harrell, Guardian of Lucy V. Phelps, James Oscar Phelps and Annie L. Phelps, minors:

This Respondent reserving to himself the benefit of all just exceptions to the said Bill, for answer thereto, says,

That upon information derived of others he believes the facts stated in said Bill are true and that for the reasons stated in said Bill he thinks the interests of said minors will be promoted by a sale of the land in said Bill mentioned and described and the investment of

the proceeds of the sale or the application thereof for the use and benefit of said minors.

That he is satisfied the rights of no person will be violated by said sale.

And now having fully answered this Respondent prays to be hence dismissed with his reasonable costs in this behalf expended, and he will ever pray etc.

Peter B. Prentiss,

Guardian ad litem &c

State of Virginia }
Chaucesmond County } to wit

This day Peter B. Prentiss, Guardian ad litem etc, whose name is signed to the foregoing answer, appeared in

person before me. Wilbur J. Kilby, a
Notary Public in and for said County
and State and made oath that the
matters in said answer stated as of
his own knowledge are true and those
stated upon information of others, he
believes to be true.

Given under my hand this 7th.
day of March 1887.

Wilbur J. Kilby
Notary Public

Harrell, Gdn. etc.

vs. } In Chy.

Phelps & al.

Answer of the guardian ad litem for the infant defendants in his own proper person

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

Hamell, Gdn. etc. Complainant

Against } In Chancery

Lucy V. Phelps & al. Defendants

The answer of Lucy V. Phelps an
infant over the age of fourteen
years, in her own proper person to the
Bill of Complaint exhibited against
her and others in the Circuit Court
of Chausemond County by William Cor-
bleet Hamell her guardian and
guardian of James Oscar Phelps
and Annie L. Phelps, minors:

This Respondent reserving to her-
self the benefit of all just ex-
ceptions to said Bill, for answer
thereto, says,

That the facts stated in said
Bill are true and that she is
fully satisfied that her interest
and the interests of said James
Oscar Phelps and Annie L. Phelps
will be promoted by a sale of the
land in the said Bill mentioned
and described, and the investment

of the proceeds for the use of herself and said James Oscar Phelps and Annie L. Phelps.

That the rights of no person will be violated by said sale.

That this Respondent, therefore, joins in the prayer of said Bill and asks that said land be sold and the proceeds invested as aforesaid, that her rights and interests may be protected by the Court and that no decree may be pronounced to her prejudice or against her interests.

And now having fully answered, this Respondent prays hence to be dismissed with her reasonable costs in this behalf expended and she will ever pray etc.

Lucy V. Phelps.

7 March 1887

State of Virginia

Household County } to wit

This day Lucy V. Phelps appeared in person before me, a Notary Public in and for the County and State aforesaid and made oath that the matters in the foregoing answer stated as of her own knowledge are true and those stated upon information of others she believes to be true.

Given under my hand this 7th day of March 1887

Wilbur J. Kilby
Notary Public

Harrell, Gdn, etc.

vs. } In Chy.

Phelps & al.

Answer of Lucy V.
Phelps, infant over
14 years of age in
her own proper person.
son.

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

Harrell, Gdn. etc. Complainant

Against } In Chy.

Lucy V. Phelps &c Defendants.

The joint and several answers
of W^m C. Harrell and Henrietta
his wife, two of the defendants, to
the Bill of Complaint exhibited
against them and others in the
Circuit Court of Housemond County
by William Corfleet Harrell, Guar-
dian of Lucy V. Phelps, James Oscar
Phelps and Annie L. Phelps, minors;

These Respondents reserving to
themselves the benefit of all just
exceptions to the said Bill for an-
swer thereto, or to so much thereof,
as they are advised that it is
material they should answer, an-
swer and say;

That the facts stated in said
Bill are all true and that they
are fully satisfied that the in-
terests of said minors will be pro-

moted by a sale of the land in said Bill mentioned and described and the investment or application of the proceeds thereof for their use and benefit;

That the rights of no person will be violated by said sale:

That the said Henrietta is willing to relinquish her right of dower in said land and accept ~~in fee simple~~, a sum of money in gross, equivalent to its present value, in lieu thereof:

These Respondents, therefore join in the prayer of said Bill and ask that said land be sold and such part of the proceeds as the said Henrietta may be entitled to by reason of her right of dower therein, may be paid to her in lieu of her dower.

These Respondents say the said Henrietta was born on the 14th, day of December A.D. 1855 and is, therefore, now over the age of thirty-one years.

And now having fully answered, these Respondents pray to

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

N. N. Harrell

Henrietta Harrell.

Harrell, Gdn. etc.

vs. } In Chy

Phelps & al.

Answers of
Wm. A. Harrell
and
Henrietta his wife

Filed 2d. day of
November 1887 by
leave of the Court
cl.

Lacey V. Phelps, infant.

In Account with W. T. Harrell, her Guardian

1884

Dec	31	To Balance due Guardian, per last settlement	\$ 29 45		
1885, Dec	31	" interest on same for one year	1 75		
"	"	" Board furnished ward for 1885	60		
"	"	" Cash paid 1/3 of the taxes on farm for 1885.	3 30		
"	"	" " " Dr. W. T. Gordon for Medicines and Medical attendance Vouchers	7 65		
"	"	By Ward's share (one third) of rent of farm for 1885.		\$ 33 33.	
"	"	To 5% Commission on \$33.33, retained	1 66		
"	"	By Balance due the Guardian of which \$68 ²³ is principal and \$175 is interest		70 48	
			\$ 103 81.	\$ 103 81.	

1885

Dec	31	To Balance due Guardian per Contra	\$ 70 48		
1886, Dec	31	" interest on \$68 ²³ for one year.	4 12		
"	"	" Board furnished ward for 1886	60		
"	"	" Cash paid for clothing for ward 1885 & 1886	33 51		
"	"	By Ward's share (one third) of rent of farm for 1886		\$ 33 33.	
"	"	To Cash paid 1/3 of Clerk's fee for recording this settlement	84		
"	"	" " " 1/3 of fee of Commissioners of accounts for making up this settlement	1 17		
"	"	" 5% Commissions on \$33 ³³ retained	1 66		
"	"	By Balance due the Guardian of which \$132 ⁵⁸ is principal and \$5 ⁸⁷ is interest		138 45	
			\$ 171 78	\$ 171 78	

1886

Dec	31	To Balance Principal \$132 ⁵⁸ , Interest \$5 ⁸⁷ due Guardian this day	\$ 138 45.		
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James O. Phelps, infant
In account with W. A. Hamill, Guardian

1884				
Decr	31.	To Your share of balance due Guardian by annuel Phelps and your self per last settlement	\$ 297 55	
	"	" One half error in calculation of interest in last settlement.	5	
1885 Dec	31.	" interest on \$278 ²⁸ principal amount due by ward for one year.	16 73.	
	"	" Bond furnished ward for 1885	50	
	"	" Cash paid 1/3 of the taxes on farm for 1885	3 30.	
	"	By Ward's share (one third) of rent of farm for 1885		\$ 33 33
	"	To 5% commissions on \$33 ³³ retained	1 66.	
	"	By Balance due the Guardian of which \$300 ⁰⁰ is principal and \$40 ⁰⁰ is interest		340 91.
			\$ 374 24	\$ 374 24.
1885				
Decr	31.	To Balance due Guardian per Contra	\$ 340 91.	
1886 Decr	31.	" Interest on \$300 ⁰⁰ for one year	18 03.	
	"	" Bond furnished ward for 1886	50	
	"	By Ward's share (one third) of rent of farm for 1886		\$ 33 33
	"	To Cash paid 1/3 of Clark's fee for recording this settlement	83	
	"	" " " 1/3 of fee of Commissioner of Accounts for making up this settlement	1 17	
	"	" 5% Commissions on \$33 ³³ retained	1 66.	
	"	By Balance due the Guardian of which \$320 ⁹⁴ is principal and \$58 ³³ is interest		379 27
			\$ 412 60	\$ 412 60
1886. Decr	31.	To Balance Principal (\$320 ⁹⁴ and Interest \$58 ³³ due the Guardian this day	\$ 379 27.	

Annie L Phelps infant
In account with W. A. Harrell, Guardian.

1884

Decr	31.	To your share of balance due Guardian. by James O. Phelps and yourself for last settlement \$ 297 53		
		" One day error in calculation of interest in last settlement	5	
1885 Decr	31.	" interest on \$278 ²³ principal amount		
1885 Decr		due by ward, for one year	16 73	
	"	" Board furnished ward for 1885.	50	
	"	" Cash paid 1/3 taxes on farm for 1885.	3 30	
	"	By Ward's share (one third) of rent of farm for 1885.		\$ 33 33.
	"	To 5% commission on \$33 ³³ retained	1 66.	
	"	By Balance due the Guardian		340 91.
		Of which \$300 ⁶¹ is principal and \$40 ³⁰ is interest		
			374 24	374 24

1885

Decr	31.	To Balance due the Guardian per contra	\$ 340 91	
1886 Decr	31.	" Interest on \$300 ⁶¹ for one year	18 03.	
	"	" Board furnished ward for 1886.	50	
	"	By Ward's share (one third) of rent of farm for 1886		\$ 33 33
	"	To Cash paid 1/3 of clerk's fee for recording this settlement	83.	
	"	" " " 1/3 of ^{fee} Commissioner of Accounts fee for making up this settlement	1 17	
	"	" 5% commissions on \$33 ³³ retained	1 66.	
	"	By Balance due the Guardian. of which \$320 ²⁴ is principal and \$58 ³³ is interest		379 27
			\$412 60	\$412 60

1886

Decr	31	To Balance, Principal \$320 ²⁴ and Interest \$58 ³³ due the Guardian This day	\$379 27.
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Commissioners Office.
Suffolk Va. 31 December. 1886

To Nansemond County Court.

The undersigned respectfully reports to Court that W. A. Harrell the Guardian of Lucy V. Phelps James O. Phelps and Annie L. Phelps, infants, has exhibited before your commission a statement of all money received by him as said Guardian, and with which he became chargeable, and of all money

disbursed by him during the periods embraced in the foregoing account, together with the vouchers in support of the disbursements; that he finds a balance of \$138⁴⁵ against Lucy V. Phelps, a balance of \$379²⁷ against James O. Phelps and a balance of \$379²⁷ against Annie L. Phelps, said amounts due by the said infants, respectively, to the said Guardian on the 31 day of December, 1886, that the said account is supported by satisfactory vouchers, and that the said W. R. Harrell has given such bond as the law requires, the penalty thereof being sufficient, but the securities thereto are deemed insufficient. — Inasmuch as the infants are indebted to the Guardian and have no property save their interests in a farm in Nassau and County, upon which they reside the Commissioner does not deem it absolutely necessary, for the protection of the infants interest, to require a new bond of the Guardian at this time. That the said W. R. Harrell was embraced in the list of fiduciaries posted at the front door of the Courthouse of Nassau and County, on the first day of December Court last, and now on this day (ten days having elapsed since said list was posted as aforesaid) the foregoing ^{account} is stated and completed.

Given under my hand as Commissioner of our aid, the day and year first aforesaid

Robt R Prentiss

Commissioner of Accounts

Virginia:

In the County Court of Nassau and County the 14th day of February 1887.

This the foregoing account which was filed in the Clerk's Office of this Court, on the 31st day of December 1886 by Robert R Prentiss, Commissioner of Accounts, having remained therein one month, was this day examined by the Court, and no exceptions having been filed thereto, and no errors appearing on the face thereof, the Court doth confirm and order the same to be recorded

Teste

Peter B. Prentiss Clerk

A Copy

Teste:

Peter B. Prentiss. Clerk

Xmd

Lucy W. Phelps
James C. Phelps
Anna L. Phelps

with } Copy Settlement
W. N. Danell
Guardian

~~~~~  
Danell, Gdn.

vs. } In Chy.  
Phelps & al.

---

Exhibit E.  
filed with the Bill

This Deed, made this 27th day of April 1874, between  
of Edwin Wright & Fannie J. his wife of the first part,  
and James A Phelps of the second part, Witnesseth:  
that the said J. Edwin Wright and Fannie J. his wife, in  
consideration of the sum of sixty seven <sup>50</sup>/<sub>100</sub> Dollars, to  
them in hand paid or secured to be paid by the said Jas.  
A Phelps at or before the sealing and delivery of these  
presents, the receipt whereof is hereby acknowledged, do  
grant unto the said Jas. A Phelps, with general warranty  
the following property, to wit: a certain tract of land  
in Bonnett Pasture, Hansemond County, containing  
by estimation One and One half acres and bounded  
as follows: West by the Bonnett Pasture road, East  
by the land purchased by said Phelps from Jacob Kesting,  
South by the same and North by Levi D. Ames' land called  
Warrington farm. The said parties of the first part  
covenant that they have the right to convey the said land  
they have done no act to encumber the said land, that  
the grantee shall have quiet possession of the said land  
free from all encumbrances; and that they will execute  
such other & further assurances of the said land as may  
be requisite.

Witness the following signatures and seals.

J. Edwin Wright Seal  
Fannie J. Wright Seal

State of Virginia  
Hansemond County, to wit:

I, John H. Wright a Notary Public for the County & State  
aforesaid, do certify that James Edwin Wright whose name  
is signed to the foregoing writing, dated the 27th day of  
April 1874 has acknowledged the same before me



in my County of aforesaid. And I do further certify  
that Lollie J Wright the wife of J Edwin Wright,  
whose names are signed to the said writing, personally  
appeared before me in my said County, and being examined  
by me privately and apart from her said husband, &  
having the said writing fully explained to her, she, the  
said Lollie J Wright acknowledged the said writing to  
be her act, and declared that she had willingly  
executed the same & did not wish to retract it.  
Given under my hand this 27th of April 1874

Jno H Wright  
Notary Public

In the Clerk's Office of Somerset County Conn. the  
6th day of November 1880.

This deed was received, duly certified, and thereupon  
admitted to record.

Teste

Peter B Prentiss Clerk

A Copy:

Teste:

Peter B. Prentiss. Clerk

<sup>and</sup>  
J. Edwin Wright & wife  
To } Copy Book  
James A. Phelps

---

Hamell, Gdn.

vs. } In Chy.

Phelps & al.

---

Exhibit D.  
filed with the Bill



This Deed made the 3<sup>d</sup> day of January in the year  
of our Lord one thousand eight hundred and seventy four  
(1874) between Jacob W McKeeting and Elizabeth A his  
wife of the County of Nansemond and State of Virginia  
of the one part, and James A Phelps of the same place  
of the other part, Witnesseth: that the said Jacob W Mc  
Keeting and Elizabeth A. his wife in consideration of  
the sum of One thousand four hundred and sixty two <sup>50</sup>/<sub>100</sub>  
Dollars, do grant with general warranty unto the  
said James A. Phelps and to his heirs and assigns forever,  
the following real estate, to wit: a certain piece or  
parcel of land situated in Sleepy Hole Township Nansemond  
County aforesaid, and being all that portion of the farm on  
which the said Jacob W McKeeting now resides, lying  
North of a certain Commencing at a Locust Post on  
the Bennetts Pasture Road; running thence on East-  
wardly direction across the fields to a Locust Post on  
Mrs Jeremiah Jones's line, containing by recent survey  
sixty five (65) acres, more or less, Together with one half  
of the right title and interest of the said Jacob W Mc  
Keeting, in and to a certain Common located in the  
Lower Parish of said County known as the Cross Swamp.  
Together with all and singular the appurtenances belonging  
to the same, And the said Jacob W McKeeting in and  
to a certain Common located in the Lower Parish of  
said County known as the Cross Swamp. Together with  
all and singular the appurtenances belonging to the  
same, And the said Jacob W McKeeting covenants that he  
has the right to convey the said land to the grantee; that the  
said grantee shall have quiet possession of said land, that  
he has done no act to encumber the said land that  
he will execute such further assurances of the

said land as may be requisite.

Jacob W. M. Keeling Esq  
Elizabeth A. Keeling Esq

State of Virginia }  
County of Harrison } To wit:

We Elisha Everett and John R. Trammell justices of the Peace in and for the County of Harrison, aforesaid in the State of Virginia do certify that Elizabeth A. Keeling the wife of Jacob W. M. Keeling whose names are signed to the writing above, bearing date the 3<sup>d</sup> day of January 1874. Personally appeared before us in the County aforesaid, and being duly examined by us privately and apart from her husband, and having the writing aforesaid fully explained to her she the said Elizabeth A. Keeling 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 our hands this 3<sup>d</sup> day of January Eighteen hundred and seventy four.

Elisha Everett J.P.  
J. R. Trammell J.P.

Virginia }  
County of Harrison } To wit:

We Elisha Everett and John R. Trammell justices of the Peace in and for the said County, in the State of Virginia, do certify that Jacob W. <sup>Esq</sup> Keeling whose name is signed to the writing above, bearing date the 3<sup>d</sup> day of January 1874 has acknowledged the same before us in the County aforesaid.

Given under our hands this 3<sup>d</sup> day of January 1874

Elisha Everett J.P.  
J. R. Trammell J.P.



In the Clerk's Office of Nassau and County Court,  
6th day of April 1874

The foregoing was duly certified  
and thereupon admitted to record

Teste

Willis E. Cohen Clerk

A Copy

Teste,

Peter B. Pentis. Clerk

X<sup>nd</sup>

Jacob W. M. Keeling  
wife } Copy Book  
to }  
James A. Phelps.

---

Harrell Gdn.

vs. } In Chy.

Phelps & al.

---

Exhibit C.  
filed with the Bill



At a monthly Court, continued and  
held for Starnes and County, the 17th day  
of October, 1878.

The Court appoint William N. Harrell  
Guardian of Lucy V. Phelps orphan of James  
A. Phelps, deceased, and thereupon the said William  
N. Harrell entered into a bond, in the penalty of  
Eight Hundred dollars, conditioned according to  
law, with James D. Taylor, his surety therein, who  
justified on oath as to his sufficiency, and which  
said bond being acknowledged by the obligors therein,  
is ordered to be recorded.

A. Copy

Teste:

Peter B. Pentis. Clerk

x incl

Copy or Local  
of  
William Nathaniel Hamell  
gdn: do  
Lucy V. Phelps

---

Hamell, Gdn.  
vs. } In Chy.  
Phelps & al.

---

Exhibit B.  
filed with the Bill



At a monthly Court convened and  
held for Nassau and County the 9th  
day of September 1879:

The Court appoint William N. Harrell, Guardian  
of James Oscar Phelps and Anna Lester Phelps, orphans  
of James A. Phelps, deceased; and thereupon, the said  
William N. Harrell, entered into a bond in the  
penalty of Two hundred dollars, conditioned according  
to law, with John W. Ames, his security therein, who  
justified on oath as to his sufficiency; which bond  
being acknowledged by the obligors therein, is ordered  
to be recorded.

A. Copy

Teste:

Peter D. Pentes. Clerk

xmd

Copy or: of Lual:

<sup>th</sup>  
William Norfolk Hamell  
Guardian

<sup>th</sup>  
James Oscar Phelps & Anna Lester Phelps

Hamell, Gdn, etc.

vs. } In Chy.

Phelps & al.

Exhibit A  
filed with the Bill



In the Circuit Court of Fau-  
semond County, Va.

William Corfleet Harrell, Guard-  
ian of Lucy V. Phelps, James Oscar  
Phelps and Annie L. Phelps, minors,

Against } In Chancery.

Lucy V. Phelps, James Oscar  
Phelps, Annie L. Phelps and  
others.

To the Honorable, Chandler W.  
Hill, Circuit Court Judge in and  
for Fausemond County, State of  
Virginia:

Humbly complaining respect-  
fully represents and shows unto  
Your Honor, Your Complainant,  
William Corfleet Harrell, Guard-  
ian of Lucy V. Phelps, James Oscar  
Phelps and Annie L. Phelps, minors,

That on 9th. day of September A.  
D. 1879 he was appointed guard-  
ian of said James Oscar Phelps  
and Annie L. Phelps by the County  
Court of said County and on the  
17th. day of October A.D. 1878 by the



same Court he was appointed guardian of said Lucy V. Phelps, as will appear by the duly authenticated copies of the orders of said County Court made to that effect, herewith filed as parts of this Bill and marked Exhibits A. and B.

That the only property, belonging to said minors, is the following real estate, to wit:

1. A parcel of land situated on the east side of the County road in Bennett's Pasture in Gleepy Hole Magisterial District in said County containing  $66\frac{1}{2}$  acres, more or less and bounded on the North by James D. Taylor's land, on the east by the land of Jeremiah and John W. Jones, on the South by the land of Seren F. Warrington and on the West by said road, - which said land consists of the parcel of 65 acres, which by deed dated the 3d. day of January A.D. 1874 and recorded on page 161 of deed book No. 4 in the office of the Clerk of said County Court, was sold and conveyed by Jacob W. M. Keeling and wife to James A. Phelps, father of



said minors, together with an interest in common with others in the adjacent lands known as Cross Swamp, and also of all that certain other parcel of land, containing  $1\frac{1}{2}$  acres, which by deed dated the 27th. day of April A.D. 1874 and recorded on page 568 of deed book chs. 8 in said office, was sold and conveyed by J. Ed. Wright and wife to said James A. Phelps. as will appear by duly authenticated copies of said deeds herewith filed as parts of this Bill and marked Exhibits C, and D.

2 A parcel of land situated in said Magisterial District in said County, a short distance South of Driver's Store on the Main road leading from Suffolk to Portsmouth, Va. containing from 10 to 15 acres, more or less, and bounded by the lands of John Deganybody and the Poor, and the "Lee Farm" belonging to Charles A. Groome and said Cross Swamp, and being the same land which by deed dated the 10th. day of



September A. D. 1865 and recorded the 12 day of February A. D. 1872 on page 128 of deed book No. 3 in said Clerk's office, was sold and conveyed to James Phelps, father of said James A. Phelps by Louisa Cohoon, Willis E. Cohoon and Wm J. Cohoon and which by the will of said James Phelps, duly recorded in said office, was devised to said James A. Phelps.

That the price paid by said James A. Phelps for said parcel of  $66\frac{1}{2}$  acres of land was the sum of \$1530.<sup>00</sup> and that its assessed value for purposes of taxation is \$997.<sup>50</sup>;

That the price paid by said James Phelps for said parcel of land containing from 10 to 15 acres, was the sum of \$50. and that its assessed value for purposes of taxation is \$112.<sup>00</sup>;

That said James A. Phelps departed this life intestate on the 18th day of June A. D. 1877, leaving surviving him, a widow whose name is Henrietta and three children.



ren, namely, the said Lucy V. Phelps, James Oscar Phelps and Annie L. Phelps, all at this time infants under the age of twenty-one years;

That said lands descended to said infants from their said father, subject the dower therein of his said widow;

That the dower of said widow in said lands has never been assigned to her and she is still entitled to the same;

That said Henrietta is now the wife of W<sup>m</sup> A. Hamrell;

That the annual rent from said lands is the sum of one hundred and fifty dollars, one-third of which the said Henrietta receives on account of her dower leaving one hundred dollars for said infants to be equally divided among them;

That the said infants have no income whatever, except the said sum of \$100

That said Lucy V. Phelps was born the 9th. day of April A.D. 1868 and is, therefore, nearly nineteen

years of age;

That said James Oscar Phelps was born the 8th. day of August A.D. 1874 and is, therefore, over twelve years of age

That said Annie L. Phelps was born the 17th. day of May 1877 and is, therefore, nearly ten years of age;

That the annual income of said minors from said lands is insufficient for their proper maintenance and education and their best interests require that said lands shall be sold and the proceeds applied to their use;

That in order to maintain said minors <sup>even</sup> in the simplest and most restricted manner, ~~greatly to their disadvantage~~, Your Complainant has been compelled to advance money on their account far in excess of their said income, as will appear by a duly authenticated copy of the Accounts of his transactions as guardian aforesaid during the last past two



years, herewith filed as part of this Bill and marked Exhibit E.

That as appears by said Exhibit E. the said Lucy V. Phelps is indebted to your Complainant for support, maintenance, board, clothing etc, in excess of her said income, in the sum of \$138.<sup>45</sup> as of the 31 day of December 1886; the said James Oscar Phelps, on like account, in the sum of \$379.27; and said Annie L. Phelps, on like account, in the sum of \$379.27.

That your Complainant is not able to furnish support and maintenance for said infants beyond what he has already furnished as aforesaid in excess of their said income;

That the said infants at their present ages require more money than their small income aforesaid for their proper support and maintenance, inasmuch as the costs of their education and of such clothing, board etc, as they need and their stations in society demand, are much greater than when they were younger;



Your Complainant, therefore, says that the interests of said minors will be promoted by a sale of said lands and the investment or application of the proceeds for their use and benefit as provided by law;

That the rights of no person will be violated by said sale;

That Your Complainant is informed that said Henrietta is willing to relinquish her right of dower in said lands in order that ~~same~~ <sup>said lands</sup> may be sold free of encumbrance, and to take a gross sum of money in lieu of her dower equivalent to its present value;

That the heirs and distributees of said minors, if they were dead, would be their aunt, Mary Alice wife of Edward T. Bryant and their uncles, Robert V. Phelps and Isaac Walter Phelps; their two cousins, Nettie P. wife of James <sup>E.</sup> Beale and Mattie L. Roberts, children of their deceased aunt Sarah E. late wife of Benjamin A. Roberts; their two other cousins, James P. Hamrell and Sallie Lou Hamrell, children



of their deceased aunt, Lou C. late wife of Alexander Harrell; their other cousin, Dudley S. Copeland, child of their deceased aunt, Ella C. late wife of John S. Copeland; and their other cousins, William A. Phelps, Jr., James A. Phelps Jr., Jack Phelps and R. Wallace Phelps children of their deceased uncle, William A. Phelps Sr.;

And Your Complainant hereby gives notice that the Court in which this suit is pending will be asked to allow such a fee as may be proper to his counsel for services herein to be paid out of such moneys as may come under the control of the Court in this cause;

In consideration whereof Your Complainant, being without remedy save in a Court of Equity, prays that the said Lucy V. Phelps, James Oscar Phelps, Annie L. Phelps, William A. Phelps Jr., James A. Phelps Jr., Jack Phelps, R. Wallace Phelps, James P. Harrell, Sallie Lou Harrell and Dudley S. Copeland infants under the age of twenty-one years, Mattie L. Roberts, William Orfleet Harrell and Henrietta his wife, James E. Beale and Nettie P. his wife, Edward T. Bryant and Mary Alice his wife, Robert V. Phelps and Isaac Walter Phelps, may be made parties defendant to this Bill and be required to answer all the allegations therein



contained upon oath, the adults and said Lucy V. Phelps, who is over fourteen years of age and her guardian ad litem in their proper persons and the infants by their guardian ad litem to be appointed for them; that said lands may be sold and the proceeds invested, or applied for the use and benefit of said minors as provided by law; that said Henrietta Harrell may be required to state in her answer whether she is willing to relinquish her right of dower in said land and accept a sum of money equivalent to its present value in lieu thereof; that the several sums of money specified above as due to him by said Lucy V. Phelps, James Oscar Phelps, and Annie L. Phelps, may be paid to your Complainant out of their respective shares of the proceeds of the sale of said land; and that all further and adequate relief may be



granted Your Complainant  
as the nature of his case may  
require and to Equity may  
seem proper; and, as in duty  
bound, Your Complainant will  
ever pray etc.

W. N. Harrell  
Guardian of Lucy V.  
Phelps, James Oscar Phelps  
and Annie L. Phelps, minors.

Wilbur J. Kilby p. q.  
7 March 1887

State of Virginia }  
Hausemund County } to wit:

This day William Corfleat  
Harrell, Guardian of Lucy V. Phelps,  
James Oscar Phelps, and Annie L.  
Phelps, minors, whos name is signed  
to the foregoing Bill, appeared in  
person before me, a Notary Public  
in and for said County in said  
State and made oath that the  
matters in the said Bill stated  
as of his own knowledge are true  
and those stated upon infor-  
mation of others he believes to be true.  
Given under my hand this

7th. day of March A.D. 1887.  
Wilbur J. Kilby  
Notary Public

Hamell, Gdn.

N.J. } In Chy.

Phelps & al.

---

Bill



William Norfleah Canell, gen. &c

25<sup>th</sup> { Chy. Notes

Lucy V. Phelps & als:

1887. Feb: 12<sup>th</sup>: Sum: in Chy: filed to March Rules, 1887

" March 7<sup>th</sup>: Bill & Exhibits (57) filed -

" " " Decree nisi vs adult defendants

" " " Order appointing Peter B. Prentiss, gen. & delin.   
 to infant defendants

" " " Answer of the infant defendants, by their gen.   
 at tain filed - Answer of the gen: at delin. for   
 the infant defendants, in his own proper person filed   
 and the answer of Lucy V. Phelps, over 14   
 years of age, in her own proper person filed   
 and gen: & filer: there to

" April 4<sup>th</sup>: Decree nisi vs adult defendants, confirmed   
 and Cause set for hearing on mo: of Plffs Counsel

" May 14<sup>th</sup>: Decree for Accos:

" June 23<sup>rd</sup>: Decree &

" Aug: 29<sup>th</sup>: Commis: Report filed

" Nov: 2<sup>nd</sup>: Answer of W<sup>m</sup> H. Canell & wife filed

" " " Decree for sale

" " 8<sup>th</sup>: Mot of W. Kelly, Commis: of sale, executed filed

" " " Certif: given, as to expenditure of bond

1888. Jan: 25<sup>th</sup>: Report of sale filed

" April 17<sup>th</sup>: Decree to collect, distribute & for Accos:

" May 24<sup>th</sup>: Report of Collections & disbursements filed

" Aug: 12<sup>th</sup>: Petition of W<sup>m</sup> H. Canell together with Exhib   
 "A" filed

" Sept: 30<sup>th</sup>: Papers, N<sup>o</sup>. 1. 2. 3. 4. 5 & 6 filed

" Oct: 1<sup>st</sup>: Affidavits filed (In v. d. W. J. 1 & 2<sup>nd</sup> filed)   
 a bid, & order

" " 11<sup>th</sup>: Decree confirming re-sale of land &c, filed

" " Nov: 28<sup>th</sup>: Report of re-sale of land filed

1888. Decr: 20.<sup>th</sup> Order in vacation confirming report of resale  
of land, ordering payment of money, & for accounts &c  
1889. Jan: 15<sup>th</sup>: Report of payment to Wm. H. Howell &c. filed

Chy: Notes



In the Circuit Court of Chau-  
semond County, Va.

Wm. C. Harrell, Guardian, etc.

vs.

Luey V. Phelps & als.

The undersigned a party to  
the cause in Chancery in said  
Court depending between Wm. C.  
Harrell, Guardian of Luey V.  
Phelps, James Oscar Phelps and  
Annie L. Phelps, Complainant  
and Luey V. Phelps and others  
Defendants, hereby consents  
to an entry of record during  
any term of said Court to the  
effect that said cause may be  
submitted to the judge of said  
Court for such decision and  
decree therein in vacation as  
might be made in term, and  
also acknowledges notice of the  
filing at the October term 1888  
of said Court of a petition for  
a rehearing of the decree which  
was entered in said cause  
on the 17th day of April 1888 con-  
firming the sale of the land  
mentioned and described in

the Bice in said cause and  
for a rescission of said sale  
and hereby consent to such  
rescission and to a re-sale of  
said land.

W. Phelps

1 September 1888

Harrell, Gdn. etc.

vs. } In Chy.

Phelps & al.

Paper No. 6

1888. Sept. 5th. Filed.  
clerk.



In the Circuit Court of  
Hanover County, Va.  
Wm. C. Hamrell, Gau, etc.,  
vs.  
Lucy V. Phelps & als.

The undersigned, a party to  
the cause in Chancery in said  
Court depending between Wm. C.  
Hamrell, Guardian of Lucy V.  
Phelps, James Oscar Phelps and  
Annie L. Phelps, Complainant  
and Lucy V. Phelps and others  
Defendants, hereby consents to  
an entry of record during any  
term of said Court to the effect  
that said cause may be submitt-  
ed to the judge of said Court  
for such decision and decree  
therein in vacation as might  
be made in term, and also  
acknowledges notice of the filing  
at the October term 1888 of said  
Court of a petition for a rehear-  
ing of the decree which was en-  
tered in said cause on the 17th.  
day of April 1888, confirming  
the sale of the land mentioned  
and described in the Bill in

said cause and for a rescission  
of said sale and hereby con-  
sent to such rescission and to  
a re-sale of said land

R. V. Phelps

31 August 1888

Hamell, Gdn. etc.

vs. { In Chy.

Phelps & als.

Paper No. 5

1888. Sept. 5th. Filed  
CL



In the Circuit Court of Chan-  
seman County, Va.

Wm. A. Hamell, Guardian, etc.

vs.

Lucey V. Phelps & als.

The undersigned, parties to  
the cause in Chancery in said  
Court depending between Wm.  
A. Hamell, Guardian of Lucey  
V. Phelps, James Oscar Phelps  
and Annie L. Phelps. Com-  
plainant and Lucey V. Phelps  
and others Defendants, here-  
by consent to an entry of  
record during any term of  
said Court to the effect that  
said cause may be submitted  
to the judge of said Court for  
such decision and decree there-  
in in vacation as might be  
made in term, and also ac-  
knowledge notice of the filing  
of a petition for a rehearing  
at the <sup>next</sup> October term of said  
Court of the decree which was  
entered in said cause on the  
17th. day of April 1888, confirm-  
ing the sale of the land men-

timed and described in the  
Bill in said Cause and for  
a rescission of said sale and  
hereby consent to such rescis-  
sion and to a re-sale of said  
land.

E. J. Bryant  
M. A. Bryant

September 1st, 1888

Hamell, Gdn, etc.

vs. } In Chy.

Phelps & al.

Paper chs. 4

1888. Sept. 5th. Filed  
J. H. [initials]



In the Circuit Court of  
Chauvenaud County, Va.

Wm. C. Harrell, Gdn. etc

vs.

Lucy V. Phelps & als.

The undersigned, parties to the  
cause in Chancery in said  
Court depending between Wm.  
C. Harrell, Guardian of Lucy  
V. Phelps, James Oscar Phelps  
and Annie L. Phelps, Complain-  
ant, and Lucy V. Phelps and  
others, Defendants, hereby con-  
sent to an entry of record du-  
ring any term of said Court  
to the effect that said cause  
may be submitted to the judge  
of said Court for such decision  
and decree therein in vacation  
as might be made in term,  
and also acknowledge notice  
of the filing of a petition for a  
rehearing <sup>at the October term of 1888 of said Court</sup> of the decree which  
was entered in said cause on  
the 17th. day of April 1888, con-  
firming the sale of the land  
mentioned and described  
in the Bill in said cause.

and for a rescission of said  
sale, and hereby consent to  
such rescission and to a re-  
sale of said land.

James C. Beale  
Nellie P. Beale

31 August 1888

Hamrell, Gdn. etc.

vs. } In Chy.

Phelps & al.

Paper No. 3

1888. Sept. 5th. Filed  
CLK.



In the Circuit Court of Chan-  
semond County, Va.

Wm. C. Harrell, Guardian, etc.,

vs.

Lucy V. Phelps & als.

The undersigned, parties to  
the cause in Chancery in said  
Court depending between Wm.  
C. Harrell, Guardian of Lucy  
V. Phelps, James Oscar Phelps  
and Annie L. Phelps, Complain-  
ant and Lucy V. Phelps, James  
Oscar Phelps and others, De-  
fendants, hereby consent to an  
entry of record during any term  
of said Court to the effect that  
said cause may be submitted  
to the judge of said Court for such  
decision and decree therein in  
vacation as might be made in  
term, and also acknowledge  
notice of the filing of a petition  
for a rehearing of the decree which  
was entered in said cause on  
the 17th day of April 1888, con-  
firming the sale of the land  
mentioned and described in  
the Bill in said cause and

for a rescission of said sale, and  
hereby consent to such rescission  
and to a re-sale of said land as  
said Court may order.

Peter B. Pentis, guardian ad litem for  
Lucy W. Phelps, James O. Phelps, Maria L. Phelps, W. A. Phelps, W.  
James A. Phelps Jr. Jack Phelps, R. L. Wallcut Phelps  
James P. Harrell, Sally Lou Harrell and Dudley S. (Capt. Gen.)  
W. A. Harrell  
Henrietta Harrell.

31 August 1888

Harrell, Gdn.

vs. } In Chy.

Phelps & al.

Paper chs. 2

1888. Sept. 5. St. Filed  
Chy.



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

Wm. C. Harrell, Guardian, etc.

vs.

Lucey V. Phelps &als.

The undersigned one of the parties to the cause in Chancery in said Court depending between Wm. C. Harrell, Guardian of Lucey V. Phelps, Jas. Oscar Phelps, and Annie L. Phelps, Complainant, and Lucey V. Phelps and others, defendants, hereby consents to an entry of record during any term of said Court to the effect that said cause may be submitted to the judge of said Court for such decree and decision therein in vacation as might be made in term and also acknowledges notice of the filing of a petition for a rehearing <sup>at the October term 1888 of said Court</sup> of the decree which was entered in said cause on the 17th day of April 1888, confirming the sale of the land mentioned, and described in the Bill in said cause, <sup>and for a rescission of said sale</sup> and hereby consents to a rescission of said sale and to a re-sale of said land as said Court may order

3 Sept. 1888

Mattie L. Roberts

Harrell, Gdn, etc,

vs. } In Chy,  
Phelps. & als.

---

Paper No. 1.

1588. Sept. 5th. Filed  
clk.



Lucy V. Phelps, James Oscar Phelps, Annie L. Phelps, W<sup>m</sup>  
S. Phelps Jr, Jas. A. Phelps Jr, Jack Phelps, R. Wallace Phelps  
Jas. P. Harrell, Allie Lou Harrell and Dudley S. Cope-  
land infants under the age of twenty one years, Mattie  
L. Roberts, W<sup>m</sup> T. Harrell and Henrietta his wife, Jas. E.  
Beale and Bettie P. his wife, Edward T. Bryant and  
Mary Alice his wife, Robt. V. Phelps and Isaac Walter  
Phelps

TAKE NOTICE that, on the 26th day of September, 1888, next, at  
the office of Robt. R. Prentiss, atty. at Law in Suffolk, Va.

between the hours of 8 A. M. and 6 P. M. of that day, I shall proceed to take the Depositions of

John W. Ames, Ed. S. Hargrove  
and in behalf of said Lucy V. James O. and Annie L. Phelps  
and others, to be read as evidence in my behalf, in a certain suit in Equity  
depending in the Circuit Court of Chancery county, wherein

I am Plaintiff and you are Defendants;

and if, from any cause, the taking of the said Depositions be not commenced on that day, or, if commenced, be not  
concluded on that day, the taking of the same will be adjourned and continued from day to day or from time to time,  
at the same place and between the same hours until the same shall be completed.

Respectfully,

W<sup>m</sup> T. Harrell, Gdn. of

To the Sheriff of  
county to execute.

28 August 1888

Lucy V. Jas. Oscar and  
Annie L. Phelps, minors  
By Wilbur J. Kilby, atty.

Sufficient and legal service of  
this notice is hereby accepted and  
acknowledged by us severally this  
29th day of August, 1888.

Peter B. Reut. J., Guardians and letters of  
all the within named infants, defendants.

W. A. Harrell

Henrietta Harrell.



Lucy V. Phelps, James Oscar Phelps, Annie L. Phelps Wil-  
liam A. Phelps Jr. James A. Phelps Jr. Jack Phelps, R. Wal-  
lace Phelps, James P. Hamrell, Sallie Lou Hamrell and  
Jr. Dudley S. Copeland infants under the age of twenty one  
years, Mattie L. Roberts, Wm. C. Hamrell and Henrietta his  
wife, Jas. E. Beale and Nettie P. his wife, Edward T. Bryant  
and Mary Alice his wife, Robert V. Phelps and Isaac  
Walter Phelps

TAKE NOTICE that, on the 26th day of September, 1888, next, at  
the office of Robt. R. Prentiss, Atty. at Law, in Suffolk, Va.

between the hours of 8 A. M. and 6 P. M. of that day, I shall proceed to take the Depositions of

John W. Ames, Ed. D. Hargroves  
and in behalf of said Lucy V. James O. and Annie L. Phelps  
and others, to be read as evidence in my behalf, in a certain suit in Equity

depending in the Circuit Court of Chausemond county, wherein

I am Plaintiff and you are Defendants;

and if, from any cause, the taking of the said Depositions be not commenced on that day, or, if commenced, be not  
concluded on that day, the taking of the same will be adjourned and continued from day to day or from time to time,  
at the same place and between the same hours, until the same shall be completed.

Respectfully,

To the Sheriff of \_\_\_\_\_  
county to execute.

28 August 1888

Wm. C. Hamrell, Edu. of Lucy  
V. Jas. Oscar, and Annie  
L. Phelps, minors.  
By Wilbur J. Kilby, Atty.

Sufficient and legal service of  
this notice is hereby accepted and  
acknowledged by me this 31st. day  
of August 1888

R. V. Phelps



Lucy V. Phelps, James Oscar Phelps, Annie L. Phelps, William A. Phelps Jr., James A. Phelps Jr., Jack Phelps, R. Wallace Phelps, James P. Harrell, Sallie Lou Harrell and Dudley S. Copeland infants under the age of twenty-one years, Mattie L. Roberts, Wm. C. Harrell and Henrietta his wife Jas. E. Beale and Fattie P. his wife, Edward T. Bryant and Mary Alice his wife, Robt. V. Phelps and Isaac Walter Phelps

TAKE NOTICE that, on the 26th day of September, 1888, next, at the office of Robert R. Prentiss, att. at Law, in Suffolk Va.

between the hours of 8 A. M. and 6 P. M. of that day, I shall proceed to take the Depositions of

John W. Ames, Ed. L. Hargroves and in behalf of said Lucy V. Phelps, Jas. O. Phelps and Annie L. Phelps and others, to be read as evidence in my behalf, in a certain suit in Equity

depending in the Circuit Court of Chausemound county, wherein

I am Plaintiff and you are Defendants;

and if, from any cause, the taking of the said Depositions be not commenced on that day, or, if commenced, be not concluded on that day, the taking of the same will be adjourned and continued from day to day or from time to time, at the same place and between the same hours, until the same shall be completed.

Respectfully,

To the Sheriff of \_\_\_\_\_  
county to execute.

28 August 1888.

Wm. C. Harrell, Gen. of  
Lucy V. Jas. Oscar, and  
Annie L. Phelps, minors,  
By Wilbur J. Kilby, att.

Sufficient and legal service of  
this notice is hereby accepted and  
acknowledged by us severally this  
31st. day of August 1888.

James E Beale  
Nettie P Beale

I have served this notice on the  
within named Edward J. Bryant and  
Mary Alice his wife by delivering a copy  
hereof in writing to each of them in person  
this 31st. day of August 1888

Wm H. Howell  
Sheriff of Fauquier  
County. Va.

Fee \$1.00

Paid by W. J. Kilby

Wm H Howell

Sheriff



Lucy V. Phelps James Oscar Phelps, Annie L. Phelps  
William A. Phelps Jr. James A. Phelps Jr. Jack Phelps, R.  
Wallace Phelps, James P. Harrell, Sallie Lou Harrell and  
Dudley S. Copeland, infants under the age of twenty-one  
years, Mattie L. Roberts, Wm. A. Harrell and Henrietta  
his wife, Jas. E. Beale and Nettie P. his wife, Edward J.  
Bryant and Mary Alice his wife, Robt. V. Phelps and  
Isaac Walter Phelps

TAKE NOTICE that, on the 26<sup>th</sup> day of September, 1888, next, at  
the office of Robert R. Prentiss, Atto. at Law, in Suffolk, Va.

between the hours of 8 A. M. and 6 P. M. of that day, I shall proceed to take the Depositions of  
John W. Ames, Ed. D. Hargrove  
and in behalf of said Lucy V. James O. and Annie L. Phelps  
and others, to be read as evidence in my behalf, in a certain suit in Equity  
depending in the Circuit Court of Chausemond county, wherein  
I am Plaintiff and you are Defendants;  
and if, from any cause, the taking of the said Depositions be not commenced on that day, or, if commenced, be not  
concluded on that day, the taking of the same will be adjourned and continued from day to day or from time to time,  
at the same place and between the same hours, until the same shall be completed.

Respectfully,

To the Sheriff of \_\_\_\_\_ }  
county to execute.

28 August 1888.

Wm. A. Harrell, Gdn. of  
Lucy V. Jas. Oscar and An-  
nie L. Phelps, minors.  
By Wilbur J. Kilby, Atto.

Sufficient and legal service of  
this notice is hereby accepted and  
acknowledged by me this 21<sup>st</sup> day of  
September 1888

J. H. Thupo



Lucy V. Phelps, James Oscar Phelps, Annie L. Phelps, Wm.  
A. Phelps Jr., Jas. A. Phelps Jr., Jack Phelps, R. Wallace Phelps  
Jas. P. Harrell, Sallie Lou Harrell and Dudley S. Copeland  
Infants under the age of twenty-one years, Mattie L.  
Roberts, Wm. A. Harrell and Henrietta his wife, Jas. E.  
Beak and Nettie P. his wife, Edward T. Bryant and Mary  
Alice his wife, Robt. V. Phelps and Isaac Walter Phelps

TAKE NOTICE that, on the 26th day of September, 1888, next, at  
the office of Robert R. Prentiss, Atty. at Law, in Suffolk, Va.,

between the hours of 8 A. M. and 6 P. M. of that day, I shall proceed to take the Depositions of

John W. Ames, Ed. D. Hargroves  
and in behalf of said Lucy V. James Oscar and Annie L. Phelps  
and others, to be read as evidence in my behalf, in a certain Suit in Equity

depending in the Circuit Court of Chaucesman county, wherein

I am Plaintiff and you are Defendants;

and if, from any cause, the taking of the said Depositions be not commenced on that day, or, if commenced, be not  
concluded on that day, the taking of the same will be adjourned and continued from day to day or from time to time,  
at the same place and between the same hours, until the same shall be completed.

Respectfully,

To the Sheriff of \_\_\_\_\_  
county to execute.

28 August 1888.

Wm. A. Harrell, Gdn. of  
Lucy V. Jas. Oscar and  
Annie L. Phelps, minors  
By Wilbur J. Kilby, Atty.

Sufficient and legal service  
of this notice is hereby acknowl-  
edged and accepted by me this  
3d. day of September/888  
Matthi L. Roberts



The depositions of John W. Ames, Wm J. Jordan and E. D. Hargroves, taken before Rob. K. Plentis Commissioner in Chancery of the Circuit Court of Newsumond County, at his office in Suffolk Va. pursuant to the annexed notice, to be read as evidence in the Chancery cause of Wm. H. H. Harrell, Guardian &c against Phelps and others, now pending in the Circuit Court of Newsumond County. -

Begun 26th. September 1888.

Present: William J. Kirby counsel.

John W. Ames, being first duly sworn deposes and says:

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

A. I am 66 years old, live in Newsumond, I am a farmer. I know the parties to this suit.

2. Q. Are you acquainted with the land

on which Wm. N. Farrell lives, described  
in the papers in said suit?

A. I am. I have known <sup>it</sup> well for  
the past twenty-five or thirty  
years. I live about three miles  
from it.

3. Q. What in your opinion would be  
a fair price for said land?

A. I think that \$2500. ~~is~~ is a  
very fair price for it. I am  
well acquainted with the value  
of lands in that section. I think  
a sale of it for that price would  
be for the interest of all the  
parties interested.

Further this deponent saith not.  
Jno. H. Ames

William T. Jordan being first duly  
sworn in answer to questions  
deposes and says:

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



A. I am 52 years old, live in Janssmond.  
I am a practicing physician and  
a farmer, and I know the parties  
to this suit. -

2 Q. Are you acquainted with the land  
in the papers of this suit described,  
on which Wm A. Barrell at  
present reside? -

A. I am. - I have known the place  
well for thirty or thirty-five  
years. I live hardly a half a  
mile from the nearest boundary  
of it. -

3. Q. What in your opinion would be a  
fair price for said land?

A. I think that \$2500. would be a  
very fair price for it. - At one  
time, this land with a part adjoining  
now owned by Severn T. Harrington  
constituted one farm, and sold  
for \$1500. - Afterwards the whole  
of it sold for \$2100. - James A.  
Phelps paid for this part with an acre  
and a half additional \$1530. -  
The other part owned by Harrington is

the most desirable, and is the larger part of the original farms.

Further this deponent saith not.

Wm. J. Jordan

Continued until Saturday 6th October 1888 -  
Saturday 6th October 1888.

E. D. Hargroves being first duly sworn in answer to questions deposes and says

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

A. I am 42 years old, live in Hantswood County, I am a farmer, I know the parties to this suit.

2. Q. Are you acquainted with the land in these proceedings described, upon which W. S. Farrell resides?

A. I am - I have known it all my life. I have always lived in the neighborhood.

3. Q. What, in your opinion, would be a fair price for said land?



A. I would not like to give more than \$2500. for it. - It is a small farm and the land is poor. - That is what Mr. Harrington paid for land adjoining, and Mr. Harrington's land is better, more highly improved, and is a larger place. -

Further this deponent saith not. -  
E. D. Hargroves

The foregoing depositions of John W. Ames, Wm. J. Jordan and E. D. Hargroves were taken sworn to and subscribed before me at the times and places above mentioned. -

Given under my hand this 6th day of October 1888. -

Robt. D. Prentiss  
Commissioner in Chancery.

Fee \$3. +

Wm. St. Purroll Secy &c

Depositions  
of  
Jno. W. Ames,  
Wm. J. Jordan,  
E. D. Hargroves.

Phelps & others.

1888. Octo. 6th. Received &  
Filed . . . . . CM



Harrell Gdn.

vs.

Phelps & als.

It appearing to the Court that the defendant, Lucy V. Phelps attained her full age of twenty-one years on the 9th day of April A.D. 1889, it is ordered, on motion of the Complainant, by counsel, that this cause henceforth proceed and be prosecuted against her as a defendant of the full ~~at~~ age of twenty-one years

And on further motion of the Complainant by counsel, the death of Peter B. Prentiss, guardian ad litem of the infant defendants, is suggested, and John B. Primer, attorney at Law, is appointed guardian ad litem to such defendants to defend them in this cause—, such infant defendants being at this time, James Oscar Phelps Annie L. Phelps, William A. Phelps Jr. James A. Phelps Jr. Jack Phelps, R. Wallace Phelps, James P. Harrell, Sallie Lou Harrell and Dudley S. Copeland.

And on the motion of said John B. Primer, guardian ad litem, leave is given him to file his answer to the Complainant's Bill and said answer <sup>on oath</sup> is accordingly this day filed.

And thereupon this cause came on this day to be again heard on the papers formerly read and on said answer with general replication <sup>thereto</sup> ~~to said answer~~, and on the Report of Special Commissioner, Wilbur J. Kilby filed on the 28th. day of November A.D. 1888 (being a Report of the <sup>resale of second</sup> sale of the Real estate in the Bill mentioned and described in pursuance of the decree entered herein on the 11th. day of October A.D. 1888) and on the Report of said Commissioner filed on the 15th. day of January A.D. 1889 (being a Report of the payment of money to William Corbleet Hamell in pursuance of the decree entered herein on the 20th. day of December A.D. 1888), and was argued by counsel.



On consideration whereof the  
Court doth approve ratify and con-  
firm <sup>resale or second sale of said real estate and said</sup> said Reports to which no  
exception has been taken and  
doth also ratify and confirm in  
all respects the decree entered  
herein <sup>in vacation</sup> on the 20th. day of Decem-  
ber A.D. 1888, and order that this  
cause be continued.

Hamell, Gdn.

vs. } In Chy.

Phelps Sal.

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In the Circuit Court of  
Hauersmond County.

April 17th 1889

Decree

To be entered

C. M. Hill



In the Clerk's office of the Circuit  
Court of Hannamand County, on  
Friday the 2<sup>nd</sup> day of December 1888 the  
following decree, pronounced the  
20th day of December 1888 has been  
by Court, signed and ordered to  
be entered ~~of~~ in vacation.

William Morflet Harrell, Gdn  
of Lucy V Phelps, James Oscar  
Phelps and Annie L Phelps  
Minors \_\_\_\_\_ Complainant.

Against S in Chancery  
Lucy V Phelps, James Oscar Phelps,  
Annie L Phelps, William A Phelps  
James A Phelps, Jack Phelps, R.  
Wallace Phelps, James Pharr, Pallen  
Lou Harrell, and Dudley J Copeeland  
infants under the age of 21 yrs  
Matthe S. Roberts, William Morflet Harrell  
+ Henrietta his wife, James E. Beale  
and Nettie Phelps wife Edward J.  
Harrell and Mary Alice his wife  
Robert V Phelps and Isaac Walter  
Phelps Defendants.

Harrell, Gdn. etc.

vs.  
Phelps & als.

This cause came on this day to be again heard on the papers formerly <sup>read</sup> and on the Report of Special Commissioner, Wilbur J. Kilby, filed on the 24th. day of May A.D. 1888 (the same being a Report of collections and disbursements in pursuance of the decree pronounced herein on the 17th. day of April A.D. 1888), and on the Petition in his own proper person, of the Complainant William Corbleet Harrell, filed on the 22nd. day of August A.D. 1888, and on the exhibit filed with said Petition, and on the several papers numbered 1. 2. 3. 4 5 and 6 filed on the 5th. day of September A.D. 1888, and on the examinations of witnesses filed on the 6th. day of October A.D. 1888 and was argued by counsel.

On consideration whereof the Court doth approve and confirm said Report of Special



Commissioner, Wilbur J. Kilby  
to which no exception has been  
taken.

And it appearing that the  
land mentioned and described  
in the Bill in this cause was,  
under proceedings had herein,  
sold on the 12th. day of Decem-  
ber A. D. 1887, ~~that~~ that the Com-  
plainant, said William Chur-  
fleet Harrell, ~~in his own proper~~  
~~person~~ became the purchaser  
of said land, that on the 9th  
day of May A. D. 1888 in pur-  
suance of the decree entered  
herein on the 17th. day of April  
A. D. 1888, a deed was made  
to said William Churfleet Har-  
rell conveying said land to  
him, <sup>and that said deed</sup> (a copy of which ~~deed~~  
is filed with said Petition  
and marked Exhibit A) <sup>was</sup>  
<sup>recorded in the office of the Clerk of the County Court of this County on the 21d.</sup>  
and that the purchase of  
said land by said William  
Churfleet Harrell was illegal  
and that his title thereto is,  
therefore, imperfect; and  
it also appearing from said pa-

day of May 1888



pers numbered 1. 2. 3. 4. 5 and 6  
that all the parties to this cause  
have had ample notice of the fil-  
ing of said Petition and the con-  
sideration thereof at this term;  
the Court, on the motion of said  
William Chffleet Harrell and  
for reasons set forth in said Pe-  
tition and with the consent of  
all parties to this cause as spe-  
cified in said papers numbered  
1, 2, 3, 4, 5, and 6, doth grant the  
prayer of said Petition for a  
re-hearing of said decree en-  
tered herein on the 17th. day of  
April A. D. 1888 confirming said  
sale, and doth adjudge, order,  
and decree, according to the  
prayer of said Petition and with  
the consent of all parties, that  
said ~~sale~~ last-mentioned decree  
in<sup>so</sup> far as it confirms said  
sale and directs said deed  
to be made, ~~and said~~ to said  
William Chffleet Harrell con-  
veying said land to him, and  
the said sale itself and the  
said deed, be and the same  
are hereby set aside, cancelled



and resold.

And the Court doth further  
adjudge order and decree that  
said land be resold and that  
said Wilbur J. Kilby, as Special  
Commissioner aforesaid, proceed  
to resell the same by public auc-  
tion before the Courthouse door of  
this County on some County Court  
day on the terms and conditions  
and after due advertisement of  
the time, place and terms of  
the sale in the manner, speci-  
fied in the decree entered  
herin on the 2nd day of Novem-  
ber A.D. 1887, but the said Com-  
missioner may make private  
sale of said land for cash  
without advertisement of the  
sale, provided he can secure  
the sum of twenty-five hun-  
dred dollars for the land; the  
Court being satisfied that that  
sum would be a fair and  
adequate price for the land  
and that the sale thereof pri-  
vately for that sum would be  
in the interest ~~of~~ and for the



benefit of the persons interested therein.

And the said Commissioner is directed to make report to Court of his transactions under this decree.

And with the consent of the parties hereto, as specified in said papers numbered 1. 2. 3. 4. 5. and 6 and here entered of record it is ordered that this cause may be submitted to the judge of this Court for such decision and decree herein in vacation as might be made herein in term.

And it is further ordered that notice of the time and place of taking the account specified in the decree entered herein on the 17th day of April A. D. 1888, be given to the Complainant and or his Attorney and to the Guardian ad litem of the infant defendants and that said notice shall be sufficient notice of the taking of said account without service thereof on any of the other parties to this cause.



Hamell Gdn.

vs. } In Chy.

Phelps & al.

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In the Circuit  
Court of Chause-  
mond County.  
11 October 1888

Decree  
To be entered.  
C. M. Hall

Ent'd Chy O.B. No 2  
p. 224

Harrell, Gdn  
vs.  
Phelps & 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 25th day of January A. D. 1888 (the same being a Report of the sale of the land of which James A. Phelps died seised and possessed in pursuance of the decree entered herein on the second day of November A. D. 1887) and was argued by Counsel.

On consideration whereof the Court doth approve and confirm said sale and 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 Wm. A. Harrell filed with said Report with Severn F. Warrington and Wm. J. Jordan sureties thereto each for the sum of Eleven hundred and eighty-three and  $\frac{50}{100}$  dollars, bearing interest from the 12th day of December A. D. 1887 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 including a fee of fifty dollars to the counsel for the Complainant for his services herein and then to pay to Henrietta, wife of Wm. C. Hamrell the sum of six hundred and eight and  $\frac{79}{100}$  dollars with interest thereon from the 12th day of December A. D. 1887 till paid as an equivalent for, and in full satisfaction of, her dower ~~in said land which, in consideration thereof, she has, by her answer herein filed, agreed to relinquish in said land~~ and then to set apart one-third of the remainder for Lucy V. Phelps, one-third for James Oscar Phelps and one-third for Annie G. Phelps who are entitled to the same.

And the Court doth further adjudge order and decree that said Commissioner pay to the Complainant out of the money set apart to Lucy V. Phelps as aforesaid, the sum of one hundred and thirty-eight and  $\frac{45}{100}$

dollars with interest on one hundred and thirty-two and  $58/100$  dollars part thereof from the 31st. day of December A.D. 1886 till paid, which she owes him as ~~set~~ specified in the papers in this cause, and pay also to the Complainant out of the money set apart to James Oscar Phelps as aforesaid, the sum of three hundred and ~~twenty~~ and  $74/100$  dollars seventy-nine and  $27/100$  dollars with interest on three hundred and twenty and  $94/100$  dollars part thereof from the 31st. day of December A.D. 1886 <sup>till paid</sup> which he owes the Complainant as specified in the papers in this cause, and pay also to the Complainant out of the money set apart to Annie L. Phelps as aforesaid, the sum of three hundred and seventy-nine and ~~twenty~~  $27/100$  dollars with interest on three hundred and twenty and  $94/100$  dollars part thereof from the 31st. day of December A.D. 1886 <sup>till paid</sup> which she owes the Complainant as specified in the papers in this cause.

And the said Commissioner will make report to Court of his transactions in pursuance of this decree, And the Court doth further adjudge



order and decree that said Commissioner make to W. Chas Fleet Harrell, after the payment of said Bonds and the interest thereon in full, a deed with special warranty in the usual form conveying to him the several parcels of land purchased by him under proceedings in this suit.

And the Court doth further adjudge order and decree that the papers in this cause be referred to one of the Commissioners of this Court who is directed to ~~ascertain~~ take state settle and report to Court ~~the~~ a further account of the transactions of W<sup>m</sup> A. Harrell as Guardian of said Lucy V. Phelps, James Oscar Phelps and Annie L. Phelps

Harrell, Gdn.

vs. } In Chy.

Phelps & al.

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

Decree

To be entered

C. M. H. H.

Entered Chy Order Book  
No. 2 P. 203-4-5-



Harrell. Gdn.

vs.  
Phelps & als.

This cause came on this day in vacation to be heard again on the papers formerly read and on the Report of Special Commissioner Wilbur J. Kilby filed on the 28th. day of November A. D. 1888 (the same being a Report of the sale of the Real estate in the Bice mentioned and described in pursuance of the decree entered herein on the 11th. day of October A. D. 1888) and was argued by counsel.

On consideration whereof the ~~Court do~~ said sale and report, to which no exception has been taken, are approved and confirmed and it is adjudged ordered and decreed that the sum of twenty-five hundred dollars received by said Commissioner for said <sup>as specified in said Report</sup> real estate, be paid by him to the Complainant, Wm. Corflect Harrell in full satisfaction of the like

sum of money paid by <sup>said Harrell</sup> him for  
said real estate when it was  
first sold under proceedings  
had in this cause as specified  
in the record thereof, and that  
said Special Commissioner make  
to Henrietta Harrell, the purchaser  
of said real estate as specified  
in said Report, a deed with  
special warranty in the usual  
form conveying said real es-  
tate to her.

And said Commissioner is  
directed to pay all unpaid  
costs of this cause including  
a <sup>further</sup> fee of fifty dollars to the  
Counsel for the Complainant for  
his services herein, out of the  
money in his, the said Com-  
missioner's, hands to the credit  
of the defendants, Lucy V. Phelps  
James Oscar Phelps and Annie  
L. Phelps as specified in his  
Report filed herein on the 24th,  
day of May A. D. 1888, said costs  
and fee to be apportioned accord-  
ing to the respective sums of  
money to the credit of said Lucy



V. Phelps, James Oscar Phelps and  
Annie L. Phelps, and said Com-  
missioner will then pay the balance  
of said money to the Complainant  
as Guardian of said Lucy V. Phelps  
James Oscar Phelps and Annie  
L. Phelps by him, ~~it~~ to be ex-  
pended if necessary for ~~the~~ <sup>their</sup> proper  
care, maintenance and education,  
~~of said Lucy V. Phelps, James Os-~~  
~~car Phelps and Annie L. Phelps~~  
and the said guardian will  
hereafter render annual ac-  
counts of his transactions as  
guardian aforesaid before one  
of the Commissioners, <sup>in Chancery</sup> of this Court  
and produce before him all  
necessary papers and vouchers  
in his possession and under his  
control relating to his transac-  
tions aforesaid to enable said  
Commissioner in Chancery to  
state said accounts and said  
Commissioner <sup>in Chancery</sup> is directed to take  
state and settle said accounts from  
<sup>time to time</sup> and make Report thereof to Court.

And it is ordered that notice  
of the time and place of taking  
said accounts be given to the

Complainant or his attorney and the guardian ad litem of the infant defendants and that said notice be sufficient without service thereof on any of the other parties to this cause.

And said guardian is authorized to apply so much of the money as may be paid to him by said Special Commissioner for said Lucy V. Phelps, James Oscar Phelps and Annie L. Phelps as may be necessary to the satisfaction of such sums of money as he may have heretofore expended for their care maintenance and education.

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

C. W. Hill



Hamell, Gdn.

vs. } In Chy.

Phelps & al.

---

In the Circuit  
Court of Chause-  
mon County  
<sup>In vacation</sup>  
December 10th, 1888

Decree

To be entered

C. W. H.

Child

Enter Chancery Order  
Book No. 2 page 240

---

W. Norfleet Hamell, Gdn. etc.

vs.

Lucey V. Phelps & als.

This cause came on this day to be again heard on the papers formerly read and on the joint and several answers of W<sup>m</sup> Norfleet Hamell and Henrietta Hamell this day filed by leave of the Court, and on the Report of Commissioner, Robert R. Prentiss filed the 29<sup>th</sup>. day of August 1887, being a Report in pursuance of the decree entered herein on the 14<sup>th</sup>. day of April 1887 and on the examinations of witnesses filed with said Report, and was argued by Counsel.

On consideration whereof the Court doth approve and confirm said Report to which no exception has been taken, and it appearing that all those who would be the heirs and distributees of the infant defendants, Lucey V. Phelps, James Oscar Phelps and Annie L. Phelps, if they were dead, have been made parties, defendant in this cause and that all the other provisions of law applicable to the case have been complied with, and it having been



clearly shown independently of any admissions in the answers that the interest of said infant defendants Lucy V. Phelps, James Oscar Phelps and Annie L. Phelps, will be promoted by a sale of the parcels of land in the Bill mentioned and described and that the rights of no person will be violated by such sale; the Court doth adjudge, order and decree that Wilbur J. Kilby, who is hereby appointed Special Commissioner for that purpose do proceed to sell said parcels of land 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 cover the costs of this suit and the expenses of the sale and the residue in equal sums at the end of six and twelve months respectively with interest from the day of sale; - the purchaser to execute bonds in evidence of the deferred payments with good personal security and the title to the lands



to be retained until the further order of Court.

But before proceeding to make sale of said lands, said Special Commissioner will advertise the time, place and terms thereof by printed notices for twenty days at least prior to the day of sale and by publication of the notice once a week for three successive weeks in a newspaper published in the Town of Suffolk in this County, and will execute before the Clerk of this Court 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 of the sale, and make report to Court of his proceedings under this decree.



Harrell, Gdn.

vs. } In Chy.

Phelps & al.

---

In the Circuit Court  
of Chaussemond County  
2 November 1887

Decree

To be entered

C. W. Hie

Entered Chancery order  
Book No: 2. page 170.

W<sup>m</sup> A. Hamell Gdn. etc.

vs.

Phelps & al.

This cause came on this day to be again heard on the papers formerly read and was argued by counsel.

On consideration whereof the Court doth direct that notice of the time and place of taking the several accounts specified in the decree entered herein on the 14<sup>th</sup> day of April 1887, be published once a week for four successive weeks in the "Suffolk Herald", a convenient newspaper published in the Town of Suffolk in this County and that such publication shall be equivalent to personal service of such notice on the parties hereto or any of them.



Hamell Gdn. etc.

15. } In Chy.

Phelps Sal.

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In the Circuit Court  
of Chauseman  
County.

June 23d. 1887

Order

To be entered

C. W. H. C.

June 23d. 1887

William Infleet Harrell Guard-  
ian of Lucy V. Phelps, James Os-  
car Phelps and Annie L. Phelps,  
minors. - - - - - Complainant

Against } In Chancery

Lucy V. Phelps, James Oscar Phelps,  
Annie L. Phelps, William A. Phelps,  
James A. Phelps, Jack Phelps, R. Wal-  
lace Phelps, James P. Harrell, Sallie  
Lou Harrell and Dudley S. Cope-  
land, infants under the age of  
twenty-one years, Mattie L. Roberts,  
William Infleet Harrell and Hen-  
rietta his wife, James E. Beale and  
Cettie P. his wife, Edward T. Bry-  
ant and Mary Alice his wife  
Robert V. Phelps, and Isaac Walter  
Phelps, - - - - - Defendants.

This Cause ~~came on this day~~ reg-  
ularly matured and set for hear-  
ing at Rules, came on this day to  
be heard on the Bill taken for  
confessed as to ~~Mattie L. Roberts~~ the  
<sup>adult</sup> defendants, Mattie L. Roberts, James  
E. Beale and Cettie P. his wife, Ed-  
ward T. Bryant and Mary Alice  
his wife, Robert V. Phelps ~~and~~ Isaac



and W<sup>m</sup> A. Hamrell and Henrietta his wife  
Walter Phelps, on whom process had  
been duly served, they still failing  
to appear and plead, answer and  
demur to said Bill and on the  
exhibits filed with the Bill and  
on the sworn answer of Peter B. Preu-  
tis, guardian ad litem to the in-  
fant defendants, Lucy V. Phelps,  
James Oscar Phelps, Annie L. Phelps,  
William A. Phelps, James A. Phelps,  
Jack Phelps, R. Wallace Phelps, James  
P. Hamrell, Sallie Lou Hamrell and  
Dudley S. Copeland, duly assigned  
at Rules to defend them in this  
suit in his own proper person, and  
on the joint and several answers  
of said infant defendants by  
their said guardian ad litem,  
and on the sworn answer of said  
Lucy V. Phelps, she being over the age  
of fourteen years, but under the age  
of twenty-one years, <sup>in her own proper person</sup> ~~and on the joint~~  
~~and several answers of the adult~~  
~~defendants, William A. Phelps, James A. Phelps,~~  
~~and Henrietta his wife, with general~~  
replications to ~~the~~ said answers,  
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 Commissioners of this Court, who is directed to ascertain and report to Court;

1. Whether the interests of the infant defendants, Lucy V. Phelps, James Oscar Phelps and Annie L. Phelps, will be promoted by a sale of the land in said Bill mentioned and described, or any part of it and the investment or application of the proceeds of the sale for ~~the~~ <sup>their</sup> use and benefit, ~~of said infant defendants.~~

2. Whether the rights of any person will be violated by such sale.

3. Who would be the heirs and distributees of said Lucy V. Phelps, James Oscar Phelps and Annie L. Phelps, if they were dead.

~~4. Any matters specially stated deemed pertinent by himself or required by any of the parties to be specially stated.~~

4. An Account of the transactions of William Corflect Harrell as Guardian of said Lucy V. Phelps, James Oscar <sup>Phelps</sup> and Annie L. Phelps regarding as pri-



ma facie correct, but liable to be surcharged and falsified any settled accounts of said Guardian made under orders of a Court of competent jurisdiction and returned to, and ordered to be recorded by such Court.

5 An Account of any other matters specially stated deemed pertinent by himself or required by any of the parties to be specially stated.

Hamell, Gdn. etc.

vs. } In Chy.

Phelps & al.

In the Circuit Court  
of Chaussemond County  
April 14 1887

Decree

To be entered

C. W. Phelps & al.

Hamell, Gdn. etc.

# FARM FOR SALE AT AUCTION!

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By authority of a decree of the Circuit Court of Nansemond county, Va., pronounced the 2d day November, 1887, in the suit in chancery in said court depending between William Norfleet Harrell, guardian of Lucy V. Phelps and others, plaintiff, and Lucy V. Phelps, James Oscar Phelps 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 12, 1887,**

the following parcels of land of which James A. Phelps died seised and possessed, to wit:

1. All that certain parcel of land upon which William Norfleet Harrell now resides, situated on the east side of the county road, in Bennett's Pasture, in Sleepy Hole Magisterial district, in said county, containing 66½ acres, more or less, and bounded on the north by James D. Taylor's land, on the east by the land of Jeremiah and John W. Jones, on the south by the land of Severn F. Warrington, and on the west by said road—together with an interest in common with others in the lands known as Cross Swamp.

2. All that certain small parcel of land situated in said district and county, a short distance south of Driver's store, on the main road leading from Suffolk to Portsmouth, Va., containing from 10 to 15 acres, more or less, and bounded by the lands of John Degarybody, the Poor, the "Lee Farm," and said Cross Swamp.

**TERMS OF SALE.**—Enough of the purchase-money to cover the costs of said suit and the expenses of the sale will be required cash, and the balance in two equal sums at the end of six and twelve months, respectively, with interest from day of sale, the purchaser to execute separate bonds waiving the benefit of the homestead exemption, with good personal security, payable to the undersigned, in evidence of the deferred payments, and the title to the land to be retained until the further order of Court.

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

**GEORGE T. PARKER, Crier.**

NOVEMBER 12, 1887.

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IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

William Norfleet Harrell, Guardian of Lucy V. Phelps and others, Complainant, }  
AGAINST } IN CHANCERY.  
Lucy V. Phelps, James Oscar Phelps and others.....Defendants. }

I, Peter B. Prentis, Clerk of said Court, do hereby certify that the bond required of Wilbur J. Kilby, Special Commissioner, appointed by said Court by its decree on the 2d day of November, 1887, in the above-entitled suit, to sell the land of which James A. Phelps died seised and possessed, mentioned in said decree, has been executed with security deemed sufficient by me.

Given under my hand this 8th day of November, 1887.

PETER B. PRENTIS, CLERK.



1

The depositions of John W. Ames  
and others taken before Robert  
R. Proutis Commissioner in Chancery  
of the Circuit Court of Nausemond  
County at his office in Suffolk  
on Friday 12th. August 1854  
pursuant to the notice hereto  
attached to be read as evidence  
in behalf of the complainant  
in the Chancery cause now  
pending in the Circuit Court  
of Nausemond County in the  
name of Mrs. Margaret Harrold  
Guardian &c. v. Lucy & Phelps  
and others. -

Present:

Hon. William J. Kilby Counsel for Complainant  
Peter B. Proutis Guardian ad  
litem of Lucy & Phelps, James Dean Phelps  
and Annie L. Phelps. -

John W. Ames, witness, being first  
duly sworn, in answer to questions  
deposes and says:

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

A. I am 65 years old, live in Nausemond



County about two miles from the land in the bill mentioned. I am a farmer, and I know the parties to this suit. -

Q. 2. Are you acquainted with the land in the bill mentioned? If so, please state whether the interests of the infant defendants Lucy D. Phelps, James Oscar Phelps, and Annie L. Phelps will be promoted by a sale of said land, and investment of the proceeds for their use and benefit, and whether the rights of any person will be violated by such sale.?

A. I know the land in the bill mentioned. I have known the homestead ~~well~~ <sup>and</sup> and the other piece well for more than forty years, have lived in the neighborhood (except for five years) ever since I was born. - I should think that the interests of the infants would be promoted by a sale of the land and a division of the proceeds; it would be impossible to divide



the land in kind because its value would be destroyed for farming purposes, the shares would be so small. - The income derived from the farm is utterly inadequate to support the said infants. - The guardian W. V. Carroll has taken care of the children just as if they were his own. - The farm rents for \$150. - This is a fair rent for the place, and the present tenant W. V. Carroll is constantly improving the place. - Of this \$150 - the widow is entitled to one-third, so that it leaves the children only \$33.<sup>33</sup> a piece. - Mr. Carroll has been supporting them well for years, and spending much more than their income in their support. -

Q. 3. State, if you know whether the persons mentioned in the bill as heirs and distributees of said infants, are the persons who would be their heirs and distributees if they were dead?

A. So far as I know and believe the parties named would be the only heirs and distributors, if the infants were dead and I am familiar with the family. -

And further this deponent saith not.  
Jno. W. Ames

Elliott J. Diver witness, being first duly sworn in answer to questions deposes and says:

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

A. I am 43 years old, live in Sleepy Hollow District, Taussemond County. I am a merchant and farmer, and I know the parties to the suit. -

Q. 2. Are you acquainted with the land in the bill mentioned? If so, state whether the interests of the infant defendants Lucy & James Oscar, and Annie L. Phelps, will be promoted by a sale of the said land.



and investment of the proceeds for their use and benefit, and whether the rights of any person will be violated by such sale? -

A.

I am acquainted with said land I knew when Mr. Phelps bought it about thirteen years ago, I live about one mile from it. - The rent derived from the land is not sufficient to support them. - They have no other means of support, and I am of opinion that their interests will be promoted by a sale of the same. - They have been supported by Mr. Harrell their guardian just as if ~~they~~ it had been their own father. - Their income has always been insufficient for their support even when they were very small and now ~~they~~ it costs very much more to support them. - The farm is too small to be divided in kind - its value for agricultural purposes would be thereby destroyed. -

Q. 3. State who would be the heirs and distributees of said infants if they were dead?

A. I have known the family for twenty (20) years, and I believe ~~that~~ the persons named in the bill <sup>all of</sup> ~~are~~ such heirs and distributees.

~~Further~~ this deponent says not.  
E J Driver

Wm T. Jordan, witness, being first duly sworn in answer to questions deposed and says:

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

A. I am 57 years old, live in Sleepy Hollow District, Tausenond County, am a Doctor of Medicine and farmer, and I know the parties to the suit well. —

Q. 2. Are you acquainted with the land in the bill mentioned? If so state whether the interests of the infant defendants Lucy &



Phelps, James Oscar Phelps and  
Annie L. Phelps will be promoted  
by a sale of said land and  
investment of the proceeds for  
their use and benefit, and whether  
the rights of any person will be  
violated by such sale?

A. I am well acquainted with it. I  
have known it ever since I  
could remember anything else  
for thirty-five or forty years. I am  
Mr. Harrell's family physician. -  
I live not more than half a  
mile from the farm. -  
~~It~~ From the fact that the rent  
derived from the farm is entirely  
inadequate to support the  
children, I am clearly of opinion  
that their interests demand  
that the land shall be sold  
and the proceeds used in  
their support and maintenance. -  
They have ~~no~~ other means of  
support. - The kindness and  
attention of Mr. W. N. Harrell their  
guardian has been very remarkable.  
He has treated them as though  
they were his own children. -

Q. 3. Are the persons named in the bill  
as heirs and distributees of the  
said infants correctly so named?  
a. I think so, and I have known  
the family for years.

Further this deponent saith not.

Wm. J. Indaw

State of Virginia,  
County of Hansemond, to wit:  
I, Robert P. Prentiss, a Commis-  
sioner in Chancery of the Circuit Court  
of Hansemond County do certify  
that the foregoing depositions were  
taken, sworn to and subscribed before  
me at the time and place mentioned  
in the caption hereto.  
Given under my hand this 17th.  
day of August 1887.

Rob. P. Prentiss,  
Commissioner in Chancery.



COMMISSIONER'S OFFICE,  
SUFFOLK, VA., July 8, 1887. }

**T**O WILLIAM NORFLEET HARRELL,  
Guardian of Lucy V. Phelps, James Os-  
car Phelps and Annie L. Phelps, minors,  
Complainant,

AND

Lucy V. Phelps, James Oscar Phelps, Annie  
L. Phelps, William A. Phelps, James A.  
Phelps, Jack Phelps, R. Wallace Phelps,  
James P. Harrell, Sallie Lou Harrell and  
Dudley S. Copeland, infants under the age of  
twenty-one years; Mattie L. Roberts, Wil-  
liam Norfleet Harrell and Henrietta his wife,  
James E. Beale and Nettie P. his wife, Ed-  
ward T. Bryaut and Mary Alice his wife,  
Robert V. Phelps and Isaac Walter Phelps,  
Defendants.

### IN CHANCERY.

Take notice that I have fixed upon FRIDAY,  
THE 12TH DAY OF AUGUST, 1887, as the time,  
and my office, in Suffolk, Virginia, as the  
place, for ascertaining and reporting to Court:

1. Whether the interests of the infant de-  
fendants Lucy V. Phelps, James Oscar Phelps  
and Annie L. Phelps will be promoted by a  
sale of the land in the bill described, or any  
part of it, and the investment or application  
of the proceeds of the sale for their use and  
benefit.

2. Whether the rights of any person will be  
violated by such sale.

3. Who would be the heirs and distributees  
of said Lucy V. Phelps, James Oscar Phelps  
and Annie L. Phelps if they were dead.

4. An account of the transactions of Wil-  
liam Norfleet Harrell as guardian of said Lucy  
V. Phelps, James Oscar Phelps and Annie L.  
Phelps, regarding as *prima facie* correct, but  
liable to be surcharged and falsified, any set-  
tled accounts of said guardian, made under  
orders of a court of competent jurisdiction  
and returned to and ordered to be recorded by  
such court.

5. An account of any other matters spe-  
cially stated deemed pertinent by myself or  
required by any of the parties to be specially  
stated.

Which enquiries and accounts are directed  
by decree of the Circuit Court of Nausemond  
county pronounced on the 14th day of April,  
1887, in the chancery cause now pending, to  
which you are parties, complainant and de-  
fendant.

Given under my hand the day and year first  
aforesaid.

ROB. R. PRENTIS,  
Commissioner in Chancery.

WILBUR J. KILBY, p. q.

jy15-4w

Office of The Herald.

Suffolk, Va., Aug 12 1887

I 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.

J. E. Doaker

Editor Herald.

cost 800

hands the sum of one hundred thousand dollars in cash, which it was absolutely necessary, for some reason, should be in the vaults of the Sub-Treasury in New York city by ten o'clock the following day. The commissioner at first thought of going himself and delivering it to the proper officials; but as it was not convenient for him to do so, he decided to trust the money in the hands of his private secretary, Mr.



Commissioner's Office  
Suffolk Co., 12. August 1887

To the Honorable Chandler W. Will, Judge  
of the Circuit Court of Nausemond  
County:

William Forster Harrell, Guardian &c.

<sup>vs.</sup>  
Lucy W. Phelps and others.

Pursuant to a decree  
pronounced in the above entitled  
chancery cause on the 14th. day of  
April 1887, the undersigned, one of  
the Commissioners in Chancery of the  
Circuit Court of Nausemond County, after  
having first given the notice required  
(a copy of which is hereto annexed)  
proceeded on this day to make the  
enquiries directed to be made by  
the said decretal order.

I

First: The Commissioner reports that  
the infant defendants Lucy W. Phelps,  
James Oscar Phelps and Annie L.  
Phelps have no means of support  
except their interest in the rent  
derived from the farm in the bill  
described. This amounts to \$100.

per year to be divided between the three, ~~after~~ out of which amount the taxes have to be paid. - Of course this farm therefore does not furnish them an adequate support. They have been cared for by their Guardian Mr. Norbert Harroll, in great measure out of his own private means. - The Commissioners reports that their interests will be promoted by a sale of the said real estate, and the application of the proceeds of sale to their maintenance and education. - The depositions of John M. Ames, Elliott J. Driver and William J. Jordan are herewith returned as part of this report. -

## II.

Secondly. - So far as the Commissioners is informed the rights of no person will be violated by the sale which the complainant prays for. -

## III.

Thirdly. The Commissioners reports that the heirs and distributees of said infants, if they were dead, would be; their aunt Mary Alice, wife of Edward J. Bryant, and their uncles Robert V. Phelps and Isaac Walter Phelps; their



two cousins Nettie F. wife of James E. Beale and Mattie L. Roberts, children of their deceased aunt Sarah E. late wife of Benjamin F. Roberts; their two other cousins James F. Carroll and Sallie Lou Carroll, children of their deceased aunt Lou F. late wife of Alexander Carroll; their other cousin Dudley S. Copeland child of their deceased aunt Ella C. late wife of John S. Copeland; and their other cousins William A. Phelps Jr., James A. Phelps Jr., Jack Phelps and R. Wallace Phelps children of William A. Phelps Sr.

#### IV

Fourthly: The Commissioner further reports that according to the last ex parte account of the Guardian (which account has not been surcharged or falsified) Lucy V. Phelps was indebted to the Guardian in the sum of \$138.<sup>45</sup> with interest on \$132.<sup>58</sup> from the 31 day of December 1886; James Oscar Phelps was indebted to him in the sum of \$379.<sup>27</sup> with interest on \$320.<sup>94</sup> from the 31 day of December 1886; and Annie L. Phelps was indebted to him in the sum of \$379.<sup>27</sup>, with interest on \$320.<sup>94</sup> from the 31 day of December 1886.—

Given under my hand this 12th day  
of August 1887. -

Robt. D. Prentiss  
Commissioner in Chancery

Fee \$15.00 -

Printer \$8.00

W. Herbert Carroll, Esq. to

Report

of  
Comm. Robt. D. Prentiss

Lucy D. Phelps to him

Date 12. August 1887

Confirmed

2 Nov. 1887

1887. Aug. 29th. Filed  
C.H.



## FARM FOR SALE AT AUCTION!—

By authority of a decree of the Circuit Court of Nansemond county, Va., pronounced the 2d day of November, 1887, in the suit in chancery in said court depending between William Norfleet Harrell, guardian of Lucy V. Phelps and others, plaintiff, and Lucy V. Phelps, James Oscar Phelps 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 12, 1887,**

the following parcels of land of which James A. Phelps died seised and possessed, to wit:

1. All that certain parcel of land upon which William Norfleet Harrell now resides, situated on the east side of the county road, in Bennett's Pasture, in Sleepy Hole Magisterial district, in said county, containing  $66\frac{1}{4}$  acres, more or less, and bounded on the north by James D. Taylor's land, on the east by the land of Jeremiah and John W. Jones, on the south by the land of Severn F. Warrington, and on the west by said road—together with an interest in common with others in the lands known as Cross Swamp.

2. All that certain small parcel of land situated in said district and county, a short distance south of Driver's store, on the main road leading from Suffolk to Portsmouth, Va., containing from 10 to 15 acres, more or less, and bounded by the lands of John Degaryhody, the Poor, the "Lee Farm," and said Cross Swamp.

**TERMS OF SALE.**—Enough of the purchase-money to cover the costs of said suit and the expenses of the sale will be required in cash, and the balance in two equal sums at the end of six and twelve months, respectively, with interest from day of sale, the purchaser to execute separate bonds waiving the benefit of the homestead exemption, with good personal security, payable to the undersigned, in evidence of the deferred payments, and the title to the land to be retained until the further order of Court.

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

**GEORGE T. PARKER,** Crier.

*In the Circuit Court of Nansemond county, Va.*  
William Norfleet Harrell, Guardian of Lucy V. Phelps and others, Complainant, against Lucy V. Phelps, James Oscar Phelps and others, Defendants—In Chancery.

I, Peter B. Prentiss, Clerk of said court, do hereby certify that the bond required of Wilbur J. Kilby, Special Commissioner, appointed by said Court by its decree on the 2d day of November, 1887, in the above-entitled suit, to sell the land of which James A. Phelps died seised and possessed, mentioned in said decree, has been executed with security deemed sufficient by me.

Given under my hand this 8th day of November, 1887.

no25-3t    **PETER B. PRENTIS,** Clerk.

Ky. He was about forty-seven years of age and weighed, when in good health, 485 pounds. He was a successful farmer, generous and social in his nature. It required a strong buggy and two horses to carry him about, but he was sufficiently active to get in and out of his buggy, and he was

1887

Mr W J Nixy, Commissioner  
To Suffolk Herald, Dr.

TERMS:

Transient Advertisements and Subscriptions, Payable in Advance.

Annual Advertisers are Required to Settle Quarterly.

Job Work, Cash on Delivery.

Fine Job Work a Specialty

|                                     |      |
|-------------------------------------|------|
| July 15 To Publishing Notice        |      |
| Hearrell & Co vs Phelps & Co        |      |
| in Herald 6 inches 4 weeks          | 8 00 |
| Nov 25 To advertising Sale of       |      |
| W N Hearrells Land                  |      |
| in Herald 7 inches 3 weeks          | 7 00 |
| "Printing 100 Bills, Notice of Sale | 1 50 |

16 50

1887 Dec 15th

Paid by Wilbur J Nixy Comr

J. C. Brooks  
Propr



Received of Wilbur J. Kilby, Spe-  
cial Commr. Ten (10) dollars for  
services rendered as crier at the  
sale, on the 12th day of December  
1887, of the land of which James  
A. Phelps died seized and  
possessed

\$10<sup>00</sup>/<sub>100</sub>

Lud D Parker, crier  
15 Dec. 1887

Received of Wilbur J. Kilby, Special Commissioner, fifteen dollars in full of my fees taxed as part of the costs in the Chancery suit depending in the Circuit Court of Chautauque County between W. A. Harrell, Gdn. etc. Plaintiff and Lucy N. Phelps and others, defendants.  
\$15.<sup>00</sup>

Peter B. Prentiss Clerk

15 Dec. 1887



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

William Corbleet Harrell, Guard-  
ian of Lucy V. Phelps and oth-  
ers. . . . . Complainant

Against } In Chancery

Lucy V. Phelps, James Oscar Phelps  
and others, . . . . . Defendants

I, Peter B. Prentiss, Clerk of said  
Court, do hereby certify that the bond  
required of Wilbur J. Kilby, Special  
Commissioner, appointed by said Court  
by its decree on the 2nd day of  
November 1887 in the above-entitled  
suit, to sell the land of which  
James A. Phelps died seised and  
possessed, mentioned in said de-  
cree, has been executed with se-  
curity deemed sufficient by me.

Given under my hand this 8th  
day of November 1887.

Peter B. Prentiss, Clerk.

# FARM FOR SALE AT AUCTION!

By authority of a decree of the Circuit Court of Nansemond county, Va., pronounced the 2d day November, 1887, in the suit in chancery in said court depending between William Norfleet Harrell, guardian of Lucy V. Phelps and others, plaintiff, and Lucy V. Phelps, James Oscar Phelps 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 12, 1887.**

the following parcels of land of which James A. Phelps died seised and possessed, to wit:

1. All that certain parcel of land upon which William Norfleet Harrell now resides, situated on the east side of the county road, in Bennett's Pasture, in Sleepy Hole Magisterial district, in said county, containing 66½ acres, more or less, and bounded on the north by James D. Taylor's land, on the east by the land of Jeremiah and John W. Jones, on the south by the land of Severn F. Warrington, and on the west by said road—together with an interest in common with others in the lands known as Cross Swamp.

2. All that certain small parcel of land situated in said district and county, a short distance south of Driver's store, on the main road leading from Suffolk to Portsmouth, Va., containing from 10 to 15 acres, more or less, and bounded by the lands of John Degarybody, the Poor, the "Lee Farm," and said Cross Swamp.

TERMS OF SALE.—Enough of the purchase-money to cover the costs of said suit and the expenses of the sale will be required cash, and the balance in two equal sums at the end of six and twelve months, respectively, with interest from day of sale, the purchaser to execute separate bonds waiving the benefit of the homestead exemption, with good personal security, payable to the undersigned, in evidence of the deferred payments, and the title to the land to be retained until the further order of Court.

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

**GEORGE T. PARKER, Crier.**

NOVEMBER 12, 1887.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

William Norfleet Harrell, Guardian of Lucy V. Phelps and others, Complainant, }  
 AGAINST } IN CHANCERY.  
 Lucy V. Phelps, James Oscar Phelps and others.....Defendants. }

I, Peter B. Prentiss, Clerk of said Court, do hereby certify that the bond required of Wilbur J. Kilby, Special Commissioner, appointed by said Court by its decree on the 2d day of November, 1887, in the above-entitled suit, to sell the land of which James A. Phelps died seised and possessed, mentioned in said decree, has been executed with security deemed sufficient by me.

Given under my hand this 8th day of November, 1887.

PETER B. PRENTIS, CLERK.



To the Circuit Court of Lancaster County, Va.

In pursuance of the decree of said Court pronounced on the 2nd. day of November 1887 in the cause or suit in Chancery in said Court depending between William Norfleet Hamrell, Guardian of Lucy V. Phelps and others, Complainant and Lucy V. Phelps, James Oscar Phelps and others defendants, the undersigned 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 12th. day of December 1887, to William Norfleet Hamrell as the highest bidder for the sum of Two thousand and five hundred dollars, the following parcels of land of which James A. Phelps died seised and possessed, mentioned and described in the Bill in said Cause, to wit;

1. All that certain parcel of land situated on the east side of the County road in Bennett's

Pasture in Sleepy Hole Magisterial District in said County containing  $66\frac{1}{2}$  acres, more or less and bounded on the North by James D. Taylor's land, on the East by the land of Jeremiah and John W. Jones, on the South by the land of Seren F. Warrington and on the West by said Road, together with an interest in common with others in the lands known as Cross Swamp.

2 All that certain small parcel of land situated in said District and County, a short distance South of Driver's Store, on the Main Road leading from Suffolk to Portsmouth Va. containing from 10 to 15 acres, more or less and bounded by the lands of John Degandy, the Poor, the "Lee Farm" and said Cross Swamp:

That before proceeding to sell said land, the undersigned gave notice of the time, place and terms of the sale by printed notices posted more than twenty days prior to the day of sale at said Courthouse door, and at



various public places in said County and in the neighborhood of said land and by publication of the notice once a week for three successive weeks in the "Suffolk Herald", a newspaper published in the Town of Suffolk in said County and executed before the Clerk of said Court the Bond required by said decree to be executed by the undersigned and obtained of said Clerk a certificate of the due execution of said Bond and appended a copy of the certificate to said notice of sale.

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

That said land was sold on the terms and conditions mentioned in said decree and in compliance therewith the said William Corfleet Harrell paid to the undersigned part of said sum of \$2500, to wit, the sum of \$133, and executed his <sup>two</sup> bonds for the balance with Abram F. Warrington and Wm J. Jordan sureties thereto, each for the sum

of \$1183.<sup>50</sup> bearing interest from the 12th day of December 1887, - which said Bonds are payable one six months and the other twelve months after date and are hereto attached;

That the said sum of \$133, has been disbursed by the undersigned as directed by said decree in satisfaction of the costs of said suit and the expenses of said sale as the following statement and the receipts hereto attached will fully show:

|                                                                                                                                                               |         |           |        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-----------|--------|
| By Cash received as above stated                                                                                                                              |         | \$ 133 00 |        |
| To 5 per cent Commissions on \$300. =                                                                                                                         | \$15.00 |           |        |
| " 2 " " on \$2200. =                                                                                                                                          | 44.00   | 59 00     |        |
| " paid Peter B. Prentis, Clerk's fees, per rect.                                                                                                              | 15 00   |           |        |
| " " Wilbur J. Kilby, Atty. fee & tax "                                                                                                                        | 16 50   |           |        |
| " " Robt. R. Prentis, Comm. fee "                                                                                                                             | 15 00   |           |        |
| " " Geo. T. Parker, Crier at sale "                                                                                                                           | 10 00   |           |        |
| " " John L. Fulgham, late Sheriff "                                                                                                                           | 1 00    |           |        |
| " " J. Ed. Booker, Proprietor of "Suffolk Herald" for printing notices of said sale and publishing same and other notices in said "Suffolk Herald". per rect. | 16 50   |           |        |
|                                                                                                                                                               |         | 133 00    | 133 00 |



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

Respectfully submitted this  
15th. day of December 1887.

Wilbur J. Kilby  
Special Comr.

1887 Dec. 15th. Received of Wilbur  
J. Kilby. Special Comr. the sums of  
money charged in the above Re-  
port as paid to us and set  
opposite our respective names  
as follows:

|                                          |                     |
|------------------------------------------|---------------------|
| Rob. C. Prentiss, Commr.                 | \$15.-              |
| Wilbur J. Kilby, Atty. fee & tax         | \$16. <sup>50</sup> |
| Wilbur J. Kilby for J. L. Fulgham, Shff. | \$1. <sup>00</sup>  |

By authority of, and for the purposes stated  
in the decree of the Circuit Court of Chautauque  
County pronounced on the 17th day of April 1888  
in the Chancery suit depending in said Court  
between Wm. C. Hamell, Gdn. Plaintiff and  
Lucy V. Phelps & others, defendants, I have,  
this 9th day of May 1888, received of the Clerk  
of said Court the two bonds of Wm. C.  
Hamell and others mentioned in this Report  
each for the sum of \$1183.<sup>50</sup>

Wilbur J. Kilby Comr.

Hamell, Gdn.

vs. } In Chy.

Phelps & al.

Report of Sale

15 Dec. 1887

Confirmed 17th.  
April 1888

1888. Jan. 25th. Filed  
ck



|             |                                  |            |           |      |    |
|-------------|----------------------------------|------------|-----------|------|----|
| 1888        |                                  |            |           |      |    |
| May 12      | Paid Henrietta Hamrell for dower |            |           | 624  | 00 |
| 12          | " W. C. Hamrell for Lucy         | 149        | 27        |      |    |
| 1889 Apl. 1 | " " "                            | <u>420</u> | <u>23</u> | 569  | 50 |
| 1888 May 12 | " " for Oscar                    | 405        | 48        |      |    |
| 1889 Jan. 2 | " " " "                          | 150        | 00        |      |    |
| Apl. 1      | " " " "                          | <u>20</u>  | <u>00</u> | 575  | 48 |
| 1888 May 12 | " " for Annie                    | 405        | 48        |      |    |
| 1889 Jan. 2 | " " " "                          | 150        | 00        |      |    |
| " Apl. 1    | " " " "                          | <u>20</u>  | <u>00</u> | 575  | 48 |
|             |                                  |            |           | 2344 | 46 |

Dr. Lucy V. Phelps, Orphan of James A. Phelps, deceased  
In Account with Wm. A. Harrell, her Guardian, Cr.

|      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |        |        |
|------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|
| 1886 | Dec. 31 | To Balance due the Guardian as follows: Principal \$132.58<br>Interest 5.87 = \$138.45                                                                                                                                                                                                                                                                                                                                                                                   |        |        |
| 1887 | Dec. 31 | " Board of ward for 1887 60 00<br>" Cash paid taxes on ward's real estate for 1886, - per acct. 3 30<br>" " paid for clothing for ward during the year 1887. 23 00<br>" Interest for 1 year on \$132.58. 7 95<br>By Rent for ward's land for 1887 33 33<br>To 5 per cent commission on \$33.33 1 66<br>By Balances due the Guardian as follows: Principal: \$54.63<br>Principal \$132.58<br>Interest 5.87<br>\$138.45<br>Interest for 1 year on \$132.58 = 7.95 = 146.40 | 201 03 |        |
| 1887 | Dec. 31 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 234 36 | 234 36 |
| 1887 | Dec. 31 | To Balances brought on as follows: Principal 54 63<br>Principal \$132.58<br>Interest 5.87 + 7.95 = 13.82 = \$146.40                                                                                                                                                                                                                                                                                                                                                      |        |        |
| 1888 | May 12  | " Interest for 4 months & 11 days on \$132.58 = 2.87                                                                                                                                                                                                                                                                                                                                                                                                                     | 149 27 |        |
|      |         | By Cash of Wilbur J. Kilby, Court.                                                                                                                                                                                                                                                                                                                                                                                                                                       |        | 149 27 |
|      | Dec. 31 | To Board of ward for 1888 60 00<br>" Cash paid for clothing for the ward for 1888. 22 11<br>" " paid taxes on ward's real estate for 1887. per acct. 3 30<br>" Interest for 1 year on \$54.63 3 28<br>By Balance due the Guardian - Principal \$140. and interest \$3.28                                                                                                                                                                                                 |        | 143 32 |
|      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 292 59 | 292 59 |



|      |         |                                                                                                |           |        |
|------|---------|------------------------------------------------------------------------------------------------|-----------|--------|
| 1888 | Dec. 31 | To Balance due the Guardian<br>brought on.                                                     | \$ 143 32 |        |
| 1889 | Apr. 1  | By Cash of Wilbur J. Kilby<br>Special Comr.                                                    |           | 420 23 |
|      | 10      | To Board of ward for 3 1/3 mos.                                                                | 16 67     |        |
|      | "       | Interest for 3 1/3 months on<br>\$140.04 principal above.                                      | 2 33      |        |
|      | "       | Amount retained for Comr.<br>for audit of this account.                                        | 2 00      |        |
|      | "       | Amount retained for Clerk of<br>Court for recording this account.                              | 1 50      |        |
|      | "       | 5 per cent commissions on \$149.27<br>and \$420.23 above.                                      | 28 48     |        |
|      | "       | Cash paid the ward Lucy<br>V. Phelps, who became 21<br>years of age on 9 April 1889, per rect. | 225 93    |        |
|      |         |                                                                                                | 420 23    | 420 23 |

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Lucy V. Phelps, James Oscar Phelps, Annie L. Phelps, William A. Phelps, James A. Phelps, Jack Phelps, R. Wallace Phelps, James P. Harrell, Fannie Lou Harrell, and Dudley T. Copeland, infants under the age of twenty one years; Martha L. Roberts, William Norfleet Harrell and Harrietta her wife; James E. Beale and Nettie P. his wife; Edward T. Bryant and Mary Alice his wife; Robert V. Phelps and Isaac Walter Phelps, 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 William Norfleet Harrell*  
*Guardian of Lucy V. Phelps, James Oscar Phelps and Annie L. Phelps, Minors.*  
*Complainant.*

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *12th* day of *February* 1887, in the 11th year of the Commonwealth.

Teste:

*Peter B. Prentis* Clerk.



Sufficient and legal service of this  
process is hereby accepted and acknowledged  
by me this 3<sup>d</sup> day of February A.D. 1887

R. V. Phelps

Relly, P. J.  
William Norfleeth Howell,  
guardian of Lucy V. Phelps  
sals: Minors.

as Guardian of the

Lucy V. Phelps, and infants,  
and

To March Rules, 1887.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Lucy V. Phelps, James Oscar Phelps, Annie L. Phelps, William A. Phelps, James W. Phelps, Jack Phelps, R. Wallace Phelps, James P. Harrell, Lillian Lou Harrell, and Dudley S. Copeland, infants, under the age of twenty one years; Mattie L. Roberts, William Norbert Harrell and Henrietta his wife, James E. Beale and Nettie P. his wife; Edward T. Bryant and Mary Alice his wife; Robert V. Phelps and Isaac Walter Phelps. 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 *as*

*Bill in Chancery, exhibited against them*  
in the said Court by *William Norbert Harrell*  
Guardian of *Lucy V. Phelps, James Oscar Phelps and Annie L. Phelps*  
*Minors. Complainants.*

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *12<sup>th</sup>* day of *February* 1887, in the 11<sup>th</sup> year of the Commonwealth.

Teste:

*Peter B. Prentis* Clerk.



Sufficient and legal service of this  
process is hereby accepted and acknowl-  
edged by me this 21<sup>st</sup> day of February 1887,  
Isaac Walter Phelps

*Kelly & Co.*  
William Norbeck Howell,  
guardian of Lucy V. Phelps,  
dals: minors

To { Sum: in Chy:

Lucy V. Phelps & al.  
infants & al.

To March Rules, 1887

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Lucy V. Phelps, James Oscar Phelps, Annie L. Phelps, William H. Phelps, James A. Phelps, Jack Phelps, R. Wallace Phelps, James D. Harrell, Fannie Lou Harrell, and Dudley S. Copeland, infants under the age of twenty one years; Mattie L. Roberts, William Norfleet Harrell, and Henrietta his wife; James E. Beale and Nettie P. his wife; Edward J. Beyond, and Mary Alice his wife; Robert V. Phelps, and Isaac Walter Phelps, 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 *William Norfleet Harrell*.

*Guardian of Lucy V. Phelps, James Oscar Phelps and Annie L. Phelps.*  
*Messrs. Complainant.*

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *12<sup>th</sup>* day of *February* 1887, in the 111<sup>th</sup> year of the Commonwealth.

Teste:

*Peter B. Prentis* Clerk.



Sufficient and legal service of this  
process is hereby accepted and acknowl-  
edged by me this 22 day of February 1887  
Mattie L. Roberts,

<sup>Kelly, L. J.</sup>  
William Norbeck & Sonell  
gdn. of Lucy V. Phelps & al's.  
Minors.

vs } Sum. in Chy.

Lucy V. Phelps & al. infants.  
& al.

do March Rules, 1887

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Lucy V. Phelps, James Oscar Phelps, Annie L. Phelps, William A. Phelps, James A. Phelps, Jack Phelps, R. Wallace Phelps, James P. Harrell, Lillian Lou Harrell, and Dudley L. Copeland, infants, under the age of twenty one years; Mattie L. Roberts, William Norfleet Harrell, and Henrietta his wife; James E. Beale and Nettie P. his wife; Edward Bryant, and Mary Alice his wife; Robert V. Phelps and Isaac Walter Phelps.* 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 *William Norfleet Harrell.*

*Guardian of Lucy V. Phelps, James Oscar Phelps and Annie L. Phelps. Minors, Complainant.*

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *12th* day of

*February*

1887, in the 11th year of the Commonwealth.

Teste:

*Peter B. Prentis* Clerk.



Sufficient and legal service of this  
process is hereby accepted and ac-  
knowledged by us severally this  
24th day of February A. D. 1887

James C. Beale

John P. Brown

*Kelly: p. 7*  
William Norbert Hannell  
Jds: A Lucy  
Minors.

*to* { *Summ. in Chy.*  
Lucy V. Phelps, Ad. infants  
Ad.  
Do March 2nd 1887

Pro: B. No 1. Page  
C. C. C.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Lucy V. Phelps, James Oscar Phelps, Annie L. Phelps, William A. Phelps, James A. Phelps, Jack Phelps, R. Wallace Phelps, James P. Harrell, Fannie Lope Harrell, and Dudley S. Copeland, infants, under the age of twenty years; Mattie L. Roberts, William Norfleet Harrell, and Henrietta his wife; James E. Beale, and Nellie P. his wife; Edward T. Bryant and Mary Alice his wife; Robert V. Phelps and Isaac Walter Phelps.*  
*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 William Norfleet Harrell,*  
*Guardian of Lucy V. Phelps, James Oscar Phelps, and Annie L. Phelps.*  
*Memoirs. Complacment.*

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *12<sup>th</sup>* day of *February* 1887, in the 11<sup>th</sup> year of the Commonwealth.

Teste:

*Peter B. Prentis* Clerk.



Sufficient and legal service of this process  
is hereby accepted and acknowledged by us  
respectively this 21st. day of February A.D. 1887

W. N. Hamill

Hennietta Havell

I have executed this process as to the within  
named Edward T. Bryant and Mary Alice  
his wife by delivering to each of them in person  
a copy hereof this 23d. day of February 1887

J. L. Huston Shff

Kelly, p. 2

William Norfleck Havell,  
guardian of Lucy V. Phelps  
dals. minors

to { Samuel W. Clay:

Lucy V. Phelps & al:  
infants, & al:

To March Rules, 1887

Pro. B. W. 1. page

City Co.

At Rules held in the Clerk's office  
of the Circuit Court for the County  
of Hausmond on the 7th. day of  
March A.D. 1887:

William Anfleat Harrell, Guard-  
ian of Lucy V. Phelps, James Oscar  
Phelps and Annie L. Phelps, mi-  
nors, ..... complainant

Against } In Chancery

Lucy V. Phelps, James Oscar Phelps,  
Annie L. Phelps, William A. Phelps,  
James A. Phelps, Jack Phelps, R. Wal-  
lace Phelps, James P. Harrell, Sallie  
Lou Harrell and Dudley S. Copeland  
infants under the age of twenty-one  
years, Mattie L. Roberts, William An-  
fleat Harrell and Henrietta his wife  
James E. Beale and Bettie P. his wife  
Edward T. Bryant and Mary Alice  
his wife, Robert V. Phelps and Isaac  
Walter Phelps, ----- Defendants

On the motion of the complainant, by  
counsel, Peter B. Prentis is assigned guardian to  
the defendants, Lucy V. Phelps,  
James Oscar Phelps, Annie L.  
Phelps, William A. Phelps, James



A. Phelps, Jack Phelps, R. Wallace  
Phelps, James P. Hamme, Sallie Lou  
Hamme and Dudley S. Copeland  
who are infants under the age of  
twenty one years, to defend them  
in this suit.

Peter D. Prentiss. Clerk

Hamme, Gdn. etc

vs. } In Chy.

Phelps & al.

Order appointing  
Guardian ad  
litem

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

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of *Five Thousand (2000)* DOLLARS,

to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. ~~Sealed with our seals, and dated this~~

~~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 exemp-

tion 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 8th day of November, A.D. 1887, and in the 112th 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~~ Court of Nansemond County, pronounced on the 2nd day of November 1887, in the Chancery Cause of *William Norfolk Howell, gdn: &c. vs. &c. Complainants against Leroy V. Phelps &c. Defendants, appointed Special Commissioners;* to sell certain Real Estate, in said Cause described, shall faithfully discharge his duties as such Special 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~~ *of the Court* }  
*B. Peoples, Clerk of the*  
*Said Court.*

*Wilbur J. Kilby*

*Martha J. L. Kilby*

SEAL

SEAL

SEAL

SEAL

SEAL



Wilbur J. Kilby, Spl.  
Commissioner

To E Bond

Commonwealth

---

Nov: 8<sup>th</sup>. <sup>1887</sup> Expected Filed

Commissioner's Office,

Suffolk 3. July 18. 89

To William Norfleet Harrell Guardian of Lucy V. Phelps, James  
Oscar Phelps and Annie L. Phelps, minors. - Complainant  
~~against and~~

Lucy V. Phelps, James Oscar Phelps, Annie L. Phelps, William A. Phelps Jr.,  
James A. Phelps Jr., Jack Phelps, R. Wallace Phelps, James F. Harrell,  
Sallie Lou Harrell and Dudley S. Copland (infants), Mattie L. Roberts,  
William Norfleet Harrell and Henrietta, his wife, James E. Beale and  
his wife, Edward T. Bryant and Mary Alice his wife, Robert V. Phelps, Isaac  
Phelps, and John B. Filmer Guardian ad litem for the infant defendants.

You are hereby notified that I have fixed upon the 4th day of September 1889 next,

if fair, if not, on the next fair day thereafter (Sunday excepted), to take and settle at my office, the account

of the transactions of William Norfleet  
Harrell Guardian ~~ad litem~~ of Lucy V.  
Phelps, James Oscar Phelps and Annie  
L. Phelps infants -

required to be taken by a decree of the Circuit Court of the County of Hanover  
rendered on the 20th day of December 18. 88, in a suit in chancery depending in said  
court, between you -

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.

Rob. R. A. Smith,  
Commissioner.



We acknowledge legal and sufficient  
service of this notice

Wilbur J. Kilby, Atty. for Plaintiff,

John B. Pinney

Guardian ad Litem

for the infant Defendants.

COMMISSIONER'S NOTICE.

U.S.

Lucy V. Phelps, infant -

In account with Wm. Horfleet Harrell, Guardian.

1886

Dec. 31 To amount due the Guardian per last account: Principal \$132.58 Interest 5.84

138 45

1887 Dec. 31

" board of ward for 1887

60

" Cash paid State County taxes 1886. vouchers

330

" " " for clothing for ward during the year 1887

23

By Cash wards share of rent 1887

\$ 33 33

To 5% commission on \$33.33

166

" interest one year on \$132.58

795

By amount to balance due the Guardian

Principal \$187.21 Interest \$13.82

201 03

\$234 36 \$234 36

1887

Dec. 31 To amount due Guardian Principal \$187.21 Interest 13.82

\$ 201 03

1888 May 12

" interest 4 mos & 11 days on \$132.58  $\left(\frac{132.58 \times 13.82}{2.87} = 149.27\right)$

287

By Cash of W. J. Tilby, Special Commr.

\$ 149 27

Dec. 31

To board of ward for 1888

60

" Cash paid for clothing for ward in 1888.

22 11

" " " State & County taxes for 1887. vouchers

330

" interest on \$54.63 for one year -

328

By amount to balance due the Guardian

Principal \$140.04 Interest \$3.28

143 32

\$292 54 \$292 54

1888

Dec. 31 To amount due Guardian Principal \$140.04 Interest 3.28

\$ 143 32

1889 April 1

By Cash of W. J. Tilby, Special Commr.

420 23

10 To board of ward for 3 1/3 months

16 67

" " interest on \$140.04 for 3 1/3 months

233

" " Cash retained to pay Commission for auditing and clerk for recording this account.

350

" " 5% commission on \$149.27 and \$420.23

28 48

" " Cash paid the ward Lucy V. Phelps, who attained her majority April 9th. 1889, in full settlement - vouchers

220 93

\$420 23 \$420 23



James O. Phelps infant  
In account with Wm. Norfleet Farrell - Guardian.

|      |          |                                                                                       |                                      |           |          |
|------|----------|---------------------------------------------------------------------------------------|--------------------------------------|-----------|----------|
| 1886 | Dec. 31  | To amount due Guardian per last account -                                             | Principal \$320.94<br>Interest 58.33 | \$379.27  |          |
| 1887 | Dec. 31  | " board of ward for 1887                                                              |                                      | 60        |          |
|      |          | " Cash paid State & County taxes 1886. voucher                                        |                                      | 330       |          |
|      |          | " " " for clothing forward 1887                                                       |                                      | 23        |          |
|      |          | By cash ward's share rent 1887                                                        |                                      |           | \$ 33 33 |
|      |          | To 5% commission on \$33.33                                                           |                                      | 166       |          |
|      |          | " interest for one year on \$320.94                                                   |                                      | 19 25     |          |
|      |          | By amount to balance due Guardian                                                     |                                      |           |          |
|      |          | Principal \$373.57 Interest \$77.58                                                   |                                      |           | 453 15   |
|      |          |                                                                                       |                                      | \$486.48  | \$486.48 |
| 1887 | Dec. 31  | To amount due Guardian                                                                | Principal \$373.57<br>Interest 77.58 | \$ 453 15 |          |
| 1888 | May 12   | " interest 4 mos & 11 days on \$373.57                                                |                                      | 8 19      |          |
|      |          | By Cash of W. J. Kelly Special Commr.                                                 |                                      |           | \$403.48 |
|      | Dec. 31  | To board of ward for 1888                                                             |                                      | 60        |          |
|      |          | " Cash paid for clothing for ward 1888                                                |                                      | 22 11     |          |
|      |          | " " " State & County taxes for 1887                                                   |                                      | 330       |          |
|      |          | " interest on \$33.86 from 12 May '88 to date                                         |                                      | 2 09      |          |
|      |          | 5% commission on \$403.48 retained                                                    |                                      | 20 27     |          |
|      |          | By amount to balance due Guardian                                                     |                                      |           |          |
|      |          | Principal \$161.54 Interest \$2.09                                                    |                                      |           | 163 63   |
|      |          |                                                                                       |                                      | \$569.11  | \$569.11 |
| 1888 | Dec. 31  | To amount due Guardian                                                                | Principal \$161.54<br>Interest 2.09  | \$163 63  |          |
| 1889 | Jan. 2   | By Cash of W. J. Kelly Special Commr.                                                 |                                      |           | \$ 150   |
|      | April 1  | " " " " " "                                                                           |                                      |           | 20       |
|      | 10       | To board of ward for 3 1/3 months                                                     |                                      | 16 67     |          |
|      |          | " Cash retained to pay Commissioner for auditing and Clerk for recording this account |                                      | 350       |          |
|      |          | 5% commission on \$20. retained                                                       |                                      | 1         |          |
|      |          | By amount to balance due Guardian                                                     |                                      |           | 1480     |
|      |          |                                                                                       |                                      | \$18480   | \$18480  |
| 1889 | April 10 | To amount due Guardian                                                                |                                      | \$1480    |          |

# Annie L Phelps - infant -

1886

In account with Wm. Forrester Harrell - Guardian -

|               |                                                                                         |                    |          |          |
|---------------|-----------------------------------------------------------------------------------------|--------------------|----------|----------|
| Dec. 31       | To amount due Guardian per last account -                                               | Principal \$320.94 |          |          |
|               |                                                                                         | Interest 58.33     | \$379.27 |          |
| 1887 Dec. 31  | " board of ward for 1887                                                                |                    | 60       |          |
|               | " Cash paid State & County taxes 1886. Voucher                                          |                    | 330      |          |
|               | " " for clothing for ward 1887                                                          |                    | 23       |          |
|               | By Cash - ward's share rent 1887                                                        |                    |          | \$33.33  |
|               | To 5% commission on \$33.33                                                             |                    | 1.66     |          |
|               | " interest for one year on \$320.94                                                     |                    | 19.25    |          |
|               | By amount to balance due Guardian                                                       |                    |          |          |
|               |                                                                                         | Principal \$375.57 |          | 453.15   |
|               |                                                                                         | Interest 77.58     |          |          |
|               |                                                                                         |                    | \$486.48 | \$486.48 |
| 1887 Dec. 31  | To amount due Guardian                                                                  | Principal \$375.57 |          |          |
|               |                                                                                         | Interest 77.58     | 453.15   |          |
| 1888 May 12   | " interest 4 months 11 days on \$375.57                                                 |                    | 8.19     |          |
|               | By Cash of W. J. Kilby, Special Commr.                                                  |                    |          | \$405.48 |
| Dec. 31       | To board of ward for 1888                                                               |                    | 60       |          |
|               | " " Cash paid for clothing for ward 1888                                                |                    | 22.11    |          |
|               | " " " State & County taxes for 1887                                                     |                    | 330      |          |
|               | " interest on \$55.86 from 12. May 1888 to date                                         |                    | 2.09     |          |
|               | " 5% commission on \$405.48 retained                                                    |                    | 20.27    |          |
|               | By amount to balance due Guardian                                                       |                    |          |          |
|               |                                                                                         | Principal \$161.54 |          | 153.63   |
|               |                                                                                         | Interest 2.09      |          |          |
|               |                                                                                         |                    | \$569.11 | \$569.11 |
| 1888 Dec. 31  | To amount due Guardian                                                                  | Principal \$161.54 |          |          |
|               |                                                                                         | Interest 2.09      | \$163.63 |          |
| 1889 Jan. 2   | By Cash of W. J. Kilby, Special Commr.                                                  |                    |          | \$150    |
| April 1       | " " " " " " " " " " " "                                                                 |                    |          | 20       |
| 10            | To board of ward for 3 1/3 months.                                                      |                    | 16.67    |          |
| "             | " " Cash retained to pay Commissioner for auditing and Clerk for recording this account |                    | 3.50     |          |
| "             | " " 5% commission on \$20. retained                                                     |                    | 1        |          |
|               | By amount to balance due Guardian                                                       |                    |          | 14.80    |
|               |                                                                                         |                    | \$184.80 | \$184.80 |
| 1889 April 10 | To amount due Guardian                                                                  |                    | \$14.80  |          |



Commissioner's Office,  
Suffolk Va., September 4. 1889  
William Norfleet Harrell, Guardian &c.

Lucy V. Phelps and others -

To the Honorable Chandler W. Hill, Judge of  
the Circuit Court of Hanover County.

Pursuant to a decree in the above en-  
titled cause pronounced on the 20<sup>th</sup> day of December  
1888, the undersigned one of the Commissioners in  
Chancery of the Circuit Court of Hanover County,  
after having first given the notice required by  
the said decree (which notice is herewith re-  
turned) proceeded on this day to take the account  
directed by the said decree. -

The account is supported by satisfactory vouchers,  
and by the guardian's oath, and is herewith  
returned. -

1. There is no balance due by the Guardian to Lucy V.  
Phelps who attained her majority on the 9<sup>th</sup> day of  
April 1889 and on the 10<sup>th</sup> day of April 1889 received  
the balance found to be due to her on that day. -
2. The infant James O. Phelps is indebted to the Guardian  
Wm Norfleet Harrell in the sum of \$14.80 as of the  
10<sup>th</sup> day of April 1889, with interest from that date. -
3. The infant Annie L. Phelps is indebted to the Guardian  
Wm Norfleet Harrell in the sum of 14.80 as of the 10<sup>th</sup>  
day of April 1889, with interest from that date. -

Respectfully submitted,

W. B. R. Prentiss,  
Commissioner -

Due \$7.40

W. Norfleet Harrell, Esq. 7<sup>th</sup>

Report  
of  
Comm. R. R. Hunt

Lucy V. Phelps, & others.

Dated Sept. 4. 1889 -

Confirmed 11<sup>th</sup> Octo.  
~~Sept~~ 1889

1889 Sept 30<sup>th</sup> Filed.

lbr



To the Circuit Court of Cause-  
mond County:

In pursuance of the decree pronounced by the Hon. C. W. Hill, Judge of the Circuit Court of Causemond County, in vacation, on the 20th. day of December 1888 and ratified and confirmed in all respects by the decree of said Court pronounced on the 17th. day of April 1889 in the Cause in Chancery in said Court depending between Wm. Chas. Fleet Hamrell, Guardian etc. Complainant, and Lucy V. Phelps and others, Defendants, the undersigned respectfully reports to Court that, as directed by said decree, he has paid all unpaid costs of said Cause including a further fee of fifty dollars to the Counsel for the Complainant for his services in said Cause out of the money in the hands of the undersigned to the credit of Lucy V. Phelps, James Oscar Phelps and Annie L. Phelps, defendants to said Cause, as specified in the Report of the undersigned filed in said Cause on the 24th. day of

May A. D. 1888, and has paid the balance then remaining of said money to said W<sup>m</sup> Horfleet Harrell, as guardian of said Lucy V. Phelps, James Oscar Phelps and Annie L. Phelps by said guardian to be expended as specified in said decree pronounced on the 20th. day of December A. D. 1888, as will more fully appear by the vouchers hereto attached and the following statements, to wit:

### Statements

|             |                                                                                                                                    |  |        |    |
|-------------|------------------------------------------------------------------------------------------------------------------------------------|--|--------|----|
| 1888        |                                                                                                                                    |  |        |    |
| May 12      | By Amount to the credit of said Lucy V. Phelps as specified in said Report,                                                        |  | \$ 433 | 13 |
|             | " Interest on \$433.13 from 12 May 1888 to 1 April 1889. - 10m. 19ds.                                                              |  | 23     | 10 |
|             | To Amount retained to pay the proportional part of said unpaid costs <sup>and fee</sup> chargeable to said Lucy V. Phelps.         |  | 36     | 00 |
| 1889 Apr. 1 | " paid said W <sup>m</sup> Horfleet Harrell, Guardian of said Lucy V. Phelps as per said decree dated 20 Dec. 1888 & per his acct. |  | 420    | 23 |
|             |                                                                                                                                    |  | 456    | 23 |
|             |                                                                                                                                    |  | 456    | 23 |



|             |                                                                                                                              |        |          |  |
|-------------|------------------------------------------------------------------------------------------------------------------------------|--------|----------|--|
| 1888 May 12 | By Amount to the credit of said James Oscar Phelps as specified in said Report.                                              |        | \$176 92 |  |
| "           | Interest on \$176.92 from 12 May 1888 to 2 Jan. 1889, - 7m. 20 ds.                                                           |        | 6 78     |  |
| To          | Amount retained to pay the proportional part of said unpaid <sup>and fee</sup> costs, chargeable to said James Oscar Phelps. | 14 00  |          |  |
| 1889 Jan. 2 | " paid said W <sup>m</sup> Anfleat Harrell Guardian of said Jas. Oscar Phelps, per acct.                                     | 150 00 |          |  |
|             | By Interest on \$19.70 from 2 Jan. 1889 to 1 April 1889, - 3 mos.                                                            |        | 30       |  |
| April 1     | To paid said W <sup>m</sup> Anfleat Harrell, Guardian etc. per acct.                                                         | 20 00  |          |  |
|             |                                                                                                                              | 184 00 | 184 00   |  |

|             |                                                                                                                           |       |        |  |
|-------------|---------------------------------------------------------------------------------------------------------------------------|-------|--------|--|
| 1888 May 12 | By Amount to the credit of said Annie L. Phelps as specified in said Report.                                              |       | 176 92 |  |
| "           | Interest on \$176.92 from 12 May 1888 to 2 Jan. 1889, - 7m. 20 ds.                                                        |       | 6 78   |  |
| To          | Amount retained to pay the proportional part of said unpaid <sup>and fee</sup> costs, chargeable to said Annie L. Phelps. | 14 00 |        |  |
|             | carried on                                                                                                                | 14 00 | 183 70 |  |

|             |                                                                                                |        |        |
|-------------|------------------------------------------------------------------------------------------------|--------|--------|
|             | brought on                                                                                     | 14 00  | 183 70 |
| 1889 Jan. 2 | To paid said W <sup>m</sup> Norfleet Harrell<br>Guardian of said Annie L.<br>Phelps. per acct. | 150 00 |        |
|             | By Interest on \$19.70 from 2 Jan. 1889<br>to 1 April 1889. - 3 mos.                           |        | 30     |
| April 1     | To paid said W <sup>m</sup> Norfleet Har-<br>rell, Guardian etc, per acct.                     | 20 00  |        |
|             |                                                                                                | 184 00 | 184 00 |

The amounts retained as specified  
in the above statements on account  
of <sup>said</sup> unpaid <sup>and said fee</sup> costs, have been disbursed  
as follows: to wit

|                                                                                                                     |       |       |
|---------------------------------------------------------------------------------------------------------------------|-------|-------|
| By Amount retained out of money<br>due Lucy V. Phelps as above.                                                     |       | 36 00 |
| " Amount retained out of money due<br>Jas. Oscar Phelps as above.                                                   |       | 14 00 |
| " Amount retained out of money due<br>Annie L. Phelps as above.                                                     |       | 14 00 |
| To paid <sup>said fee to</sup> Wilbur J. Kilby, counsel for<br>the Complainant in said<br>cause, per decree & acct. | 50 00 |       |
| " " Rob. R. Prentiss <sup>Comy. in Charge</sup> for taking deposi-<br>tions in said Cause, per acct.                | 3 00  |       |
| Carried on                                                                                                          | 53 00 | 64 00 |



|                                                                                                                                                   |       |       |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------|
| brought on                                                                                                                                        | 53 00 | 64 00 |
| To paid W <sup>m</sup> H. Howell, Sheriff, his fees etc. per sect.                                                                                | 1 00  |       |
| " " Chas. H. Causey, Jr. Admr. of Peter B. Prentis, late Clerk, fees due the latter, per sect.                                                    | 5 00  |       |
| " " Wilbur J. Kilby, Atto. for writing deed conveying to Hennieta Harrell, the real estate sold to her under proceedings in said Cause, per sect. | 5 00  |       |
|                                                                                                                                                   | 64 00 | 64 00 |

Respectfully submitted this first day of April 1889

Wilbur J. Kilby  
Special Cour.

1889 April 1. Received of Wilbur J. Kilby, Special Cour. the respective sums of money charged in the above report as paid to us and set opposite our names as follows, to wit:

|                                              |          |
|----------------------------------------------|----------|
| W. N. Harrell Guardian of Lucy V. Phelps     | \$420.23 |
| W. N. Harrell Guardian of Jas. Oscar Phelps. | \$20.00  |
| W. N. Harrell Guardian of Annie L. Phelps    | \$20.00  |
| C. H. Causey Admr P. B. Prentis late clk     | \$3.00   |
| W <sup>m</sup> H. Howell Sheriff             | \$1.00   |
| Rob. R. Prentis Comm. in Chy.                | \$3.00   |
| Wilbur J. Kilby Atto. for Complainant        | \$50.00  |
| Wilbur J. Kilby Atto.                        | \$5.00   |

(over)

1889 Jan. 2. Received of  
Wilbur J. Kilby Special Comr.  
one hundred and fifty dollars  
for Jas. Oscar Phelps and  
also one hundred and fifty  
dollars for Annie L. Phelps  
of both of whom I am guard-  
ian; - said sums of money  
having been paid to me in  
pursuance of the decree en-  
tered on the 20th day of Decem-  
ber, 1888 in the Chancery Cause  
depending in the Circuit Court  
of Chautauque County between  
myself as Guardian etc. Com-  
plainant and said Jas. Oscar  
and Annie L. Phelps and  
others, Defendants, and for  
the purposes specified in  
said decree.

\$150.  
150

\$300.

W. A. Hunnell



In The Clerk's Office of The Circuit Court of Hansemond County, on Friday, the 21<sup>st</sup>. day of December, 1888, the following Decree, pronounced the 20<sup>th</sup>. day of December, 1888, has been, by C. W. Hill, Esquire, ordered to be entered, in vacation,

William Norfleeth Hamell, Guardian of  
Lucy V. Phelps, James Oscar Phelps,  
and Annie L. Phelps, minors . . . . . Complainant

Against { In Chancery

Lucy V. Phelps, James Oscar Phelps, Annie  
L. Phelps, William A. Phelps, James A.  
Phelps, Jack Phelps, R. Wallace Phelps,  
James P. Hamell, Sallie Lou Hamell and  
Dudley S. Copeland, infants, under the age of  
twenty-one years: Mattie L. Roberts, Wil-  
liam Norfleeth Hamell and Henrietta,  
his wife, James E. Beale and Nettie P. his  
wife, Edward J. Bryant and Mary Alice,  
his wife, Robert V. Phelps and Isaac  
Walter Phelps . . . . . Defendants.

This cause came on this day, in vacation,  
to be heard again, on the papers formerly read, and on the  
Report of Special Commissioner, Wilbur J. Kilby, filed on  
the 28<sup>th</sup>. day of November, AD, 1888 (the same, being a Report  
of the Sale of the Real estate, in the Bill mentioned and  
described in pursuance of the decree entered herein on the  
11<sup>th</sup>. day of October, AD, 1888), and was argued by Counsel.

On Consideration whereof, The said Sale and Report, to which no exception has been taken, are approved and confirmed; and it is adjudged, ordered and decreed that the sum of twenty-five hundred dollars, received by said Commissioner, for said real estate, as specified in said Report be paid by him to the Complainant, Wm. Norfleeth Hamell, in full satisfaction of the like sum of money paid by said Hamell, for said real estate, when, it was first sold, under proceedings had in this Cause, as specified in the record thereof, and, that said Special Commissioner make to Henrietta Hamell, the purchaser of said Real Estate, as specified in said Report, a Deed with special warranty, in the usual form, conveying said real estate to her.

And said Commissioner is directed to pay all unpaid costs of this Cause, including a further fee of fifty dollars to the Counsel for the Complainant, for his services herein, out of the money in his, The said Commissioner's hands, to the credit of the defendants, Lucy V. Phelps, James Oscar Phelps and Annie L. Phelps, as specified, in his Report filed herein, on the 24th day of May, AD, 1888. Said costs and fee to be apportioned according to the respective sums of money to the credit of said Lucy V. Phelps, James Oscar Phelps and Annie L. Phelps, and said Commissioner will then pay the balance of said money to the Complainant, as Guardian of said Lucy V. Phelps, James Oscar Phelps and Annie L. Phelps, by him, to be expended, if necessary, for their proper care, maintenance and education. And, the said guardian will hereafter render annual



(accounts of his transactions, as guardian aforesaid, before one of the Commissioners in Chancery of this Court, and produce before him all necessary papers and vouchers in his possession, and under his control, relating to his transactions, aforesaid, to enable said Commissioner in Chancery to state said accounts; and said Commissioner in Chancery is directed to take, state and settle said accounts from time to time, and make Report thereof to Court.

And, it is ordered, that notice of the time and place of taking said accounts, be given to the Complainant or his Attorney, and the guardian ad litem of the infant defendants, and that said notice be sufficient without service thereof, on any of the other parties to this Cause.

And said guardian is authorized to apply so much of the money as may be paid to him by said Special Commissioner, for said Lucy V. Phelps, James Oscar Phelps and Annie L. Phelps, as may be necessary to the satisfaction of such sums of money, as he may have heretofore expended for their care, maintenance and education.

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

C. W. Hill.

A Copy

Jesse

Peter B. Pentus, Clerk.

Costs

Atto: . . . \$50.00

Clerk . . . 5.00

Sheriff . . . 1.00

R. R. P. Comm: 3.00  
\$59.00

Honell, Gdu <sup>Xind</sup>

$\frac{4}{10}$  { In Chy.

Phelps & al.

Cpy Recd of Decr: 20th:  
1888. and Report  
thereunder of dis-  
bursements made  
1 April 1889.

Confirmed 11th.  
~~Decr~~ Octo,  
1889

1889 Aug 10th Filed  
cls.



To the Circuit Court of Chause-  
mond County:

In pursuance of a decree  
of the Circuit Court of Chausemond  
County pronounced in vacation  
on the 20th. day of December A.  
D. 1888 in the Cause in Chan-  
cery in said Court depending  
between W<sup>m</sup> C. Hamell, Guardian  
etc. Complainant, and Lucy  
V. Phelps, Jas. Oscar Phelps and  
others. Defendants, the under-  
signed respectfully reports to  
Court that he has paid to said  
W<sup>m</sup> C. Hamell, the sum  
of twenty five hundred dol-  
lars, mentioned in said de-  
cree in full satisfaction of the  
like sum of money paid by  
him for the real estate men-  
tioned in said decree, when it  
was first sold under pro-  
ceedings in said cause as  
specified in the record thereof  
and has made to Henrietta  
Hamell, the purchaser of said  
real estate at the second sale  
thereof as specified in said re-  
cord, a deed with special war-

nanty in the usual form conveying said real estate to her.

Respectfully submitted this  
9th. day of January 1889.

Wilbur J. Kilby  
Counr.

1889 Jan. 9th. Received of  
Wilbur J. Kilby, Counr. the sum  
of twenty-five hundred dol-  
lars charged in the above  
Report as paid to me for the  
purpose therein stated.

W. A. Havell



Hamell, Gdn.

vs. } In Chy.

Phelps & al.

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Report of Pay-  
ment etc.

9 Jan. 1889

Approved and  
confirmed 17th.  
April 1889

1889. Jan. 15th. J. H. C.  
clk

To the Circuit Court of Chausse-  
mond County, Va.

In pursuance of the decree  
of the Circuit Court of Chaussemond  
County, Va. pronounced on the 11th. day  
of October 1888 in the Cause in  
Chancery in said Court depend-  
ing between Wm. C. Harrell, Guard-  
ian of Lucy V. Phelps and others,  
Complainant and Lucy V. Phelps  
James Oscar Phelps and others,  
Defendants; the undersigned  
respectfully reports to Court that  
by authority of said decree he  
has <sup>on this first day of November 1888,</sup> sold to Bennetta Harrell  
for the sum of twenty-five hun-  
dred dollars the real estate  
mentioned in said decree, to wit;

1. All that certain parcel of  
land situated on the east side  
of the County road in Bennetts  
Pasture in Sleepy Hole Magiste-  
rial District in said County,  
containing 66 1/2 acres, more or less  
and bounded on the north by the  
land of James D. Taylor, on the  
east by the land of Jeremiah  
and John W. Jones, on the south  
by the land of Severn F. Waring-



ton and on the west by said road together with an interest in common with others in the lands known as Cross Swamp.

2. All that certain small parcel of land situated in said District and County, a short distance South of Driver's Store on the Main road leading from Suffolk to Portsmouth, Va. containing from 10 to 15 acres, more or less and bounded by the lands of John Deganybody, the Poor, the "Lee Farm" and said Cross Swamp.

That said sale was made privately for cash and said sum of money has been paid to the undersigned and is subject to the order of Court.

Respectfully submitted this first day of November 1888.

Wilbur J. Kilby  
Special Commr.

Harrell, Gdn.

vs. } In Chy.

Phelps & al.

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Report of Second  
sale of Real  
estate

1 Nov. 1888

Approved and  
confirmed 20th.  
December 1888 and  
17th. April 1889

1888. Nov. 28th: Filed  
clk



To the Circuit Court of Chausse-  
mond County, Va.

In pursuance of the decree of  
the Circuit Court of Chaussemond  
County, pronounced on the 17th. day  
of April 1888 in the Cause or suit  
in Chancery in said Court de-  
pending between W<sup>m</sup> Chas Fleet  
Harnell, Guardian of Lucy V.  
Phelps, Jas. Oscar Phelps and  
others. Complainant, and said  
Lucy V. Phelps, Jas. Oscar Phelps  
and others, defendants, a copy  
of which decree is hereto attach-  
ed: the undersigned respectfully  
reports to Court that he has re-  
ceived of the Clerk of said Court  
the two bonds of W<sup>m</sup> Chas Fleet Har-  
nell, mentioned in said decree  
with Seren F. Warrington and W<sup>m</sup>  
J. Jordan, sureties thereto, each for  
the sum of eleven hundred and  
eighty-three and  $\frac{50}{100}$  dollars,  
bearing interest from the 12th. day of  
December 1887 and has received  
the money therefor, as authorised by  
said decree, before their maturity,  
the obligors desiring to pay the  
money before their maturity, and



has disbursed the same as directed  
by said decree as the following  
statement and the vouchers hereto  
attached will fully show, to wit;  
Statement

|                                                                                                                                                 |         |         |         |
|-------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------|---------|
| By Principal sum of said bond                                                                                                                   |         |         | 2367 00 |
| " Interest on \$2367. from 12 Dec. 1887 to<br>12 May 1888; - 5m.                                                                                |         |         | 59 20   |
| To paid Wilbur J. Kilby, Atty. for the<br>Complainant, per decree & acct.                                                                       | 50 00   |         |         |
| " " Same for writing deed convey-<br>ing to said Wm. C. Harrell, the<br>land purchased by him<br>under proceedings in said<br>suit. per acct.   | 5 00    |         |         |
| " " Henrietta Harrell \$608.79<br>and \$15. <sup>21</sup> interest on \$608.79<br>from 12 Dec. 1887 to 12 May<br>1888; - 5m. per decree & acct. | 624 00  |         |         |
| " Amount to Balance                                                                                                                             | 1747 20 |         |         |
|                                                                                                                                                 | 2426 20 | 2426 20 |         |
| By Balance brought on.                                                                                                                          |         |         | 1747 20 |
| To 1/3 of \$1747.20 due Lucy V. Phelps                                                                                                          | 582 40  |         |         |
| " " due Jas. O. Phelps                                                                                                                          | 582 40  |         |         |
| " " due Amie L. Phelps.                                                                                                                         | 582 40  |         |         |
|                                                                                                                                                 | 1747 20 | 1747 20 |         |



By Amount due Lucy V.  
Phelps brought on.

582 40

To paid Wm. C. Hamrell \$138.<sup>45</sup> and  
\$10.82 interest on \$132.58 part  
of \$138.<sup>45</sup> from 31 Dec. 1886  
to 12 May 1888, - 1y. 4m. and  
11ds. per decree & acct.

149 27

To Balance due Lucy V. Phelps

433 13

582 40 582 40

By Balance due Lucy V. Phelps

433 13

By Amount due Jas. Oscar  
Phelps brought on.

582 40

To paid Wm. C. Hamrell \$379.27  
and \$26.<sup>21</sup> interest on  
\$320.94 part of \$379.27  
from 31 Dec. 1886 to 12  
May 1888, - 1y. 4m  
and 11ds. per decree & acct.

405 48

To Balance due Jas. Oscar Phelps

176 92

582 40 582 40

By Balance due James  
Oscar Phelps brought on.

176 92

|                                                                                                                                                                                                             |     |    |     |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|-----|----|
| By Amount due Annie L. Phelps brought on.                                                                                                                                                                   |     |    | 582 | 40 |
| To paid W <sup>m</sup> C. Hamell \$379 <sup>27</sup> and \$26. <sup>21</sup> interest on \$320. <sup>94</sup> part of \$379 <sup>27</sup> from 31 Dec. 1886 to 12 May 1888. - 1y. 4m. 11ds. per decree & c. | 405 | 48 |     |    |
| To Balance due Annie L. Phelps                                                                                                                                                                              | 176 | 92 |     |    |
|                                                                                                                                                                                                             | 582 | 40 | 582 | 40 |
| By Balance due Annie L. Phelps brought on.                                                                                                                                                                  |     |    | 176 | 92 |

A deed with special warranty in the usual form has been made to W<sup>m</sup> C. Hamell conveying to him the several parcels of land purchased by him under proceedings in said suit.

Respectfully submitted this 12th day of May 1888.

Wilbur J. Kilby  
Special Comr.

Received the sum of \$50. and the sum of \$5.<sup>00</sup> charged in the above Report as paid to me.  
Wilbur J. Kilby  
Atty. etc.



1888 May 12th. Received of Wilbur J. Kilby, Special Comr. Six hundred and and twenty-four dollars in full of the sum of \$608.<sup>79</sup> ~~decreed to be paid~~ and interest thereon from 12 Dec. 1887 to this date, decreed to be paid to me as per the decree entered the 17th. day of April 1888 in the Chancery suit depending between W<sup>m</sup> C. Harrell Gdn. etc. Plaintiff and Lucy V. Phelps and others, defendants in the Circuit Court of Chaussemond County, \$624.<sup>00</sup>

Harrietta Harrell.

1888 May 12th. Received of said Special Comr. one hundred and forty-nine and <sup>27</sup>/<sub>100</sub> dollars in full of the sum of \$138.<sup>45</sup> and interest on \$132.<sup>58</sup> part thereof from 31 Dec. 1886 to this date decreed by said decree to be paid to me as Guardian of Lucy V. Phelps \$149.<sup>27</sup>

W C Harrell

1888 May 12th. Received of Wilbur  
J. Kilby, Special Comr. four hundred  
and five and  $\frac{48}{100}$  dollars in full  
of the sum of \$379.<sup>27</sup> and interest on  
\$320.<sup>94</sup> part thereof from 31 Dec. 1886  
to this date decreed by the above-men-  
tioned decree to be paid to me as  
Guardian of Jas. Oscar Phelps,  
\$405.<sup>48</sup>  
W. N. Hamer

1888 May 12th. Received of Wilbur J.  
Kilby, Special Comr. four hundred  
and five and  $\frac{48}{100}$  dollars in full  
of the sum of \$379.<sup>27</sup> and interest  
on \$320.<sup>94</sup> part thereof from 31 Dec. 1886  
to this date decreed by the above-men-  
tioned decree to be paid to me as  
Guardian of Annie L. Phelps  
\$405.<sup>48</sup>  
W. N. Hamer



At a Circuit Court continued and held for the  
County of Hampshire the 17th of April, 1888.  
William H. Hamell, Examinor — Plaintiff  
vs <sup>+</sup> In Chancery  
Lucy B. Phelps & al — Defendants.

This Cause came on this day  
to be again heard on the papers formerly read  
and on the Report of Special ~~Special~~ Commis-  
sioner, Wilbur J. Kelly, filed the 25th day  
of January, A. D. 1888. (The same being a re-  
port of <sup>the</sup> sale of the land of which James A.  
Phelps died seized and possessed in pursu-  
ance of the decree entered herein on the  
second day of November, A. D. 1887) and was  
argued by Counsel. On consideration  
whereof the Court doth <sup>approve and</sup> confirm said sale  
and 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 Wm. H. Hamell  
filed with said report with Sever F. War-  
rington and Wm. J. Jordan, Sureties thereto  
each for the sum of Eleven hundred and  
eighty three and <sup>30</sup>/<sub>100</sub> dollars, bearing inter-  
est from the 12th day of December, A. D. 1887  
and proceed to collect the money at <sup>the</sup> matu-  
rity 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 including a fee of fifty dollars to the Counsel for the Complainant for his services here in and then to pay to Henrietta, wife of W<sup>m</sup> H. Harrell the sum of Six hundred and eight and  $7\frac{9}{100}$  dollars with interest thereon from the 12th day of December A.D. 1887 till paid as an equivalent for, and in full satisfaction of, her dower in said land, and then to set apart one-third of the remainder for Lucy V. Phelps, one-third for James Oscar Phelps and one-third for Annie L. Phelps, who are entitled to the same.

And the Court doth further adjudge, order and decree that said Commissioner pay to the Complainant out of the money set apart to Lucy V. Phelps as aforesaid the sum of one hundred and thirty-eight and  $45\frac{1}{100}$  dollars with interest on one hundred and thirty-two and  $58\frac{1}{100}$  dollars, part thereof, from the 31st day of December, A.D. 1886, till paid, which she owes him as specified in the papers in this cause. and pay



also to the Complainant out of the money set apart to James Oscar Phelps as aforesaid, the sum of three hundred and seventy-nine and  $\frac{27}{100}$  dollars with interest on three hundred and twenty and  $\frac{94}{100}$  dollars part thereof from the 31st day of December, A.D. 1886 till paid, which he owes the Complainant as specified in the papers in this cause, and pay also to the Complainant out of the money set apart to Annie L. Phelps as aforesaid, the sum of three hundred and seventy-nine and  $\frac{27}{100}$  dollars with interest on three hundred and twenty and  $\frac{94}{100}$  dollars part thereof from the 31st day of December A.D. 1886 till paid which she owes to the Complainant as specified in the papers in this cause. And the said Commissioner will make report to Court of his transactions in pursuance of this decree.

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

And the Court doth further 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, state, settle and report to Court  
a further account of the transactions of Wm. H.  
Haskell Guardian of said Lucy B. Phelps, James  
Oscar Phelps and Annie L. Phelps.

A copy  
Sent,

Peter B. Denton. Clerk

Wm. H. Haskell, Genl.

as Genl. chg. - a copy

Lucy B. Phelps & c



Harrell, Gdn.

vs. } In Chy.

Phelps & al.

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Report of Collec-  
tions and dis-  
bursements.

12 May 1888

Confirmed

11th. Octo. 1888

1888. May 24th. A.C.L.  
C.K.

15. Wafers Hamell, gr. d.

15 } Statement of Costs -

Lucy V. Phelps Sol.

Costs -

Chk. \$15.00

Atto: Hay 16.50

Census (R. R. P.) - 15.00

Shiff: Fulghum 1.00

Suffolk Hamell } 8.00

\$55.50

Peter B. Smith, Act.



Costs

clK

\$ 5.00

att.

50.00

5 h/2. h/2 w/2 K 1.00

2.11.6mm. 1-2 h/2 3.00

\$ 59.00

Mr. Prentiss:

Make me a copy  
of the decree entered  
in this case  
on 20 Dec. 1888 &  
tax the costs on  
the copy required  
by the original.

You can then re-  
turn the papers to the  
clerk's office.

W. J. Kilby

9 Jan. 1889