

1898-013

Nansemond Co. (Suffolk)

Chancery Causes: Claus H. Bahrenburg etc vs William R. Old et al

Saunders, Morgan, Imperial Guano Co., J H Bahrenburg & Co., Ames, Britt, Young, Newton

CHANCERY SUMMONS.

The Commonwealth of Virginia,
Sergeant of the City of Norfolk,
 TO THE SHERIFF OF NANSEMOND COUNTY GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *William R. Old, and*
Mary F. Old, his wife, Benjamin L. Saunders,
Henry A. Morgan, The Imperial Guano
Company, Lee Butt trustee, John R. Young Jr.
trustee, and A. J. Newton, Receiver of The Im-
perial Guano Company

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 *November*, to answer
 a Bill in Chancery, exhibited against *them*
 in the said Court by *Claus H. Bahenborg survivor of*
J. H. Bahenborg and Brother

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this *14th* day of
October, 189*6*, in the 12*th* year of the Commonwealth.

A copy—Teste:

Teste:

Clerk.

A. P. Gomer, CLERK.

I have executed and served this process on the within-named John R. Young, Jr. Master, and A. J. Newton, Receiver of The Imperial Guano Company by delivering a copy hereof in writing to each of them in person; and I have also executed and served this process on the within-named The Imperial Guano Company by delivering a copy hereof for said Company in writing to A. J. Newton, Receiver of said Company, duly appointed by the Corporation Court for the City of Norfolk, Virginia; the said A. J. Newton ^{being in but not a resident} of said city where his place of business is, and the principal office of said company, being in said city.

Done at the City of Norfolk, Virginia,
this 17th day of October 1896.

J. L. Lawler
Sergeant of the City of Norfolk, Va.
by L. Quinn Deputy

(Sergts fee \$1.50 paid
L. Quinn D.S.)

709 110 Nov 1

Wilbur J. Kilby, Jr.

Claus H. Bahrenburg etc

vs. } In Chancery.

Wm R. Oed tals,

1896

November Rules.

First Monday.

Nansemond Circuit Court.

Process Book No. -----

Page -----

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *William R. Old and*
Mary A. Old, his wife, Benjamin L. Saunders
Henry A. Morgan, The Imperial Guano
Company, Lee Pitt, trustee, John R. Young, Jr.
trustee and A. J. Newton Receiver of The Imperial
Guano Company

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 *Tuesday* Monday in *November*, to answer
a Bill in Chancery, exhibited against *them*
in the said Court by *Claus H. Bahrenburg survivor*
of J. H. Bahrenburg and Brother

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this *14th* day of
October, 189*6*, in the 12*th* year of the Commonwealth.

A copy—Teste:

Teste:

CLERK.

CLERK.

I have served this process on the within named
Lee Britt, Trustee, Henry A. Morgan and Benjamin L.
Saunders by delivering a copy hereof in writing to
said Lee Britt, Trustee, and a like copy to said Hen-
ry A. Morgan in person in my county on the 15th,
day of October 1896 and by delivering a like copy
to said Benjamin L. Saunders in person in my county
on the 16th, day of October 1896.

A. H. Baker
Sheriff of Nausemond County.

I have served this process on the within named
William R. Old and Mary A. Old by delivering a
copy hereof in writing to each of them in my county
on this 15th, day of October 1896.

R. J. Ballard, Deputy for Alex. H. Baker, Sheriff of,
Nausemond County.

Wilbur J. Kilby p. 9

Claus H. Bahrenburg etc.

vs. } In Chancery.

Wm R. Old & als

1896

November Rules.

First Monday.

Nausemond Circuit Court.

Process Book No.-----

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The clerk of the Circuit
Court of Chaussemond County
will issue process as follows:

Claus H. Bahrenburg, survivor
of J. H. Bahrenburg and Brother
Against

William R. Ald and Mary
A. Ald, his wife, Benjamin
L. Saunders, Henry A. Morgan,
The Imperial Guano Company,
Lee Britt, Trustee, John R.
Young, Jr. Trustee, and
J. Weston, Receiver of The
Imperial Guano Company.

Summons to answer a
Bill in Chancery.

To Rules on the First Mon-
day in November 1896.

Wilbur J. Kilby, p.g.

14 Octo. 1896

Pay \$1.50 paid

Bahrenburg etc.

vs. } In Chy.

M^m R. Ald fals.

Memo,

Know All Men by These Presents, That we, *Wilbur J Kilby*
and Henry A Morgan

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full
sum of *Five 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 *2nd* day of *December* in the year
of our Lord one thousand eight hundred and *ninety Seven*, and in the *122nd* year
of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas *by a*
decree pronounced in Vacation on the first day of Dec-
ember 1897 by Hon Robert R Prentiss Judge of the Circuit Court
for the County of Nansemond in the State of Virginia in the
Chancery Cause pending in said Court between Claus N
Bahrenburger etc Complainant and William R Old Mary S
Old and others defendants it was decreed that certain real
estate belonging to said William R Old, and in the papers
in said cause mentioned and described, be sold and the
said Wilbur J Kilby was by said decree appointed Special
Commissioner to sell the same; Now therefore if the said
Wilbur J Kilby shall faithfully discharge his duties under
said decree and all other decrees he may be required to exe-
cute in said cause and shall in all respects faithfully dis-
charge the duties, as Special Commissioner aforesaid, ac-
cording to law then the above obligation is to be void;
otherwise it is to remain in full force and virtue.

Wilbur J Kilby
Henry A Morgan



In the office of the Clerk of the *Circuit* Court of Nansemond County, on the
2nd day of *December* 1897.

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

A Copy Teste: *A. P. Gomez* clerk

Teste:

A. P. Gomez

CLERK.

Wilbur J Kilby
To { Spee Commr. Bond
The Commonwealth.

1897

Dec Ind

Recorded in Bond
Book No 1 Page 142

A Copy.

Suffolk, Va., Dec 29, 1897

M^r W J Kilby The Crown Dr^r

TO SUFFOLK HERALD

Newspaper, Book ^{AND} Job Printing Establishment.

J. E. BOOKER, Proprietor.

TERMS CASH.

No. 9 WASHINGTON SQUARE.

1897

Dec	To 50 8th Bills —				
	Note & Sale of Wm R Alder				
	Lanc				
1898 July	Received payment.			\$	1.00
	J. P. Boston				

J. E. Booker,
M.Lad.

REAL ESTATE FOR SALE.

By authority of a decree pronounced in vacation on the first day of December, 1897, by Hon. Robert R. Prentiss, Judge of the Circuit Court for the County of Nansemond, in the State of Virginia, in the chancery cause pending in said court between Claus H. Bahrenburg, etc., complainant, and William R. Old and other, defendants, the undersigned will sell by public auction to the highest bidder, at the Postoffice, in Suffolk, Va.,

ON MONDAY, DECEMBER 27, 1897,

At 12 o'clock M., the following real estate, to wit:

1. All that certain tract or parcel of land situated in Knott's Neck, in Sleepy Hole Magisterial district, in said county and State, containing 23 3/4 acres, more or less, and bounded on the north by Nansemond river, on the east by Knott's creek, on the south by the lands of Mary I. Arthur (formerly Francis M. Arthur) and James S. Arthur (formerly William J. Arthur), and on the west by Bennett's creek.

2. All that certain tract or parcel of woodland situated a short distance from the above-described land, in said Neck, district, county and State, containing ten acres, more or less, and bounded on the north by the land of Mary I. Arthur (formerly Francis M. Arthur), on the east and south by the land of James E. Ames, and on the west by Knott's Neck road.

TERMS CASH.—The title to said lands will be retained until the further order of Court.

WILBUR J. KILBY,
Special Commissioner.

December 3, 1897.

1. Azra P. Gomer, Clerk of the Circuit Court of Nansemond county, Virginia, do certify that the bond required of Wilbur J. Kilby, special commissioner, under the decree entered by the Judge of said court on the first day of December, 1897, in the chancery cause pending in said court between Claus H. Bahrenburg, etc., complainant, and William R. Old and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this second day of December, 1897. A. P. GOMER, Clerk.

family recipe, handed down for several generations from mother to daughter: Two cupfuls of Porto Rico molasses, one cupful sugar, one cupful drippings (or half butter and half and one cupful cold water a dessert.

SUFFOLK, VA.,

Dec 29

189

M. W. J. Hilby, Special Commissioner
To The Suffolk Daily Progress, Dr.

J. E. McGuire, = = = Manager.

Newspaper, Book and Job Printing Establishment.

Rooms 9 and 11 Postoffice Building.

^{the annexed}
Advt ~~above~~ notice once a
week, 3 weeks - Mondays
(3½ in 25 c in)

4 0 0

Paid
Feb 4 1898. J. E. McGuire

\$2000.00

Three Years

after date, with legal interest from date

until paid, payable

Semiannually

I bind myself

my heirs, executors and administrators, jointly and severally, to pay to

Benjamin L. Saunders his personal representatives or assigns,

the sum of

Two Thousand

DOLLARS,

100

for value received; and I hereby waive the benefit of my Homestead Exemption as to this debt, obligation and contract.

Witness

my

hand

and seal

this

18th

day of

August

1891

William R. Old

SEAL

SEAL

SEAL

SEAL

Witness

Wilbur J. Kilby

10-10-000 Aug 18/91
Recd Aug 18/94
\$60.00

Recd. Interest for
Six months ending
Feb 18th 1893 Sixty
Dollars B. L. Saunders
Feb 23/93

Recd. Interest for
Six months ending
Aug 18th 1893
\$60.00 B. L. Saunders
Aug 19/93

~~B. L. Saunders~~

Recd. Interest for
Six months ending
Feb 18th 1894
Feb 19/94 B. L. Saunders
\$60.00

Recd. Interest for Six
Months ending
Aug 18th 1894
\$60.00 B. L. Saunders

Recd Interest for Six
Months ending Feb 15/95
60.00 Sixty Dollars
B. L. Saunders
Apr 20/95

Recd Interest for
Six months ending
Feb 18th 1892
Sixty Dollars
\$60.00 B. L. Saunders

Recd. Interest for
Six months ending
Aug. 18/92 Sixty
Dollars
\$60.00 B. L. Saunders
Aug 24/92

Recd Interest for
Six months ending
Aug 18/95
Sixty Dollars
60.00 B. L. Saunders

Octo 26/95
For value recd. I hereby
assign the within bond
to H. A. Morgan with
out reserve. Jan 27/96
B. L. Saunders

Interest paid to Feb
18th 1896. 15
Paid Nov. 6th 1897
Fifty Dollars \$50.00

William R. Ald

To

Henry A. Morgan

assignee of Benj. L. Saunders. Dr.

1898

1

To Principal of bond
secured by deed of
trust on land

~~\$~~2000

" Interest from 18 Feb.
1896 to 1 Jan. 1898 - 1y.
10 ms. 13 ds.

224 33

By Cash on account of
interest paid by Wm
R. Ald 6 mo. 1897

50 00 174 33

Bal. due

~~\$~~2174 33

1898 Jan 1. Received of Wilbur J.
Kilby, Special Comr. Twenty-one
hundred and seventy-four dollars
and thirty-three cents, in settle-
ment of the above bond or debt
as per above statement.

H. A. Morgan
assignee of B. L. Saunders

Virginia;

County of Chausemond, to wit
Claus H. Bahrenburg etc

Against } In Chancery

William R. Ald & als.

To Honorable Robert R. Prentiss,
Judge of the Circuit Court for the
County of Chausemond;

In pursuance of the decree
pronounced by Your Honor in
vacation on the 29th. day of De-
cember 1897 in the cause in Chan-
cery in the Circuit Court for
the County of Chausemond pend-
ing between Claus H. Bahren-
burg etc, Complainant and Wil-
liam R. Ald and others, Defend-
ants, the undersigned, Wilbur
J. Kilby, Special Commissioner re-
spectfully reports to Your Honor
as follows:

That as directed by said de-
cree Your Commissioner has receiv-
ed of Walter R. Ald, the purchaser
of the lands sold under proceed-
ings in said cause, the sum

of five thousand (5000) dollars due by him for said lands and has disbursed the same as in said decree mentioned and specified, as will appear by the vouchers herewith returned and the following statement, to wit:

Statement.

By cash received as above stated			\$ 5000
To paid Wilbur J. Kilby, Atty. for Complainant, the tax on said cause and the fee taxed for him	\$ 16	50	
" " A. P. Gomer, Clerk of Court, his fees	8	13	
" " Alex. H. Baker, Sheriff of Chatham County, his fees	2	50	
" " J. L. Lawler, Sergeant, of Norfolk City, his fees.	1	50	
" " John B. Primer, Comm. in Chancery, his fee	10		
" " J. Walter Hosier, Crier, for services at sale of said land	10		
" " Joseph E. McGuire, Manager of "Suffolk Daily Progress" for publishing notice of said sale.	4		
" " J. E. Booker, for printing notices of said sale	1		
" " Wilbur J. Kilby, Atty. for preparing the deed conveying said lands to the purchaser thereof	5		
Carried on	58	63	5000.00

brought on	58	63	5000
To 5 per cent Commissions on \$300 = \$15.			
" 2 " " on 4900. = 94.	109		
" paid Henry A. Morgan Assignee of Benj L. Saunders in full of his claim of \$2000, and interest due thereon, per voucher.	2174	33	
" " Wilbur J. Kilby, Attorney, assignee of A. J. Newton, Receiver of The Imperial Guano Company, in part of his claim for the prin- cipal sum of \$5093. ³ / ₄ per cent.	2658	04	
	5000		5000

Your Commissioner further reports
that he has made to said Wal-
ter R. Ald^{a pleed} with special warranty
in the usual form conveying
to him the two parcels of land
purchased by him under pro-
ceedings in said cause.

Respectfully submitted this
10th. day of October 1898.
Wilbur J. Kilby,
Special Comm.

(over)

Received of Wilbur J. Kilby
Special Commr. the sums of money
charged in the foregoing Report
as paid to us respectively and
set opposite our names as fol-
lows:

Wilbur J. Kilby Atty. \$16.50

John S. Pinner Commr in Chg \$10.00

~~Asst Baker Sheriff~~ \$2.50

A. P. Gomez, Clerk, \$8.13

Wilbur J. Kilby, Atty. \$5.⁰⁰

J. Waltherman Crim \$10.00

Wilbur J. Kilby, Atty, assignee etc. \$2658.⁰⁴

Bahrenburg etc.

vs. } In Chy.

Old & als

Report of collections
and disbursements
under decree of
29 Dec. 1897

Filed and confirm-
ed 17th. Octo. 1898

COMMISSIONER'S SALE

← OF →

Real Estate at Auction!

By authority of a decree pronounced in vacation on the first day of December, 1897, by Hon. Robert R. Prentis, Judge of the Circuit Court for the county of Nansemond, in the State of Virginia, in the chancery cause pending in said court between Claus H. Bahrenburg, etc., complainant, and William R. Old and others, defendants, the undersigned will sell by public auction to the highest bidder, at the Postoffice in Suffolk, Va.,

On Monday, December 27, 1897,

At 12 o'clock M., the following real estate, to wit:

1. All that certain tract or parcel of land situated in Knott's Neck, in Sleepy Hole Magisterial district, in said county and State, containing $237\frac{3}{4}$ acres, more or less, and bounded on the north by Nansemond river, on the east by Knott's creek, on the south by the lands of Mary I. Arthur (formerly Francis M. Arthur) and James S. Arthur (formerly William J. Arthur), and on the west by Bennett's creek.

2. All that certain tract or parcel of woodland situated a short distance from the above-described land, in said Neck, district, county and State, containing ten acres, more or less, and bounded on the north by the land of Mary I. Arthur (formerly Francis M. Arthur), on the east and south by the land of James E. Ames, and on the west by Knott's Neck road.

TERMS CASH

The title to said lands will be retained until the further order of Court.

DECEMBER 3, 1897.

WILBUR J. KILBY, Special Commissioner.

I, Azra P. Gomer, Clerk of the Circuit Court of Nansemond county, Virginia, do certify that the bond required of Wilbur J. Kilby, special commissioner, under the decree entered by the Judge of said court on the first day of December, 1897, in the chancery cause pending in said court between Claus H. Bahrenburg, etc., complainant, and William R. Old and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this second day of December, 1897.

A. P. GOMER, Clerk.

Wm R. Old
5000 J. L. Bahrenburg. Auction
1897

I, AZRA P. GOMER, Clerk of the Circuit Court of Nansmond County, Virginia,
do certify that the bond required of Webster J. Kelly

~~ordered by the Judge of said Court~~ Special Commissioner under the decree of ~~said Court~~
~~made~~ on the 1st day of December, 1897, in the Chancery cause pending
in said court between Claus H. Bahrenburger etc

, complainant, and William R. Old
and others, defendant~~s~~,

has been executed with security deemed sufficient by me.

Given under my hand this 2nd day of December 1897.

A. P. Gomer, Clerk.

Virginia:

In the Circuit Court for the
County of Chausemond.

Bahrenburg etc.

Against

Alld & als.

} In Chancery

To Honorable Robert R. Prentiss
Judge of the Circuit Court for
the County of Chausemond;

In pursuance of the decree
pronounced in vacation on the
first day of December 1897 by
Honorable Robert R. Prentiss, Judge
of the Circuit Court for the County
of Chausemond, in the State of
Virginia, in the Chancery cause
pending in said Court between
Claus H. Bahrenburg etc. Com-
plainant, and William R. Alld
and others, Defendants, the
undersigned, Wilbur J. Kilby,
Special Commissioner, appoint-
ed for the purposes named in
said decree, respectfully reports
to Court as follows:

That after he had executed the bond required of him, as specified in said decree, before the clerk of said Court and had obtained of said clerk a certificate of the due execution of said bond to be appended to the advertisement of the sale herein mentioned, Your Commissioner proceeded to sell the two parcels of land which by said decree he had been directed to sell, and on Monday, the 27th. day of December 1897, did sell said two parcels of land at the post-office in Suffolk in said County by public auction to Walter R. Old, the highest bidder for both parcels for the sum of five thousand (5000) dollars.

That said sale was made for cash as directed by said decree and the said Walter R. Old is prepared to pay said sum of five thousand dollars upon the confirmation of said sale and the delivery of a deed

conveying said lands to him,
That the title to said lands
was retained until the further
order of court.

That the parcels of land sold
as aforesaid are described and
bounded as follows:

1. All that certain tract or
parcel of land situated in
Knott's Creek in Sleepy Hole
Magisterial District in said
County and State, containing
Two hundred and thirty-seven
and three-fourths ($237\frac{3}{4}$) acres,
more or less, and bounded on
the North by Chausemond River
on the East by Knott's Creek, on
the South by the lands of Mary J.
Arthur (formerly Francis M. Arthur)
and James S. Arthur (formerly
William J. Arthur) and on the
west by Bennett's Creek.

2. All that certain tract or
parcel of woodland situated
a short distance from the above-
described land in said Creek
District, County and State, con-
taining ten (10) acres, more or
less, and bounded on the North

by the land of Mary J. Arthur
(formerly Francis M. Arthur)
on the East and South by the
land of James E. Ames, and
on the West by Knott's Creek
road.

That said sale together with
the time, place and terms there-
of was advertised by printed
notices posted at the Court-
house door of said County and
at various public places in
said County and in the neigh-
borhood of said lands more
than three weeks and by pub-
lication of the notice once a
week for three successive weeks
in the Suffolk Progress, a news-
paper printed and published
in the Town of Suffolk in said
County.

That a copy of said cer-
tificate, obtained from said
clerk as aforesaid, was ap-
pended to the advertisements of
said sale.

That said certificate and
a copy of the notice, or advertise-

ment, of said sale are herewith returned.

Respectfully submitted this
28th day of December 1897.

Wilbur J. Kilby,
Special Commissioner.

R EAL ESTATE FOR SALE.

By authority of a decree pronounced in vacation on the first day of December, 1897, by Hon. Robert R. Prentiss, Judge of the Circuit Court for the County of Nansemond, in the State of Virginia, in the chancery cause pending in said court between Claus H. Bahrenburg, etc., complainant, and William R. Old and others, defendants, the undersigned will sell by public auction to the highest bidder, at the Postoffice, in Suffolk, Va.,

ON MONDAY, DECEMBER 27, 1897,

At 12 o'clock M., the following real estate, to wit:

1. All that certain tract or parcel of land situated in Knott's Neck, in Sleepy Hole Magisterial district, in said county and State, containing 237 3-4 acres, more or less, and bounded on the north by Nansemond river, on the east by Knott's creek, on the south by the lands of Mary I. Arthur (formerly Francis M. Arthur) and James S. Arthur (formerly William J. Arthur), and on the west by Bennett's creek.

2. All that certain tract or parcel of woodland situated a short distance from the above-described land, in said Neck, district, county and State, containing ten acres, more or less, and bounded on the north by the land of Mary I. Arthur (formerly Francis M. Arthur), on the east and south by the land of James E. Ames, and on the west by Knott's Neck road.

TERMS CASH.—The title to said lands will be retained until the further order of Court.

WILBUR J. KILBY,
Special Commissioner.

December 3, 1897.

I, Azra P. Gomer, Clerk of the Circuit Court of Nansemond county, Virginia, do certify that the bond required of Wilbur J. Kilby, special commissioner, under the decree entered by the Judge of said court on the first day of December, 1897, in the chancery cause pending in said court between Claus H. Bahrenburg, etc., complainant, and William R. Old and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this second day of December, 1897. A. P. GOMER, Clerk.

Bahrenburg etc.

vs. } In Chy.

Old & als.

Report of Sale of
lands under the
decree of 1st. Dec.
1897

Confirmed 29
Dec. 1897

1897 Decr 28th

Filed *A. P. Gomer* Clerk

Commissioner's Office,

Suffolk, Va. Oct, 23^d, 1897

To Claus H. Bahrenburg, survivor of J. H. Bahrenburg and
Brother Complainant
and William P. Old and Mary J. Old his wife, Benjamin L.
Launders, Henry A. Morgan, The Imperial Guano Company, Lee
Smith, Trustee, John P. Young Jr. ^{Trustee} and A. J. Newton Receiver of the
Imperial Guano Company Defendants

You are hereby notified that I have fixed upon the 1st day of November 1897 next,
at 10 A.M.

in Suffolk on following
if fair; if not, on the next fair day thereafter (Sunday excepted), to take and settle, at my office, the accounts.

- of 1. An Account of the liens, whether by judgments, deeds of Trust or otherwise
including the lien of the Complainant on the real estate of which the
Defendants William P. Old and Mary J. Old were seized and possessed
showing the amounts and sales thereof according to their priorities
2. An Account of the real estate of which said William P. Old
and Mary J. Old were seized and possessed at the time said
liens were acquired and of which they have since become seized
and possessed showing its fee simple and annual values
3. An Account of any matters specially stated seemed pertinent
by himself or required by any of the parties to be so stated.

required to be taken by a decree of the Circuit Court of the County of Nansemond

rendered on the 21st day of October 1897, in a suit in chancery depending in said

Court between you

at which time and place you are required to attend.

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

John P. Turner Commissioner in Chancery

Service of the within notice is hereby personally
acknowledged by us.

Wilbur J. Kilby, Atty.
for Claus H. Bahnsenborg,
Wilbur J. Kilby, attorney,
assignee of A. J. Newton,
Receiver of The Imperial
Guano Company,

Henry A. Morgan assignee
of Benj. L. Saunders.
William R. Old
Mary F. Old

Commissioner's Office
Suffolk, Va.

Nov. 1st 1897

To The Circuit Court of Nansemond County Va.

In pursuance of the decree of the Circuit Court of Nansemond County Virginia pronounced on the 21st day of October 1897 in the Chancery cause pending in said Court between Claus A. Bahrenburg, survivor of J. A. Bahrenburg, Complainant, and William R. Old and Mary F. Old his wife, Benjamin L. Saunders, Henry A. Morgan, The Imperial Guano Company, Lee Poitt, Trustee, John R. Young, Jr., Trustee and A. J. Newton Receiver of The Imperial Guano Company, Defendant, the undersigned John B. Pinner, one of the Commissioners in Chancery of said Court respectfully reports to Court as follows.

That on the 23rd day of October 1897, after the papers in said cause has been referred to him, he gave notice to the parties, as required by the said decree, that he would proceed on the first day of November 1897, at his office in Suffolk, Virginia, to take the several accounts as required by said decree to be made by one of the Commissioners of said Court. Sufficient and legal service of the notice was duly accepted and acknowledged by all the parties to this cause, required so

to do by the said decree, as will appear by reference to the notice hereto attached with the endorsements thereon.

The following are the accounts as ascertained by the said Commissioner.

First Account.

For Account of the liens, whether by judgments, deeds of Trust, or otherwise, including the lien of the said complainant on the real estate of which the defendants, William R. Old and Mary F. Old were seized and possessed at the time said liens were acquired and of which they have since become seized and possessed, showing the amounts and dates thereof according to their priorities.

Under this head the following debts due by said William R. Old and secured by liens on his real estate are stated, to-wit:—

First Lien.— A debt due by said William R. Old to Henry A. Morgan, assignee of Benjamin L. Saunders and secured by a deed of Trust on William R. Old's real estate made by said William R. Old and Mary F. Old, his wife, to Lee Poitt Trustee, on the 18th day of August 1891 and recorded the same day on page 193 in Deed Book No. 30 in the office of the Clerk of the County Court of Nanceemund County, Virginia amounting to

the sum of

\$2000.00

Interest due from 18th Feb. 1896
to 1 Jan 1898 1 year 10 mos.
and 13 days.

224.33

2224.33

Second Lien. - A debt due by the
said William R. Old to Melbur J.
Killy, Attorney, assignee of A. J.
Newton, Receiver of The Imperial Lumber
Company, and secured by a deed of
Trust on said William R. Old's real
estate made by said William R. Old
and Mary A. Old his wife to John R.
Young, Jr. Trustee on the 8th day of
October 1894, and recorded the next day
on Page 569 in Deed Book No. 33 in
said Nanaimo County Clerk's Office
amounting to the sum of

5093.36

Interest due from 8th October 1894
to 1 Jan. 1898 3 years, 2 mos.
and 23 days.

987.26

6080.62

Third Liens -

1. A judgment against said
William R. Old in favor of Claus St
Bahrenburg, survivor of J. St. Bahrenburg
and Bertha, obtained in the Circuit
Court of said County on the 19th day
of October and docketed in said Office

on the first day of November 1894 for	\$695.25
Interest due from 15 th August 1893	
to 1 Jan 1898 4 years 4 mos.	
and 16 days.	182.50
Costs of suit -	<u>7.50</u>
	885.25

2. A judgment against said William R. Orr in favor of Claus H. Bahrnburg, Henry W. Schulte, and Henry W. Bahrnburg, partners in Trade under the name and style of J. H. Bahrnburg, Brothers and Co, obtained in said Circuit Court on the 19th day of October 1894 and docketed in said Office on the first day of November 1894 for

Interest due from 30 th July 1894	\$221.03
to 1 June 1895 10 mos	<u>11.05</u>
	232.08
Paid 1 June 1895	<u>14.00</u>
	218.08

Interest on \$218.08 from 1 June 1895	
to 1 Jan 1898 2 years 7 mos	33.79
Costs of suit	<u>7.20</u>
	259.07

Fourth Lien - A debt due by said William R. Orr to Walter J. Kelly, Attorney, assignee of A. J.

Newton, Receiver of The Imperial
 Guaranty Company and secured by
 a Deed of Trust on said William
 R. Old's real estate made by said
 William R. Old and Mary J. Old
 his wife to John R. Young, Jr., Trustee,
 on the 20th day of February 1896 and
 recorded on the 6th day of March 1896,
 on page 104 in Deed Book No. 37 in
 said Office, amounting to the sum of \$808.10
 Interest due from 8th October, 1895
 to 1. Jan. 1898, 2 years, 2 mos,
 and 23 days

108.15
 916.25

Recapitulation,	
Amount of First Lien	\$ 2224.33
Amount of Second Lien	6080.62
Amount of Third Liens	885.25
	259.07
Amount of Fourth Lien.	<u>916.25</u>
Total Liens.	\$10365.52

The foregoing are all the liens
 now in existence on the real
 estate of said William R.
 Old.

Second Account.

An Account of the real estate of which said William R. Old and Mary J. Old were seized and possessed at the time said liens were acquired and of which they have since become seized and possessed showing its fee simple and annual values.

Under this head the Commissioner reports that the said William R. Old was seized and possessed at the time said liens were acquired and is now seized and possessed of the following real estate which is subject to said liens, to-wit:-

1. All that certain Tract or parcel of land situated in Knolls Neck in Deeply Hole Magisterial District in the County of Nansemond and the State of Virginia containing $237\frac{3}{4}$ acres more or less (erroneously at one time said to contain 250 acres, and at another time 230 acres, and at another time $273\frac{3}{4}$ acres, more or less) and bounded on the North by Nansemond River, on the East by Knolls Creek, on the South by the lands of Mary J. Arthur (formerly Francis M. Arthur's) and James J. Arthur (formerly William J. Arthur's) and on the West by Bennett's Creek.

2. All That certain Tract or parcel of woodland situated a short distance from the above described land in said Neck, District, County and State containing 10 acres more or less, and bounded on the North by the land of Mary J. Arthur (formerly Francis M. Arthur's) on the East and South by the land of James E. Ames and on the West by Knolls Neck road.

The said parcel of $237\frac{3}{4}$ acres of land consists chiefly of marsh, of but little value, not more than 80 or 100 acres being anything but marsh and is assessed for Taxation at \$2844.00

Its fee simple value is however about 3500.00

Its annual value is 300.00

The fee simple value of said Tract of 10 acres is 100.00 and its annual value nominal.

The above mentioned Debt of Trust and the Debt thereby secured are liens upon said Tract of $237\frac{3}{4}$ acres only while said judgments are liens on all of said lands.

There are no liens of any kind against said Mary J. O. and the Commissioner

has not been able to discover any real estate belonging to her.

Third Account.

An Account of any matters specially stated deemed pertinent by the Commissioner or required by any of the parties to be so stated.

Under this head the Commissioner reports that he has no knowledge of any matters deemed pertinent by himself or required by any of the parties to be so stated.

Respectfully submitted this first day of November 1894

John B. Pinney
Commissioner in Chancery

Com'g Fee
\$10⁰⁰

Claus M. Rahrenburg, etc.

vs.
Hon. R. Old et al.

In Chancery

Report of
John B. Pinner
Clerk in Chancery

Confirmed 1 Dec. 1897

1897 Nov 1st Filed

C. P. Corney Clerk

Claus H. Bahrenburg etc.

vs.

Wm R. Old & als.

Virginia:

Circuit Court of Chancery
County, to wit;

In vacation on the 29th day of
December 1897.

This cause came on this
day in vacation to be again heard
on the papers formerly read and on
the Report of Special Commissioner,
Wilbur J. Kilby, filed on the 28th
day of December A.D. 1897 (the same
being his report of the sale of the
two parcels of land therein men-
tioned and described belonging
to William R. Old in pursuance
of the decree entered herein on
the first day of December 1897),
and was argued by counsel.

On consideration whereof it is hereby adjudged, or-
dered and decreed that the said report and
the sale of said land ^{therein mentioned,} to which no ex-
ception has been taken, ^{and the same are,} be here-
by approved and confirmed.

And it is hereby ^{further} adjudged,
ordered and decreed that said
Wilbur J. Kilby, Special Commis-
sioner, do receive of Walter R.
Old, the purchaser of said
two parcels of land, the sum
of five thousand dollars, such

sum being the amount of his bid, and with the money thus received pay the costs of this cause and the expenses of said sale and then pay and distribute the remainder thereof to the persons holding liens on said lands and entitled to the same according to the priorities of such liens as stated in the Report of ~~John B. Primer~~ Commissioner, John B. Primer filed in this cause on the first day of November 1897, as follows, to wit: To Henry A. Morgan, assignee of Benjamin L. Saunders, the sum of two thousand dollars and interest thereon from the 18th day of February 1896 till paid, and to Wilbur J. Kilby, attorney, assignee of A. J. Chewton, Receiver of The Imperial Guano Company, the remainder of said sum of five thousand dollars, in part of the sum of five thousand and ninety-three and $\frac{36}{100}$ dollars due to him as stated in said Report of said Commissioner, John B. Primer, And it is hereby further ad-

judged, ordered and decreed
that said Special Commissioner,
Wilbur J. Kilby, do make to said
Walter R. Old a deed with spe-
cial warranty in the usual form
conveying to him the two parcels
of land purchased by him under
proceedings in this cause upon the
payment by him of said sum
of five thousand dollars.

And said Special Commis-
sioner will make report to Court
of his proceedings under this
decree.

Walter R. Old.

To the Clerk of
the Circuit Court
of Chautauque County.

Bahrenburg etc.

vs. } In Chy.

Old & als.

In the Circuit
Court of Chase-
mond County.

In vacation

Dec. 29, 1897

Decree

To be entered

~~Wm. H. H. H.~~

Entered in

Chy. O.B. - no 3

Page 120.

Circuit Court of Hausenmond County,
In vacation, on the first day of
December 1897;

Claus H. Bahrenburg etc.

vs.
Wm R. Old & als.

This cause came on this day in vacation, to be again heard on the papers formerly read and on the Report of Commissioner John B. Primer, filed on the first day of November A. D. 1897, (the same being a Report of the real estate belonging to William R. Old, and of its fee-simple and annual values and of the liens on said real estate, in pursuance of the decree entered herein on the 21st. day of October 1897), and was argued by counsel.

On consideration whereof, ~~the Court doth approve and confirm~~ the said Report, to which no exception has been taken, is hereby approved and confirmed, and it appearing that the sale of said real estate is necessary for the satisfac-

tion of the liens thereon and that the rents and profits thereof will not satisfy the said liens in five years, it is hereby adjudged, ordered and decreed ~~for~~ that said real estate, mentioned and described in said Report, be sold for the satisfaction of said liens, and that Wilbur J. Kilby, who is hereby appointed Special Commissioner for that purpose, do proceed to sell the same by public auction for cash before the Courthouse door of Chaussemond County on some County-Court day, or ~~before~~ at the post-office in Suffolk, Va., on ~~the~~ such day, or some other day, as he may deem best, the title to said real estate to be retained until the further order of Court.

But before proceeding to sell said real estate, said Special Commissioner will advertise the time, place and terms of the

sale by printed notices to be posted at said Courthouse door and various public places in said County and by publication of the notice of the sale once a week for three successive weeks in a newspaper printed and published in the Town of Suffolk and will execute before the clerk of the Court in which this cause is pending, a bond in the penalty of five thousand dollars with good personal security, payable to the Commonwealth of Virginia and conditioned for the faithful discharge of his duties under this decree and all other decrees he may be required to execute in this cause, and will obtain of said clerk a certificate of the due execution of such bond and append the same, or a copy thereof to the advertisement of said sale, and make report to Court of his proceedings under this decree.

Bahrenburg etc.

vs. } In Chy.

Old Sals.

In the Circuit
Court of Chase-
mound County
In vacation
Dec. 1st 1897

Decree

To be entered

Robert R. Dentis.

Entered in Chancery

Order Book No 3

Page 117

Robert R. Dentis.
To the Clerk of the
Circuit Court of
Chase-mound County.

Lelaus H. Bahrenburg
Survivor of J. H. Bahren-
burg and Brother, Complainant,

Against } In Chancery

William R. Old and
Mary A. Old, his wife, Ben-
jamin L. Saunders, Henry
A. Morgan, The Imperial
Guano Company, Lee Britt,
Trustee, John R. Young, Jr.,
Trustee, and C. J. Chewton,
Receiver of The Imperial
Guano Company, Defendants.

This cause came on this
day to be heard on the Bill of the
Complainant, taken for confessed
as to all the defendants on whom
process has been duly served, they
still failing to appear and plead
answer and demurr to said Bill
and an Exhibit A filed with said
Bill, and was argued by coun-
sel.

On consideration whereof the
Court doth adjudge, order and decree
that the papers in this cause be re-

ferred to one of the Commissioners in Chancery of this Court, who is directed to take, state, settle and report to Court, the following accounts, to wit;

1. An Account of the liens, whether by judgments, deeds of trust, or otherwise including the lien of the Complainant on the real estate of which the defendants William R. Old and Mary F. Old ~~was~~ were seised and possessed at the time said liens were acquired and of which they have since become seised and possessed, showing the amounts and dates thereof, according to their priorities.

2. An Account of the real estate of which said William R. Old and Mary F. Old were seised and possessed at the time said liens were acquired and of which they have since become seised and possessed, showing its fee simple and annual values.

3. An Account of any matters specially stated deemed pertinent by himself, or required by any of the parties to be so stated.

Notice of the time and place

of taking said accounts need
only be given to the Complain-
ant, Claus H. Bahrenburg, or his
attorney, ^{William R. Old} Henry A. Morgan, and
Wilbur J. Kilby, Attorney, and
such notice shall be deemed
sufficient.

And with the consent of the
parties, here entered of record, the
Court doth further adjudge, order
and decree that this cause may
be submitted to the Judge of this
Court for such decision and decree
therein in vacation as might be
made in term.

And the cause is continued,

Bahrenburg etc,

vs. } In Chy.

Old & als.

In the Circuit Court
of Chaussemond
County,

21 October 1897

Decree

To be entered

Robert R. Pankis

We consent to this decree:
Wilbur J. Kilby, atty. for
Claus H. Bahrenburg, Plaintiff,
W. J. Kilby, atty. assignee of A. J.
Newton, Receiver of The Imperial
Guano Company,
A. A. Morgan, assignee of Beaf.

L. Saunders

William R. Old

Mary F. Old

Entered in Chy. O. B. No. 3 p. 112

Virginia---Clerk's Office of the Circuit Court of Nansemond County.

In the Circuit Court of the County of Nansemond,

on the 19th day of *October*

Term, 189*4*

Claus A Bahrenburg Survivor
of J A Bahrenburg & Bro.

Plaintiff

Action of

Debt

AGAINST

William R Old

Defendant

Judgment in favor of the Plaintiff---against the Defendant---for the sum of

Six hundred and ninety five
dollars and twenty five cents

\$ *695.25*

With interest after the rate of six per centum per annum from *the 15th*
day of August 1893.

Charges of Protest, \$

And the cost of suit, \$ *7.60*

until paid.

A FIERI FACIAS issued from the Clerk's office of said Circuit Court on the *1st*
day of *November* 189*4*, returnable to the *3rd Monday in Jan'y 1895*

directed to the Sheriff of the County of Nansemond, who hath made return thereon in the words and

figures following, to wit: *"I can find no property to satisfy*
the within judgment or any part thereof."

"Saw 21. 1895."

"A. N. Baker Sheriff"

Wilbur J Kilby, p. q.

Teste:

Chas. P. Somers

CLERK.

This Judgment was duly docketed in the Clerk's office of the County Court of the County of
Nansemond on the *1st* day of *November*, 189*4*

Judgment Docket No. *2*, Page *71*

R R Smith

CLERK.

L. H. Bahenbuehler
vs. { In Chancery,
~~Abstract of Judgment~~

William R. Old
and others

Exhibit A
filed with the
Bill

Nansemond Circuit Court.

Process Book No. 2 Page 104

Order Book No. 2 Page 181

October Term, 1894

Execution Book No. 1 Page 165

Judgment Docket No. 2 Page 71

County Court.

25 cents.

Bahrenburg etc.

vs.

Old & als.

This cause came on this day to be again heard on the papers formerly read and on the report of Special Commissioner, Wilbur G. Kilby, this day filed by leave of the Court (the same being a report of the collection and disbursement of money under the decree entered herein on the 29th. day of December 1897,) and was argued by counsel.

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

Bahrenburg etc.

vs. } In Chy.

Old & als.

In the Circuit
Court for the County
of Chaussemond
October 17, 1898

Final Decree
To be entered

Robert R. Huntis

Entered in Chancery
Order Book No 3
Page 177.

Virginia:

In the Circuit Court of the
County of Chausemond:

Claus H. Bahrenburg, survivor
of J. H. Bahrenburg and Brother

Against } In Chancery,

William R. Ald and Mary
A. Ald, his wife, and others.

To Honorable Robert R. Prentis,
Judge of the Circuit Court
of the County of Chausemond;

Humbly complaining respectfully represents and shows
unto Your Honor, Your Complainant, Claus H. Bahrenburg,
survivor of J. H. Bahrenburg and
Brother, the following case:

That on the 19th. day of October 1894 your Complainant recovered a judgment in the
Circuit Court of the County of
Chausemond against William
R. Ald for the sum of six hundred and ninety-five and $\frac{25}{100}$ dol.

lars with legal interest thereon from the 15th day of August 1893 till paid, and \$7.⁶⁰ costs as will appear by an abstract of said judgment, duly attested, filed herewith and marked Exhibit A;

That said judgment was duly docketed on the first day of November 1894 in the office of the Clerk of the County Court of said county;

That said judgment was recovered on three bonds made by said William R. Old and waiving the exemptions which he might otherwise claim under section 3630 of the Code of Virginia;

That at the time said judgment was obtained the said William R. Old was seised and possessed of the following real estate, to wit:

All that certain tract or parcel of land upon which he now resides, situated on

Kuott's Creek in Kuott's Creek in
Sleepy Hole Magisterial District
in said County, containing
from Two hundred and thirty
(230) to Two hundred and sev-
enty-three and three-fourth ($273\frac{3}{4}$)
acres, more or less, and bound-
ed on the North by Chausemond
River, on the East by said Kuott's
Creek, on the South by the lands
of Francis M. Arthur and James
S. Arthur and on the West by
Bennett's Creek together with
all and singular the ap-
purtenances belonging to the
same

That the said William R.
Old is still seised and pos-
sessed of said land.

That said land was sold
and conveyed by Richard B.
Ames and Martha J. Ames his
wife to Levi D. Ames and said
William R. Old by deed dated
the 30th. day of December 1867
and recorded the 10th. day of
February 1868 on page 412 in deed-
book vol. 1 in said office;

That by deed dated the first day of April 1870 and recorded the 12th. day of September 1870 on page 390 in deed-book No. 2 in said office, the said Levi D. Ames and Elizabeth Ames, his wife, conveyed all their interest in said land to said William R. Ald, who thus became the sole owner of said land;

That by deed dated the 9th. day of October 1889 and recorded the next day on page 518 in deed-book No. 22 in said office, the said William R. Ald alone conveyed said land to Mary F. Ald

That by deed dated the 27th. day of February 1890 and recorded the 24th. day of March 1890 on page 503 in deed-book No. 23 in said office, the said Mary F. Ald and her husband conveyed the said land to said William R. Ald, who has since been continuously the owner

thereof;

Your Complainant charges that said judgment is a lien on said land; that the rents and profits of said land will not satisfy said judgment in five years; and that the lien of said judgment should be enforced, the said land sold and the proceeds of the sale applied to the discharge of said judgment.

Your Complainant also says that no part of said judgment has been paid and that the said William R. Old, being insolvent is unable to pay the same or any part thereof.

Your Complainant also says that he is informed that the said William R. Old was seised and possessed at the time said judgment was recovered, of other real estate and is now seised and possessed of such other real estate in said County, but of its character, the number of acres

it contains and its exact location he has no definite knowledge.

That said judgment is also a lien on such other land; that the rents and profits of such other land will not satisfy said judgment in five years; and that if necessary such other land should also be sold and the proceeds of the sale applied to said judgment;

Your complainant further charges that by a deed of trust dated the 18th. day of August 1891 and recorded the same day on page 193 in deed-book No. 30 in said office, the said William R. Old and wife conveyed the parcel of land first above-mentioned to Lee Britt, Trustee, to secure to Benjamin L. Saunders the payment of a debt of \$2000, and that subsequently by a deed of trust dated the 8th. day of October 1894 and recorded the next day

on page 569 in deed-book No. 33
in said office, the same land
was conveyed by said William
R. Ald and wife to John R.
Young, Jr. Trustee, to secure the
payment of a debt of \$5,093.36
due to the The Imperial Guano
Company.

That the said debt of \$2000
has been assigned by said
Benjamin L. Saunders to Henry
A. Morgan to whom the same
is now due and payable.

That A. J. Newton has been
appointed by the Corporation
Court of the City of Norfolk,
Receiver of said The Imperial
Guano Company whose prin-
cipal office is in said City.

That the said debt of \$5,093.36
is now due and payable to
said Receiver.

That Your Complainant does
not know whether any, and
if any, what part of said
sums of \$2000 and \$5,093.36,
has been paid.

In consideration whereof

Your Complainant, being without remedy save in a Court of Equity, prays that said William R. Ald and Mary F. Ald, his wife, Benjamin L. Saunders, Henry A. Morgan, The Imperial Guano Company, Lee Britt, Trustee, John R. Young, Jr. Trustee, and A. J. Newton, Receiver of The Imperial Guano Company may be made parties defendant to this Bill and be required to answer the same, but answers under oath are hereby waived: that the lien of said judgment be enforced, the said land sold, and the proceeds of the sale applied to the discharge of said judgment, if it shall appear that the rents and profits thereof will not satisfy said judgment in five years: that the said land be let for rent and the rents and profits applied to the discharge of said judgment if it shall appear that such rents

and profits will satisfy said judgment in five years: that an account of the liens whether by judgments, deeds of trust or otherwise, including the lien of Your Complainant's said judgment, on said land be taken, stated and reported to court, showing the amounts and dates thereof and the holders according to their priorities; that ^{an} account of said land showing its fee-simple and annual values be also taken and reported to court; that a reasonable fee or compensation be allowed to the counsel of Your Complainant ^{for his services} to be paid out of such money or property as may come, or be, under the control of the court in this cause: that all necessary decrees and orders be made, inquires directed and other accounts taken to the end that the relief herein prayed for may be fully granted; and that all such other further and general relief be granted

Your Complainant as the nature
of his case may require or to
Equity shall seem meet.
And Your Complainant will
ever pray etc.

Clara H. Bahrenburg,
Survivor of J. H. Bah-
renburg and Brother,
By Wilbur J. Kilby,
his counsel.

14 Octo. 1896.

Bahrenburg etc.

vs. } In Chy.

Ad. fals.

Bill

Claus H Bahnburg etc
VS In Chancery
WR Old and others.

1896 Octo 14th. Process issued returnable
November Ruls first Monday.

" Nov 2, Process returned executed on
each of the defendants
Bill filed and decree nisi
against of the said defendants.

" " 16, Decree nisi confirmed and
cause set for hearing

Chancery
Notes

Bahnenbung vs Alldorffs

Wilbur J Kilby p q
Claus H Bahnenbung etc
against In Chancery
W^m R Alldorffs.

1898 October 17th.

Final Decree.