1891-008
Nansemond Co. (Suffolk) Chancery Causes: William J. Cross et al by vs Essie G. Haslett et al

Odom, Jones, Merch, Rawls, Austin

Wm J Cross & als Infts pr friend
Against } In Chancery
Jethro D Hazlett & wife & als.

Costs

Clerk of Circuit Court	$7.50
Clerk " County "	3.50
Attorney & Tax	16.50
Sheriff	1.50
3 Commissioners @ $1.00 Each	3.00
W H Innes J.P.	1.50
	$33.50

Wm J Cross & als

vs In Chancery

Seth W D Hazlett & als

Costs

CHANCERY SUMMONS.

The Commmmwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Jethro D. Haslett, and Ejsie G. Haslett his wife and Ann E. Cross Widow of Elisha J. Cross deceased.

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~~ third *Monday in* September 1889 ~~next~~, *to answer a* ——— *Bill in Chancery, exhibited against them* ——— *in the said Court by* William J. Cross, Emma A. Cross Thomas D. Cross and John J. Cross infants under the age of twenty one years suing by Richard B. Odom Jr. their guardian and next friend.

and have then and there this summons.

Witness, ~~PETER B. PRENTIS~~ Wm B. Causey *Clerk of our said Court, at his office, this* 11th *day of* September *1889, in the* 113 *th year of the Commonwealth.*

Teste:

Wm B. Causey *Clerk.*

I have served this process by delivering a copy thereof in writing to each of the within named Jethro D. Haslett, Essie S. Haslett and Ann E. Cross in person this 16th. day of September 1889.

A. J. Powell
Deputy for W. H. Howell
Sheriff

William J. Brown, duly
sworn, deposeth & saith
that he is a citizen
and resident
of Lyon Co. Iowa
that Jethro D. Haslett and
others
1889
20 Sept: Rules
(Bill Mowday)

Know All Men by These Presents, That we Wilbur J Kilby and Maggie T Kilby

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Fourteen Hundred ~~~~~ 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.

~~And we~~ The obligors herein waive the benefit of our exemption as to this obligation, and also waive any claim or right to discharge any liability to the said Commonwealth arising under this bond, or by virtue of the office, post or trust herein mentioned, with coupons detached from bonds of said Commonwealth.

Sealed with our seals, and dated this 21st day of April in the year of our Lord one thousand eight hundred and ninety, and in the 114 year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a decree of the Circuit Court of Nansemond County Virginia pronounced on the 11th day of April 1890 in the cause in Chancery in said Court depending between William J Cross and John T Cross infants under the age of Twenty-One years suing by Richard B Odom Sr. their guardian and next friend complainants, and Jethro D Haslett and Essie G Haslett his wife and Ann E Cross widow of Elisha T Cross deceased defendants, it was decreed that the Mill property mentioned and described in the bill in said cause of which Elisha T Cross died seized and possessed containing thirty and one half (30½) acres, more or less except about one acre thereof heretofore assigned to said Ann E Cross as part of her dower be sold and the above bound Wilbur J Kilby was appointed Special Commissioner to sell the same as specified in said decree:

Now therefore if the said Wilbur J Kilby shall faithfully discharge the duties of his office post or trust under said decree and all other decrees he may be required to execute in said cause then the above obligation is to be void; otherwise it is to remain in full force and Virtue.

SEAL ~~SEAL~~ ~~SEAL~~

Wilbur J Kilby SEAL

Maggie T Kilby SEAL

In the office of the Clerk of the Circuit Court of Nansemond County, on the 21st day of April 1890.

The above bond was executed and acknowledged by the obligors (the ~~surety~~ security ~~on oath as to sufficiency~~) justifying and recorded.

Teste: A P Gomey CLERK.

A Copy.
Teste: A P Gomey Clerk.

Wilbur J Kilby
Speer, Comr.
To } Bond

The Commonwealth

1890

April 21st. Executed and acknowledged in the Clerks Office and Recorded.

Wm I Cross &c

Vs } In Chancery

Haslett & als

Copy of bond of
W I Kilby
Special Commissin

Filed April 21st 1890

Received of Wilbur J. Kilby. Spe=
cial Comr. One $50/100 dollars for
administering oaths to Robt. J.
Johnson, Luther Rawls, and Ed. S.
Norfleet. Comrs. appointed to execute
the decree of 11th. Octo. 1889 in the Chan=
cery suit of Cross etc. vs. Haskett &als.
in Tauscarora County Circuit Court.
$1.50 W. H. Jones. J. P.

Received of Wilbur J. Kilby Special Comrs. the respective sums of money set opposite our names below for services rendered as Comrs. under the decree of the 11th. October 1889 in the Chancery suit of Cross Exls. vs. Haskett Exl. in Jasper County Circuit Court.

Robt J Johnson $1.00

Luther Rawls $1.00

Received of Wilbur J. Kilby. Special Comr. One dollar for services rendered as Comr. under decree of 11th. October 1889 in the Chancery suit of Cross & als. vs. Haslett & al. in the Circuit Court of Chauncund County

$1.00

E. S. Stafford

1890 July 16th Received of Wilbur J. Kilby, Special Comr. Ten (10) dollars for services as Crier at the sale on the 12th. day of May 1890 of the Howell Mill property belonging to the estate of Elisha T. Cross deceased.

G. D. Parker. Crier

HOWELL'S MILL PROPERTY FOR SALE!

By authority of a decree of the Circuit Court of Nansemond County made on the 11th day of April, 1890, in the chancery suit pending in said court between William J. Cross, Eunice A. Cross and others, per friend, complainants, and Jethro D. Haslett, wife and others, defendants, I shall offer for sale by public auction, before the Courthouse door of said county, on County Court day,

MONDAY, MAY 12, 1890.

all that certain parcel of real estate of which Elisha F. Cross died seised and possessed, known as the "Edward Howell Mill Property," situated at Cleopas, in Holy Neck Magisterial district, in said county, containing thirty and one-half acres, more or less (except about one acre thereof assigned to Ann E. Cross as part of her dower), and consisting of a mill-pond, a grist-mill, a storehouse, a warehouse, a small house used by the miller as his dwelling, machinery, fixtures, and the privileges and franchises connected therewith, together with all and singular the appurtenances belonging to the same.

TERMS OF SALE.—Enough of the purchase-money to cover the costs of suit and expenses of the sale will be required in cash, and the balance in equal sums at the end of one and two years, 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 land to be retained until the further order of Court.

☞ Possession of the storehouse, warehouse and house occupied by Howell & Davidson as a liquor store will be given on October 12th, 1890, but the purchaser will be entitled to the rent therefor from the day of sale. Possession of all the rest of the property will be given on the day of sale.

WILBUR J. KILBY,
Special Commissioner.

GEORGE T. PARKER, Crier.

I, Azra P. Gomer, Clerk of the Circuit Court of Nansemond County, Va., do certify that the bond required of Wilbur J. Kilby, who, by a decree of said Court on the 11th day of April, 1890, in the chancery suit pending in said court between William J. Cross and others, plaintiffs, and Jethro D. Haslett and others, defendants, was appointed special commissioner to sell the Edward Howell mill property mentioned in said decree, has been executed with security deemed sufficient by me.

Given under my hand this 21st day of April, 1890.

ap25-3t AZRA P. GOMER, Clerk.

SUFFOLK, VA., ... 1890.

Mr W. J. Kirby Sec Court

TO SUFFOLK HERALD, DR.

J. E. BOOKER, PROPRIETOR

BOOK AND JOB PRINTING A SPECIALTY

1890

Apl 25	To Ads Sale of Howells Mill property 6 cts in Full		7 00
	To 100 Hand Bills Notice of Sale		1 50
	Rec Payment		8 50
June 4 90	J E Booker Pro		

All Available Text Successfully Captured

1890 Dec. 19th. Received of Wilbur J. Kilby, Special Comr. one hundred and sixty-two dollars for the undersigned. Essie G. Haslett as specified in the annexed Report.

$162.00

J. D. Haslett
E. G. Haslett

1890 Dec. 19th. Received of Wilbur J. Kilby. Special Comr. the sum of One hundred and sixty-two dollars for William J. Cross. a like sum for Eunice A. Cross. a like sum for Cleopas D. Cross and a like sum for John T. Cross. total amount received, six hundred and forty-eight dollars. as specified in the annexed Report.

E. S. Norflat guardian of William J. Cross, Eunice A. Cross, Cleopas D. Cross and John T. Cross.

$162.00
$162.00
$162.00
$162.00
648.00

To the Circuit Court of Nansemond County, Va.

In pursuance of the decree of the Circuit Court of Nansemond County, Va. pronounced on the 10th. day of October 1890 in the Chancery Cause pending in said Court between William J. Cross and others Complainants and Jethro D. Haslett and others, Defendants, the undersigned, Wilbur J. Kilby, Special Commissioner, respectfully reports to Court that he has received of the Clerk of said Court and given him a receipt, which has been filed with the papers in said Cause for the two bonds of Edwin S. Norfleet, mentioned in said decree with F. B. Norfleet and O. H. Smith sureties thereto each for the sum of four hundred dollars dated the 12th. day of May A. D. 1890 and payable one and two years respectively after date with interest from date, and has collected the money therefor as well as the interest due thereon and, together with the sum of one hundred dollars, already in his hands, as

specified in said decree, has dis=
bursed the same as directed by
said decree, as will appear by
the vouchers herewith returned and
the following Statement, to wit:

By Cash in hand as stated above			$ 100	00
" Amount of said bonds each for $400.			800	00
" Interest on $800 from 12 May 1890 to 19 Dec. 1890. — 7 m. 7 ds.			29	00
To paid W. J. Kilby, Atty. for Plaintiffs, taxed fee & State tax, per rect.	$ 16	50		
" " Same, fee allowed by said decree per rect.	35	00		
" " Wm B. Causey, late Clerk of said Circuit Court, his share of Clerk's fees, per rect.	2	50		
" " Azra P. Gomer, Clerk of said Court, his share of Clerk's fees, per rect	5	00		
" " Wm B. Causey, late Clerk of County Court of said County, fees for copies of papers used as exhibits, per rect.	3	50		
" " Wm H. Howell, Sheriff, his fees "	1	50		
" " Wm H. Jones, Justice of Peace "	1	50		
" " Robt. J. Johnson, Coun. "	1	00		
" " Luther Rawls, Coun. "	1	00		
" " Ed. S. Arfleet. " "	1	00		
" " Geo. T. Parker. Crier, "	10	00		
carried on	78	50	929	00

Brought on	78 50	929	00
To paid J. E. Booker, Printer's Bill, per rect.	8 50		
" Fee for deed conveying to the pur= chaser, the property mentioned in said decree.	5 00		
" 5 per cent Coms. on $300 = $15.00			
" 2 " " " " $600. = 12.00	27 00		
" Amount to balance	810 00		
	929 00	929	00
By Balance brought on,		810	00
To paid Essie G. Haslett. per rect.	162 00		
" " Edwin S. Norfleet, Guardian of William J. Cross. per rect.	162 00		
" " Same, Guardian of Eunice A. Cross "	162 00		
" " Same, Guardian of Cleopas D. Cross "	162 00		
" " Same, Guardian of Jno. T. Cross "	162 00		
	810 00	810	00

As further directed by said decree, the undersigned has made to Edwin S. Norfleet, a deed with special warranty in the usual form conveying to him the nice property purchased by him under proceedings in said cause and mentioned in said decree.

Respectfully submitted this 19th. day of December 1890.

Wilbur J. Kilby, Special Com'r.

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

Wm H Howell Sh Off Dd	$1.50
C A Gomez Clerk	$5.00
Wm B Causey late clk Dc	2.50
Wm B Causey " " "	3.50

Cross her friend
vs
Ira Chy.
151.

Haslett dal

Report of collections and disbursements under decree of 10th. October 1890

1891 March 26th.
Filed.
A L Gomez Clerk

To the Circuit Court of Nansemond County, Va.,

In pursuance of the decree of the Circuit Court of Nansemond County, Va. pronounced on the 11th day of April A.D. 1890 in the Chancery Cause pending in said Court between William J. Cross, Eunice A. Cross and others, Plaintiffs and Jethro D. Haslett, his wife, and others, Defendants, the undersigned, appointed Special Commissioner for the purposes specified in said decree, respectfully report to Court,

That after he had advertised the mill property mentioned in said decree, for sale, in the manner directed by said decree, namely by printed notices and by publication of the notice once a week for two weeks in the Suffolk Herald, a newspaper published in the Town of Suffolk in said County, and had executed before the Clerk of said Court the Bond required of him and had obtained of said Clerk a certificate of the due execution

of said Bond, and had appended a copy of the certificate to the advertisement of the sale, as required by said decree, he proceeded to sell said Mill property and, on the 12th. day of May 1890, did sell the same by public auction before the Courthouse door of said County to Edwin S. Norfleet, the highest bidder, for the sum of Nine hundred (900) dollars, on the terms and conditions specified in said decree, - the day of the sale being County Court day.

That in compliance with the terms of the sale, the said Edwin S. Norfleet has paid the undersigned the sum of one hundred dollars, part of said sum of $900, in cash to cover the costs of said cause and the expenses of the said sale and for the remainder of said sum of $900, has executed his two Bonds each for the sum of $400, with Fulton B. Norfleet and A. H. Smith as his sureties, - one of which Bonds

is payable one year after date with interest from date and the other two years after date with interest from date.

The said Bonds bearing date on the 12th. day of May 1890 (the day of said sale). the said Certificate and a copy of the advertisement of said sale, with a copy of said Certificate thereto appended, are all returned with this Report.

The said sum of $100. is in the hands of the undersigned subject to the order of Court.

Respectfully submitted this 24th. day of May 1890.

Wilbur J. Kilby
Special Comr.

HOWELL'S MILL PROPERTY FOR SALE!

By authority of a decree of the Circuit Court of Nansemond County made on the 11th day of April, 1890, in the chancery suit pending in said court between William J. Cross, Eunice A. Cross and others, per friend, complainants, and Jethro D. Hasleth, wife and others, defendants, I shall offer for sale by public auction, before the Courthouse door of said county, on County Court day,

MONDAY, MAY 12, 1890.

all that certain parcel of real estate of which Elisha T. Cross died seised and possessed, known as the "Edward Howell Mill Property," situated at Cleopas, in Holy Neck Magisterial district, in said county, containing thirty and one-half acres, more or less (except about one acre thereof assigned to Ann E. Cross as part of her dower), and consisting of a mill-pond, a grist-mill, a storehouse, a warehouse, a small house used by the miller as his dwelling, machinery, fixtures, and the privileges and franchises connected therewith, together with all and singular the appurtenances belonging to the same.

TERMS OF SALE.—Enough of the purchase-money to cover the costs of suit and expenses of the sale will be required in cash, and the balance in equal sums at the end of one and two years, 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 land to be retained until the further order of Court.

☞ Possession of the storehouse, warehouse and house occupied by Howell & Davidson as a liquor store will be given on October 12th, 1890, but the purchaser will be entitled to the rent therefor from the day of sale. Possession of all the rest of the property will be given on the day of sale.

WILBUR J. KILBY,
Special Commissioner.

GEORGE T. PARKER, Crier.

I, Azra P. Gomer, Clerk of the Circuit Court of Nansemond County, Va., do certify that the bond required of Wilbur J. Kilby, who, by a decree of said Court on the 11th day of April, 1890, in the chancery suit pending in said court between William J. Cross and others, plaintiffs, and Jethro D. Haslett and others, defendants, was appointed special commissioner to sell the Edward Howell mill property mentioned in said decree, has been executed with security deemed sufficient by me.

Given under my hand this 21st day of April, 1890.

AZRA P. GOMER, Clerk.

ap25-3t

(over)

In pursuance of the decree of the Circuit Court of Nansemond County, Va. entered on the 10th. day of October 1890 in the Chancery Cause of Wm. J. Cross & als. per friend against Jethro D. Haslett & als. pending in said Court. I have, this 19th. day of December 1890, received of the clerk of said Court, the two Bonds of Edwin S. Norfleet and others, mentioned in this Report, each for $400. bearing interest from 12 May 1890. for the purposes specified in said decree.

Wilbur J. Kilby
Special Comr.

HOWELL'S MILL PROPERTY

FOR SALE!

By authority of a decree of the Circuit Court of Nansemond County made on the 11th day of April, 1890, in the chancery suit pending in said court between William J. Cross, Eunice A. Cross and others, per friend, complainants, and Jethro D. Haslett, wife and others, defendants, I shall offer for sale by public auction, before the Courthouse door of said county, on County Court day,

Monday, May 12, 1890,

all that certain parcel of real estate of which Elisha T. Cross died seised and possessed, known as the "Edward Howell Mill Property," situated at Cleopas, in Holy Neck Magisterial district, in said county, containing thirty and one-half acres, more or less (except about one acre thereof assigned to Ann E. Cross as part of her dower), and consisting of a mill-pond, a grist-mill, a storehouse, a warehouse, a small house used by the miller as his dwelling, machinery, fixtures, and the privileges and franchises connected therewith, together with all and singular the appurtenances belonging to the same.

TERMS OF SALE:

Enough of the purchase-money to cover the costs of suit and expenses of the sale will be required in cash, and the balance in equal sums at the end of one and two years, 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 land to be retained until the further order of Court.

☞ Possession of the storehouse, warehouse and house occupied by Howell & Davidson as a liquor store will be given on October 12th, 1890, but the purchaser will be entitled to the rent therefor from the day of sale. Possession of all the rest of the property will be given on the day of sale.

WILBUR J. KILBY,

21 April, 1890. Special Commissioner.

GEORGE T. PARKER, Crier.

I, Azra P. Gomer, Clerk of the Circuit Court of Nansemond County, Va., do certify that the bond required of Wilbur J. Kilby, who, by a decree of said Court on the 11th day of April, 1890, in the chancery suit pending in said court between William J. Cross and others, plaintiffs, and Jethro D. Haslett and others, defendants, was appointed special commissioner to sell the Edward Howell mill property mentioned in said decree, has been executed with security deemed sufficient by me.

Given under my hand this 21st day of April, 1890. AZRA P. GOMER, Clerk.

In the Circuit Court of Nansemond County Va.

Wm J Cross & als per friend Plaintiffs
Against } In Chancery

Jethro D Hazlett & als Defendants

I Azra P Gomer, Clerk of the Circuit Court of Nansemond County Va. do certify that the bond required of Wilbur J Kilby, who by a decree of said Court in the 11th day of April 1890 in the Chancery suit pending in said Court between William J Cross and others, plaintiffs, and Jethro D Haslett and others, defendants was appointed Special Commissioner to sell the Edward Howell mill property mentioned in said decree, has been executed with security deemed sufficient by me.

Given under my hand this 21st day of April 1890.

Azra P. Gomer, Clerk

Cross pr friend

vs

In Chy

Haslett & als

Certificate of Execution of Bond by Spec. Comr. W. I. Kilby.

Crossette

vs. } In Chy.

Haslett &al.

Report of Sale
under decree of
11th. April 1890

Confirmed 10th. October
1890.

1890
September 27th. Filed
A.P. Symes Clerk

State of Virginia }
County of Nansemond } to wit

This day ~~Rufus C. Hall~~, Robt. J. Johnson, Luther Rawls and Edwin J. Norfleet ~~and Isaac W. Everett~~, appeared in person before me W.N. Jones a Justice of the Peace for the County aforesaid in the State of Virginia and made oath that they would to the best of their ability perform the duties required of them as Commissioners under the decree entered on the 11th. day of October 1889 in the Chancery suit pending in the Circuit Court of said County between William J. Cross. Eunice A. Cross and others. Plaintiffs. and Jethro D. Haslett. Essie G. Haslett and others. Defendants

Pa. J. Johnson
Luther Rawls
E. S. Norfleet

Subscribed and sworn to before me this 19th. day of March 1890. W.N. Jones. J.P.

To the Circuit Court of Nansemond County, Va.

In pursuance of a decree of the Circuit Court of Nansemond County, Virginia, pronounced on the 11th. day of October A. D. 1889 in the cause in Chancery in said Court depending between William J. Cross, Eunice A. Cross and others, infants, by Richard B. Adam Sr. their next friend, Complainants, and Jethro D. Haslett Essie G. Haslett and others, Defendants, the undersigned, three of the Commissioners appointed for the purposes specified in said decree, respectfully report to Court, that after they had been first duly sworn, as set forth in the annexed paper, they proceeded to lay off and divide the real estate of which Elisha T. Cross died seised and possessed (except such part thereof as had been assigned to Ann E. Cross, widow of said Elisha T. Cross as her dower), in the manner specified in said decree

but found it impracticable, inadvisable and inconvenient to make partition thereof.

Your Commissioners found said real estate to consist of six (6) parcels of land, as stated in the Bill in said Cause, to wit:

1. A parcel of 59 acres, more or less.
2. A parcel of 43 acres, more or less.
3. A parcel of 125 acres, more or less
4. A parcel of 57 acres, more or less
5. A parcel of 30½ acres, more or less
6. A parcel of 1½ acres, more or less.

all situated in Holy Creek Magisterial District in said County.

Your Commissioners also found that the parcel of 125 acres and about one acre of the parcel of 30½ acres, had been assigned to said Ann E. Cross as her dower in all said lands; that the dwelling house, out-houses and surrounding improvements occupied and used by said Elisha T. Cross in his life-time are upon said 125 acre tract and are in the possession of said widow as her dower; that

said parcel of 30 1/2 acres constitute what is known as the Howell Mill property, and (outside of about 1 acre thereof assigned to said Ann E. Cross as part of her dower), consists of a mill-pond, a grist mill, a store, a warehouse, a small house used by the miller as his dwelling, the land surrounding the mill and mill pond included within the boundaries of the 30 1/2 acres, and the privileges and franchises of said mill; and that said parcels of 59.43 and 125 acres adjoin one another, while the 52 and 1 1/2 acre parcels are separate from them and from one another, - the 1 1/2 acre parcel being about one mile away from the other parcels, - without any buildings or other improvements on the 59.43, 52 and 1 1/2 acre parcels.

That the lands to be divided and allotted as specified in said decree, being as above stated, could not be laid off and divided conveniently into five equal parts with due regard

to quality and quantity, as required by said decree, in order that one-fifth equal part thereof might be assigned or allotted to each of the five parties interested.

Your Commissioners further report that no two or more of said parties would elect to have their shares in said lands laid off together, nor would any of them accept all said lands and pay therefor to the other parties such sums of money as their interest therein might entitle them to, nor do your Commissioners think the interests of the parties will be promoted by a sale of all said lands.

Your Commissioners, however, are of the opinion ~~and thor~~ that the interests of the parties would be promoted by a sale of said mill property and would therefor recommend that it be sold and the proceeds divided among the parties entitled thereto according to their respective rights

and interests. It cannot be divided in kind among the parties in any one of the modes prescribed by law and it is very inconvenient and troublesome to them to manage and run the mill jointly. While at times it may produce an income in excess of expenses, yet such excess is at no time very large. Then again, it is liable to be greatly damaged at any time by rains, or by the breaking of the machinery, or the dam beyond the ability of the owners to restore the same except by drawing largely upon the principal of such other property as they may own, for they would not have sufficient income to enable them to repair the damages. The result would be a ~~virtual~~ loss of the income from the property, if the damages should not be repaired. In short, the property belongs to that class of property which proves to be remunerative

while in good order. but which is liable at any ~~moment~~ moment ~~to become~~ by acci-dent to become unprofitable and to remain so. unless restored by an outlay of the large sum of money which is always required to restore such proper-ty. when damaged. as by the breaking of the dam. or ma-chinery etc. Now. while the property can be sold and while in a fair condition. Your Commissioners. think it should be sold and that the interests of those interested would be pro-moted by the sale and distri-bution of the proceeds among them. In the opinion of Your Commissioners the fee-simple value of the said mill property is $1000. Its annual rental value is $150. gross a year.

Respectfully submitted this 19th. day of March 1890.

Jo. J. Johnson
Luther Rawls
E. S. Koffut
} Comrs.

We three Commissioners wish to add that the Mill property is in a very bad condition - the mill House & machenery need reparing - and therefore in our opinion is not worth more than $1000. together with the property belonging to same.

P. J. Johnson
Luther Rawls
E. S. Norfleet
} Coms

19th. March 1890

Cross & al.

vs. } In Chy.

Haslett. & al.

Report of Comrs.
under decree of
11 Octo. 1889.

Confirmed 15th.
April 1890

Filed
1890. March 29th
A.P.G. Clerk

HOWELL'S MILL PROPERTY

FOR SALE!

By authority of a decree of the Circuit Court of Nansemond County made on the 11th day of April, 1890, in the chancery suit pending in said court between William J. Cross, Eunice A. Cross and others, per friend, complainants, and Jethro D. Haslett, wife and others, defendants, I shall offer for sale by public auction, before the Courthouse door of said county, on County Court day,

Monday, May 12, 1890,

all that certain parcel of real estate of which Elisha T. Cross died seised and possessed, known as the "Edward Howell Mill Property," situated at Cleopas, in Holy Neck Magisterial district, in said county, containing thirty and one-half acres, more or less (except about one acre thereof assigned to Ann E. Cross as part of her dower), and consisting of a mill-pond, a grist-mill, a storehouse, a warehouse, a small house used by the miller as his dwelling, machinery, fixtures, and the privileges and franchises connected therewith, together with all and singular the appurtenances belonging to the same.

TERMS OF SALE:

Enough of the purchase-money to cover the costs of suit and expenses of the sale will be required in cash, and the balance in equal sums at the end of one and two years, 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 land to be retained until the further order of Court.

☞ Possession of the storehouse, warehouse and house occupied by Howell & Davidson as a liquor store will be given on October 12th, 1890, but the purchaser will be entitled to the rent therefor from the day of sale. Possession of all the rest of the property will be given on the day of sale.

WILBUR J. KILBY,
Special Commissioner.

21 April, 1890.

GEORGE T. PARKER, Crier.

I, Azra P. Gomer, Clerk of the Circuit Court of Nansemond County, Va., do certify that the bond required of Wilbur J. Kilby, who, by a decree of said Court on the 11th day of April, 1890, in the chancery suit pending in said court between William J. Cross and others, plaintiffs, and Jethro D. Haslett and others, defendants, was appointed special commissioner to sell the Edward Howell mill property mentioned in said decree, has been executed with security deemed sufficient by me.

Given under my hand this 21st day of April, 1890. AZRA P. GOMER, Clerk.

Cross etc.

vs.

Haslett Sal.

This cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner Wilbur J. Kilby, filed on the 27th. day of September A.D. 1890 (being a Report of the sale of the "Edward Howell Mill Property" of which Elisha T. Cross died seised and possessed in pursuance of the decree entered herein on the 11th. day of April A.D. 1890), and was argued by Counsel.

On consideration whereof the Court doth affirm and confirm said Report and sale to which no exception has been taken and doth adjudge order and decree that said Special Commissioner receive of the Clerk of this Court and leave with him a receipt to be filed with the papers in this cause for the two Bonds of Edfiled with said Report
ward D. Norfleet, F. B. Norfleet and O. H. Smith sureties thereto, each for the sum of four hundred dollars dated the 12th. day of May A.D. 1890

and payable one and two years respectively after date with interest from date and proceed to collect the same at their maturity, or receive the money therefor, if the obligors should desire to pay the same before their maturity together with the interest thereon and out of the money thus collected or received together with the sum of one hundred dollars already in his hands as appears by said Report, pay first in full all the costs of this cause and the expenses of said sale and also a fee of thirty-five dollars to the Counsel of the Plaintiffs, and then pay one-fifth of the remainder to Essie G. Haslett, wife of Jethro D. Haslett, one-fifth for William J. Cross to his lawfully appointed and duly qualified guardian, one-fifth ~~to for Cleopas D. Cross for Eunice~~ for Eunice A. Cross to her lawfully appointed and duly qualified guardian, one-fifth for Cleopas D. Cross to his lawfully appointed and duly qualified guardian and one-fifth for John P. Cross to his lawfully appointed

and duly qualified guardian of the said Essie G. Haskett, William J. Cross, Eunice A. Cross, Cleopas D. Cross and John T. Cross being entitled each to one-fifth part of said remainder of said money as heirs at law and distributees of said Elisha T. Cross deceased. (their father.)

And the Court doth further adjudge, order and decree that said Wilbur J. Kilby, Special Commissioner as aforesaid, make to said Edwin S. Norfleet a deed with special warranty in the usual form conveying said Mill Property to him, as the purchaser thereof after he shall have paid said Bonds and all interest due thereon in full as aforesaid, and that said Commissioner make report to Court of his transactions under this decree.

Cross etc.

vs. } In Chy.

Haslett &c.

In the Circuit
Court of Chause=
mund County
Octo.- 10th 1890
Decree
To be entered
C M D

Entered Chancery
order book No 2
Page 348

Cross per friend etc.
vs.
Haslett et al.

This cause came on this day to be again heard on the papers formerly read and on the Report of ~~Commissioners~~, Robert J. Johnson, Luther Rawls and Edwin S. Rawls, three of the Commissioners ~~appointed~~ heretofore appointed for the purposes specified in the decree entered herein on the 11th. day of October A. D. 1889. (said Report having been filed on the 29th. day of March A. D. 1890), and was argued by Counsel.

On Consideration whereof the Court doth affirm and confirm said Report to which no exception has been taken, and doth adjudge, order and decree that the nine property mentioned and described in said Report of which Elisha T. Cross died seised and possessed, containing thirty and one-half (30 1/2) acres, more or less, except about one acre thereof heretofore assigned to Ann E. Cross, widow of said Elisha T. Cross deceased, as

part of her dower be sold and that Wilbur J. Kilby, who is hereby appointed Special Commissioner for the purpose, do proceed to sell the same 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 cause and the expenses of the sale and the remainder in equal sums at the end of ~~six and twelve~~ one and two years ~~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 land to be retained until the further order of Court.

But before proceeding to make said sale, said Special Commissioner will advertise the time, place and terms of the sale by printed notices and by publication of the notice once a week for two 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 fourteen hundred 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 of the due execution of said Bond and affixed the same, or a copy thereof to the advertisement of said sale and make report to Court of his transactions under this decree.

Cross per friend

vs. } In Chy.

Cross & al

In the Circuit
Court of Hancock
County
April 17th. 1890

Decree
To be entered
C Moore

Entered Chancery
Order Book
No. 2 p. 318.

Cross & al. per friend
vs.
Haslett and others.

This Cause ~~came~~ at Rules regularly matured and set for hearing came on this day to be heard on the Bill of the Complainants taken for confessed as to all the defendants who are adults upon whom process had been duly served they still failing to appear and plead ~~demur or~~ answer or demur to said Bill and on the exhibits filed with said Bill and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that Rufus C. Hall, Robert J. Johnson Luther Rawls, Edwin S. Norfleet and Isaac W. Everett who are hereby appointed Commissioners for the purpose any three or more of whom may act having been first duly sworn do proceed to lay off and divide the real estate of which Elisha T. Cross died seised and possessed in said Bill men-

tioned and described (except such part thereof as has been assigned to Ann E. Cross widow of said Elisha T. Cross as her dower), into five equal parts having regard to quality and quantity and assign one of said five parts to each of the heirs of said Elisha T. Cross deceased namely, to Essie G. Haslett wife of Jethro D. Haslett one-fifth part to William J. Cross one-fifth part to ~~Eunice~~ Eunice A. Cross one-fifth part, to Cleopas D. Cross one-fifth part and John D. Cross one-fifth part. But if said Commissioners should find ~~it impracticable~~ real estate or any part of it that said ~~land~~ cannot be conveniently divided in kind among the aforesaid parties, or should be of opinion that the interests of said parties would be promoted by a sale of the same or any part thereof in such case they are required to report to Court the facts upon which their opinion may be based and also what in their opinion is the fee-simple value of said

real estate. And in either case they are required to report their proceedings under this order to Court.

And the said ~~Special~~ Commissioners are hereby authorised to employ a competent surveyor to survey and make a plat of said real estate if they should deem a survey thereof necessary to enable them to divide and lay off the same as aforesaid.

And with the consent of ~~parties~~ the parties hereto given in open Court 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~~ herein in vacation as might be made in term to have the same force and effect as if made and entered in term.

Cross, per friend

vs. } In Chy.

Haslett et al.

In the Circuit
Court of Hanse-
mond County
October 11th. 1889

Decree
To be entered
C W Hac

Entered Chancery
Order Book 3rd
page 288.

Wm. J. Cross Exls. per friend

vs.

Haslett Exl.

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 26th day of March A.D. 1891 (being a Report of collections and disbursements in pursuance of the decree entered herein on the 10th. day of October 1890) and was argued by Counsel.

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

Cross Sals.

vs. } In Chy.

Haslett Sal.

In the Circuit
Court of Chancery
Macomb County
April 10th, 1891
Final decree
To be entered
C W J

Entered see Chancery
order Book No. 2 Page 367

Final Decree

At a County Court held for Nansemond County, the 9th: day of September 1889.

The Court doth appoint Richard B. Odom Sr. Guardian of Eunice A. Crop, Cleopas D. Crop and John D. Crop, orphans of Elisha J. Crop, deceased, and thereupon the said Richard B. Odom Sr., entered into a bond, in the penalty of Twenty Four Hundred Dollars, conditioned according to law, with D. H. Milteer, S. R. B. Howell, S. C. Holland, F. T. Holland and Mills E. Howell his sureties therein, who justified on oath as to their sufficiency which bond being acknowledged by the obligors therein, is ordered to be recorded.

A Copy

Teste:

C. T. Causey Jr. D. C.

Cross bal.

vs. } In Chy.

Haslett bal

Exhibit G.
filed with
the Bill

Filed at Rules
16 Sept. 1880

At a county Court held for Nansemond County the 9th day of September 1869

William J. Cross orphan of Elisha T. Cross, deceased, this day in open Court made choice of Richard B. Odom Sr. for his Guardian, whom the Court approve, and thereupon the said Richard B. Odom Sr. entered into a bond, in the penalty of One Thousand Dollars, conditioned according to law with D. H. Mitter, S. R. B. Howell, S. C. Holland, Z. T. Holland and Mills E. Howell his securities therein, who justified on oath as to their sufficiency, which bond being acknowledged by the obligors therein is ordered to be recorded.

A Copy

Teste:

C. H. Causey Jr. D.C.

Cross Bal.

vs. } In Chy

Haslett Bal.

Exhibit A.
filed with
the Bill

Filed at Rules
16 Sept. 1859

This deed made this the 11th day of December, eighteen hundred and seventy nine, between Richard March and Sallie B. his wife of the County of Nansemond in the State of Virginia, and Mills H. Eure of the County of Gates in the State of North Carolina and Edith Howell of the County of Nansemond in the State of Virginia, all of the first part, and Elisha D. Gross of the County of Nansemond in the State of Virginia, of the second part, Witnesseth: That the parties of the first part in consideration of the sum of eight hundred ($800.) dollars, to them in hand paid, by the said Elisha D. Gross, the receipt whereof is hereby acknowledged, the said Richard March and Sallie B. his wife and Mills H. Eure and Edith Howell do grant with general warranty unto the said Elisha D. Gross and to his heirs and assigns forever the following property, to wit: all of their interest which the parties of the first part have in and to the property known as Howells Mill situated in the county of Nansemond and State afore said, together with all its appurtenances, belonging to the same including all of its fixtures dams and water privileges all and singular the appurtenances belonging to the same including (30½) thirty and one half acres of land more or less and bounded as follows: Beginning at a post standing on the County

road east of the mill-dam thence along the said road to the swamp thence up the run to an Cypress tree on the west side of the said run thence North westwardly to a Walnut tree thence to a Hickory tree thence north to a sweet gum tree thence to a run in the pond thence due east to the run of the swamps in the mill pond thence down said run to a corner on the land of William Howell dead. thence a south west course to the beginning, and being the same land and mill ~~property~~ which was assigned to said parties of the first part, first by Edward Howell to Edwards and Jarrett Everett. The said parties of the first part Covenant that they ~~have~~ lawfully seized in fee simple of the said land and have the right to Convey the same that they have done we ask to encumber the said land and mill that the grantee shall have quiet possession of the said land and mill from all encumbrances and that they the said parties of the first part will execute such other and further assurances of the said land and mill as may be requisite. In witness whereof the said parties of the first part have hereunto set their hands and seals the day and year as first above written.

Richard I March (Seal)

Sallie B. March (Seal)

M. A. Eure (Seal)

Edith ~~x~~ the Howell (Seal)
mark

State of Virginia
Nansemond Co. to wit

I, A.H. Jones a notary Public in said County & State do hereby certify that Richard March and Sallie B. March whose names are signed to the annexed deed bearing date 11th day of Decem 1879 personally appeared before me in my County & State aforesaid and the said Richd March acknowledged the same to be his act and deed. And the said Sallie B March the wife of the s'd Richd March being examined by me privily and apart from her said husband and having the deed aforesaid fully explained to her, she the said Sallie B March acknowledged the same to be her act & deed and declared that she had willingly executed the same and does not wish to retract it

Given under my hand this 11th day of Decem 1879

A H Jones Notary Public

Virginia
Nansemond Co. to wit

I A H Jones a Notary Public in said County and State, do hereby certify that Miss N Eure and Edith Deans whose names are signed to the annexed deed bearing date the 11th day of Decem 1879 personally appeared before me in my said County, and acknowledged the same to be their act and deed in my County and State aforesaid

Given under my hand this 11th day of Decem 1879

A H Jones
Notary Public

In the Clerks Office of Nansemond County Court
the 16th day of December. 1879
This Deed was received, duly certified and thereupon
admitted to record

Test

Peter B Prentis clerk

A Copy

Test:

C H Causey Jr. D.C.

(6) Virginia

Crostsetter.

vs. } In Chy.

Hazlett

Exhibit C.
filed with
the Bill

30 1/2 acres

Filed at Rules
16 Sept. 1879

(30 1/2
Mules)

Whereas a certain Edward Harrell of the County of Nansemond, State of Virginia by a certain Deed dated the 16th day of December A.D. 1865 and duly admitted to record in the Clerks Office of Nansemond County Court, did grant and convey unto Adolphus H. Jones, the Grantee named therein a certain Tract of land situate and lying in the County and State aforesaid and bounded and described as follows, to wit:

The Tract of land whereon he now resides, lying and being in the upper part of the aforesaid County of Nansemond, adjoining the lands of Brian Rawls, decd. Jno. H. Claudius decd. George H. Russell, and the heirs of Ennis Jenkins, decd. and the heirs of Derrick Harrell, decd. and the lands of Jarrott H. Everett, and Albinston Edwards, containing nine hundred acres more or less.

Witness to secure to Jethro H. Bazemore of the County of Hertford, State of North Carolina, James P. Harrell of the same County and State, Jarrott H. Everett, of the County of Nansemond, State of Virginia, and Albinston Edwards of the County of Gates, State of North Carolina, the payment of the sum of five thousand Dollars ($5000) in current money of the United States as evidenced by certain bonds, bearing interest

And whereas by the said deed of trust, the said Adolphus H. Jones, was empowered, whenever duly notified by the above mentioned creditors, to advertise the time and place of sale of the said lands and proceed to sale at public auction the aforesaid lands to the highest bidder, and out of the proceeds arising from such sale after paying all necessary expenses, pay the said creditors according to their respective claims, and the balance if any pay to the said Edward Howell or his heirs. And whereas the said Edward Howell defeated his life having made default in the payment of said claims and having failed to perform the requirements of said deed. And whereas Adolphus H. Jones the original trustee having departed this life Richd. T. Barnes on the 14th day of November A.D. 1881 in the County Court of Hanson and County aforesaid to be substituted as trustee in the place of Adolphus H. Jones dec'd. and substituted to all the rights, privileges, duties and responsibilities of the said Adolphus H. Jones trustee aforesaid. And whereas the appointment of the said Richd. T. Barnes was illegal the requisite notice not having been given, as required. And whereas Jas. E. Jones and

A. W. C. Jones in the County Court of Ransemond County at its March Term thereof A.D. 1881, did duly qualify according to law as Administrators of A. F. Jones dec'd. the original Intestate, And whereas they are by statute, on the renunciations of A. F. Jones dec'd. the original Intestate, allowed and authorized to execute the said deed by the said Jas. E. Jones and A. W. C. Jones, Administrators as aforesaid did in pursuance of statute, advertise and expose to sale at public auction in accordance with the requirements contained in said deed of land the aforementioned lands, in several parcels, such being to the interest of all parties, at which sale at the auction, Elisha F. Jones, being the highest bidder, became the purchaser of a part thereof. And whereas the said Richd. F. Barnes without ever attempting to act as substituted trustee, as aforesaid, did on the 12th day of March A.D. 1881 in the county court of Ransemond County resign, Jas. E. Jones and A. W. C. Jones, were in order to be more fully authorized to execute other trusts contained in said deed, in the County Court of Ransemond, at its March Term in the year 1883 substituted in accordance with the requirements of the law, & all the rights, duties, privileges and responsibilities of the aforesaid Adolphus F. Jones, the original trustee named in

said deed.

Now Thirdly, this deed made this the 16th day of April A. D. 1883, between Jas. E. Jones and B. W. Jones Administrators of Adolphus H. Jones dec'd. original trustee as aforesaid and substituted trustee, of the County of Nansemond State of Virginia, of the one part and Elisha E. Lewis, of the said State and County of the other part. Witnesseth: That the said Jas. E. Jones and B. W. P. Jones, Administrators and substituted trustee as aforesaid for and in consideration of the premises and for the further consideration of Eighty nine dollars and forty four cents to them in hand paid at and before the signing and delivering of these presents the receipt whereof is hereby acknowledged which above sum is to be applied and appropriated as by said deed of trust is directed, do grant, bargain, sell, release and confirm unto the said Elisha E. Lewis, his heirs and assigns, the following tract of land, situated and lying in the Nuck Magisterial District in the County of Nansemond State of Virginia and bounded and described as follows & viz: Beginning at a white oak on the east side of Suffolk and South Quay road. Robt R. Boyett's corner, thence along said

road S. 16° E. 149½ poles to a pine a corner on Jenkins tract, thence N. 24½° E to a gum at the run of said E. T. Lewis' mill swamp a corner, thence up said swamp the various courses thereof to a post oak a corner on said Robt R. Bayett, thence S. 70½° W 92 poles to the first station and containing 5½ acres more or less. Together with all the privileges and appurtenances belonging thereto it being a parcel or tract of the lands conveyed to R. H. Lewis the original testator, by the aforementioned deed of land in part as aforesaid to have and to hold the said tract of land together with all its privileges and appurtenances to his heirs and assigns forever. And the said Jas E. Jones and R. W. T. Jones Administrators and substituted trustees as aforesaid doth covenant and agree with the said Elisha T. Lewis. his heirs and assigns the title to the said tract of land with its privileges and appurtenances, unto the said Elisha T. Lewis his heirs and assigns with warrant and forever defend against the claims of the said Jas. E. Jones and R. W. T. Jones, and their heirs, and of all persons claiming by, through or under them or their heirs.

Witness the following signatures and seals.
James E. Jones [Seal]
A. McV. Jones [Seal]
James Deckard
Substituted trustee [Seal]

Virginia.
County of Dansemond to wit:-
I E. E. Holland a notary Public in and for the State and county aforesaid do certify that Jas. E. Jones and A. McV. Jones Admrs and substituted trustee whose names are signed to the writing above bearing date 16th day of April A. D. 1883 have acknowledged the same before me in my county aforesaid.
Given under my hand this 18th day of April A. D. 1883
E. E. Holland N. P.

In the Clerks Office of Dansemond County Court, the 11th. day of July 1883 this deed was received, and with the certificate annexed admitted to record.
Teste
Peter B. Prentis, Clerk.

a Copy Teste:
W. H. Causey Jr. D. C.

(41) Xmnd.

Cross etc.

vs. } In Chy.

Haslett & al.

Exhibit D.
filed with
the Bill

Filed at Rules
16 Sept. 1889

52 acres

Whereas a certain Edward Howell of S. of the county of Nansemond State of Virginia by a certain deed dated the 16th day of December A. D. 1865, and admitted to record in the Clerk's Office of Nansemond County Court on the 3rd day of March A. D. 1866, did grant and convey unto Adolphus W. Jones, the Trustee named herein, a certain tract of land, situated in the County of Nansemond State of Virginia and bounded and described as follows to wit: The lands whereon he now resides, lying and being in the upper part of the aforesaid County of Nansemond, adjoining the lands belonging to the heirs of Josiah Rawls, decd. John D. Glandy, decd. George D. Russell, and the heirs of Emma Jenkins, decd. and the heirs of David Howell decd. and the lands of Jarrott D. Everett, and Albriston Edwards, containing nine hundred acres more or less. In trust to secure unto the said A. W. Barnes of the County of Hertford, State of North Carolina, Jas. O. Howell of the said County and State, Jarrott D. Everett of the County of Nansemond, State of Virginia and Albriston Edwards of the County of Gates State of North Carolina, the payment of

the sum of five thousand dollars in current money of the United States, as evidenced by sundry bonds, the said bonds having interest, and whereas by the said deed the said Adolphus H. Jones was empowered whenever duly notified by the above mentioned creditors, to advertise the time and place of sale of the said lands and expose to sale at public auction to the highest bidder the aforesaid lands, and out of the proceeds arising from such sale, after paying all the necessary expenses, pay the said creditors according to their respective claims, and the balance if any, pay to the said Edward Harell or his heirs, and whereas the said Edward Harell departed this life, having made default in the payment of said claims and having failed to perform the requirements of said deed, and whereas A. H. Jones the trustee named in said deed, having departed this life, Richd. T. Barnes was on the 14th day of November, A. D. 1881 in the County Court of Sumner County substituted to all the rights privileges duties and responsibilities of said Adolphus H. Jones, the original trustee, And whereas the appointment of the said Richd. T. Barnes was questioned and considered illegal, the requisite notice

not having been given nor named: and
whereas Jas. E. Jones and A. W^{m} Jones did
A. D. 1881 in the
county court of Tomesond at its March term
thereof duly qualify according to law as Ad-
ministrators of Adolphus H. Jones, decd. the
original Emily, they, the said Jas. E. Jones
and A. W^{m} Jones, Administrators aforesaid,
said, did, in pursuance of statute in such
cases made & provided among other things as
the representatives of Adolphus H. Jones,
decd. the original Emily, as aforesaid, to
execute the said judgments and expose &
sale at public auction, in accordance
with the requirements contained in the
said deed of trust, the aforementioned
lands in several parcels, such being & the
intent of all parties concerned, at which
public sale at
public auction, Elisha T. Lewis, being the
highest bidder, became the purchaser of a
part thereof; and whereas the said Elisha
T. Lewis, having never attempted to act as
sub-trustee as aforesaid, & having resigned
as such alleged substituted trustee on the
12 day of March A. D. 1883 in the county
court of Tomesond County, Jas. E. Jones
and A. W^{m} Jones, administrators as a-
foresaid, in order to the more fully author-

ized to execute the said deed, were in the County Court of Nansemond, on the 12th day of March A.D. 1883, having complied duly with all the requirements of the law, substituted to all the duties, rights, privileges and responsibilities of Robt. Sims the original Trustee.

And, therefore, this deed made this the 14th day of March A.D. 1883 between Jas. E. Sims and R. W. Sims, Administrators aforesaid and substituted Trustees of the County of Nansemond, State of Virginia, and Elisha V. Lewis of the said County and State, witnesseth: that the said Jas. E. Sims and R. W. Sims, Administrators and substituted Trustees aforesaid, for and in consideration of the premises, and for the further consideration of six hundred and sixty-one dollars ($661.) to them in hand paid at and before the signing, sealing and delivering of these presents, which are sum of money paid by the said Elisha V. Lewis is to be appropriated and applied as by the said deed of trust is directed, do grant, bargain and sell, release and convey unto the said Elisha V. Lewis subject to the dower interest of Mrs. Edith Pearsall herein, as assigned to her by commissioners appointed by the County Court of Nansemond at the January term

1882, the ring the widow of Edward Hamlet decd. and as such, having failed to relinquish her dower interest in the land conveyed by said deed of land entitled to the same, and with the exception of one acre known as and being the graveyard lot, all that certain tract or parcel of land aforesaid with the privileges and appurtenances thereunto belonging or in any wise appertaining, situate and lying on the upper part of the county aforesaid containing two hundred and twenty six acres, more or less, and bounded as follows. Beginning at a post on the South Gray and Gates mills road. thence along said road & the Suffolk and Gates mills fork, thence along the Suffolk road eastwardly to the mill run, thence up said run along the line of E. J. Lewis mill tract to a corner in the Healy rock mill swamp; thence up said run North Eastwardly to a corner on said E. J. Lewis and the Hallis tract. thence along the line Eastwardly, touching the lands of said Lewis, Washington Ballard and Jacob Austin, thence to the beginning: it being a part or parcel of the land conveyed by the deed of land aforementioned in Book as aforesaid: to have and to hold

the said tract or parcel of land with all
privileges and appurtenances aforesaid,
to his heirs and assigns forever:
And the said Jas. E. Jones and A. McG. Jones
both covenant and agree with the said
Elisha T. Cross his heirs and assigns, the
title to the said tract of land, with all
appurtenances aforesaid, unto the said
Elisha T. Cross his heirs and assigns,
will warrant and forever defend
against the claims of the said Jas. E.
Jones and A. McG. Jones and their
heirs; and of all persons claiming
by through or under them or their heirs.
Witness the following signatures and seals.

J. McG. Jones Adms W. Jones (Seal)
J. E. Jones Substituted Trustee (Seal)

Virginia.
County of Nansemond to wit:
I. E. E. Holland a notary public in and for
the county of Nansemond in the State of
Virginia, do certify that A. McG. Jones and
E. Jones Adms &c. Substituted Trustee whose names
are signed to the writing above bearing date
the 1st day of March A. D. 1893 have this day

acknowledged the same before me.
Given under my hand this 14th day of
March A.D. 1883.

E. E. Holland J.P.

In the Clerk's Office of Somerset County Court,
the 15th day of March, 1883.
This deed was received and with the certi-
ficate annexed admitted to record.

Teste:

Peter B. Prentis clerk

a copy

Teste:

C. H. Causey Jr. D.C.

3 Xmnd.

Cross etc.

vs. } In Chy.

Haslett &al.

Exhibit C.
Filed with
the Bill

Filed at Rules
16 Sept. 1869

125 acres

(125)

Whereas a certain Edward Herndl of Co. of the County of Isamenond, State of Virginia, by a certain deed dated the 16th day of December A.D. 1865, and duly admitted to record in the Clerks Office of Isamenond County Court did grant and convey unto Adolphus H. Jones, the Grantee named herein, a certain Tract of land, situated and lying in the County and State aforesaid, bounded and described as follows, to wit:
The tract of land whereon he now resides lying and being in the upper part of the aforesaid County of Isamenond, adjoining the lands of Uriah Rawls, decd. Jno. H. Darden, decd, George K. Russell, and the heirs of Evan Jenkins, decd and the heirs of Laird Herndl, decd and the lands of Jarrott K. Everett and Albinson Edwards, containing nine hundred acres more or less. By deed of even date herewith duly executed and delivered the said Adolphus H. Barnes of the County of Hertford, State of North Carolina, James P. Herndl of the same County and State, Jarrott K. Everett of the County of Isamenond, State of Virginia, and Albinson Edwards of the County of Gates State of North Carolina, the payment of the sum of five thousand dollars ($5.000.00) in current money of the United States as endorsed

sundry bonds, bearing interest; and whereas by the said deed of trust, the said Adolphus H. Jones was empowered, whenever duly notified by the above mentioned creditors, to advertise the time and place of sale of the said lands and expose to sale at Public auction the aforesaid lands to the highest bidder, and out of the proceeds arising from such sale, after paying all necessary expenses, pay the said creditors according to their respective claims, and the balance if any pay to the said Edward Harrell, or his heirs; and whereas the said Edward Harrell departed this life, having made default in the payment of said claims and having failed to perform the requirements of said deed: And whereas Adolphus H. Jones, the original trustee having departed this life Richard T. Barnes was, on the 14th day of November A.D. 1891 in the County Court of Richmond County allowed to be substituted as trustee in the place of Adolphus H. Jones died and substituted to all the rights, privileges, duties and responsibilities of the said Adolphus H. Jones, trustee as aforesaid: and whereas the appointment of the said Richard T. Barnes was illegal, the requisite notice not having been given nor waived; and whereas Jas. E.

Jones and A. McK. Jones, in the county court of Jasmond county, at its March term A.D. 1883, did duly qualify according to law as Administrators of A. E. Jones dec'd the original testator, and whereas they as by statute as the representatives of A.H. Jones, dec'd. the original testator, allowed and authorized to execute the trust, they the said Jas. E. Jones and A. McK. Jones, Administrators as aforesaid did in pursuance of statute aforesaid and by order to sale at public auction in accordance with the requirements contained in said deed of trust the aforementioned lands, in several parcels, such being to the interest of all parties, ~~cancelled~~ at-upside sale at public auction E. T. Jones being the highest bidder, became the purchaser of a part thereof; and whereas the said Richard T. Barnes without ever attempting to act as substituted trustee as aforesaid, did, on the 12th day of March A.D. 1883 in the County Court of Jasmond County resign. Jas. E. Jones and A. McK. Jones, now in order to be more fully authorized to execute other trusts, contained in said deed in the county court of Jasmond, at its March term in the year 1883 such-

stituted, in accordance with the requirements of the law to all the rights, duties, privileges and responsibilities of the aforesaid Adolphus H. Jones the original trustee named in said deed. And, Therefore, this deed made this the 16th day of April A. D. 1883, between Jas. E. Jones and A. McG. Jones Administrators of Adolphus H. Jones, the original trustee as aforesaid and substituted trustees, of the county of Hancock and State of Virginia of the one part and E. T. Lewis of the said State and county of the other part, Witnesseth: That the said Jas. E. Jones and A. McG. Jones, Administrators and substituted trustees as aforesaid, for and in consideration of the premises and for the further consideration of One hundred and seventy five dollars, to them in hand paid at and before the signing sealing and delivering of these presents, the receipt whereof is hereby acknowledged, which above sum is to be applied and appropriated as by said deed of trust is directed, do grant, bargain, sell, release and confirm unto the said E. T. Lewis his heirs and assigns, the following tract of land, situated and lying in Hobb's Hole Magisterial district in

the County of Nansemond, State of Virginia and bounded and described as follows, viz: Beginning at the Gatesville and Hainoke cross-roads, and thence east along the Hainoke road to church land, thence North West along the John Darden line to a small gum tree, a corner tree to said line, thence East along a line of chopped trees to a small gum tree, on South Quay and Gatesville road, thence along the said road South to first station and containing 43 acres more or less, together with all the privileges and appurtenances belonging thereto, it being a parcel or part of the lands conveyed to A. H. Jones the original lands by the aforementioned deed of trust, in said aforesaid. To have and to hold the said tract of land, together with all its privileges and appurtenances, to his heirs and assigns forever. And the said Jas E. Jones and A. Hyde Jones Administrators and substitutes trustees as aforesaid, doth covenant and agree with the said E. T. Jones his heirs and assigns, the title to the said tract of land with its privileges and appurtenances, unto the said E. T. Jones, his heirs and assigns will warrant,

and forever defend against the claims of the said Jas. E. Jones and A. McC. Jones, and their heirs, and of all persons claiming by, through or under them or their heirs. Witness the following signatures and seals.

James E. Jones Admrs W. A. (Seal)
A. McC. Jones Jones dec'd and substituted trustee (Seal)

State of Virginia.
County of Nansemond to-wit:-

I E. E. Holland a Notary Public in and for the State and County aforesaid do certify that James E. Jones and A. McC. Jones, Admrs and Substituted trustee whose names are signed to the writing above, bearing date 16th day of April A.D. 1883, have acknowledged the same before me in my county aforesaid.

Given under my hand this 18th day of April A.D. 1883

E. E. Holland N.P.

Changed their executors
E. E. Holland
N.P.

In the Clerks Office of Nansemond County Court the 11th. day of July, 1873 This deed was received, and with the certificate annexed admitted to record.

Test

Peter B. Prentis Clerk

a Copy

Teste

C. H. Causey Jr. D.C.

2 xxxxx

Cross etc.

vs. } In Chy.

Haslett & als.

Exhibit B.
filed with
the Bill

Filed at Rules
16 Sept. 1889

43 acres

43

This Deed made the 14th day of March in the year of our Lord one thousand Eight hundred and Eighty seven between Nancy H. Austin of the County of Isamsmond and State of Virginia of the 1st Part and C. J. Lewis of the same Place of the 2nd Part witnesseth that in consideration of the sum of Two hundred and Twenty Dollars the said Nancy H. Austin do grant with general warranty unto the said C. J. Lewis and to his heirs and assigns forever the following real estate to wit- One Parcel of land in Holy neck township Isamsmond county Virginia said to contain fifty nine acres more or less and which Parcel being the same land inherited by the said Nancy H. Austin from her mothers Estate- being her Portion in the divide of Fallis Garden and a part of the land of which John L. Garden died seized and possessed Bounded and described as follows. to wit- Lot No 8 on the division Plat- Beginning at a pine a corner on Lot No 7 thence S. 17°. E. 156 Poles to the chapel road thence along said road S. 65° E 101. 7. Poles to the line of Edward Howell (of A.) thence

N 8° E. 27.4 Poles to a dead Pine. thence
along said Harrell's line the various
courses as there runs to a white oak
thence N. 63° E. 86 Poles to the 1st station
containing 59 fifty-nine acres. This
land is bounded on the North by the
lands (Pursuit unmen) of Jacob Austin
Henry Harden, E. J. Lewis on the East-
by Chapel road, on South by the lands
of Edward Harrell's Estate on the west
by Hilla Austin formerly the lands
of Mildred A. Harden. Together with
all and singular the appurtenances
belonging to the same.
And the said Nancy H. Austin cove-
nants that she has the right to convey
the said land to the said grantee that
the said grantee shall have quiet
possession of the said land that she
has done no act to encumber the said
land and that she will execute such
further assurances of the said land
as may be requisite.
In witness my hand and seal this
the 14th day of March 1887.

Nancy H. Austin (Seal)

Virginia,
Nansemond County, to-wit:
I E. E. Holland, a Notary Public in and for said county in said State do certify that Jno. H. Austin whose name is signed to the writing above bearing date the 14th day of March 1887 has acknowledged the same before me in my county aforesaid.
Given under my hand this 14th day of March 1887.

E. E. Holland N.P.

In the Clerk's Office of Nansemond County Court the 14th day of March 1887 this deed was presented with the certificate annexed, and admitted to record.

Teste:

Peter B. Prentis Clk.

a Copy

Teste:

W. H. Causey Jr. D.C.

(1) Xmnd.

Cross per friend

vs. } In Chy.

Haslett & al.

Exhibit A.
filed with
the Bill

59 acres.

Filed at Rules
16 Sept. 1889

In the Circuit Court of Rockingham County. Va.

William J. Cross and others by Richard B. Adom, Sr. their next friend. etc.

vs. } In Chancery

Haslett & others.

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

Humbly Complaining respectfully represent and show unto Your Honor, Your Complainants, William J. Cross, Eunice A. Cross, Celeophas D. Cross and John T. Cross infants under the age of twenty-one years suing by Richard B. Adom Sr. their guardian and next friend,

That on the 10th. day of September A.D. 1888 Elisha T. Cross departed this life intestate, leaving surviving him, a widow whose name is Ann E. Cross and five children, to wit, Essie G. wife of Jethro D. Haslett, and

Your Complainants, William J. Cross, Eunice A. Cross, Cleopas D. Cross and John T. Cross.

That said Elisha T. Cross died seised and possessed of six (6) parcels of real estate, all situated near to, or adjoining, each other in Holly Creek Magisterial District in said County.

That said parcels of real estate are as follows, to wit:

1. A parcel of land containing fifty-nine (59) acres, more or less, which was sold and conveyed to said Elisha T. Cross by Harvey H. Austin by deed dated the 14th. day of March A. D. 1887 and recorded in the office of the Clerk of the County Court of said County on the same day, as will appear by a duly authenticated copy of said deed herewith filed as part of this Bill and marked Exhibit A.

2. A parcel of land containing forty-three (43) acres, more or less, which was sold and convey-

ed to said Elisha T. Cross by James E. Jones and A. McF. Jones, Trustees etc. by deed dated the 16th. day of April A.D. 1883 and recorded in said office on the 11th. day of July 1883 as will appear by a duly authenticated copy of said last mentioned deed herewith filed as part of this Bill and marked Exhibit B.

3. A parcel of land containing one hundred and twenty-five (125) acres, more or less, which was sold and conveyed to said Elisha T. Cross by said James E. Jones and A. McF. Jones, Trustees etc. by deed dated the 14th. day of March A. D. 1883 and recorded in said office the next day, as will appear by a duly authenticated copy of said last mentioned deed herewith filed as part of this Bill and marked Exhibit C.

4. A parcel of land containing fifty-two (52) acres, more or less which was sold and conveyed to said Elisha T. Cross by said James E. Jones and A. McF. Jones, Trustees etc. by deed dated

the 16th. day of April A.D. 1883 and recorded in said office the 11th. day of July 1883 as will appear by a duly authenticated copy of said last-mentioned deed filed herewith as part of this Bill and marked Exhibit D.

5. A parcel of land containing thirty and one-half acres, more or less, which was sold and conveyed to said Elisha T. Cross by Richard J. March and wife, Mills H. Edre and Edith Howell by deed dated the 11th. day of December 1879 and recorded in said office the 16th. day of December 1879 as will appear by a duly authenticated copy of said last-mentioned deed filed herewith as part of this Bill and marked Exhibit E.

6. A parcel of land containing one and one-half (1½) acres, more or less, being a small part of the 66½ acres which were sold and conveyed to said Elisha T. Cross by Ida M. Rawls by a

deed dated the 10th. day of April 1876 and recorded the 8th. day of January 1877 on page 630 of deed book No. 5 in said office, all the other part of said 66½ acres, to wit 65 acres having been sold and conveyed by said Elisha T. Cross and his wife in his lifetime to Mrs. R. E. Odom by deed dated the 18th. day of June 1881 and recorded the 13th. day of December 1882 on page 179 of deed book No. 11 in said office.

That said parcels of land now belong, by virtue of the law of descents of Virginia, to said Essie G. Haslett, William J. Cross Emmie A. Cross, Cleopas D. Cross and John T. Cross as the heirs at Law of said Elisha T. Cross deceased, jointly and equally, subject to the dower therein of said Ann E. Cross, widow of said Elisha T. Cross, and is now subject to partition and division among them.

That said Essie G. Haslett is over the age of twenty-one

years, said William J. Cross is fifteen years of age, said Emmie A. Cross is 13 years of age, said Cleopas D. Cross 12 years of age and said John T. Cross 10 years of age.

That on the 9th day of September A.D. 1889 the said Richard B. Odom Sr. qualified in the County Court of said County as Guardian of said William J. Cross and executed a Bond for the faithful discharge of his duties as such in the penalty of one thousand dollars with David H. Milteer, Saml. R. B. Howell, Silas C. Holland, Zachary T. Holland and Mills E. Howell as his sureties, as will appear by a ~~Note at the same time~~ copy of the Order of said County Court herewith filed as part of this Bill and marked Exhibit F.

That on said 9th day of September 1889 the said Richard B. Odom Sr. also qualified in said County Court as Guardian of said Emmie A. Cross, Cleopas D. Cross and John T. Cross and at the same time executed a

Bond for the faithful discharge of of his duties as such, in the penalty of twenty-four hundred dollars with said David H. Milteer, Saml. R. B. Howell, Silo. C. Holland, Zachary T. Holland and Mills E. Howell as his sureties, as will appear by a copy of the order of said County Court herewith filed as part of this Bill and marked Exhibit G.

That the dower of said Ann E. Cross in said lands has been assigned to her by Commissioners appointed for that purpose on the 18th. day of January 1889 by said County Court.

That the dower so assigned ~~includes consists chiefly of~~ consists of a part of said parcel of 175 acres of land chiefly and of a about one acre of said parcel of 30 1/2 acres.

Your Complainants allege that said lands are susceptible of partition among the parties entitled thereto, and that such partition can be conveniently made. That no one of said parties is willing to accept all said lands and pay therefor to

the other parties such sums of money as their interest therein may entitle them to, nor since any two or more of the parties elect to have their shares laid off together, nor can said lands be conveniently partitioned in that way.

If partition of said lands cannot be conveniently made in such way as to give to each party his ~~share~~ full share ~~of~~ thereof in kind, and in severalty Your Complainants believe and so state that the interests of those who are entitled to said lands, or ~~the~~ ~~its~~ proceeds thereof, will be promoted by a sale of said lands, or allotment of part and sale of the residue.

Your Complainants therefore desire that said lands be sold and the proceeds divided among the parties entitled thereto according to their respective rights, if the same be not susceptible of partition as desired by Your Complainants.

In consideration whereof

Your Complainants, being without remedy save in a Court of Equity, pray that said Arthur D. Haslett and Essie G. Haslett his wife and Ann E. Cross widow of said Elisha T. Cross deceased, may be made parties defendant to this Bill and be required to answer the allegations hereof but answers under oath are hereby waived; that proper process may issue; that said lands may be divided between the several parties entitled thereto as desired by Your Complainants and the shares of Your Complainants allotted to them in severalty; ~~that~~ and in case said real estate cannot be partitioned and divided in kind as desired, that the same be sold and the proceeds of such sale divided among the parties entitled thereto, or that part of said lands be ~~sold~~ allotted and divided as desired and the remainder thereof sold and the proceeds of the sale of such remainder divided as

aforesaid: that such fee or Compensation as may be proper may be allowed and paid to Your Complainants' Counsel out of such money or property as may come under the control of the Court in this Cause; and that all proper orders and decrees may be made and proper inquiries directed and that all such other further and general relief may be given Your Complainants as the nature of their case may require or to Equity shall seem meet, and as in duty bound, Your Complainants will ever pray etc.

Wilbur J. Kilby
Attorney for Complainants

11 Sept. 1889

Cross & al.

vs. } In Chy.

Haslett & al.

Bill

1889 Sept. 16th Decree nisi.

1889 Octo. 7th Decree nisi confirmed and cause set for hearing

Filed at Rules
16 Sept. 1889

Cross per friend
against } In Chancery.

Haslett & als.

1889. Sept. 11th. Summons in Chancery issued returnable to rules on third Monday. (16th) Sept 1889.

" " 16th. Summons returned executed Bill with 7 Exhibits filed and decree Nisi against defendants

" Oct 7th. Decree Nisi Confirmed. Bill taken for Confessed and cause set for hearing.

" " 11th Decree for partition of land &c

1890 Mar 29th. Report of Comrs. under decree of the 11th of Oct. 1889 filed

" Apl 11th. Decree for sale of land.

" " 21st. Bond of W. Kelly Spec. Comr. under decree of 11th Apl 1890 Executed and Copy filed with papers. and Certificate thereof given him.

" Sept 27th. Report of sale filed

Octo 10th Decree Confirming report of sale and directing collection and disbursement of Money and deed to be made to purchaser of Lots

Cross etc.

vs } In Chy.

Haslett et als

Chancery Notes