

1906-030

Nansemond Co (Suffolk)

Chancery Causes: Kedor Taylor et al vs Mary Jane Harrell, infant

Dunford, Jones

At a circuit Court ~~continued~~^{begun} and held for
the County of Chancemond the 10th: day of
April, 1879.

Kedar Taylor, Samuel Taylor, Richard
Taylor, Augustus Danford and
Elizabeth his wife, (nee Taylor) Peni-
nah Taylor, Barsha Taylor and Le-
ander Jones and Hester Ann his
wife (nee Taylor) Plaintiffs.

Against { In Chancery
Mary Jane Harrell an infant
under the age of twenty one
years (The orphan child of Wil-
liam Harrell and Hester Ann
his wife, (nee Taylor) Defendant.

This cause came on this
day to be heard on the original bill, the answer
of the infant defendant by Peter B. Puntis,
her guardian ad. litem, with replication
thereto and was argued by counsel, On
consideration whereof the Court doth or-
der that Dr. R. E. Parker, James Knight,
Daniel Wilkins, John K. Riddick and Jo-
nas Wilkins, who are hereby appointed com-
missioners for that purpose, any three of
whom may act, having been first duly
sworn do proceed to lay off and divide
the real estate of which said Taylor,
died, seized and possessed, consisting of a tract

of land in the County of Chancemond, adjoining the lands of

and others, and containing one hundred and seventy-two acres, more or less, into Eight (8) equal parts, having due regard to the quality and quantity and assign one of said parts to each ^{child of the} said Taylor dec'd namely to Kedar Taylor one part, Samuel Taylor, one part, Richard Taylor, one part, Elizabeth Dunford, the wife of Augustus Dunford, one part, Peninah Taylor, one part, Barsha Taylor, one part, and Hester Ann Jones, wife of Leander Jones, one part, and to Mary Jane Harrell, ^{daughter} ~~wife~~ of William Harrell and Hester Ann, his wife, and grand-child of said Taylor one part.

But if said Commissioners should find it ^{practicable} ~~impossible~~ to divide the said land among the afore said parties, or should be of the opinion that the interest of the said parties would be more promoted by a sale of the same, in such case they are required to report the facts upon which their opinion is based, to the Court, and also what in their opinion is the fee-simple value of the whole of the real estate of which said Taylor died seized and possessed; and in either case they are required to report their proceedings under this order to Court.

A copy
Jester.

XIII
Kedar Taylor Cal

20 { Copy Decree
Appl. Term, 1879

Mary Jane Howell, an infant.

At a Circuit Court continued and held for Nansermund
County, the 16th. day of October, 1879:

Kedar Taylor & al. Plaintiffs.

Against } In Chancery

Mary Jane Hamell Defendant.

This Cause came on this day to be again heard upon
the papers formerly read, and upon the Report of R. E. Parker,
Daniel Withins, John K. Riddick and Josiah Withins,
four of the Commissioners appointed at the last April
Term of this Court (1879), to which Report there is no ex-
ception, and was argued by Counsel:

On Consideration whereof, the Court doth approve the said
Report, and doth adjudge, order and decree that C. H.
Causey, who is hereby appointed a Special Commissioner
for that purpose, do proceed, after having advertised the
time and place of sale, in one or more newspapers pub-
lished in the Town of Suffolk, and by printed Notices
posted at the Court House Door of this County, and in the
vicinity of the said land, for at least twenty days, on
some Court day, to offer for sale the tract of land in the
Bill and proceedings mentioned, of which Kedar Taylor
died seized and possessed, consisting of a tract of land in
the County of Nansermund, adjoining the lands of John K.
Riddick, A. Warr's estate and others, and containing 172
acres, more or less, at Public Auction, before the Court House
Door of said County, upon the following terms, to wit: for
cash enough to pay costs of suit and expenses of sale, and
the residue to be paid in equal instalments, one and two
years from the day of sale, and bearing interest therefrom

taking from the purchaser, bonds with good security for the deferred payments, and the title to be retained till the further order of this Court. And the said Commissioner will make report to Court of his proceedings under this decree.

But before executing this Decree the said C. H. Causey shall enter into and acknowledge a Bond before the Clerk of this Court, in his Office in the penalty of \$1200⁰⁰. Conditioned according to law, and pay able to the Commonwealth of Virginia, for the faithful execution of this and all other decrees he may be required to execute herein.

A Copy.

Jester

Peter B. Prentiss. Clerk.

Costs

Clerk. \$15.00

Atto. Gen. 31.50

\$46.50

Xms

Receiv Taylor del

Copy Decree - Octo: Term
1879.

Mary Jane Howell.

Sept 10th 1883 Recd of C & H Causey
Commission Fifty three ⁹²/₁₀₀ Dollars in full
of my distributive share of my Grand Father's
Estate, (Kaden Taylor Sr.).

~~P 53 ⁹²/₁₀₀~~

E Parker
To. Mary J. Hance

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Mary Jane Harrell an infant*
under the age of twenty-one years (the orphan child of William
Harrell and Hester Ann, his wife, (nee Taylor))

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be
held for the said Court, on the first Monday in *March* next, to answer a

Bill in Chancery, exhibited against her
in the said Court by Rodas Taylor, Samuel Taylor, Richard Taylor,
Augustus Dunford and Elizabeth, his wife (nee Taylor), Peninah
Taylor, Barsha Taylor, and Leander Jones and Hester Ann, his
wife (nee Taylor)

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said
Court, at his office, this *28th* day of *February* 1877, in the *103rd*
year of the Commonwealth.

Teste:

Peter B. Prentis Clerk.

Causey. p. 9

Kedar Taylor & al

vs } Sum. in Chy.

Mary Jane Harrell, an
infant, &c

To March Rules, 1899

Pro. B. No. 1. page 130

Cis. Co.

Virginia:

At Rules, in the Clerk's Office of the Circuit
Court of Hansemond County on Monday, the
3rd day of March: 1879.

Nedlar Taylor, Samuel Taylor, Richard Taylor,
Augustus Hanford and Elizabeth, his wife (nee
Taylor) Peninah Taylor, Barsha Taylor, and
Leander Jones and Hester Ann, his wife (nee Taylor). Complainants.

Against John Chincery

Mary Jane Harrell an infant under the
age of Twenty-one years (the orphan child of
William Harrell and Hester Ann, his wife.

(nee Taylor) Defendants.

On the motion of the Complainants, by Counsel, Peter
B. Prentiss is appointed guardian ad litem, to defend
the defendant in this suit; and, it is ordered, ^{that} the said
guardian be notified of his appointment, by serving up-
on him, a copy of this order.

Teste,

Peter B. Prentiss, Clerk

1879, March 3rd: I hereby acknowledge service of the
foregoing order, and that I have received a copy thereof.

Peter B. Prentiss.

Gdn. ad litem

Kedar Taylor & Co.

$\frac{14}{25}$ { Order afftg. gr. ad libitum

Mary Jane Howell, an infant.

Know all Men by these Presents,

That we, *C. H. Causey and L. C. Causey*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the just and full sum of *Twelve Hundred* Dollars, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this *5th* day of *January* in the year one thousand eight hundred and *Eighty*, and in the *104th* year of the Commonwealth. And we hereby waive our Homestead exemption, as to this obligation.

THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above bound *C. H. Causey*

who has ^{by} ~~this day purposed before the~~ a Decree of the Circuit Court of Nansemond County, pronounced on the *16th* day of *October, 1879*, in the Chancery cause of *Kedon Taylor vs. Mary Jane Samuel*, been appointed special commissioner to sell the land in the proceedings mentioned, shall faithfully discharge his duties as such Comm^r under said decree, and all other decrees he may be required to execute in said case -

~~shall faithfully discharge his duties of his said trust~~, then the above obligation to be void, or else to remain in full force and virtue.

Executed in
presence of
the Court.

Peter B. Prentiss clerk

C. H. Causey (Seal.)
J. C. Causey (Seal.)
(Seal.)
(Seal.)
(Seal.)

L. H. Causey
Is J Commr Bond
Commonwealth

1880
January 5th: Executed &
filed

In the Hon Robt. R. Prentiss Juf of the
Circuit Court of Stanswold County.
Kedar Taylor et al.

v.

Mary Jane Hassell.

The undersigned special Commissioner, appointed by Decree of April 6th 1906. to execute to Kedar Taylor deed with special Warranty, in place of C. H. Lantry died for certain in said decree described, begs to report that he has executed said decree by making the deed to Taylor as therein directed, and that nothing further remains to be done in the Cause -

May 14, 1906.

Respectfully Submitted.
Jas L. Moore
Special Comm.

Kedar Taylor oak
v. - Repsch

Mary Jane Horrell

1906 May 15, filed.

To the Circuit Court of Hanseman
County, Virginia,

Pursuant to a decree
of said Court pronounced at the October
Term thereof, in the year 1879, in a
Cause in Chancery therein depending
between Kedar Taylor and others, Plain-
tiffs and Mary Jane Hance, Defendant,
a copy of said decree being herewith an-
nexed, the undersigned having been
appointed special Commissioner for
certain purposes named in said decree,
respectfully reports to Court his action
as follows.

That after first-executing
his bond before the Clerk of this Court
in the penalty therein specified, your
Comm^r of sale proceeded to advertise
the lands in the proceedings mention-
ed, and therein described as a small
parcel of land containing 172-acres,
more or less, situated in the County
of Hanseman and adjoining the
lands of John R. Riddick, A. Vann's
estate and others, for the time and
in the manner prescribed in said
decree, and on Monday the 12th
day of January, 1880, being County Court

day, did expose the same before the Court house door of said County aforesaid for sale, to the highest bidder, in accordance with the terms prescribed in said decree, when Kedar Taylor became the highest bidder and purchaser of said land for the sum of \$ 500 - ⁰⁰/₁₀₀

And Your Committee further reports that he has received from the purchaser the amount required to pay costs of suit and expenses of sale and properly distributed the same as the receipts of the parties respectively entitled thereto will show - and taken from said purchaser two bonds in equal instalments for the residue of the purchase money payable respectively in one and two years from the day of sale, and retained the title till the further order of the Court -

Rec^d of C. H. Causey, Commissioner of
 Sale in the Chancery Cause of Kedar
 Taylor & al is Mary Jane Hamell the
 amount opposite our names in full
 of our share in said land sold
 being the sum of Fifty-two dollars and
 ninety-two cents each -

\$52.92	Kedar ^{his} Taylor	} Return as to these three parties
52.92	Samuel ^{his} Taylor	
52.92	Richard ^{his} Taylor	
52.92	Hester A. Jones	} R E Parker
52.92	Penelope ^{his} Taylor	
52.92	Barratt ^{his} Taylor	} R E Parker
52.92	Mary J. Hamell	
52.92	Elizabeth Dufford	R E Parker

423.30

100-9
 25-9
 50-0
 180-27

Kedron Taylor & al
vs J. Chambers
Mary Jane Hamell

1880
Sept 10. Comm's re-
port of sale

Kedar Taylor & al I Plaintiff
against J In Chancery
Mary Jane Hance Defendant

But if said Commissioners should find it impracticable to divide the said land among the

aforesaid parties, or should be of the opinion that the interest of
of the said parties would be ^{more} promoted by a sale of the same in
such case they are required to report the facts upon which
their opinion is based to the Court; and also what in their
opinion, is the fee simple value of the whole of the real estate
of which said Taylor died seized and possessed and in
either case they are required to report their proceedings
under this order to Court.

A copy,
Teste:

Peter B. Prentiss. Clerk

Hedley Taylor

E Cher

Mary Jane Harnell

Copy seen

Pursuant to the annexed decree, the undersigned ~~fourth~~ of the commissioners appointed thereon met on the premises described in the proceedings in this cause, and after a careful examination of the same being however before this well acquainted with the whole tract, came to the unanimous conclusion that a division of the said tract into eight (8) equal parts or portions was impracticable ~~it being impossible to divide the same and report to advantage~~ and therefore recommended that a sale of the same be made and the money be divided in view of the land.

And we furthermore believe that a fair price for the same may be now obtained which we estimate to be about six hundred (\$600) dollars out of which is respectfully submitted, this 10th of September 1879

R. E. Parker

Daniel Welkins (Commissioner)

John K. Riddick

Joseph Wilkins

Heber Taylor and
W. J. Chr -

Mary Jane Sawyer

Report of Comm^{rs}
under decree for
partition - Recommend
Sale of the land

1879
Sept. 11th. filed -

Kedar Taylor et als,

v.

DECREE.

Mary Jane Harrell.

Enter this 6th day of

April, 1906

Robert C. Mentes

Entered in Chancery
Order Book No. 4 -
Page 53.

Kedar Lalval
is

Mary Jane Hamell

This cause came on this day to be again heard on the papers formerly read and on the report of Special Commr^t C. H. Leasure of the collection of money, and payment of the same to the parties properly entitled thereto and nothing more remaining to be done in the case it is ordered to be removed from the docket

Kedon Taylor & al

vs

Mary Jane Hamell

1885 Octo Term

(fine) Rough decree
To be entered

Geo. B. Smith

Kedar Taylor & al
vs J Ch
Mary Jane Manuel

This cause came on
this day to be again heard on the
paper formerly filed herein and on the
Report of Sale of Spt Court C. H. Caney,
made under a decree of this Court at
the October term, 1879, and was argued
by Counsel.

On consideration whereof the
Court doth confirm the report of sale
no exceptions having been filed thereto,
and doth adjudge, order and decree,
that said Spt Court, do proceed to
make unto the purchaser of the
land in these proceedings mentioned,
a deed with special warranty in the
usual form.

~~And nothing further remaining
to be done in this cause, it is
ordered that the same be removed
from the docket.~~

And the cause is continued

Kedon Taylor & Co
to
Mary Jane Merrill

1882 - Apr 10 -

Rough sketch

To be sent

Geo. T. Brown

Enter in Order Book No 1
page 361

Kedlar Taylor - - Ret.
vs J Chcy
Mary Jane Hamell. Def.

This cause came on this day to be again heard upon the paper formerly read and upon the report of R. E. Parker, Daniel Wilkins, John H. Riddick and Josiah Wilkins four of the Commissioners appointed at the last April Term of this Court, (1879), to which report there is no Exception and was argued by Counsel.

On consideration whereof the Court doth approve the said report, and doth adjudge, order and decree that W. H. Causey, who is hereby appointed a Special Commissioner for that purpose, do proceed, after having advertised the time, and place of sale in one or more newspapers published in the Town of Suffolk, and by printed notices posted at the Court House door of this county and in the vicinity of the said land for at least twenty days, on some Court day, to offer for sale the tract of land in the bill and proceedings mentioned of which Kedlar Taylor, died seized and possessed consisting of a tract of land in the County of Hansemond adjoining the lands of John H. Riddick, A. Vann's estate and others

and containing 172 acres more or less, at
public auction, ^{before the Court house door of} ~~before the Court house door of~~
Said County, upon the following terms to-
wit: for cash enough to pay costs of
suit and expenses of sale, and the resi-
due to be paid in equal instalments one
and two years from the day of sale and
bearing interest therefrom, taking from
the purchaser bonds with good security for
the deferred payments and the title to be
retained till the further order of this
Court. and the said Court, will make
report to Court of his proceedings under
this decree.

But before executing this decree the
said C. H. Causey shall enter into and
acknowledge a bond before the Clerk of
this Court in his Office, in the penalty
of \$1200⁰⁰ conditional according to law,
and payable to the Commonwealth of Vir-
ginia, for the faithful execution of this and
all other decrees he may be required to
execute herein.

Re dear Taylor
to { In chey
Mary Jane Hamell

1829^{16th}
October Term

Deane
To be entered

Geo. B. Snow.

Entered O. B. No. 1-

p. 460

Kedar Taylor & al - - - Plff
vs

Mary Jane Hamell - - - Def.

This Cause came on this day to be heard on the original bill the answer of the infant defendant by P. B. Prentiss, her guardian ad litem with replication thereto and was argued by Counsel: On consideration whereof the Court doth order that Dr. R. E. Parker, James Voght, Daniel Wilkins and John K. Riddick and Jonas Wilkins, who are hereby appointed Comrs: for that purpose, any three of whom may act, having been first duly sworn, do proceed to lay off and divide the real estate of which said Kedar Taylor, died seized and possessed, consisting of a tract of land in the County of Hants, adjoining the lands of John K. Riddick and A. Varns, ^{est} and others, and containing One hundred and Seventy-two acres, more or less, into Eight (8) equal parts, having due regard to quality and quantity and assign one of said equal parts to each of the children of the said Kedar Taylor deceased, namely: to Kedar Taylor one part, Samuel Taylor, one part, Richard Taylor, one part, Elizabeth Dufford, the wife of Augustus Dufford, one part, Penick Taylor one part, Bessie Taylor one part and Hester Ann Jones, wife of Leander Jones, one part, and to Mary Jane Hamell orphan of William Ham

rell and Nester Ann his wife, and grand-child of said
Kedar Taylor - one part;

But if said Commissioners
should find it impracticable to divide the said land
among the aforesaid parties, or should be of the opin-
ion that the interest of the said parties would be
more promoted by a sale of the same in such
case they are required to report the facts upon which
their opinion is based to the Court, and also
what in their opinion, is the fee simple value
of the whole of the real estate of which said

Taylor died seized and possessed: and in
either case they are required to report their proceed-
ings under this order to Court.

Kedar Taylor & al

vs J. R. Deere

Mary Jane Merritt
an infant

1879
April 10th Term
To be entered

W. H. Deere

Entered D. B. No. 1 -
p. 428 -

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND.

Kedar Taylor, et als,	)	
	)	
v.	)	IN CHANCERY
	)	
Mary Jane Harrell	)	

This cause came on this day to be again heard on the papers formerly read, and on the report of James L. McLemore, Special Commissioner, ^{filed May 15, 1906. reporting} that he has, in accordance with decree entered in this cause on the 6th day of April, 1906, made deed with special warranty, in the usual form, to the said Kedar Taylor, which deed appears to be of record in Nansemond County Clerk's Office in Deed Book 60 on page 482.

It is ordered that the said report be confirmed; and nothing further remaining to be done, it is ordered that this case be removed from the docket.

Kedar Taylor, et als,

v.

DECREE.

Mary Jane Harrell.

Enter this 18 day of May, 1906.

Robert R. Huntis

Entered in Chy.
Order Book No. 4. Page 66.

To the Circuit Court of Nansemond County Va:

The answer of Mary Jane Harrell an infant, by Peter B. Prentiss, her guardian ad litem to a bill in Chancery Exhibited against her, in the Circuit Court of Nansemond County, Va: by Redar Taylor and others.

This Respondent says, that whilst the statements in said bill may be, and no doubt are true, yet being an infant of tender years & unable to defend herself, she submits all her interests in the matter to the Court, and prays, that no order or decree may be made inconsistent with her rights and interests.

Signed,

Peter B. Prentiss.

Gdn: ad Litem

Nedar Taylor ~~Sal~~

[#]₂₅ } Answer of Infants.

May Jane Harrell, an
infant

In the Circuit Court of Henric County,
To the Hon^{ble}. George Blow, Judge of the
Said Court.

~~of~~
Your orator's Kedar
Taylor, Samuel Taylor
Richard Taylor, Augus-
tus Dumfries, and Eliza-
beth his wife, (née Taylor)
Pernina Taylor, Bar-
sha Taylor and Leon-
ard Jones and Hester
Ann his wife (née
Taylor)

Humbly complaining, sheweth
unto your honor, ~~that~~ your Orator's Father
Taylor, was in his life-time seized
and possessed of certain real estate, lying
in the County of Henric in the State
of Virginia containing One hundred
and Seventy-two acres, more or less and
adjoining the lands of John K. Riddick
and Vanner estate.

and being so thereof seized and possessed,
some time in the year departed this
life intestate leaving your orator and
Medice Ann Taylor, who intermarried with
William Hamell, his only children and
heirs at law. That the said Medice Ann
Hamell and William Hamell have since
died leaving one child, Mary Jane Hamell
who is now an infant under the age of
twenty-one years.

And your Orator further states, that
the said real estate is as they believe, sus-
ceptible of partition amongst the parties en-
titled thereto: but if it be not, then your orator
desires the same to be sold and the proceeds

distributed amongst the parties, in proportion to their respective interests therein.

In tender consideration whereof, and forasmuch as your orators are remediless in the premises, save by the aid of a Court of Equity where matters of this kind are alone and properly cognizable, your Orators pray that the said Mary Jane Hannell be made a party defendant to this suit and that a proper guardian ad litem be assigned her to defend her interests in this suit: that the said real estate be divided between the parties ~~as aforesaid~~ entitled thereto and the portions to which your Orators are entitled be respectively allowed them, and in case the said lands be indivisible, that the same be exposed to sale, and the proceeds thereof be distributed among the parties entitled thereto: that proper process may issue and that such other further and general relief may be afforded your orators as the nature of their case may require or to equity shall seem meet.

And your Orators will ever pray &c
C. H. Leansy pr. —

Hecker Taylor & Co
re J Bice for Partition
May Jane Hamell

Kedar Taylor Cal.

25th { Chy: Notes

May June Harrell, an infant L

1879. July: 28th: Sumd. in Chy: joined to March Rule, 1879.

" March 3rd: Bill filed - Peter B. Prentiss appts genl & solemn-

to the Deft; who filed her answer to which there was

a genl. reply: & Cause set for hearing, on Mo: for Comptt's Counsel

" Apl: 30th: Decree for partition done

" Sept: 11th: Report filed

" Octo: 16th: Decree for Sale

1880. Apl: 14th: Continued

Chy. Notes

Costs
Clerk \$1.67

Kedar Taylor & al

^{vs} } J. N. Chey —

Mary Jane Hamell & c.

1886

Case Term

Final Decree

1906 Apl 6/12 Re-instated

1906

May 18th

Final Decree