

1895-029

Nansemond Co. (Suffolk)

Chancery Causes: G.W. Houghwout et al vs Mary A. Houghwout, widow et al

Campbell, Rogers, Madre, Richardson, Roby, Johnson, Catchin, Corbell, Folder 1 of 2
Owen

Taibault Minn.

Jan 30, 95

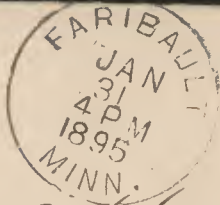
Mr. Holland Sir.

I have been expecting to hear from my share in the estate of my brother deceased Theodore Haughwout and as I have not, I thought I would right write. I am standing in need of some money very much, I am needing wood and coal and no money to buy it with and have no husband to provide me a living so please write and send me my share if possible I remain yours

Mrs. Elizabeth Campbell
Hurt your letter

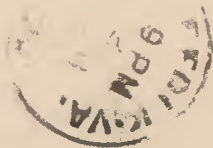
Get my hear from you as soon as you over get this.

Mrs. Elizabeth Campbell
Faribault
P. O. Box 476. Minnesota,



Mr. C. C. Holland
Suffolk
Virginia

Feb 13. 1895—
Paid \$500



COURTS:
Isle of Wight, Nansemond
and Southampton.

LAW OFFICE OF
W. S. HOLLAND.

Windsor Station, Va., July 22 and 189

Mr. E.E.Holland,

Dear Sir,

After reading yours of this date I looked at the first and was surprised to find just the information desired. I carelessly looked it over the first time. I opened it and not seeing any rent item I failed to recognize it. Am sorry I put you to that trouble.

I write to Holland by this mail .
I do not know that he wants me to represent him in this matter but suppose he does. I shall advise him to settle if he answers me.
. Thanking you for the Houghwout check for \$75 I am,

Yours respectfully,

W S Holland

Return to W. S. HOLLAND,
WINDSOR STATION, Isle of Wight County, Va.,
If not delivered within 10 days.



Mr. E. E. Hall and
Suffolk
Va

No 1

5 PM
23-
1894
REC'D.

July 23rd 1875

Friendship for
Mr. E. E. Holland

I am sorry as my husband
is sick and not able to come
please send my money to
me by my brother Walter.

With Oblige

Deborah Richard
son

268. 27
175

90. 27

Mr. E. C. Holland

Sagehen, N. H.

April th 24 1895-

Mr. E. C. Holland.

Dear sir please pay to
George Richardson my
husband my money out
of the estate and oblige

D. Delphine
Richardson

Mr. E. C. Holland

3/8

Brittman Va

July 13th

Mr E E Holland

Sir

I am very
much in need
of money. Just
now. and am
compelled to ask
you to lend me
some. I bargain to
buy me a place
and the party is
pushing me for a
payment. So I ask
you please send me
two hundred dollars.
Yours & respectable Respect
Mrs Emma G Raby

Mr E E Holland
Lufford Va

This deed made this 21st day of June
in the year 1889, between Elizabeth L.
Johnson in her own right and James
P. Johnson ^{her husband} of the County of Nausmond
in the State of Virginia of the first part
and Theodore Haughwout of the said
County and State, of the second part.
Witnesseth That in consideration of the
sum of Two Thousand, Two Hundred and
Forty Five Dollars and Seven cents
(\$2245.07), the said Elizabeth L. Johnson
and James P. Johnson, her husband
do grant and convey unto the said
Theodore Haughwout with general
warranty, all that tract, piece or parcel
of land, situate, lying and being in
Chuckatuck Magisterial District,
Nausmond County aforesaid, containing
eighty (80) acres, more or less, and adjoining
the lands of James E. King (formerly
Jack Cutcher's), Elizabeth L. Johnson,
Margaret A. Godwin's Estate, Wm. P. Matthews
and others, and Chuckatuck Creek, being
the same land which formerly belonged
to the late Stephen P. Hockey, subsequently
purchased by Theodore Haughwout
from the said Stephen P. Hockey's heirs,
and conveyed to the said Elizabeth
L. Johnson by the said Theodore Haughwout.

by deed dated the 16th day of October
1885 and recorded on the 23rd day
of October 1885 in the Clerk's Office
of the County Court of Nansemond
County in W. B. no 15 together with
all and singular the appurtenances
thereto belonging. The said Elizabeth
L. Johnson and James P. Johnson
covenant that they have the right
to convey the said land to the grantee,
that they have done no act to encumber
the said land, that the grantee shall
have quiet possession of the said
land free from all encumbrances, and
that the said Elizabeth L. Johnson
and James P. Johnson will execute
such further assurance of the said
land as may be requisite.
Witness the following signatures
and seals

State of Virginia

County of Nansemond, W. B.

Elizabeth L. Johnson

James P. Johnson

I Lee Britt, a notary public, in and for the County of
Nansemond in the State of Virginia, do certify that
Elizabeth L. Johnson and James P. Johnson whose names are
signed to the foregoing writing bearing date on the 21st
day of June 1889 have acknowledged the same before
me in my County aforesaid. Given under my
hand this 21st day of June 1889

Lee Britt
Notary Public

In the Clerk's Office of Nassau and County
Court the 22nd day of June 1889

This Deed was presented with the certificate
annexed and admitted to record

Teste:

C. H. Bailey Jr. D.C.

Elizabeth L Johnson
and
James P. Johnson
to { Clerk of Bargain Sale
Theodore Hawthorn

1889
June 22nd: Presented in
the Clerk's Office with the
certificate annexed & a.n.

1890.
July 31st Examined
verified and mailed
to L^h
R. R. Smith Clerk
1-1

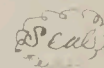
Recorded Deed Book
No: 22 p. 150.

Tax & Fee paid \$3.55
C.H.B. Jr. D.C.

This deed made this 23^d day of August 1884, between
Thomas H. Corbell and Nancy J. Corbell his wife, of the
County of Shelburne and State of Virginia of the first part,
and Theodore Haughwout of Hanseman County and State
of Virginia of the second part. Witness Eth that in consideration
of the sum of One Hundred and Sixty four Dollars and
fifty cents, the said parties of the first part, do grant
with General Warranty, unto the said Theodore Haughwout
his heirs and assigns forever, the following Real Estate
to wit: a certain piece or parcel of Land, containing by
Estimate Six Acres more or less, and all its appurtenances,
situate, lying and being in Pascoe Neck Shelburne County,
Virginia, and bounded as follows, on the North by the Land of Mary
E. Shephard, on the South by Nancy J. Corbell's Land, on the East by
Chuckatuck Creek, and on the West by Susan Owen's Land
formerly Shephard. being a part of the Land appertaining to Giles
J. Shephard from his father's Estate, and from the Giles J. Shephard
and wife by deed to John Shephard, and from the said John
Shephard and wife ^{and others} by deed to Nancy J. Corbell, all of which
can be found by reference to the records in the Clerk's office of
Shelburne County Court and the parties of the first part covenants
that they have the right to convey the said Land to the Grantee
and that he shall have quiet possession of the said Land and its appur-
tenances and that they will execute such further assurances as may
be requisite. Witness the following signatures and seals

Thomas H. ^{his} Corbell

Nancy ^{mark} J. Corbell



In the Clerk's Office of the County Court of
Salem of Wright County, the 18th day of Jan'y. 1883.
This Deed from Thos. H. Corbell and wife to
Theodor Hauglum, was acknowledged by the
said Thos. H. Corbell to be his act, and the
said Mary J. Corbell the wife of the said Thos. H.
Corbell also party to the said deed bearing date
the 23rd day of August 1882, personally appeared
before me in my said Office, and being examined
by me privately and apart from her said husband
and having the said deed fully explained to her,
she acknowledged the same to be her act, and
declared that she had willingly executed the
same and does not wish to retract it and
thereupon the said deed is admitted to record.

Teste,

A. D. Sprague, Ck.

Corbell J. S. & wife

To 3 Dec
3 73 & 8.

Haughmunt

= Jan. 10th 1888.

Acct. D. Kellogg

& Co.

D

exam. & recd. accy. to law.

Received D. B.

No. 48. pg. 300

Pay _____ . 00

for _____ 1.75

Paid \$ 1.75

J. P. Long

This deed made the 1st day of Jan-
uary 1885 between Nathaniel Cutcher
and Eliza Virginia his wife of the
first part, and Theodore Haughwout
of the second part witnesses, that
in consideration of the sum of twenty
one hundred dollars, the receipt of
which is hereby acknowledged, the
said Nathaniel Cutcher and Eliza
Virginia his wife, do grant with
general warranty unto the said
Theodore Haughwout the following
property to wit: all of that certain
tract of land with its appur-
tenances situated in Roscoe Neck
in the County of Isle of Wight in
the State of Virginia, containing
~~containing~~ one hundred and
sixty two and a half acres (162½)
be the same more or less, and bound-
ed as follows: on the north by the
land of James Ashby, on the
East by the land of Quincy Gilliam
on the South by Chuckatuck
Creek, and on the west by the lands
of J. H. Shephard, and James
King - and is the same land
that was conveyed to the said

Nathaniel J. Cutcher by the deed of
James Westcott and wife. Part
of record in the clerk's office
of the County Court of Isle of
Wight, to which reference is
hereby made for a more partic-
ular description of the boundaries.

The said Nathaniel Cutcher
covenants that he has the right to
convey the said land to the said
grantee; that the said grantee
shall have quiet possession of
the said land free from all in-
cumbrances; that he has done
nothing to incumber the said land;
and that he will execute all such
further assurances of said land
as may be requisite.

Witness the following signatures
and seals.

Nathaniel J. Cutcher Seal
Eliza Virginia J. Cutcher Seal

Shirley Virginia

City of Portsmouth trust:

J. J. Crocker

a Notary public for the City of Portsmouth in
the State of Virginia, do certify that

Nathaniel Cutcher whose name is
signed to the writing above bearing
date on the 1st day of January 1885,
has acknowledged the same before
me in my city aforesaid. and I do
further certify that Eliza Virginia
Cutcher, wife of Nathaniel Cutcher
in whose name is signed to the
writing above bearing date on
the 1st day of January 1885, per-
sonally appeared before me, in the
city aforesaid and being examined
by me privately and apart from
her husband, and having the writing
aforesaid fully explained to her,
she, the said Eliza Virginia Cutcher
acknowledged the said writing to be
her act, and declared that she
has willingly executed the
same and does not wish to
retract it. Given under my
hand this 6th day of January
1885.

J. H. Crocker
N. P.

N. Y. Crotch & wife
L }

The Houghs want

Jan. 10th 1885.
all on cty. of pub.

examd. & verified -
accy. to law.

Received Subsd.
No. 48. page. 299.

Exp. ——— 2.10
Re. ——— 1.25
Paid. \$ 3.35
J. S. Young clk.

In the Clerk's Office of the County Court
of Islip Tenth County, the 10th day
of January 1885. This Deed from Nathan
and J. Crotch wife to Theodore Houghs
was admitted to record in the annexed
certificate of J. F. Crocker a Notary Public.

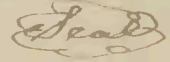
Test,

J. S. Young clk.

This Indenture made this 16th day of August
in the year of our Lord one thousand eight
hundred and eighty six between James Brown
and Susanah his wife of the first part and
the County of Isle of Wight and State of Virginia
and Theodore Haughtwout of the second ^{part} County
of Tazewell and State of Virginia" Witnesseth
that in consideration of the sum of Ten Dollars
said Fifty Dollars the said James Brown
and Susanah his wife does grant unto the
said Theodore Haughtwout a certain tract
or parcel of Land in Pasco Neck Isle of Wight
County Va. Containing Twelve Acres more or less
and bounded as follows to wit Commencing at
Chuckatuck Creek and running up the same
to a Chingnapen Stob which is situated about
eighty rods from the old dwelling house and
thence in a westerly direction to another Chingnapen
Stob and thence to a ravine to the Lands of
J. Q. Gilliam and thence down to Chuckatuck
Creek to the beginning and Bounded on the
east By the Lands of Nancy J. Corbell bounded
on the North By the Lands of the said James
Brown and on the West By the said J. Q. Gilliam
on the South By Chuckatuck Creek and the said

James Owen and Susanah His wife doth
hereby release all their claims to the tract or
parcel of land above named to the said
Theodore Gaughtwout and warrants to the said
Theodore Gaughtwout specially the probate
hereby conveyed

Witness the following signatures and seals

James Owen 


Susanah Owen

State of Virginia.

County of Isle of Wight } North

I, George M. Goodle a Notary Public
in and for the County of Isle of Wight
in the State of Virginia, do certify
that James Owen whose name
is signed to the writing above, bearing
date on the 16th day of August
1886 has acknowledged the same
before me in my County aforesaid;
and I further certify that Susanah
Owen the wife of the said James
Owen whose name are signed
to the writing above, bearing date as
aforesaid, personally appeared before
me in the County aforesaid, and
being examined by me privately

and apart from her husband,
and having the writing aforesaid
fully explained to her, that the said
Susanah Owen acknowledged the
said writing to be her act, and declared
that she had willingly executed the
same, and does not wish to
retract it.

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

Geo. M. Goodle

Notary Public

In the clerk's office of Isle of Wight County Court
Nov. 5th 1888, This Deed was received and
admitted to record upon the annexed certificate
of a notary public,

Teste St. P. Young clk

St. P. Young D.C.

Jas. Quincy

To } Ld

Theo. Langhorne

Nov. 1st 1888

AK? on cit.

1st

Recorded according to law

Recorded

Wed Book 52-

page 523

Tax - 1. 00

Due - 1. 25

2. 25

Paid

J. P. Young cor.

In the Circuit Court of Nansemond County:

Haughwout and others vs Haughwout and others.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of distribution made by E.E. Holland, Special Commissioner in said cause, filed on the 1st day of October, 1895 to which report no exceptions have been filed, and was argued by Counsel: On consideration whereof, it appearing to the Court that the amounts, coming into the hands of said Special Commissioner from the proceeds of land sold under decree in this suit, have been properly distributed, and that said Commissioner has returned with his said report proper vouchers for the several amounts paid out by him, it is ordered that said report be approved and confirmed, and there being nothing further to dispose of in this suit, it is ordered that the same be removed from the docket.

Harry Knott
vs. Final Decree
Harry Knott

Oct 15, 1896

To be entered

Wm H. Knott

Entered in Chancery
Order Book No. 2

Page 654. -

In the County Court of Jefferson County:

Harry Knott and others vs. Harry Knott and others.

This order came on file for so do after seeing about the same

G.W.Houghwout and wife

vs

Mary A.Houghwout and others:

Mary A.Houghwout one of the defendants by her attorney respectfully begs to except to the report of commissioner W.J. Kilby filed in this cause on the 30th day of Sept 1893, and for cause of exception states the following:

(1) The commissioner files evidence of one of the parties hereto which is not admissible.

(2) The report was filed too late for hearing at this term.

(3) The citations of law do not bear out the commissioner in the opinion expressed, and his conclusion as to the law that dower must be assigned so as to promote the interest of the heirs at law is erroneous.

(4) That the commissioner is in error when he declares that the defendant Mary A. Houghwout is not entitled to dower in each tract or parcel of land.

(5) That the commissioner is in error as to the valuation of the property, and just here it appears that not a word of evidence was taken as to the valuation, if the commissioner had consulted the "Land Books" made out by a sworn officer of the law he would have seen that his report as to value is far out of the way, that it differs from said record by something like two hundred per cent.

(6) That the relative value of the different parcels is erroneous to about the same extent, in this respect, and in some others this report could not have been more exaggerated had it been made out by counsel for the heirs at law who had heard only his side.

(7) That said report is not responsive to the order of court in many respects as will be seen by inspection of both, and especially is this true when the commissioner goes out of his way to advise the court as to

^{interests}
the ~~right~~ of this defendant, she is a widow but not an infant defendant, she admits that her judgment is not equal to that of learned and experienced business men, but she is advised that she is competent to attend to her own business, ^{being a party to this suit in her own name and not by guardian ad litem or next friend.}
That the commissioner should have filed all the evidence taken by him in as much as he has filed a part, and if he has filed all then the evidence filed does not support the propositions asserted by the commissioner.

(9) That the decree under which the said commissioner claims to have acted was improvidently ^{entered} ~~awarded~~, a reference to a commissioner of such facts being at that stage of the proceedings, unusual and improper, that the questions of assignment of dower should have been left to commissioners appointed by the court whos duty it should be to go on the lands and view the same and report to court assigning by metes and bounds the widow,s dower, andthat any fight or controversy should be made and had on exceptions to the dower commissioners report, this defendant submits that such is the usual and proper practice in Virginia, and this defendant respectfully prays that said decree may be reviewed, cancelled and annulled, and that commissioners ^{amounting to five} ~~of~~ competent freeholders may be appointed to assign her dower in each tract or parcel of land, and she prays that this honorable court will inspect a copy of an extract from the land books as to value.

Most Respectfully Submitted

Mary A. Hargrave
by W. S. Hollins her
att'y.

Houghwout et als

vs

Houghwout et als

Exceptions to the report
of commissioner Kilby

The answer of Mary A. Houghwout widow of Theo. Houghwout deceased to a bill in chancery exhibited in the Circuit Court of Nansemond county against herself and others by G.W. Houghwout and others:

This respondent, reserving to herself the benefit to all just exception to the many errors, inaccuracies and insufficiencies in the said bill contained, for answer thereto, or to so much thereof ^{she is advised} as it is material she should answer, answering, saith: That it is true as alleged that she is the widow of said Theodore Houghwout deceased, and that she still survives him, that said decedent died seized and possessed of the real estate in the said bill mentioned, that this real estate consists mainly in farms lying in two counties and that those parcels of land described as "Lots" are large parcels of land containing from one to twelve and eighteen acres and are not what are usually styled as "lots" in a town, that all said parcels of land are so large and otherwise situated as that this respondent's dower can be assigned in each.

This respondent is advised that she is entitled to dower in each and every tract, piece or parcel of land named in said bill, and she prays especially that her dower may be assigned her by metes and bounds in each and every one of said pieces or parcels of land by fair and impartial commissioners.

And having fully answered and denying all confederacy and combination, she prays hence to be dismissed with her costs including a reasonable fee to her attorney, in this behalf expended. And she will ever pray &c.

W.S. Holland p.d.

Mary A. Houghwout
by W.S. Holland
her attorney

• • • • •

Houghwout et als

ads

Houghwout and others.

Ans. of Mary A. Houghwout

In the Circuit Court of Nansemond County, Virginia-

The answer of John B. Pinner, an attorney at law, guardian ad litem to the infant defendant Emma Rabey, and of the said Emma Rabey, an infant under the age of twenty one years, by John B. Pinner, guardian ad litem assigned to defend her in the suit, to a bill of complaint filed against her and others in the Circuit Court of Nansemond County by G.W. Houghton and others-

For answer to said bill the said guardian ad litem answers and says that he does not know whether the interests of said Emma Rabey will be promoted by a sale or division in kind of said lands as prayed for in said bill; and the said Emma Rabey, answering by her guardian ad litem, says that being an infant, and being by reason of such disability incapable of understanding her rights and interests, she commits the same to the protection of this Court, and prays that no decree may be pronounced which will tend to her prejudice-And now having answered they pray &c.

John B. Pinner

Guardian ad litem to Emma Rab-

bey, an infant defendant And The
Said Emma Rabey by John B.
Pinner, her guardian ad litem.

Answer of Guardian ad litem and
of infant defendant by etc

To the Hon. C. W. Hill, Judge of the Circuit Court for the County of Nansemond-

Complaining showeth unto the Court, your complainants, G. W. Houghwout, Elizabeth Campbell, Sarah Rogers and Geo. Rogers, her husband, that some time in the year 1893, Theodore Houghwout departed this life intestate, leaving a widow Mary A. Houghwout and the following heirs at law: Catharine J. Houghwout, his mother, Jas. F. Houghwout, a brother, your complainant G. W. Houghwout, a brother, your complainant, Elizabeth Campbell, formerly Houghwout, a sister, and your complainant Sarah A. Rogers, formerly Houghwout, a sister, and Walter Madre, Delphine Richardson, formerly Madre, and Emma Raby ~~Raby~~, formerly Madre, children of Arietta Madre, deceased, a sister. The said Emma Raby is an infant under the age of twenty one years.

The said Theodore Houghwout was in his life time seized and possessed of the following real estate in Nansemond County, Virginia:-

1st. The lot of land on which he resided, called the "Home place" in Barretts Neck, in Nansemond County, Virginia, bounded by the lands of J. W. Kay, Aaron Spragg, the County road and Chuckatuck creek.

2nd. A lot of land in Barretts Neck in said County and State bounded by the lands of Garry. W. Houghwout, Geo. W. Houghwout, J. W. Kay and the County road.

3rd. A small tract of land in Nansemond County, Virginia, containing thirteen acres, more or less, bounded by the lands of E. B. Knewstep, the lands belonging to the Christian church, the County road and Blinkhorn creek.

4th. All that tract of land sold and conveyed to said Houghwout by J.T. Johnson and wife by deed duly recorded in Nansemond County Clerks Office in D.B. No. 22, page 150, containing eighty acres, more or less, and adjoining the lands of Jas. E. King, W.T. Matthews and others and Chuckatuck creek.

Also the following lands in Isle of Wight County, Virginia.

1st. All that certain tract of land in Isle of Wight County, Virginia, containing one hundred and sixty two acres, more or less, bounded by the lands of James Ashby, John Shepherd. Q. Gilliam, and Chuckatuck creek and conveyed to said Theo Houghwout by N.Y. Cutchin and wife by deed recorded in D.B. No 48, page 300.

2nd. A small tract of land in said County and State, conveyed to said Theo. Houghwout by T.H. Corbell and wife, containing six acres, more or less, bounded by the lands of Mary E. Shepherd, Nancy J. Corbell and Chuckatuck creek.

3rd. A small tract of land in said County and State conveyed to said Theo. Houghwout by Jas. Owen and wife, containing twelve acres, more or less and bounded by the lands of T.Q. Gilliam, Nancy J. Corbell and Chuckatuck creek.

Your complainants state that the said lands may be susceptible of partition among the parties entitled thereto; but if ^{and} ~~they~~ ^{be} not then your complainants desire the same to be sold, and the proceeds divided among the adult and infant defendants and parties, according to their respective rights: the share of the infant party to be held as directed by statute in such case made and provided. Should the property not

be divisible in kind, your complainants believe and here state, that the interests of those who are entitled to the said real estate or its proceeds, will be promoted by a sale of the whole of said real estate, or by an allotment of a part and a sale of a residue.

In tender consideration whereof and for as much as your complainants are remediless in the premises save in a court of equity where matters of this kind are alone and properly cognizable, your complainants pray that the said Mary A. Houghwout, widow of Theodore Houghwout, deceased, Jas. F. Houghwout, Catharine J. Houghwout, Walter Madre, Delphine Richardson and Geo. Richardson her husband, Emma Raby and Chas Raby, her husband may be made parties defendant to this bill and required to answer the same (answers under oath waived); that a proper guardian ad litem may be assigned the infant defendant to defend her interests in this suit, who shall also answer this bill; that the dower of Mary A. Houghwout, widow as aforesaid, may be assigned to her, or the same commuted as may be desired by her; ^{that proper Counsel fees may be allowed:} that proper process issue; that the said real estate be divided between the several parties entitled thereto, and your complainants portions thereof allotted to them, and in case said real estate cannot be partitioned and divided in kind, that the same be exposed to sale, and the proceeds of such sale divided among the parties entitled thereto; that all proper orders and decrees may be made, and proper enquiries be directed, and that all ^{such} other, further and general relief may be granted your complainants as the nature of their case may require or to equity shall seem meet. And

your complainants will ever pray—

E. C. Halland p. q.

G. W. Houghton et als

against

In Chancery
Houghton et als

To: Feby (2nd) Rules, 1893

Chancery Notes

Wm Houghwurt others

vs } In Chancery

Houghwurt others.

¹⁸⁹³
February 16th. Process issued returnable to February
Rules third Monday.

" 20th Process returned executed on all
defendants. Bill filed, and
decree nisi vs adult defendants
John B. Pinner appointed Guardian
ad litem for infant defendants

March 6th. Decree nisi confirmed vs adult
defendants and cause set for hearing
as to them.

Naughton's Notes
vs} Chancey Notes
Naughton's Notes

Costs

Clerk R. H. A. G.	9.88
Shffs	7.50
Atty & Tax	16.50
Commr	50.00
	83.80

Houghton out + others as
Houghton out + others.

E E Halland p.g.

Houghton out + others

20

Houghton out + others

1895

October 15th

Final Decree,

~~Received of J. S. Branch~~
Haughwout 20 Haughwout 008
Received of E. Estland, Spl Am^r
the sum of Five dollars for selling
land under deed in above suit.

John J. S. Branch
Clerk

No 9

TRANSIENT ADVERTISEMENTS and SUB-
SCRIPTIONS PAYABLE in Advance.

ANNUAL ADVERTISERS Required to Set-
tle Quarterly.

Job Work, Cash on Delivery.

Suffolk, Va.,

189

THE SUFFOLK HERALD

BOOK AND JOB PRINTING ESTABLISHMENT

J. E. BOOKER, Proprietor

Printed for

E. E. Norland

⁹⁴
Nov 9 To Adv Sale of Houghworts Linn

50 Bills ^{4 in 4 cr} of same

Pair Jan 5 95

J. E. Booker

6.00
75
\$ 6.75

No 8

i

3

2

x

+

-

-

(

-

Mr. Theodore Haughwout Esq. Dr.

1894.

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

No. 116		Thos. H. Barnes							
No. of Acres 107 1/2		State Tax, 30c. on \$100.	State School Tax, 10c. on \$100.	County Levy, 20c. on \$100.	Parish Levy, 5c. on \$100.	County School Tax, 5c. on \$100.	District School Tax, 5c. on \$100.	County Road Tax, 10c. on \$100.	TOTAL AMOUNT OF TAXES.
To Real Estate, value \$ 3290.		987	329	658	165	165	165	329	2798
" Personal Property, value \$									
" Income, &c., value \$									
" Poll Taxes									
Total									
5 per cent. additional									
Total									\$ 29.38

Received Payment.
June 29/95

Thos. H. Barnes, Treasurer.
King

No 7

69

August, 189³

M^r J. B. Sullivan Esq., Dr.

To E. E. EDWARDS, Commissioner of Revenue.

To transferring 1³ acres of Land from

JAMES OWENS
to Thaddeus Houghwalle Esq. \$1.00

Received payment.

E. E. Edwards

Mr. Theodore Haughwauts Est. Newport Magisterial District,

1893.

To J. O. Branch, Treasurer Isle of Wight County, Va., Dr.

LAND.	
NO. ACRES.	VALUE.
160 1/2	2087
5	750
13	156
178 1/2	2993

To State Capitation Tax.
 To State Tax on 178 1/2 acres Land, value. \$ 2993, at 30c. on \$100
 To State Tax on Personal Property, value \$, at 30c. on \$100
 To State School Tax on Real and Personal Property, value \$ 2993, at 10c. on \$100

Total amount of State Taxes.

To County Capitation Tax.
 To County Levy on 178 1/2 acres Land, value. \$ 2993, at 40c. on \$100
 To County Levy on Personal Property, value. \$, at 40c. on \$100
 To County School Tax on Real and Personal Property, value \$ 2993, at 10c. on \$100
 To District " " " " " value \$, at 5c. on \$100

Total amount of County Taxes.

Total amount of State and County Taxes.

DECEMBER 1.—5 per cent. added.

TOTAL AMOUNT.

RECEIVED PAYMENT.

, TREASURER.

, DEPUTY TR.

O. L. Botton
 10. 26-94

100	
898	
299	
1197	
50	
1197	
299	
130	
1646	
2843	
142	
2985	

No 6

Hogwought Shee does ^{cut}

29 85

see Mr C. B. Bush

1894 Oct. 20th. Received of E. E.
Holland, Special Commr. fifty dollars
for Report of the transactions of
Theo. Haughwout's Admr. etc. filed
in the Chy. suit of Haughwout etc.,
against Haughwout & al

Wilbur J. Kilby
Commr. in Chy.

No 5-

Suffolk, Va., May 22nd 1893

Mr E. E. Holland, Dr.

To A. W. Baker,

Sheriff of Nansemond County.

1893

Feb 15 Geo W Houghwout Elizabeth Campbell Sarah Rogers
& Geo Rogers VS
Mary A Houghwout Widow of Thos Houghwout Deed
Witness (8) Process Served
In & In Conts Notes on same

4 00

4 00

8 00

Paid A W Baker Sheriff

No. 4

A. H. B. Shpp

EEH

TRANSIENT ADVERTISEMENTS and SUB-
SCRIPTIONS PAYABLE in Advance.
ANNUAL ADVERTISERS Required to Set-
tle Quarterly.
JOB WORK, Cash on Delivery.

Suffolk, Va.,

June 25 1894

THE SUFFOLK HERALD

BOOK AND JOB PRINTING ESTABLISHMENT

J. E. BOOKER, Proprietor

Printed for

C. E. Holland Spe Comr

1894

May 11

Advertising said of Houghwone's
Real Estate — 7 Tracts —
in Howard — 11 inches —
5 Weeks —

Printing 50 Bills of same —

\$ 12.50

1.75

\$ 14.25

Rec'd Payment
J. E. Booker
Prop

(No 3)

Received of E.E.Holland, Spl Commr in the chancery cause of Houghwout
vs Houghwout the sum of Twenty-five dollars as fee as erier of the
lands sold in said cause-

by J Parker, erier,

No 2

THESE ARE THE ONLY REMAINS

OF THE ORIGINAL COPY OF THE MANUSCRIPT OF THE HISTORY OF THE

REIGN OF THE EMPEROR OF THE EAST INDIES

Houghwout

vs

Houghwout

Costs.

J P Somers Clerk p d 40.00

A H Baker Sheriff

Attorney Hay

Commissioner

Writ 200

\$ 9.88

7.50

16.50

50.00

\$ 83.88

1.50

\$ 85.38

(No. 3)

Throughout
vs
Throughout

Costs,

W S Holland Atty
Copy of Bill
for debt

1,25

1895-July 15th-Received of E.E.Holland, Special Commissioner of the Circuit Court of Nansemond County in the chancery cause of Haughwout vs Haughwout and others the sum of Eight hundred dollars in payment on a count of interest in the proceeds of land sold by said Commissioner in said suit.

C. W. Haughwout

May 13th, 1895. Received of E.E. Holland, Special Commissioner in the Chancery cause of Houghwout vs Houghwout and others the sum of Five hundred dollars in part payment of my interest in the proceeds of sale of the lands of the late Theo. Houghwout, deceased sold by said E.E. Holland, as Special Commissioner in said suit.

Catherine J. Houghwout

July 24th, 1895-Received of E.E.Holland, Special Commissioner of the Circuit Court of Nansemond County in the chancery cause of Haughwout and others vs Haughwout and others the sum of Two hundred and ninety five dollars and eighty one cents in payment of balance due on account of interest in proceeds of sale of lands sold in said suit by said Commissioner

Catherine J Haughwout

\$295



Suffolk, Va., July 16th 1895

At sight -

Pay to the order of Elizabeth Campbell
Two hundred & ninety five & $\frac{8}{100}$ Dollars,

Value received, and charge same to account of yours truly.

We, the drawer, endorsers and acceptor, hereby waive our Homestead Exemption as to this debt.

J. E. E. Hae and Spel Cunn
Suffolk, Va

Mrs. Elizabeth ^{her} Campbell
mark

4-28-94-3111

Witness L. J. Matteson

has
Mrs. Elizabeth Campbell
mark.

Witness. L. J. Mattison.

PAY Mr. J. J. Jones Jr.

Cashier, or Order, for Collection,
and Remittance to the

Citizens' National Bank,

OF FARIBAULT, MINN.

GEO. PEASE, Cashier.

Handwritten signature

July

1895-Received of E.E.Holland, Special Commissioner in the

chancery cause of Haughwout and others vs Haughwouth and others, pending in
in the Circuit Court of Nansemond County, Virginia, the sum of Two hundred
and ninety five dollars and eighty one cents, being balance due me of the
proceeds of sale of the lands of the late Theo. Houghwout sold by said
Commissioner in said suit.

Mrs. Elizabeth ^{her} Campbell
mark

Witness - L. M. Matteson

E. E. HOLLAND,
ATTORNEY AT LAW.
Commonwealth's Attorney for Nansemond
County.

SUFFOLK, VA.,

Feb. 14th, 1895

Mrs. Elizabeth Campbell,
Faribault, Minn.

Dear Madam:

Your letter received. I enclose \$500/ in part payment
of your share of the estate of Theo. Houghwout, deceased. The balance will
be sent to you as soon as the balance of the money is collected. Please
sign and return the receipt below.

Yours respectfully,

E. E. Holland

Received of E. E. Holland, Special Commissioner of the Circuit Court of
Nansemond County, Virginia, in the suit of Houghwout and others vs Hough-
wout and others the sum of Five Hundred dollars on account of the pro-
ceeds of sale of the lands sold by said Commissioner in said suit, and
being in part only thereof.

FEB 19 1895

her
Mrs Elizabeth Campbell
mark

Witness
Lauren A. Pease Jr.

1895 July 24th. Received of E.E.Holland, Special Commissioner of the Circuit Court of Nansemond County in the chancery cause of Haughwout and others vs Haughwout and others pending in said Court the sum of Seven hundred and ninety five dollars and eighty one cents in payment of my interest in proceeds of sale of the lands sold by said Commissioner in said suit.

Jas. H. Haughwout

E. E. HOLLAND,

ATTORNEY AT LAW.

Commonwealth's Attorney for Nausemond
County.

SUFFOLK, VA.,

Received of E.E.Holland, Special Commissioner of the Circuit Court of Nan-
in the chancery cause of Haughwout vs Haughwout and others
semond County, Virginia, the sum of Seven hundred and ninety five dollars
and eighty two cents in payment of the amount due me out of the proceeds
of sale of the land sold by said Commissioner in said suit.

Sarah A Rogers



\$ 495 $\frac{82}{100}$

Brooklyn July 22nd 1895

At sight

Pay to the

Order of L. W. Lawrence

Seven Hundred Ninety five and $\frac{82}{100}$ Dollars

Value received and charge the same to account of

To E. E. Holland

Suffolk Va.

Sarah A. Rogers

20

For deposit
L. W. Lawrence
by R. A. Safetraz

Wm. H. Doyle

CITIZENS BANK OF NORFOLK, VA.

Walter H. Doyle, Cashier.

FOR COLLECTION
Natl. Metro. Bank
WASHINGTON, D. C.
Or Order for Coll. for Acct of
The Chatham Natl. Bank, N. Y.
H. P. DOREMUS, Cashier

Geo. H. B. White, Cashier

1895 July 15th-Received of E.E.Holland, Special Commissioner of the Circuit Court of Nansemond County in the chancery cause of Haughwout vs Haughwout and others the sum of Two hundred dollars on account of interest in the proceeds of sale of lands sold by said Commissioner in said suit.

I am now

21

years of age.

Emma S. Baby

Received of E.E.Holland, Special Commissioner in the chancery cause of
Haughwout and others vs Haughwout and others the sum of sixty five dol-
lars and twenty seven cents in payment of balance due on account of in-
terest in proceeds of sale of land sold in said suit.

Witness:

Jas F. Haughwout

Emma F. Rabe
By C. H. ^{his} X Rabe
made

July 24th, 1895-Received of E.E.Holland, Special Commissioner of the Circuit court of Nansemond County in the chancery cause of Haughwout and others vs Haughwout and others pending in said Court the sum of Ninety dollars and twenty seven cents in payment of balance due on account of interest in proceeds of sale of land sold by said Commissioner in said suit.

Miss Elizabeth Richardson

April 23rd, 1895-Received of E.E.Holland, Special Commissioner in the suit of Houghwout vs Houghwout and others the sum of One hundred and seventy five dollars in part payment of my interest in the proceeds of sale of the lands of the late Theo.Houghwout, sold by said Holland as Special Commissioner.

G. H. Richardson.

1895, July 15th-Received of E.F. Holland Special Commissioner of the Circuit Court of Nansemond County in the Chancery cause of Haughwout vs Haughwout and others the sum of Two, hundred dollars on account of interest in the proceeds of sale of the lands sold by said Commissioner in said suit.

Walter A. Marble

July 24th, 1895-Received of E.E.Holland, Special Commissioner of the Circuit Court of Nansemond County in the chancery cause of Haughwout and others vs Haughwout and others the sum of Sixty five dollars and twenty seven cents in payment of balance due on account of interest in the proceeds of sale of lands sold by said Commissioner in said suit.

Walter

W. A. A. A.

FARMERS BANK OF NANSEMOND,

SUFFOLK. VA.,

In Account With

E. E. Holloman & Co.
Houghmont vs Houghmont

PAUL & FALCONER, BALTO

Dr. Farmers Bank of Nausemond. In acc't with

1894

Jun 11	Deft	1682.50
13	"	9.50
July 6	"	4266.7
Dec 5	"	80
15	"	115
22	"	175
Jan 8	"	440

E. C. Holland & Son Cr.
Hingham W. Hingham



CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Mary A. Houghwout*
widow of Theodore Houghwout deceased
Jas. F. Houghwout, Catherine J. Houghwout
Walter Madue, Delphine Richardson
and George Richardson her husband
Emma Raby and Chas Raby her hus-
band, the said Emma Raby being an infant
under the age of twenty one years
Defendants

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held
 for the said Court, on the *Third* Monday in *February* 1893, to answer

a Bill in Chancery, exhibited against
them in the said Court by *G W*
Houghwout, Elizabeth Campbell and
Sarah Rogers and Geo. Rogers her
husband

and have then and there this summons.

WITNESS, A. P. GOMER, Clerk of our said Court, at his office, this *16th* day of
February 189*3*, in the *117th* year of the Commonwealth.

Teste:

A. P. Gomer Clerk.

E & Holland pg.

G. M. Houghwout & others
vs } In Chancery

Mary A. Houghwout
and others.

1893.

February Rules
Third Monday

Mansemond
Circuit Court Process
Book No 2 Page 77.

Entered this 18 day of Feb 1893 by returning a
true copy of the within process to each of the
within named parties in person

W. H. Baker
Clerk

To the Clerk of the Circuit Court of Nansemond County:

G.W.Houghwout, Elizabeth Campbell and Sarah Rogers and Geo.

Rogers, her husband-

Plaintiffs

vs-In Chancery

Mary A.Houghwout, widow of Theodore Houghwout, deceased, Jas.

F.Houghwout, Catharine J.Houghwout, Walter Madre, Delphine

Richardson and Geo.Richardson, her husband, Emma Raby and

Chas Raby, her husband, the said Emma Raby being an infant

under the age of twenty one years-Defendants

Issue summons in Chancery to Feb. (2nd) Rules, 1893

Tax \$1.50

E. E. Alvord

E. g.

Memorandum

Know All Men by These Presents, That we Edward C Holland and Charles C Holland

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Ten thousand 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 8th day of May in the year of our Lord one thousand eight hundred and ninety four, and in the 118th 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 1894 in the Chancery Cause pending in said Court between G. S. Hughworth wife Complainants and Mary A. Hughworth others defendants it was decreed that the lands mentioned in said bill be sold except that which is assigned to the widow for her dower and the said Edward C. Holland was appointed Special Commissioner to see the same. Now therefore if the said Edward C. Holland shall faithfully discharge his duties as Special Commissioner of the said cause 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

Edward C. Holland

SEAL

C. C. Holland

SEAL

SEAL

SEAL

SEAL

In the office of the Clerk of the Circuit Court of Nansemond County, on the 8th day of May 1894

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

Teste:

A. P. Gomez CLERK.

A Copy Teste!

A. P. Gomez clerk

Edward C. Holland
S. J. Spec. Comr. Bond
The Commonwealth

1894
May 4th

A Copy

Recorded in Circuit
Court Bond Book
No 1 Page 74

At Rules held in the clerks office of the Circuit Court for the County
of Nansemond on Monday the 20th day of ^{Feb}~~March~~ 1895.

G.W. Haughwout and others

vs

Catharine J. Haughwout and others

On motion of the complainants, by counsel, Jno. B. Pinner, an attorney at
law, is assigned guardian ad litem to the defendant Emma Rabey, who is a
infant under the age of twenty one years, to defend her in this suit.

A. D. Pinner Clerk

Order Apprentice
you ad letter

To the Hon.R.R.Prentis, Judge of the Circuit Court of the County of Nansemond:

The undersigned Special Commissioner appointed by decree entered in the chancery cause of Haughwout and others vs Haughwout and others, pending in said Court, respectfully reports to Court:

Ist. That the purchasers of the lands sold in these proceedings have all complied with the terms of sale, and that your Commissioner has collected all the bonds given for the deferred payments, the cash instalments and the deferred payments amounting in the aggregate to the sum of \$5372.03, including the interest collected.

2nd. Your Commissioner has executed and delivered deeds with special warranty to the following purchasers: W.M. Brittain, J.N. Barcalow, W.W. Gilliam, Jas. F. Haughwout, Garrett W. Haughwout, L.S. Savage and B.B. Winall. The same are the reported purchasers of said lands.

Your Commissioner has made the following distribution of the proceeds of sale:

To amt of the proceeds of sale with interest collected.	\$5372.03
By fee allowed Counsel by Court	\$250.00
By amt paid G.T. Parker, Crier	25.00✓
By amt paid J.E. Booker for advertising	14.25✓
By amt paid A.H. Baker, Sheriff	8.00✓
By amt paid A.P. Gomer, Clerk	9.98
By amt paid W.J. Kilby, Commr-	50/00✓
By amt paid for taxes Isle of Wight	30.85✓
By amt paid taxes Nansemond County	29.38✓
By amt paid J.E. Booker for advertising 2nd sale	6.75✓
By amt paid J.J.S. Branch, crier, 2nd sale	5.00✓
By commissions retained	132.94
By amt retained for deeds to seven purchasers.	35.00
By amt paid Garrett W. Haughwout (One Sixth)	795.81✓
By amt paid Jas. F. Haughwout (1/6)	795.81✓
By amt paid Catharine Haughwout (1/6),	795.82

By amts forwarded-

\$2984.59

\$5372.03

By amt paid Lizzie Campbell (I/6)

795.82

By amt paid Sarah A. Rogers (I/6)

795.82

By amt paid Walter Madre (I/I8)

265.27 ✓

By amt paid Emma Rabey (I/I8)

265.27

By amt paid Delphine Richardson (I/I8)

265.28

\$5372.03

\$5372.03

Your Commissioner has distributed the said amount among the parties ascertained to be entitled thereto by the report of Commissioner Wilbur J. Kilby filed in this cause and in the proportions therein determined.

Your Commissioner returns herewith his vouchers for each of the several items, and asks that his said account of distribution may be approved and confirmed.

Respectfully submitted,

E. E. Hoelander
Spcl Commⁿ

Stoughton

to

Stoughton

Report of distribution

Filed Dec. 5, 1896

A. G. Gomer Clerk

VALUABLE LAND

In Barrett's Neck, Nansemond County,

FOR SALE!

By authority of a decree of the Circuit Court of Nansemond county, Va., entered on the 10th day of October, 1894, in the chancery cause of Haughwout vs. Haughwout and others, pending in said court, I shall proceed to sell by public auction, before the Courthouse door in said county, at Suffolk,

On Monday, December 10, 1894,

(court day), the following valuable real estate, to wit: A certain tract of land in Barrett's Neck, in Nansemond county, Virginia, containing thirteen acres, more or less, and bounded by the lands of E. B. Knewstep, the lands belonging to the Christian Church, the county road and Blinkhoru creek. The land used as a cemetery within the above boundaries is reserved and will not be sold.

TERMS.—One-third of the purchase money will be required in cash, and the residue thereof in two equal instalments, payable in six and twelve months from day of sale, the deferred payments to be evidenced by the bonds of the purchaser, bearing interest from day of sale, and title retained until the full purchase price is paid and a conveyance directed by the Court. Purchaser will be allowed to pay entire purchase price in cash if desired.

E. E. HOLLAND, Special Commissioner.

I, A. P. Gomer, Clerk of the Circuit Court of Nansemond county, do hereby certify that the bond required of the above named special commissioner by the decree of the Circuit Court above referred to has been given with sureties approved by me.

A. P. GOMER, CLERK.

Thos. Hargreaves Esq
1894 tax due 29/37

In the Circuit Court of Nansemond County:

Haughwout vs Haughwout and others.

To the Hon. R. R. Prentiss, Judge of said Court:

Your Special Commissioner respectfully reports that as authorized by decree entered herein on the 10th day of October, 1894, he proceeded on the 10th day of December, 1894, after advertising the time, terms and place of sale as authorized by said decree to sell the tract of land directed to be sold by said decree.

For said tract of land L. F. Savage made the highest bid and became the purchaser thereof at the price of \$500.

The said purchaser has complied with the terms of sale by paying the cash instalment, and giving his bonds for the credit instalments as provided by said decree. Your commissioner^s has deposited the cash instalment in the Farmers Bank of Nansemond to his credit as Special Commissioner in this suit. Your Commissioner has given the bond required by the aforesaid decree, and returns herewith a copy of the advertisement of sale.

Respectfully submitted.

E. E. Wallace,
Special Commissioner

Haughmunt
by Report of Sale
Haughmunt oals

Fried March 28th 1895
A. Gorney clerk

VALUABLE LANDS

In Nansemond ^{and} Isle of Wight Counties

FOR SALE!

By authority of a decree of the Circuit Court of Nansemond county pronounced on the 11th day of April, 1894, in the chancery cause of Houghwout vs. Houghwout and others, I shall offer for sale at public auction, before the Courthouse door in said county,

ON MONDAY, JUNE 11, 1894,

(court day), at 12 o'clock M., the following valuable real estate, to wit:

1. All that certain lot of land, with the improvements thereon, including two dwelling-houses, storehouse, warehouse, and wharf on Chuckatuck creek, called the "Home Place," in Barrett's Neck, in Nansemond county, Virginia, bounded as follows: Commencing at Chuckatuck creek at line of J. W. Kay, and thence running along the lines of J. W. Kay and Wesley Gilliam to the county road, thence across and up said county road to the lands of Aaron Spragg, thence along the lines of said Aaron Spragg and J. W. Kay to said creek, and thence along said creek to the beginning. This lot of land has been assigned to Mary A. Houghwout, widow of Theodore Houghwout, as and for her dower in the lands of which he died seized, and will be sold subject to said dower rights of said Mary A. Houghwout therein.
2. All that certain lot of land in Barrett's Neck, in said Nansemond county, Virginia, fronting on the county road, and bounded by the lands of Garry W. Houghwout, George W. Houghwout, J. W. Kay and the said county road.
3. A certain tract of land in said county and State, containing thirteen acres, more or less, and bounded by the lands of E. B. Knewstep, the lands belonging to the Christian church, the county road and Blinkhorn creek.
4. All that certain tract of land in said county and State, with the storehouse and dwelling-houses thereon, containing eighty acres, more or less, adjoining the lands of James E. King, W. T. Matthews, Margaret A. Godwin's estate, and Chuckatuck creek, and conveyed to Theodore Houghwout by J. T. Johnson and wife by deed duly recorded in Nansemond County Clerk's office, in Deed Book No. 22, page 150.
5. All that certain tract of land in Isle of Wight county, Virginia, containing one hundred and sixty-two acres, more or less, bounded by the lands of James Ashby, John Shepherd, Q. Gilliam, and Chuckatuck creek, and conveyed to Theodore Houghwout by N. Y. Cutchin and wife by deed duly recorded in Isle of Wight County Clerk's office, in Deed Book No. 48, page 300. This lot will be sold subject to the right given to Mary A. Houghwout "to cut and remove therefrom wood necessary for fuel for the use of the main dwelling-house on the lot of land assigned to her as her dower during her natural life."
6. All that certain tract of land in Isle of Wight county, Virginia, with the improvements thereon, containing six acres, more or less, bounded by the lands of Nancy J. Corbell, Mary E. Shepherd, and Chuckatuck creek.
7. All that certain tract of land in Isle of Wight county, Virginia, with the new storehouse buildings thereon, containing twelve acres, more or less, and bounded by the lands of T. Q. Gilliam, Nancy J. Corbell, and Chuckatuck creek.

TERMS.—One-third of the purchase money will be required in cash, and the residue thereof in two equal instalments, payable in six and twelve months from day of sale, the deferred payments to be evidenced by the bonds of the purchasers, bearing interest from day of sale, and title retained until the full purchase price is paid and a conveyance directed by the Court. Purchasers will be allowed to pay entire purchase price in cash if desired.

E. E. HOLLAND, Special Commissioner.

I, A. P. Gomer, Clerk of the Circuit Court of Nansemond county, do hereby certify that the bond required of the above named special commissioner by the decree of the Circuit Court above referred to has been given with sureties approved by me.

Given under my hand the 18th day of April, 1894.

A. P. GOMER, Clerk.

\$ 82.50
41.25
41.25

In the Circuit Court of the County of Nansemond:-

Houghwout and others vs Houghwout and others-

To the Hon.C.W.Hill, Judge of the Circuit Court of Nansemond County:-

The undersigned Special Commissioner respectfully reports that pursuant to a decree entered in the above entitled cause on the 11th day of April, 1894, he proceeded to sell before the Court-house door of Nansemond County, in accordance with the requirements of said decree, the several tracts of land in the bill and proceedings mentioned.

For tract of land No.1.sold subject to the right of dower of Mary A. Houghwout, widow therein, and known as the "Home Place" Garrett W.Houghwout made the highest bid and became the purchaser for \$250.00-

For lot of land No.2. fronting on the County road and bounded by the lands of G.W.Houghwout and others Jas.F.Houghwout made the highest bid and became the purchaser thereof at \$470.00-

For tract of land No.3. containing thirteen acres and bounded by the lands of E.B.Knewstep and the Christian Church J.C.Hubbard made the highest bid and became the purchaser at \$515.00.As to this tract of land there seems to have been some mistake about the boundaries, and as the purchaser refuses to comply with the terms of sale, your Commissioner would recommend a resale.

For tract of land No.4, being the J.T.Johnson farm, W.M.Brittain made the highest bid and became the purchaser at \$1220.00-

For tract of land No.5, being the Cutchin farm, W.W.Gilliam made the highest bid and became the purchaser at \$1400.00-

For lot of land No. 6, in Isle of Wight County, containing six acres, B.B.Winall made the highest bid and became the purchaser at \$165.00-

For lot of land No.7, in Isle of Wight County, Virginia, J.N.Barcalow, made the highest bid and became the purchaser at \$600.00

The purchasers G.W.Houghwout, Jas.F.Houghwout, W.M.Brittain, W.W.Gilliam, and B.B.Winall have complied with their purchases by paying the cash instalments, and giving bonds for the credit instalments as provided by the decree.

J.N.Barcalow paid the entire purchase price in cash as authorized by said decree, and is entitled to a deed conveying same to him.

J.C.Hubbard refuses to pay for his lot of land claiming that he was misled by the advertisement as to the boundaries of the land.

After paying the costs of suit including fees to attorneys allowed by the aforesaid decree, your Commissioner has deposited the residue of the cash purchase price in the Farmers Bank of Nansenond to his credit as Special Commissioner in this cause. Your Commissioner returns herewith the bonds given for the credit instalments.

Your Commissioner has given the bond required by the aforesaid decree. The advertisement of sale of said land is also returned herewith.

Respectfully submitted,

E. E. Herland
Special Comm^r

Report of Sale

Filed Sept 29, 1887
A. J. Gomer Clerk

Virginia, Nansemond County, to wit:-

I, E. E. Holland, a notary public in and for said County in said State do certify that Samuel G. Webb, E. C. Ramsey and Jno. D. Corbell, Jr, Commissioners appointed by the Circuit Court of Nansemond ^{County} by its order entered on the 12th day of October, 1893, to assign dower to Mary A. Houghwout, widow of Theo. Houghwout, deceased, in the lands of which her said husband, Theo. Houghwout, died seized and possessed as of an estate of inheritance, this day personally appeared before me, in me County afore said, and made oath that they would discharge the duties imposed upon them by said decree impartially and to the best of their judgment.

Given under my hand this the 7th day of March, 1894-

E. E. Holland
Notary Public-

To the Hon. C. W. Hill, Judge of the Circuit Court for the County of Nansemond-

The undersigned Commissioners, appointed by decree of the Circuit Court of Nansemond County made and entered on the 12th day of October, 1893, in the Chancery cause of Houghwout vs Houghwout and others, pending in said Court, to assign dower to Mrs. Mary A. Houghwout, widow of Theo. Houghwout, deceased, in the lands of which he died seized as of an estate of inheritance, would respectfully report to Court, that on the 7th day of March, 1894, they met upon the lands of which said Theo. Houghwout died seized as aforesaid, and, after being first duly sworn, proceeded to discharge, to the best of their ability, the duties imposed upon them by said decree. After an examination of the said lands and an impartial valuation thereof, your Commissioners, having due regard to quantity and quality, assigned and allotted to Mrs. Mary A. Hough-

wout as and for her dower in said lands, what is known as the "Home Place", she having expressed a wish for the "Home Place", and which by metes and bounds, is described as follows:

Commencing on Chuckatuck creek at line of J.W. Kay and thence running along the lines of said J.W. Kay and of Wesley Gilliam to the County road, or to what is used as a road, thence across and up said County road to the lands of Aaron Spragg, and thence along the lines of Aaron Spragg and J.W. Kay to Chuckatuck creek and thence along Chuckatuck creek to the beginning, and being known as the "Home Place" referred to in the bill and proceedings in said cause. Your Commissioners have deemed it best to assign to the widow one entire tract of land instead of assigning same in each separate parcel of land. In the judgment of your Commissioners to assign her dower in each parcel of the land would be against her interests and a decided injury and inconvenience to the rights of the heirs at law. Your Commissioners are fully of the belief that while the home place is small in acreage, containing only about three and three-fourths acres, still that the land together with the valuable improvements thereon and the wharf privileges are fully one third in value of the entire lands of which Theo. Houghwout died seized and possessed.

Respect fully submitted-

W. Webb
E. C. Ramsey
J. D. Corbett Jr.
COMMISSIONERS-

order" off as from at last, which like it would not for me as that
of John Lee, "could order" off for him a possession which she, "could"

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Filed March 20th 1894
J. J. Gomer Clerk

To the Circuit Court of Charlesmond County, Va.

In pursuance of the decree of the Circuit Court of the County of Charlesmond, Va. pronounced on the 15th day of April 1893 in the Cause in Chancery in said Court depending between Garrett W. Haughwout, Elizabeth Campbell and others, Complainants, and Mary A. Haughwout, James F. Haughwout and others, Defendants, the undersigned Wilbur J. Kilby, one of the Commissioners in Chancery of said Court, respectfully reports to Court as follows:

That after the papers in the said Cause had been placed in his hands by the Counsel of the Complainants who requested him to proceed to execute the said decree, your Commissioner gave notice to the parties to said Cause that on this 10th day of August 1893 he would proceed at his office in Suffolk, Va. to make the several inquiries required by said decree to be made and reported to Court.

That said notice was issued on the 18th. day of July 1893 and was duly served upon all the parties to said cause, except such as had acknowledged service thereof, as will appear by the endorsements on the original notice herewith returned:

That in making the said inquiries, your Commissioner has taken the testimony of Robert H. Atkinson, Thomas Q. Gilligan and James F. Haughwout, whose depositions are herewith returned touching the subject-matter of the said inquiries:

That with the evidence of these witnesses before him and with such information as he could obtain otherwise, your Commissioner is enabled to report as follows:

1. That the defendant, Mary A. Haughwout, is not entitled as a matter of right nor of necessity, to dower in each separate parcel of the real estate of which her husband, the late Theodore Haughwout,

died seized and possessed without regard to the interests of his heirs at Law. In England, the sheriff must assign not only one-third of each tract, but a third of each species of land, arable, meadow, pasture, wood etc, but in Virginia section 2267 of the Code provides that the widow shall be endowed of one-third of all the real estate of the husband and this has been always construed to mean one-third ^{thereof} in value. The assignment must also be made in such manner as shall best subserve the mutual convenience of the parties, - the heirs at law as well as the widow - without injury to any of the parties. It appears from the testimony aforesaid and your Commissioner is of the opinion that dower cannot be assigned to Mrs. Haughwout in ^{each parcel of the} real estate mentioned in the Bill in said cause except at great inconvenience and injury not only to herself but to the heirs at law as well. This is especially

true of Mr. Haughwout's home place which consists of only $3\frac{1}{2}$ acres and has on it two dwellings, a store-house, oyster-house and a warehouse with a water front and pier extending into the Creek, and also of the small lot containing $\frac{1}{4}$ of an acre, having on it a dwelling and adjoining John W. Kay and Geo. W. Haughwout. The rule is to endow the widow of one-third in value of the entire real estate and not one-third of each tract; and no better reason can be given for the rule than to avoid such inconveniences and injury as will arise in this case if a contrary course be pursued.

2 Minor's Inst. Second Edition, 1877 p. 141; White vs. White 16 Grat. 264.

2. That the real estate mentioned and described in the Bill in said cause cannot be conveniently divided in kind between the several parties entitled to the same.

3. That no one of the parties interested in said real estate is willing to take the entire property and pay the other parties for their interests therein such sums of money as by reason of their said interests they may be entitled to receive.

4. That the interests of all the said parties will be promoted by a sale of all said real estate and the distribution of the proceeds of the sale according to the respective rights of those entitled thereto, instead of an allotment of part and a sale of the residue thereof.

5. The parties entitled to said real estate, or the proceeds of the sale thereof, and their shares are, subject to the dower of said widow, or the commuted value thereof, as follows:

Catharine J. Haughwout,	share	$\frac{1}{6}$
Garrett W. Haughwout	"	$\frac{1}{6}$
James F. Haughwout	"	$\frac{1}{6}$
Sarah A. Rogers	"	$\frac{1}{6}$

Elizabeth Campbell, share 1/6
 Walter Madre, share. 1/18
 Delphine Richardson, " 1/18
 Emma Raby " 1/18 = 1/6

The said Catharine J. Haughwout is the mother, the said Garrett W. and James F. Haughwout are brothers, the said Sarah A. Rogers and Elizabeth Campbell are sisters, ~~and~~ the said Walter Madre is a nephew, and the said Delphine Richardson and Emma Raby are nieces of said Theodore Haughwout deceased. The said Theodore Haughwout left no children surviving him. His widow is said Mary A. Haughwout.

6. The aggregate value of all the lands mentioned in said bill is estimated at \$12,000, as follows:

tract	ch.	1	about	\$4000.00
"	"	2	"	1100.00
"	"	3	"	500.00
"	"	4	"	2500.00
"	"	5	"	2100.00
"	"	6	"	300.00

Tract No. 7 about \$1500.00
Respectfully submitted this 10th,
day of August 1893.
Wilbur J. Kilby,
Commissioner in Chancery,

Fee of Court. \$50.00
Fee of Shff. \$ 3.50

To Garrett W. Haughwout, Elizabeth Campbell and Sarah Rogers and George Rogers, her husband, Complainants,

and Mary A. Haughwout widow of Theodore Haughwout deceased James A. Haughwout, Catharine J. Haughwout, Walter Madre, Delphine Richardson and George Richardson, her husband, Emma Raby and Charles Raby her husband, the said Emma Raby being an infant under the age of twenty-one years, and John B. Pinner guardian ad litem of the said infant, Defendants:

You are hereby notified that on the 10th day of August 1893 at my office, in Suffolk, Va., (at which time and place you are required to attend), I shall ~~take, state and proceed to make the following inquiries which are to be made~~ ~~settle the following accounts which are to be taken, stated and settled~~ and reported to Court in pursuance of the decree of the Circuit Court of Nansemond County, Va., rendered the 15th day of April 1893 in the suit in chancery pending in said Court to which you are parties plaintiffs and defendants, to wit:

1. Whether the said Mary A. Haughwout is entitled to dower in each separate piece or parcel of land in the bill and proceedings mentioned and, if so entitled, whether the same can be assigned in kind in each piece or parcel of said land.

2. Whether the real estate in the bill mentioned can be conveniently divided in kind between the several parties entitled thereto.

3. If the same cannot be conveniently divided in kind, whether any party is willing to take the entire property and pay therefor to the other parties entitled such sums of money as their interests therein may entitle them to.

4. And, if the same cannot be conveniently divided in kind and if no party will take the entire property and pay the others for their shares, whether the interests of those who are entitled to the proceeds of sale of said property will be promoted by a sale of the entire property, or by allotment of part and sale of the residue.

5. If a sale is recommended, what proportion of the proceeds of sale each one of the parties will be entitled to.

6. Any matters specially stated deemed pertinent by myself or required by any party to be so stated.

Given, under my hand, as Commissioner in Chancery of said Court, this 18th day of July 1893

WILBUR J. KILBY,
Commissioner in Chancery.

Sufficient and legal services of this notice is hereby acknowledged and accepted by us this 18th. day of July 1893.

E. E. Holland
Counsel for Plaintiffs
John J. Penner
Guardian ad litem
for the infant def't
Emma Raby

I have served this notice upon the within named Mary A. Haughwout, Jas. F. Haughwout, Catharine J. Haughwout, Walter Madre, ~~Emma Raby~~ and Charles Raby by delivering a copy hereof in writing to each of them in person this 4th. day of August 1893; and on the same day I served this notice upon the within named Delphine Richardson and George Richardson by leaving a copy thereof ^{for each of them} posted at the front door of their usual place of abode; being unable to find ^{these} either of them, or any member of their family or any other person above the age of sixteen years.

W. H. Baker Sheriff
of Nantsemond co Va

Haughwout Sal.

vs.

Haughwout Sal.

The depositions of Robert H. Atkinson, ~~Leonard L. Bush~~ ^{Thomas R. Pringle} and others taken before me, Wilbur J. Kilby, Commissioner in Chancery of the Circuit Court for the County of Chausemound, Va. This 10th day of August 1893 at my office in Suffolk to be read as evidence in behalf of the Plaintiffs in the suit in Equity depending in said Court between Garrett W. Haughwout and others, Plaintiffs and Mary A. Haughwout and others, Defendants;
Present: E. E. Holland, Counsel for Plaintiffs.

Robert H. Atkinson being duly sworn deposes and says as follows:
1. Q. What is your age, and occupation and where do you reside?
Ans: I am 42 years of age, my occupation is that of planter of oysters and I reside at Crittenden in Barrett's Neck, Chausemound Co. Va.

2. Q. Are you familiar with

the lands of which the late Theodore Haughwout died seised and possessed? If you are please state whether dower can be assigned ~~in kind~~ in each piece thereof to the widow of said Haughwout and whether the said lands can be conveniently divided in kind among the heirs of said Haughwout; or if they cannot be so divided whether any of said heirs is willing to take the same and pay the other heirs for their interests therein; or whether the interests of all parties interested would be promoted by a sale thereof and distribution of the proceeds of sale among the parties?

Ans; I am familiar with the lands. Some of them lie in Berretts Creek and some in Isle of Wight County. Va. I think it would be difficult to assign dower in the home place and in the small lot adjoining John W. Kay and Geo. W. Haughwout, ~~but~~ and I doubt whether it ~~can~~ ^{could} be done

at all satisfactorily to the parties. It might be assigned in all the other parcels, but not to any advantage. It would certainly destroy the market value of the parts ~~also~~ not assigned and give the widow several parcels of no value to her ~~and~~ as she would derive little or no income therefrom.

After the assignment of dower the remainder of the lands could not be conveniently divided in kind. ~~Four~~ Three parcels lie in Isle of Wight Co. and are not so desirable or valuable as the four parcels in Barrett's check, and being of different sizes (some small and some large) and of different ^{value}, and the shares being six in number, they could not be conveniently divided in kind. Another reason for this is that some of the lands have buildings on them, while others have not. I know of none of the parties willing to take the lands or any part thereof and pay the other parties for their in-

terests ~~there~~ therein, I am decidedly of opinion that the interests of all parties will be promoted by a sale of all the lands and distribution of the proceeds among the parties. And further this defendant says not.

R. H. Atkinson

Thos. Q. Gilliam being duly sworn deposes and says as follows:

Q. 1. What is your age, and occupation and where do you reside?
Ans; I am 65 years of age and a farmer and I reside on Chuckatuck Creek, Isle of Wight Co. Va.

Q. 2. Are you familiar with the lands of which the late Theodore Haughwout died seized and possessed? If you are, please state whether dower can be assigned ~~in kind~~ in each piece thereof to the widow of said Haughwout and whether the said lands can be conveniently divided in kind among the heirs of

said Haughwout; or if they can not be so divided whether any of said heirs is willing to take the same and pay the other heirs for their interests therein; or whether the interests of all parties interested would be promoted by a sale thereof and distribution of the proceeds of sale among the parties.

Answer: I am familiar with the lands in question. Three parcels lie on the west side of Chuckatuck Creek in Isle of Wight Co. and four parcels in Barretts Creek in Jamesmond Co. I do not see how dower can be assigned ~~in kind~~ in each parcel to the widow, for it would not be beneficial to her or the other parties. There is none of the tracts that could be conveniently divided in kind between the parties. Some of the land in Isle of Wight Co. will sell readily in whole tracts, but no one would buy at all if these lands are divided in-

to various shares and dower
be assigned in each parcel
to the widow. The other lands
in Barrett's Creek are in small
parcels with buildings on them
and, therefore, could not be
conveniently divided in kind
nor could dower be easily as-
signed therein, I do not
know of any one or more of
the parties willing to take the
property and pay the others for
their interests therein. Beyond
all doubt it will promote
the interests of all parties to
sell the entire property and
distribute the proceeds among
the parties interested.

And further this defendant
says ~~to~~ not.

Y. D. Gilliam

James F. Haughwout being duly
sworn deposes and says as
follows:

Q. 1. What is your age, occu-
pation and where do you live?
Answer: I am 36 years of age

I am an oyster-man and live in Barrett's Neck, Chausemond Co.

Q. 2. Are you familiar with the lands of which the late Theodore Haughwout died seized and possessed? If you are, please state whether dower can be assigned in kind in each piece thereof to the widow of said Haughwout and whether the ~~to~~ said lands can be conveniently divided in kind among the heirs of said Haughwout: or, if they cannot be so divided, whether any of said heirs is willing to take the same and pay the other heirs for their interests therein: or whether the interests of all parties interested would be promoted by a sale thereof and distribution of the proceeds of the sale among the parties?

Answer: I am familiar with the lands in question, having lived in the neighborhood of them fifteen years, and I am a brother of Mr. Theodore Haughwout, and one of his heirs. I do not think dower can

be assigned in each parcel of the lands. Some are small and some have buildings on them which would make it impracticable to ~~also~~ ascertain one-third part in value of each tract in such manner as to enable Commissioners to assign the dower; and besides the value of some of the parcels would practically be destroyed, for no income could be obtained either by the widow or the heirs for their respective parts so long the dower stood.

The lands could not be conveniently divided in kind.

There are seven (7) parcels - some ^{of them being} small lots of from 1 to 2 or 3 acres like town lots and some farm and wood lands, ranging from 6 to 160 odd acres; some with buildings on them and some without buildings and all of different values - both fee simple and annual. There are first six shares and then one of these shares would have to be divided

into three parts, - all making it impracticable to divide the lands in kind conveniently especially if dower is to be assigned in each parcel. I do not know of any heir willing to take the property and ^{pay} the others for their interests in it. It would undoubtedly promote the interests of all parties to sell the land and divide the proceeds of sale among the parties interested. One of the heirs, Elizabeth Campbell, is in Minnesota, ^{and} Sarah A. Rogers, ^{another heir,} is in Brooklyn N.Y. Neither of these have ^{any} desire to own any of the property and both prefer, as all the heirs do, to have it sold and take their shares in ~~money~~ money.

And further this deponent says not.

James F. Hausman

State of Virginia }
 County of Chancery } to wit:
 I, Wilbur J. Kilby, a Commissioner in Chancery of the Circuit

Court for the County aforesaid in the State of Virginia, do certify that the foregoing depositions of Robert H. Atkinson, Thos. Q. Gilliam and Jas. F. Haughwout were duly taken, sworn to, and subscribed before me at the place and time mentioned therein and in the caption thereto and for the purposes therein stated.

Given under my hand this 10th. day of August 1893.

Wilbur J. Kilby,
Commissioner in Chancery.

Haughwout & als.

vs. } In Chy.

Haughwout & als

Report of Court.
under decree of
15 April 1893

1893 September 30th

Filed

W. D. H. M. Clerk

In the Circuit Court of Nansemond County:

Haughwout vs Haughwout and others.

This cause came on this day to be again heard on the papers formerly read^d, and upon the report of Special Commissioner E.E.Holland, filed on the 28th day of March, 1895, to which no exceptions have been filed, and was argued by Counsel:

On consideration whereof the Court doth ratify, approve and confirm said report, and said sale to L.F.Savage as therein reported, and doth further order, adjudge and decree that when and so soon as the said L.F.Savage shall pay in full the bonds given for the credit instalments ^{with} accrued interest, that the said E.E.Holland, Special Commissioner shall convey^{to him} by good and sufficient deed, with special warranty, the tract of land reported by said Special Commissioner to have been purchased by him. And the Court doth further order, adjudge and decree that the said E.E.Holland, Special Commissioner as aforesaid, shall proceed to distribute the funds now in his hands, or hereafter coming into his hands as such Commissioner among the several parties reported entitled thereto by Commissioner Wilbur J.Kilby in his report filed in this cause on the 30th day of September, 1893, and heretofore confirmed by decree in this cause. And the said Special Commissioner E.E.Holland shall make report to Court of his distribution as aforesaid. And this cause is continued.

Houghwout-
vs. Decree
Houghwout vs.

April 9th. 1895-
To be entered.

Robert R. Houghwout

Entered in Chancery
Order Book No. 2
Page 615.-

In the Circuit Court of the County of Nansemond :

Houghwout and others vs Houghwout and others-

This cause came on again this day to be heard upon the papers formerly read, and upon the report of sales made by Special Commissioner E.E. Holland, and filed on the 29th day of Sept, 1894, to which report no exceptions have been filed, and was argued by Counsel:-

On consideration whereof the Court doth in all respects ratify, approve and confirm said report, and doth approve the sales made respectively to Garrett W. Houghwout, Jas. F. Houghwout, W. M. Brittain, W. W. Gilliam, B. B. Winall and J. N. Barcalow. And the Court doth further, adjudge, order and decreeth that when and so soon as the said Garrett W. Houghwout, Jas. F. Houghwout, W. M. Brittain, W. W. Gilliam, ^{and} B. B. Winall ~~and~~ shall respectively pay and discharge the bonds given by them for the credit instalments of their respective purchases, by paying same to said E. E. Holland, Special Commissioner, with interest up to the time of payment, then the said E. E. Holland, Special Commissioner shall convey, by good and sufficient deed, to the said Garrett W. Houghwout, Jas. F. Houghwout, W. M. Brittain, W. W. Gilliam and B. B. Winall the tracts of land purchased by them respectively and being the same as described in the proceedings in this cause and in the advertisement of sale returned with his report of sale. And the said Special Commissioner is authorized to withdraw the bonds given for the credit instalments by the said respective purchasers, from the papers in this cause, and upon the payment of the same by said respective purchasers, to deliver same to them.

And it appearing to the Court from the report of sale of said Commissioner that J. N. Barcalow has paid the entire purchase price of the tract of land purchased by him, the Court doth further order, adjudge and de-

cree that the said Special Commissioner E.E.Holland do convey, by good and sufficient deed, with special warranty, unto the said J.N.Barcalow, all that certain tract of land in Isle of Wight County, Virginia, with the new store-house thereon, containing six acres, more or less, and bounded by the lands of T.O.Gilliam and Chuckatuck creek, *and being the tract of land purchased by him as aforesaid.*

And it further appearing to the Court from the said report of sale made by said Commissioner that J.C.Hubbard, on account of being misled as to the boundaries of the tract of land purchased by him by the advertisement of sale, refuses to take said land, ^{is} it ordered that the said Commissioner E.E.Holland -readvertise the said tract of land ^{purchased by him} for sale upon the same terms mentioned in the first decree of sale entered in this cause, and in said advertisement of sale the said Commissioner is authorized to except from sale the cemetery included within the boundaries of said tract of land as heretofore advertised.

And it further appearing to the Court that there is now in the hands of the said Commissioner deposited in the Farmers Bank of Nansemond to his credit, the cash instalments paid by the respective purchasers, less the costs of suit and fees of counsel which have been ~~deducted~~ therefrom, it is further ordered, adjudged and decreed that the said Special Commissioner do proceed to distribute between the several parties entitled thereto, as ascertained by report of Commissioner Wilbur J.Kilby filed in the papers in this cause, the said funds now on deposit as aforesaid, and such other amounts as may be paid by the respective purchasers of the lands herein mentioned on their respective purchases as the credit instalments respectively fall due, and make report of distribution to Court. And this cause is continued, &c-

Houghton's sale²⁰
to Deane
Houghton

Feb. 10 1894

To be entered -
~~CMS~~

Entered in Chancery
Order Book No. 2
Page 578. -

Houghton 1.

vs

Houghton et. al.

This case came on this day to be again heard on the papers formerly read and on the report of Commissioners to assign dower filed March 20th 1894 and was argued by Counsel:

On consideration whereof the Court doth adjudge order and decree that said report of Commissioners to assign dower be amended so as to include and embrace the privilege of cutting and removing from the tract of land known as "The cutting farm" in Isle of Wight County adjoining the lands of John Shepherd and others wood necessary for fuel for the use of ~~the property of Houghton~~ ~~and her family as in and to~~ ~~and to go by the main house~~ ~~the~~ the main mansion house ~~and~~ the lot assigned to Mary A. Houghton during her natural life and no longer, and thus amended the said report is hereby ratified & confirmed.

And the Court doth further adjudge order and decree that E. E. Holland who is hereby appointed a Special Commissioner

missioner for that purpose, after
having advertised for at least 30
days in some news paper published
in the county of St. Lawrence ^{the time, terms and place of sale} and, pro-
ceed to sell the lands in the bill
and proceedings mentioned except
as to the lot assigned to the widow
as & for her dower and to sell
the reversion in that lot also at
public auction to the highest bidder
on some county court day ^{in the county of St. Lawrence} on the
following terms: namely, cash
one third and the balance in ^{this word is deleted} ~~in~~
six & twelve months from day
of sale, with right to purchaser to pay
all in cash at his election, purchas-
ers to give bond ~~and good~~ for
deferred payments bearing interest from
day of sale, title to be retained
till all the purchase price is
paid and conveyances directed
by this court, and before the said
J. E. Hall and shall enter upon
the discharge of his duties under
this decree he shall enter into
bond in the penalty of \$10,000
before the clerk of this court with
surety deemed sufficient by said
clerk, conditioned and payable
as the law directs,

and the clerk's certificate showing
the execution of said bond shall
be appended to said advertisement
of sale, and out of the proceeds
of sale shall pay the costs of this
suit and said sale, including
statutory expenses, and inclu-
ding as well fees of counsel not
to exceed \$250^{xx}/₁₀₀, ~~of~~ and shall
deposit the balance of the cash
proceeds of sale in The Farmers
Bank of Annapolis and of Suffolk
Va. to the credit of E. E. Hall and
Spec. Inv. in this cause, and the
said expenses shall not be paid
to suit.

Hughwunt
as
Hughwunt oad

Apr 11th 1894
To be returned
C.H.H.

Entered in Chancery
Order Book
No. 2. Page 549.

Houghwout et. al.

25

Houghwout et. al.

This cause came on this day to be heard again on the papers formerly read on the report of W. J. Kilby, Commissioner filed since the last hearing with the exceptions thereto of Mary A. Houghwout and was argued by counsel, on consideration whereof without passing on said report or said exceptions doth order, ^{adjudge} and decree that the questions raised thereon be continued; and the Court doth further ^{adjudge} and decree that C. H. Hott of the county of Dale of which W. H. Hall and ~~et~~ E. L. Ramsey, ^{of the Co. of Dale} S. H. Webb and John D. Corbell Jr. be and they are hereby appointed Commissioners, any three of whom may act.) to go upon the premises in the bill & proceedings mentioned and after first being duly sworn according to law proceed to lay off by meters and bounds the dower of Mary A. Houghwout widow of Theodore Howard dec'd in the lands of which her said ^{husband} died seized & possessed, giving to her ^{one} one equal third part thereof having due regard to quantity and quality, and make report to Court

Naughton et al,
vs { Decree
Naughton

Decree

To be entered

CMS

Oct 12, 1893

Entered in Chancery
Order Book
No. 2. Page 517.

In the Circuit Court of Nansemond County-

Houghwout and others

Against

Houghwout and others

This cause came on this day to be heard upon the bill taken for confessed as to all the adult defendants with the exception of Mary.A. Houghwout, the answer of said Mary A.Houghwout, the answer of the infant defendant Emma Rabey by John B.Pinner, an attorney at law, her guardian ad litem and of the said guardian ad litem, with replications thereto, 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 enquire into and report to Court-

1st. Whether the said Mary A.Houghwout is entitled to dower in each separate ^apiece or parcel of land in the bill and proceedings mentioned, and if so entitled whether the same can be assigned in kind in each piece or parcel of said land-

2nd. Whether the real estate in the bill mentioned can be conveniently divided in kind between the several parties entitled thereto-

3rd. If the same cannot be conveniently divided in kind, ~~and if not~~ whether any party is willing to take the entire property and pay therefor to the other parties entitled such sums of money as their interests therein may entitle them to-

4rd. And if the same cannot be conveniently divided in kind and if no party will take the entire property and pay the others for their shares, whether the interests of those who are entitled to the proceeds of sale of said property will be promoted by a sale of the entire prop=

erty or by the allotment of part and sale of the residue-

4.If a sale is recommended what proportion of the proceeds of sale each one of the parties hereto will be entitled to-

Which several inquiries the said Commissioner shall make and report to Court together with any matter specially stated deemed pertinent by himself or required by any party to be so stated.

And this cause is continued-

Houghwour 285
vs De Chancery
Houghwour oals

Apr 15, 1883,
To be Entered.
CMT -

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Hanphwout and others

~~vs~~

Hanphwout and others

On motion Mary A. Hanphwout
one of the defendant leave is given her
to file her answer which is done
in open court.

Houghwout et al. 21
ads

Houghwout et al.

Apr. 14th 1893

De cree

Yd been entered
CMT

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