1892-001
Nansemond Co. (Suffolk)

Chancery Causes: Exr of John R. Kilby vs Admr of Felix Briggs et al

Ruffin, Downey, Riddick, Withers

Kelby's Exrs Vs. Briggs Clothes

Costs

A D Gomer clerk	$9.62
Webber Sergt Roanoke	1.00
Wmson Smith " Ports	50
Howell Shff	1.50
Attorney	15.00
Say	1.50
J E Booker, Printing,	15.00
R. R. ~~Smith~~ Prentis, Cour.	10.00

Kelby's Exrs
vs
Briggs & others

Costs.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED ~~TO SUMMON~~ as at another time you have been Commanded to Summon William A Howell Sheriff of Nansemond County and administrator of the estate of Felix Briggs deceased Frank Ruffin and Lavenia Ruffin his wife Cornelius Briggs Jack Thomas Briggs James Downey and Martha Downey his wife Isaiah Briggs and Mary Briggs who is an infant under the age of twenty one years

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 Third Monday in March 1891, to answer a Bill in Chancery, exhibited against them in the said Court by Webber & Kelly Executer of the last will and testament of John R Kelly deceased

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 5th day of March 189/, in the 115th year of the Commonwealth.

Teste:

A. P. Gomer Clerk.

The within named Isaac Briggs is not found in my county. March 5th 1891.
Wm. H. Howell Shff

W. D. Kelly p.q.
Wilbur J Kilby Exr
vs
J. M. Chancey
William H. Howell Shff
Dals.

1891.
March Rules
Third Monday.

Process Book
No 2. Page 146.
Circuit Court

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON William H Howell Sheriff of Nansemond County Administrator of the Estate of Felix Briggs deceased Frank Ruffin and Lavinia Ruffin his wife Isaiah Cornelius Briggs, Jack Thomas Briggs James Downey and Martha Downey his wife, Isaiah Briggs and Mary Briggs ~~and Mary Briggs~~ who is an infant under the age of twenty one years

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 1891, to answer a Bill in Chancery, exhibited against them in the said Court by Wilbur J Kilby Executor of the last will and testament of John R Kilby deceased

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 21st day of February 189/, in the 115th year of the Commonwealth.

Teste:

A P Gomer Clerk.

Executed this the 27th day of February 1891. by
delivering a true copy of this process to the within
named Wm. H. Howell Shff. & Administrator. &
Frank Roffin. and Lovinia Roffin (his wife)
Each in person

Wm. H. Howell
Shff.

Wilbur Kelly by
Wilbur Kelly Esqre
his Attorney
Wm. H. Howell Shff
Adm &c

1891
March Rules
Frank Murray

Rocco Ross
No. 2. Page
Cir. Court.

CHANCERY SUMMONS.

The Commonwealth of Virginia, Sergt the City of Portsmouth

TO THE ~~SHERIFF~~ OF ~~NANSEMOND COUNTY~~—GREETING:

YOU ARE HEREBY COMMANDED ~~TO SUMMON~~, as at another time you have been Commanded to Summon William H. Howell Sheriff of Nansemond County and administrator of the estate of Felix Briggs deceased Frank Ruffin and Lavenia Ruffin his wife Cornelius Briggs Jack Thomas Briggs James Downey and Martha Downey his wife Isaiah Briggs and Mary Briggs who is an infant under the age of twenty One Years.

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 Third Monday in March 1891, to answer a Bill in Chancery, exhibited against them in the said Court by Wilbur J. Kelly Executor of the last will and testament of John K Kelly deceased

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 4th day of March 189/, in the 115th year of the Commonwealth.

Teste:

A P Gomer Clerk.

W J Kelly p.q.
Wilbur J Kilby Exor
vs } In Chancery
William A Howell Shff
& als

1891

March Rules
Third Monday

Executed by serving a
Copy here of this the
13 day of March 1891
on Isaiah Briggs in
person Wm Son Smith
Srgt

Process Book
No 2. Page 46.
Circuit Court.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE ~~SHERIFF~~ Sergt OF ~~NANSEMOND COUNTY~~ the City of Portsmouth —GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON William A. Howell Sheriff of Nansemond County and administrator of the estate of Isley Briggs deceased Frank Ruffin and Lavinia Ruffin his wife Cornelius Briggs Jack Thomas Briggs James Downey and Martha Downey his wife Isaiah Briggs and Mary Briggs who is an infant under the age of twenty-One years

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 1891, to answer a Bill in Chancery, exhibited against them in the said Court by Wilbur J. Killy Executor of the last will and testament of John R Killy deceased.

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 21st day of February 1891, in the 115th year of the Commonwealth.

Teste:

A P Gomer Clerk.

Not found
Williamson Smith
Sergt

W. J. Kelly p.q.
Webur J. Kelly Exor
Vs Inchancery
Williams & Stowell Sheff
Fals.

1891
March Rules
Last Monday.

Process Book
No 2 Page 44
Circuit Court

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF ~~NANSEMOND~~ Roanoke COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON William A Howell Sheriff of Nansemond County and administrator of the Estate of Felix Briggs deceased Frank Ruffin and Lavinia Ruffin his wife Cornelius Briggs Jack Thomas Briggs James Downey and Martha Downey his wife Isaiah Briggs and Mary Briggs who is an infant under the age of twenty one years

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 1891, to answer a Bill in Chancery, exhibited against them in the said Court by Wilbur J Kelly Executor of the last will and testament of John R. Kelly deceased

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 21st day of February, 1891, in the 115th year of the Commonwealth.

Teste:

A. P. Gomer Clerk.

Executed on March 9
Downey by delivering
her a copy of this writ.

Executed on James
Downey by delivering
a copy of this writ
to his wife, who was
found at home, a
member of the family
over the age of 16
years, after explaining
to her the purport
of the writ, the said
James Downey not
being found at his
usual place of
abode.

C. M. Webber, S.R.C.
Feby 24, 1891

Sheriff's fee of $1.00
Paid by W. J. Kilby
atto.

W. J. Kilby p.q.

W. J. Kilby Exor
vs
D. J. McChancey

William H. Howell
Shff. & administratrix

1891
March Rules
First Monday

Process Book
No 2 Page 444
Circuit Court

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE ~~SHERIFF~~ Sergt OF ~~NANSEMOND~~ the City of Portsmouth ~~COUNTY~~—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Isaiah Briggs

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 1891, to answer a Bill in Chancery, exhibited against him in the said Court by Wilbur J Kilby Executor of the last will and testament of John R Kilby deceased

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 21st day of February 189/, in the 115th year of the Commonwealth.

Teste:

A P Gomer Clerk.

Copy for
Isaiah Briggs

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED ~~TO SUMMON~~ as at another time you have been commanded to Summon Isaiah Briggs

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 Third Monday in March 1891, to answer ~~him~~ a Bill in Chancery, exhibited against him in the said Court by Wilbur J Kilby Executor of the last will and testament of John R Kilby deceased

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 5th day of March 1891, in the 115th year of the Commonwealth.

Teste:

A. P. Gomer Clerk.

Copy for
Isaiah Briggs

VIRGINIA.—AT RULES HELD IN tbe Clerk's office of tbe Circuit Court for tbe county of Nansemond on Monday, the 2d day of Marcb, A. D. 1891:

Wilbur J. Kilby, Executor, etc. Complainant,

AGAINST

William H. Howell, Sheriff and Personal Representative of Felix Briggs, deceased, and others.....Defendants.

IN CHANCERY.

The object of this suit is to recover the sum of fifty-nine and 30-100 dollars, with lawful interest thereon from the 18th day of June, 1882, until paid, due by the bond of said Felix Briggs payable to John R. Kilby, and to subject to the satisfaction tbereof the estate of said Felix Briggs and especially the lot of land of whicb he died seised and possessed, on the northwest corner of Division street and the county road leading from Suffolk to Stever Station, in said county, fronting on said road about 101 feet and on said street about 343 feet, and bounded on tbe nortb by the land of Julia A. S. Wells, on the east by said street, on tbe south by said road, and on the west by the land of Frank Ruffin.

And affidavit having been made that the defendants Cornelius Briggs and Jack Thomas Briggs are not residents of tbe State of Virginia, they, the said Cornelius Briggs and Jack Thomas Briggs, are required to appear, within fifteen days after due publication of this order, in the Clerk's office of our said court, at rules to be holden therefor, and do what is necessary to protect their interests.

And it is ordered tbat a copy of tbis order be published once a week for four successive weeks in the SUFFOLK HERALD, a newspaper printed and publisbed in the town of Suffolk, in said county, and be posted at the front door of the Courtbouse of said county on tbe first day of tbe next County Court for said county after the date hereof.

A copy—Teste:

mh6-5t A. P. GOMER, Clerk.

I, John Edward Booker, the editor and proprietor of the "Suffolk Herald", a newspaper printed and published in the Town of Suffolk in the County of Nansemond, Va. do hereby certify that the above order of Publication has been duly published in said newspaper once a week for four successive weeks from and after the 6th. day of March A. D. 1891

Given under my hand this 4th. day of April A. D. 1891.

J. E. Booker Pubr & Edr

Kilby's Ex'or

vs. } In Chy.

Briggs Fals

Certificate as to publication of order of publication once a week for four successive weeks in the Suffolk Herald.

VIRGINIA.—AT RULES HELD IN the Clerk's office of the Circuit Court for the county of Nansemond on Monday, the 2d day of March, A. D. 1891:

Wilbur J. Kilby, Executor, etc. Complainant,

AGAINST

William H. Howell, Sheriff and Personal Representative of Felix Briggs, deceased, and others.....Defendants.

IN CHANCERY.

The object of this suit is to recover the sum of fifty-nine and 30-100 dollars, with lawful interest thereon from the 18th day of June, 1882, until paid, due by the bond of said Felix Briggs payable to John R. Kilby, and to subject to the satisfaction thereof the estate of said Felix Briggs and especially the lot of land of which he died seised and possessed, on the northwest corner of Division street and the county road leading from Suffolk to Stever Station, in said county, fronting on said road about 101 feet and on said street about 343 feet, and bounded on the north by the land of Julia A. S. Wells, on the east by said street, on the south by said road, and on the west by the land of Frank Ruffin.

And affidavit having been made that the defendants Cornelius Briggs and Jack Thomas Briggs are not residents of the State of Virginia, they, the said Cornelius Briggs and Jack Thomas Briggs, are required to appear, within fifteen days after due publication of this order, in the Clerk's office of our said court, at rules to be holden therefor, and do what is necessary to protect their interests.

And it is ordered that a copy of this order be published once a week for four successive weeks in the SUFFOLK HERALD, a newspaper printed and published in the town of Suffolk, in said county, and be posted at the front door of the Courthouse of said county on the first day of the next County Court for said county after the date hereof.

A copy—Teste:

mh6-5t A. P. GOMER, Clerk.

State of Virginia
County of Nansemond } to wit

Azra P. Gomer, Clerk of the Circuit Court of the County of Nansemond this day appeared in person before me, Wilbur J. Kilby, a Commissioner in Chancery of the Circuit Court aforesaid and made oath that on the first day of the County Court of said County at the March Term thereof, to wit, on the 9th. day of March, in the year 1891, he posted a copy of the above order of publication at the front door of the Courthouse

of said County. A. L. Gomez Clerk

Subscribed and sworn to before me this 16th. day of March 1891.
Wilbur J. Kilby.
Comr. in Chancery.

Kilby's Ex'or
vs. } In Chy.
Briggs et al.

Affidavit of the Clerk of Court as to posting Order of Publication at Courthouse door.

Virginia:

At Rules held in the Clerk's Office of the Circuit Court for the County of Nansemond on Monday the 2nd. day of March A.D. 1891.

Wilbur J Kilby Executor etc. Complainant.

against } In Chancery

William A. Howell Sheriff and Personal Representative of Felix Briggs deceased and others Defendants

The object of this suit is to recover the sum of fifty-nine and 30 dollars 100 with lawful interest thereon from the 18th. day of June 1882 until paid due by the bond of said Felix Briggs payable to John R. Kilby and to subject to the satisfaction thereof the ~~real~~ estate of ~~which~~ said Felix Briggs ~~died seized~~ and especially the lot of land of which he died seized and possessed ~~and possessed. Consisting of a lot of land on~~ situated on the Northwest Corner of Division Street and the County road leading from Suffolk to Steven's Station in said County fronting on said road about 101 feet and on said Street about 343 feet and bounded on the North by the land of Julia A. S. Wells On the East by said Street on the South by said Road and on the west by the land of Frank Ruffin.

And affidavit having been made that the defendants, Cornelius Briggs and Jack Thomas Briggs are not residents of of the State of Virginia, thay, the said Cornelius Briggs and Jack Thomas Briggs are required to appear within fifteen days after due publication of this Order in the Clerk's Office of our said Court at rules to be holden therefor and do what is necessary to protect their interest. And it is ordered that a copy of this Order be published once a week for four successive weeks in the Suffolk Herald, a newspaper printed and Published in the Town of Suffolk in said County and be posted at the front door of the Court House of said County on the first day of the next County Court for said County after the date hereof.

A. J. Gomer Clerk.

John R. Kilby's Ex'or

vs. } In Chy.

Felix Briggs. Per. Rep.
and others.

Order of Publi-
cation as to Corne-
lius Briggs and
Jack Thomas Briggs.

In the Circuit Court of Nansemond County, Va.

Wilbur J. Kilby, Executor of the last will and testament of John R. Kilby, deceased. Complainant,

Against } In Chancery.

William H. Howell, Sheriff, and Administrator of the estate of Felix Briggs deceased and others. Defendants.

This day Wilbur J. Kilby appeared in person before me, Azra P. Gomer, Clerk of the Circuit Court of the County of Nansemond and made oath that Cornelius Briggs and Jack Thomas Briggs against whom and others he, as Executor of the last will and testament of John R. Kilby deceased, has lately instituted a suit in Equity, in said Court, are not residents of the State of Virginia.

Wilbur J. Kilby

Subscribed and sworn to before me this 2nd. day of March 1891.

A P Gomer Clerk

John R. Kilby's Executor.

vs. } In Chy.

Felix Briggs' Per. Rep. and others

Affidavit as to non-residence of Cornelius Briggs and Jack Thomas Briggs.

At Rules held in the office of the clerk of the Circuit Court of Nansemond County, Va. on the second day of March A. D. 1891.

Wilbur J. Kilby, Executor of the last will and testament of John R. Kilby deceased. Complainant

Against } In Chancery

William H. Howell, Sheriff of Nansemond County and administrator of the estate of Felix Briggs, deceased, and others. Defendants

On the motion of the Complainant, Lee Britt Esq. Attorney at Law is appointed guardian to the defendant, Mary Briggs, who is an infant under the age of twenty-one years, to defend her in this suit.

A. P. Gomer Clerk
Circuit Court of
Nansemond County

Kilby's Ex'or

vs. } In Chy.

Briggs &al.

Order appointing Guardian ad litem.

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

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Six 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 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 20th day of April in the year of our Lord one thousand eight hundred and ninety-two, and in the 116th 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 13th day of April 1892 in the Chancery cause pending in said Court between Wilbur J. Kilby, Executor of the last will and testament of John R. Kilby, deceased, Plaintiff, and William H. Howell, Personal Representative of Felix Briggs, deceased and others, Defendants, it was decreed that the parcel of land, mentioned in said decree, of which said Felix Briggs died seized and possessed, be sold, and the above-bound Wilbur J. Kilby was appointed Special Commissioner to sell the same as specified in said decree, and was required before proceeding to sell the same to execute a bond in the penalty of $600. conditioned by the faithful discharge of his duties under said decree and all other decrees he may be required to execute in said Cause; Now, therefore, if the said Wilbur J. Kilby, as Special Commissioner, aforesaid, shall faithfully discharge his duties 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 effect.

Wilbur J. Kilby SEAL

L. Clay Kilby SEAL

In the office of the Clerk of the Circuit Court of Nansemond County, on the 20th day of April 1892

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

Teste: A. S. Gomer CLERK.

A Copy Teste: A. S. Gomer Clerk

W J Kirby

To

J J Spee, Comr Bond

The Commonwealth

1892

April 20th

Recorded in Bond
Book No 1 Page 35.

Circuit Court

Wilbur J Kelly Executor of the last will
and testament of John R Kelly deceased

vs

William H Rowell Sheriff of Nansemond
County and Administrator of the estate
of Julia Briggs deceased Frank Ruffin
and Lavinia Ruffin his wife Conclus
Briggs Jack Thomas Briggs James Downey
and Martha Downey his wife Isaiah
Briggs and Mary Briggs who is an infant
under the age of twenty one years Defts

Summons in Chancery Rule on the
first Monday in March 1894,

W J Kelly p.q.

Wm Kelly Exr
vs
Wm Howell Dft
&
Chancy.

COMMISSIONER'S OFFICE,
SUFFOLK, VA., January 27, 1892.

TO WILBUR J. KILBY, EXECUTOR of the last will and testament of John R. Kilby, deceased.....Complainant,

AGAINST

William H. Howell, Sheriff of Nansemond county and administrator of the estate of Felix Briggs, deceased; Frank Ruffin and Lavinia Ruffin, his wife; Cornelius Briggs, Jack Thomas Briggs; James Downey and Martha Downey, his wife; Isaiah Briggs, and Mary Briggs, who is an infant under the age of twenty-one years, and Lee Britt, guardian *ad litem* of the said Mary Briggs.....Defendants.

IN CHANCERY.

You are hereby notified that I have fixed upon the 29th day of February, 1892, next, to take and settle at my office:

1. An account of the transactions of William H. Howell, Sheriff, and commissioner of the estate of Felix Briggs, deceased.
2. An account of the debts due by the said Felix Briggs, or his estate, according to their dignities and priorities.
3. An account of the real estate of which said Felix Briggs died seized and possessed, together with its fee simple and annual values.
4. An account of any matters, specially stated, deemed pertinent by myself, or which any of the parties may require to be so stated.

Required to be taken by a decree of the Circuit Court of the County of Nansemond, rendered on the 10th day of October, 1891, in a suit in chancery depending in said court between you, at which time and place you are required to attend. The decree provides that this publication shall be equivalent to personal service of notice.

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

ROBERT R. PRENTIS,
Commissioner.

WILBUR J. KILBY, p. q. ja29-4w

LADIES', MISSES' AND CHILDREN'S
CLOAKS
That they have ever shown!
Now is your time to get bargains in

Office of The Herald.

Suffolk, Va. March 26 1895

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.

Cost Paper 1st Notice 8.00
Do " 2nd " 7.00
$15.00

J. E. Booker
Publ'r

Editor Herald.

Commissioner's Office,

Suffolk, Va., Feb'y. 29, 1892.

John R. Kilby's Executor

Against

Felix Briggs Administrator and others

To the Honorable Chandler W. Hill, Judge of the Circuit Court of Nansemond County:-

The undersigned, one of the Commissioners of the Circuit Court of Nansemond County begs leave respectfully to report, that at the request of the Complainant's counsel he has proceeded to execute the decree pronounced in the above entitled chancery cause on the 10th. day of October 1891.

The notice which was by the said decree required to be given was issued on the 27th. day of January 1892, and was published once a week for four successive weeks in the "Suffolk Herald" newspaper. This day was fixed as the time and my office as the place for taking the accounts and making the enquiries required by the said decree. The said notice, together with a certificate of the Editor of the said newspaper showing that it was published according to law, is herewith returned.

As the result of his investigations the Commissioner reports as follows:-

I.

AN ACCOUNT of the transactions of William H. Howell, Sheriff and Administrator of Felix Briggs, deceased.

The administrator reports that no assets have come into his possession, and that he has made no disbursements

II.

AN ACCOUNT of the debts due by the said Felix Briggs deceased or his estate.

The only debt proved is the debt due to the Complainant, viz:

DEBT due to Wilbur J. Kilby Executor of John R. Kilby, deceased.

1882 June 18.	Balance due on bond, Principal	$58.64
	Interest	.66
	Interest from June 18, 1882 to May 18 1892. 9 years, 11 months.	34.89
1892 May 18.	Amount due	$94.19

III.

AN ACCOUNT of the real estate of which Felix Briggs died seised and possessed together with its fee simple and annual value.

All that certain lot or parcel of land in Cypress District, Nansemond County, Virginia, lying at the Northwest corner of Division Street and the County road leading from Suffolk to Stevers Station, fronting on said road about one hundred and one (101) feet, and and bounded by the said Street about three hundred and forty three (343) feet, on the East, and bounded on the North by the land of Julia A. S. Wells, on the West by the land of Frank Ruffin and on the South by the said road.

ITS FEE SIMPLE VALUE is supposed to be about $300.

ITS ANNUAL VALUE is nominal

Respectfully submitted,

Robt T. Dennis

Commissioner in Chancery.

Fee $10.

Jno. R. Kilby's Ex'or.

v. Commissioners

Report.

Felix Briggs' Adm'r.

Dated Feby. 29. 1892.

Confirmed 13th. April
1892

1892 July 29th. Filed
L. P. Gomez clerk

Kilby's Ex'or.
vs.
Briggs' Admr. &als.

This cause came on this day to be again heard on the papers formerly read and on the Report of Commissioner Robert R. Prentis filed on the 29th. day of February 1892 (the same being a Report of the debts against Felix Briggs or his estate and of the real and personal estate of which he died seised and possessed, under the decree entered herein on the 10th. day of October 1891), and was argued by counsel.

On consideration whereof the Court doth approve and confirm the said Report to which no exception has been taken and doth adjudge, order and decree that the parcel of land, mentioned and described in said Report, of which said Felix Briggs died seised and possessed, be sold and that Wilbur J. Kilby, who is hereby appointed Special Commissioner for the purpose, 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 one-third of the purchase-money in cash and the remainder

in equal sums at the end of six and twelve months respectively with interest from the day of sale; - the purchaser to execute 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 to be posted in the neighborhood of said land, at said Courthouse door and several public places in said County and by publication of the notice once a week for two or three successive weeks in a newspaper published in the Town of Suffolk in said County, and will execute before the Clerk of this Court a bond in the penalty of six 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 the Clerk aforesaid, a certificate of the due execution of such bond, and append the same or a copy thereof to the advertise-

ment of the sale, and make report to Court of his transactions under this decree.

Kilby's Ex'or

vs. } In Chy.

Briggs' Admr. &als

In the Circuit Court
of Nansemond County
April 13 1892

Decree ~~13~~

To be entered

CMB

Entered in Chy. Order Book
No. 2. Page 434

Kilby's Ex'or

vs.

Briggs & al.

This Cause regularly matured and set for hearing at Rules and in which the Complainant has proceeded against the defendants, Cornelius Briggs and Jack Thomas Briggs, who are not residents of the Commonwealth of Virginia, in the manner prescribed by law against non-resident defendants, they still failing to appear and plead, answer or demur to the Bill, came on this day to be heard on the order of publication which has been duly published and posted as required by law, as to said non-resident defendants, on the Bill of the Complainant, taken for confessed as to ~~William H. Howell~~ the defendants, William H. Howell, Sheriff of Nansemond County and administrator of the estate of Felix Briggs, deceased, Frank Ruffin and Lavinia Ruffin his wife, and James Downey and Martha Downey his wife, on whom process had been duly served and executed, they still failing to appear and

plead, answer or demur to said Bill, on the exhibits filed with said Bill, and on the answer of ~~Mary Briggs~~ the defendant, Mary Briggs, an infant under the age of twenty-one years by Lee Britt Esq. Attorney at Law, her guardian ad litem, appointed at Rules to defend her in this suit, with general replication to said answer, 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 take, State, and settle and report to Court the following accounts, to wit:

1. An Account of the transactions of William H. Howell, Sheriff and administrator of the estate of Felix Briggs deceased.

2. An Account of the debts due by the said Felix Briggs, or his estate, according to their dignity and priorities

3. An Account of the real estate of which said Felix Briggs died seised and possessed together with its fee-

simple and annual values.

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

And the Court doth direct that notice of the time and place ~~and terms~~ of taking said accounts be published once a week for four successive weeks in the "Suffolk Herald", a convenient newspaper, printed and 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 to this cause.

Kilby's Ex'or

vs. } In Chy.

Briggs Tal.

In the Circuit
Court of Chautauqua
County.
October 10 1891

Decree
To be entered.
WDL

Entered in Chancery
Order Book No. 2,
Page 403.

Kilby's Ex'or.

vs.

Briggs' Per. Rep. &al.

On the motion of the Complainant, who says that his claim against Felix Briggs as stated in the Bill together with all the costs of this cause has been paid in full by the defendant. Cornelius Briggs, it is ordered that this cause be dismissed.

And on the motion of said Cornelius Briggs, he is permitted to withdraw from the papers herein and retain the Bond which is the evidence of said claim and is filed as "Exhibit D" with the Bill, but the clerk of this Court will make a copy thereof to be filed with the papers herein in place of the original, before the latter is delivered to said Cornelius Briggs.

Kilby's Ex'x,

vs. } In Chay.

Briggs' Per. Rep. &al.

In the Circuit Court
of Nansemond
County.
October 14th 1892
Order dismissing
cause
To be entered
C W D

Entered in Chancery
Order Book.
No. 2. Page 464.

The answer of Mary Briggs, an infant under the age of twenty-one years by Lee Britt Esq. Attorney at Law her guardian ad litem appointed to defend her in this suit, to the Bill of Complaint, exhibited against her and others in the Circuit Court of Jasemond County by Wilbur J. Kilby, Executor of the last will and testament of John R. Kilby deceased;

For answer to said Bill said Mary Briggs by her said guardian ad litem answers and says that, being an infant of tender years she is ignorant of the matters mentioned in said Bill and incapable of understanding, or taking care of her rights and interests. She, therefore, by her said guardian ad litem, commits herself and her rights and interests to the protection of the Court and prays that no decree may be pronounced which will tend to her prejudice, or be against her interest.

And now having fully answered she prays hence to be dismissed with her reasonable costs in this behalf expended

Kilby's Ex'or

vs. } In Chy.

Briggs &al.

Answer of infant defendant by her guardian ad litem

Filed Dec 1st 1866
Thos. Briggs
by the Bill
Chas. Dunn a.c.

Recd Dec 1st 1866

$81.60 On the first day of January, 1876, with Interest from this day, I promise to pay unto John R Kelly his heirs, executors, administrators, or assigns, the just and full sum of Eighty one Dollars and sixty Cents, for value received; for the payment of which I bind myself, my heirs, executors and administrators, firmly by these presents; and I hereby waive the benefit of my Homestead Exemption as to this debt and obligation.

As witness my hand and seal this 23d day of September in the year of our Lord one thousand eight hundred and seventy four

Witness Felix his X mark Briggs Seal

Peter B Prentis

A Copy Test: A P Gomez Clerk

Exhibit D.

1882 June 18th. Paid by Wilbur J. Kilby, Truste of Felix Briggs, twenty-five & 50/100 dollars in part hereof, being net proceeds of sale of lot of Felix Briggs in Suffolk under deed of trust to secure this Bond.

Credit 13 July 1875
Seven dollars.
John N. Kelly

Secured by Deed of Trust

Felix Briggs
$51.60

1874 Oct. 31. Paid $10.
1875 July 13 " 7
1875 Aug. 30 " 10
$27

Felix Briggs

To John R. Kilby Dr.

To Amt. of Bond secured by deed of Trust.	$81	60
" Int. from 23 Sept. 1874 to 31 Octo. 1874 — 1 m. 8 ds.		50
	$82	10
Credit paid 31 Octo. 1874.	10	00
	72	10
Int. from 31 Octo. 1874 to 13 July 1875 — 8 m. 12 ds.	3	02
	$75	12
Paid 13 July 1875	7	00
	$68	12
Int. from 13 July 1875 to 30 Aug. 1875 — 1 m. 17 ds.		52
	68	64
Paid 30 Aug. 1875	10	00
	58	64
Int. from 30 Aug. 1875 to 18 June 1882 — 6 y. 9 m. 18 ds.	26	16
	84	80
Paid by Wilbur J. Kilby, Trustee the net proceeds of sale of land under deed of trust.	25	50
Balance due	$59	30

Int. from 18 June 1882

A Copy Teste. A. D. Gorney Clerk

Kelley's Ex'or
vs } In Eqy.
Briggs et als

A copy of
Exhibit D.
filed with the
Bill.
Bond and
Statement.

Virginia:

At a monthly Court
Continued and held
for the County of Nansemond
at the Court House in the
Town of Suffolk on Tuesday
the 14th. day of January
A D 1879.

A writing purporting to be the Last Will and Testament of John R Kilby late of this County deceased (together with a codicil thereto) was this day presented to the Court, and there being no subscribing witnesses to the said Will, John H Wright and Peter B Prentis were Sworn and severally deposed, that they are well acquainted with the hand writing of the said John R Kilby deceased and verily believe that the said Will and the signature thereto subscribed are wholly in the hand writing of the said John R Kilby, deceased, and the Codicil to said Will was fully proved by the oaths of Peter B Prentis and Solomon Hodges the subscribing witnesses thereto Whereupon it is ordered that the said Will and Codicil be recorded as the true Last Will and Testament of the said John R. Kilby deceased.

And on the Motion of Wilbur J Kilby the only Executor named in the said Will, who made oath as the law directs and entered into a bond in the penalty of One Thousand Dollars, conditioned according to law (but without security the Will directing that none should be required of him, and which said bond being acknowledged by the obligor therein is ordered to be recorded) Certificate is granted the said Wilbur J Kilby for obtaining a probat of the said Will and Codicil in due form.

A Copy Teste:

R. R. Smith Clerk

Kilby's Ex'or.

vs. } In Chy.

Briggs Sols.

Exhibit C.
Filed with the
Bill

Dec 1, 50 ¢

Virginia:

At a County Court held for the County of Nansemond at the Court House in the Town of Suffolk on Monday the 10th day of June A.D. 1889.

Two Months having elapsed since the death of Felix Briggs late of this County without there being an Executor or Administrator of his estate, it is ordered: On motion of L Clay Kilby that the Sheriff of this County take into his possession the estate of said Felix Briggs and administer the same according to law.

A Copy.

Teste:

J P Gomes D.C

Kilby's Ex'or.

vs. } In Chy.

Briggs & als.

Exhibit B.
filed with the
Bill

This Deed, made the sixth day of September in the year of our Lord one thousand eight hundred and Eighty three between Anna M Riddick John T. Riddick and Missouri J. Withers of the County of Nansemond and N. Henly Riddick of the city of Norfolk in the State of Virginia of the one part and and Felix Briggs of Nansemond County Virginia, of the other part, witnesseth; That in Consideration of the sum of Fifty Dollars, paid to Nathaniel Riddick, dec'd, in his life time. the said Anna M Riddick, John T. Riddick, Missouri J. Withers, and N. Henly Riddick do grant with general wananty, unto the said Felix Briggs and to his heirs and assigns, forever. the following real estate to wit; a certain lot or parcel of land, near the town of Suffolk, lying on the Northern side of the County road, leading from Suffolk to Stevens Station fronting on the said County road about 101 feet, running back about 343, feet to a ditch, bounded on the West by the lot this day conveyed by the grantors to Frank Ruffin, on the North by the land of Nathaniel Riddick's heirs, on the East by a Street or lane belonging

to the said Nathaniel Riddicks heirs, and on the South by the County road. The said lot being a part of the "Jericho" farm which was devised to the grantors Anna M Riddick Missouri T. Withers, and N. Henry Riddick by the last will and testament of Nathaniel Riddick decd, together with all and singular the appurtenances belonging to the same, and the said grantors, covenant that they have the right to convey the same to the said grantee, that the said grantee shall have quiet possession of the said land, that they have done no act to encumber the said land, and that they will execute such further assurances of the said land as may be requisite,

Witness the following signatures and seals,

Witnesses

Anna M. Riddick Seal
Missouri T. Withers Seal
N. H. Riddick Seal
Jno. T. Riddick Seal

State of Virginia
County of Nansemond } To wit:
I, Rob. R. Prentis, a Commissioner in Chancery of the Circuit Court in and for the said County, in the State of Virginia, do certify that Anna M. Riddick, Missouri T. Withers, and John T. Riddick whose names are signed to the writing above, bearing date the sixth day of September 1883, have acknowledged the same before me in the County aforesaid.

Given under my hand this 11 day of September, 1883,

Rob. R. Prentis
Comm'r in Chancery

State of Virginia,
Corporation of the City of Norfolk, to wit:
I, John C. Baker, a Notary Public in and for the said Corporation in the State of Virginia, do certify that N. Henry Riddick whose name is signed to the writing above bearing date the sixth day of September, 1883, has acknowledged the same before me in the Corporation aforesaid.

Given under my hand this 10th day of September, 1883,

John C. Baker
Notary Public

In the clerks office of Hansemond county Court the 14th day of May, 1889.

This deed was presented with the certificates annexed, and admitted to record.

Teste;

E. T. Causey Jr. D.C.

A copy

Teste;

R. R. Smith Clerk

Kilby's Exor,

vs. } In Chy.

Briggs & als.

Exhibit A.
filed with the
Bill.

To the Honorable Chandler W. Hill
Circuit Court Judge for the County
of Nansemond in the State of Vir-
ginia;

Complaining respectfully repre-
sents and shows unto Your Honor,
Your Complainant, Wilbur J. Kilby
Executor of the last will and tes-
tament of John R. Kilby, deceased,
the following case:

That prior to the first day of
April A.D. 1889 but subsequent
to the sixth day of September A.D.
1883, Felix Briggs departed this
life intestate, seised and pos-
sessed of a certain lot or parcel
of land situated on the Northwest
corner of Division Street and the
County road leading from Suffolk
to Stever Station and in Cypress
Magisterial District in the County
of Nansemond in the State of Vir-
ginia, fronting on said road about
one hundred and one (101) feet and
on said Street about three hundred
and forty-three (343) feet and
bounded on the North by the land
of Julia A. S. Wells, on the East by

said Street, on the South by said road and on the west by the land of Frank Ruffin together with all and singular the appurtenances belonging to the same.

That said land was sold and conveyed to said Felix Briggs by Anna M. Riddick, Missouri P. Withers N. Henley Riddick and John T. Riddick by a deed of Bargain and sale dated the 6th. day of September A.D. 1883 and recorded the 14th. day of May A.D. 1889 in the office of the Clerk of the County Court of Isle of Wight County, as will appear by a copy of said deed, duly attested, filed herewith as part of this Bill and marked Exhibit A.

That said Felix Briggs left no widow surviving him.

That his heirs at Law and distributees, who survived him at the time of his death, were his children, Lavinia, wife of Frank Ruffin, Cornelius Briggs, Jack Thomas Briggs, Martha Downey, wife of James Downey, Isaiah Briggs, and Mary Briggs, all of whom are now living, the said Mary

Briggs alone being an infant under the age of twenty-one years

That the personal estate of said Felix Briggs was, on the 10th. day of June A.D. 1889, by an order of said County Court, committed to the hands of William H. Howell, the Sheriff of said County for administration according to law, as will appear by a duly attested copy of said order filed herewith as part of this Bill and marked Exhibit B.

That on the 14th. day of January A. D. 1879, Your Complainant, qualified as the Executor of the last will and testament of John R. Kilby deceased, in said County Court, as will appear by a transcript from the records of said County Court, duly attested, filed herewith as part of this Bill and marked Exhibit C.

That at the time of his death, the said Felix Briggs was indebted to the estate of said John R. Kilby deceased in the sum of fifty-nine and 30/100 dollars bearing interest from the 18th. day of June A. D. 1882 till paid, - said sum of money being

the balance due and payable on the last-named day, of a Bond for the sum of Eighty-one and 60/100 dollars, executed by said Felix Briggs in his life-time, to wit. on the 23d. day of September A.D. 1874, payable to said John R. Kilby on the first day of January A.D. 1876, with interest from its date, as will appear by said Bond and a statement showing the balance thereof now due, herewith filed as parts of this Bill and together marked Exhibit D.

That the sum of ten dollars was paid on said Bond on the 31st. day of October 1874, the sum of seven dollars on the 13th. day of July 1875. the sum of ten dollars on the 30th. day of August 1875. and the sum of twenty-five and 50/100 dollars on the 18th. day of June 1882. leaving the balance of fifty-nine and 30/100 dollars due as aforesaid.

That there have been no payments on said bond other than as stated above and that said balance is still due and unpaid, and is now payable to Your Complainant.

That said John R. Kilby departed this life on the 5th day of December 1878, leaving his last will and testament, and naming as the Executor thereof, Your Complainant, who qualified as aforesaid.

Your Complainant charges that the said Felix Briggs died seised and possessed of no estate of any kind, save and except the parcel of land above-mentioned: that said sheriff as his Administrator, has never received any personal estate and has no money or other assets in his hands out of which to pay said debt; and that said land is liable for and should be subjected to the satisfaction of said debt.

And notice is hereby given that the Court will be asked to allow and pay to Counsel for the Complainant for preparing this Bill and conducting the proceedings herein, such fees or Compensation as may be reasonable and proper out of such funds as may come under the control of the Court in this Cause.

In consideration whereof, Your

Complainant, who is without remedy save in a Court of Equity, prays that said William H. Howell, Sheriff of Hanover County and administrator of the estate of Felix Briggs, deceased, Frank Ruffin and Lavinia Ruffin, his wife, Cornelius Briggs, Jack Thomas Briggs, James Downey and Martha Downey his wife, Isaiah Briggs and Mary Briggs who is an infant under the age of twenty-one years, may be made parties defendant to this Bill and be required to answer all the allegations thereof, - the adults in their proper persons and the infant by her guardian ad litem to be appointed to defend her in this suit, answers under oath being hereby waived; that the debts of said Felix Briggs may be ascertained, properly proved, and reported to Court according to their dignity and priorities; that an account of the real and personal estate of said Felix Briggs deceased, may be taken together with its fee-simple and annual values; that an account of the transactions of William H. Howell Sheriff and administrator of the estate

of said Felix Briggs deceased, may be taken, stated and reported to Court; that the personal estate of said Felix Briggs may be applied to the payment and satisfaction of his debts, including the debt aforesaid and, if there is no such personal estate, that said real estate may be sold and the proceeds thereof, so applied; that such fees or compensation as may be proper, may be paid to the Counsel of Your Complainant for the preparation of this Bill and conducting the proceedings in this suit; that all such other accounts, may be taken and all such orders and decrees as may be necessary, may be made, and all such other, further and general relief granted Your Complainant as the nature of his case may require and to Equity may seem right and proper. And Your Complainant will ever pray etc.

Wilbur J. Kilby, Executor
of John R. Kilby, deceased.

21 Feby. 1891.

Kilby's Ex'or

vs. } In Chy.

Briggs &al.

Bill

C & J Kilby Exor &c Complainants
against } In Chancery
W S Howell Shff &als Defendants.

1891. Feby. 21st. Process issued returnable to March Rules First Monday.

" Mar. 2nd. Process returned executed on W S Howell shff. and Admr. & Frank Ruffin and Lavenia his wife and James Downing & Martha Downing his wife and Decree Nisi as to them
Bill filed alw'y's B.C. & D.

" " 4th. Process issued vs Isaiah Briggs returnable March Rules thirs Monday.

" " 16th Process returned executed on Isaac Brigg and Decree Nisi against him.

" " 2nd. See Brief appointed Gdn ad litem
Answer of Gdn ad litem

" March 2nd. Affidavit as to Non residence of Cornelius Briggs.
Certificate as to Publication of Order.

" " 16th. Affidavit of Clerk Comm as to posting Order of Publication

1891 March 2nd. Order of Publication as to Cornelius Boggs and Jack Thomas.

Ohy Notes.