

1859-015 Chancery Causes: Emily M. A. Peden vs Adelaide J. Peden, by v c, Joseph B. Whitehead, Trustee
Isle of Wight County
vs Henry M. Price vs ut

Plat

Richard Goodwin vs ut vs Adelaide J. Peden vs ut

other SURNAMES: Neigh bergall
Bobett, Bobbet, Nebbergall,
Bobbitt

Peden

10

vs: ^{Bill} Bill v.

Peden v.als.

Sept. rules 1854 Bill

filed & given ad litem
ap. inst. deft. and dem
in m. Whittemore & Paine deft.

Octo: 1854. Cont. of inst. Whittemore
ref. and set for hearing v.

Octo. 10. 1854. Cont. of Paine deft. filed

Octo: term 1854 O. B. p. 35. decur

May term 1855. Decur. O. B. 2.
p. 45.

Octo. term 1855. Rept. filed
& con.

May 19. 1856 Decur. to
collect bond & attachment.
p. 77.

Octo. 20. 1856. Decur. p. 45.

July. 2. 1857. Cont. Whittemore
rept. made.

May 1857 Rept. received.
O. B. p. 118.

Sept. 7th. 1857

Sept. of Cont. Whittemore
filed.

Octo. 1857. Cont.

May 1858 do.

Octo. do

May 1859

final decur

or division of said real estate amongst those entitled thereto, which
is now the interest of all parties, ^{especially her own} should be made, Your Oratrix further
charges & believes that owing to the small number of acres contained
in said real estate, of great value as a whole, consisting as it does,
of about a due proportion of marsh, wood, & arable land, together
with the peculiar location thereof, and also the situation of the par-
ties entitled, it would be more to the interest of those concerned
that a partition in kind should not be made and as all par-
ties are ^{un}willing, and think they would be injured thereby, your
Oratrix charges that the same should be sold and the proceeds of
sale divided amongst those entitled, to which end your Oratrix
has often applied to her two sisters who say they are willing, but
that the one is an infant, and the other married and that conse-
quently they are unable to carry out their wishes in this respect—
In tender consideration whereof &c. And for as much as your Oratrix
is verily believe &c. So she and therefore your Oratrix prays that the
said Delia & Pedine infant as aforesaid, Jos. B. Whithead trustee
as aforesaid, and the said Francis C. & Henry M. Price may be
made parties defendants to this Bill and be compelled to answer
the same on their several corporal oath, (the first by a proper ques-
tion ad litem to be appointed for that purpose (as well as in proper
person) and the three last in proper person also,) to answer the same
as fully & completely as if they were thereto specially interrogated, that
your Honour will grant a decree authorizing a sale of said
land and a division of the proceeds thereof amongst those
entitled upon the principles of equity & good conscience and
upon the principles set forth in this Bill; that your Honour will grant
the Compt. Mit &c.

A. G. Whitehead p. q.

Isle of Wight County to wit:

This day Emily M. A. Pedine personally appeared
before me and made oath that the facts & allegations the Bill above
contained are true so far as she knows and believes given under my
hand & seal this fourth day Sept.

1854

Geo. R. Johnson A. Public

To the honorable Richard H Baker judge of the Circuit
Court for Isle of Wight County:

Humbly complaining, sheweth unto
your honour, Your Oratrix Emily M A Pedie of the said
county of Isle of Wight that sometime in the year 1838 her
father the late James I Pedie departed this life intestate and
seized and possessed of a considerable real and personal estate
and leaving as his ^{heirs} and distributees at law his widow
~~and~~ (the mother of your oratrix and his two sisters whose name
was Eliza who also departed this life sometime in the year
1847) and your oratrix and his two sisters Adelaide I Pedie
who is an infant under twenty one, but over 14 years of
age, to wit about 18 years of age, and Francis E who has
since intermarried with one Henry M Price now of the County
of Nicholas, That at the time of the marriage of the said Henry
M Price, with the said Francis E Pedie, a deed of Marriage
settlement was entered into and duly executed by the said
parties and is of record in the clerks office of the court
for this (Isle of Wight) and other counties, by which the right
title &c to said Francis portion of said real estate &c, was
vested in one Jos B Whithead of the county last aforesaid, in
trust for the sole use and benefit of the Francis E, with
power of appointment &c, and in default of said Appointment
then to the said Henry M Price &c. as will more fully appear
by an office copy of said trust duly herewith filed marked
A and prayed to be taken as a part of this Bill, That the said
real estate consists of a tract of land situated in the said first
mentioned county containing by estimation 530 acres and
bounded by the lands of George I Pedie, Willis Wilson, John B
Pedie and others, and worth in absolute fee about \$3500. and
of the annual rent or value of \$165.00; Your Oratrix therefore
thinks and believes that by the effect and operation of law, the
said real estate of right belongs to and is divisible in equal por-
tions among her self & her two above mentioned sisters, your
oratrix further charges that there has never as yet, been a partition

Pedius inst.

at

$\frac{3}{4}$ ant. of Infant.

Pedius

==

Cele. Dec. 1834 filia

==

The Answer of Adelaide I Pedin one of the infants of James I Pedin dec'd. To a Bill filed by Emily M. I Pedin, in the Circuit Ct. for Isle of Wight County, against herself & others.

time hereafter. This respondent now and at all time hereafter savings & reserving &c: Her answer &c, answers and says, that she is above the age of 14 but under 21 years of age, and as far as she is capable of judging of the force ^{of the} ~~the~~ reasons urged in said Bill for a decree authorizing a sale of the real estate therein mentioned and, a division of the proceeds of sale amongst those entitled in stead of a partition in kind, she believes that the said reasons are true, just & proper, and therefore she is willing that the prayer of the said Bill may be granted & having answered prayer &c, &c,

Adelaide I Pedin 40

Isle of Wight County, to wit;

This day Adelaide I Pedin infant of James I Pedin deceased personally appeared before me, a justice of the peace for the County of said, and made oath that the facts in her answer above contained are true: as far as she knows & believes given under my hand this 30th day of September 1851

John Scott J.P.

Whitehead Trustee H.O.

at: 3/11/54

India

Oct. 2nd 1854 filed.

The Answer of Jos. B. Whitehead trustee re. To a Bill filed
in the Circuit Court for Sale of right county by Emily M.
A Petitioner plty. against himself and other defts.

This respondent now and at all times hereafter saving re. For
Answer re. Answers and says That it is true as alleged in
said Bill that he was the trustee under the deed of marri-
age settlement mentioned in said Bill and still is, that
he thinks the interest of his trust would be promoted by
a partition of said real estate, that he would prefer a
sale thereof and a division of the purchase money among
the parties because if divided in kind the interest of
his trust would be greatly injured thereby and he supposes
the loss would be in all probability one fourth at least of its
actual value he therefore cordially unites in the prayer of
the Bill & hopes your honour will grant the same
and having answered prays leave re.

J. B. Whitehead Sec.

Sale of right county to suit.

That day Jos. B. Whitehead trustee re. personally
appeared before me a justice of the peace for the county of Frederick
and made oath that the facts in his answer above contained
are true so far as he knows and believes, given under
my hand this 30th day of September 1894.

John Scott J.P.

Pedra inf.

on 3rd of Nov. 1834

Pedra

Nov. 2^o 1834

an infant &c

The Answer of Adeline I Pedin by N. P. Young her
guardian ad litem to a Bill filed in the circuit-
court for Isle of Wight County by G. M. A. Pedin
against herself & others

This respondent by N. P. Young
her guardian ad litem ~~answers~~ and at all times
hereafter having & reserving &c. for answer &c.
~~answers~~ & says. That she is an infant un-
der twenty one years and incapable of judging
of her rights in the premises, and consequently
begs leave to place her rights under the pro-
tection and controul of this honorable court
& having Answered prays since &c.

N. P. Young for ad litem

Henry M. & Francis E.
Price's

Answers

Second

ver. 364.

Price's

—

Oct. 10. 1854 filed

Nicholas Co Virginia &c &c:

Personally appeared before me
Fiddling Mc Clung a Justice of the Peace in & for said
County, Henry M Price & Francis E Price his wife who
being duly sworn, acknowledge the foregoing bill in
answer to be correct & true so far as it relates to them
-believe they believe it true so far as it relates to
others. Given Under my hand &c this the 28 Day
of September 1854.

H. Mc Clung J. P.

To The Honorable Judge of the Circuit Court of Isle of Wight:

Respondents Henry M Price & ^{his wife} Francis E Price would
respectfully jointly answer to a Bill filed by Emily M A
Pedin against them & others.

That not having seen the bill
they know nothing of the allegations set forth therein but
have no doubt of their correct ~~report~~ in relation to the sale
of certain Real Estate in the County of Isle of Wight, the
property of the heirs of James Pedin decd. They further
state that the said Francis E Price formerly Francis E
Pedin is One of the three heirs of said James Pedin
& therefore equally entitled to One third of said land
with the only other heirs Emily & Adelaide Pedin.
If the bill proposes to sell said land. your Respondents
are willing thereto, provided your Honor decree the
reinvestment of the said Francis E Price formerly
Pedin part in other Real Estate which she may
select. Subject to the same restrictions, ~~as are~~
is required by a Mortgage Contract between the
said Francis E Price ^{formerly Pedin} & Henry M Price her husband
& Joseph B Whitehead of record in the County of
Isle of Wight, Dated George H Nicholas. They
affirming and averred, they pray & of your honor to
decree as according

Henry M Price

Francis E Price

Came to hand on the 3rd of Sept
1884 A Bill to be appointed
A. W. C.

Emily M. A. Padin

m. 3rd Sept. in
Cly.

Rice wife to.

To Sept. only Cir. Co.
1884

A. A. Whitbread

63 cents ^{also} Will
Do W. W. Sutton
1884

The Commonwealth of Virginia,

Nicholas

To the Sheriff of ~~Isle of Wight~~ County—GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON *Henry M. Dine and*
Francis E. his wife formerly Francis E. Pedin

to appear at the Clerk's Office, of our *Circuit* Court for Isle of Wight county, on the first
Monday in *September* next, to answer a *Bill in Chancery* to be filed
against them and their by Emily, M. A. Pedin

of a plea of

damages

and have then and there this Summons.

Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this *10th*
day of *August*, 1854, in the *79* year of the Commonwealth.

N. P. Young

Emily M. A. Peck

3 cent.

Whitbread & Co. Ltd.

To Sept. 1854

Whitbread & Co.

Executed by delivery
of true copy to
J B Whitbread
J B Whitbread

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON *Joseph B. Whithead*
Trustee for Francis E. Price, formerly Pedit, Adelaide I.
Pedit an infant under 21 years of age, but over 14 years, and
Henry M. Price and Francis E. his wife formerly F. E. Pedit.
to appear at the Clerk's Office, of our *Circuit* Court for Isle of Wight county, on the first
Monday in *September* next, to answer *a Bill in Chancery to be*
filed against them by Emily M. A. Pedit

~~of a plea of~~

~~damages~~

and have then and there this Summons.

Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this *10th*
day of *August*, 1854, in the *79*. year of the Commonwealth.

N. P. Young.

Service Acknowledges

Oct 3rd 1854

Wm. H. H. H. H.

Wm. H. H. H. H.

A. P. H. H. H. H.

3
207
H. H. H.

To Messrs. Henry M Price, Jos B Whithead trustee &, Francis
C Price formerly Pedin, & Adelaide J Pedin who is an infant
under 21 but over 14 years of age & K. P. Young her guardian
ad litem.

Take notice that on the 16th day of this month (October) between
the hours of 9 in the forenoon & 3 in the afternoon of that day at the
store now occupied by Messrs. Broughn & Scott in the town of Smithfield
I shall proceed to take the depositions of Edmund B & John B
Pedin to be used as evidence in a suit now pending in chancery
in the Circuit Court for Isle of Wight county wherein I am
plaintiff and you & each of you are defendants and if from
any cause the taking of the said depositions shall not be com-
menced or being commenced should not be completed on that
day, the taking of the same will be adjourned from time to
time until the said depositions shall be completed given
under my hand the 16th day of October 1854

Emily M. J. Pedin,

A. P. Young
Clerk of Circuit Court
of Shelby County
Va

The Depositions of John B Peain and Edmund B Peain
taken this 16th day of October 1854 at the Store of Boykin
& Scott, before George R. Johnson a Commissioner of the
Circuit Court of Isle of Wight County, To be read as evidence
in a suit in Chancery depending in said Court between
Emily Mc A Peain plaintiff and Henry Mc Price and others
defendants & Edmund B Peain

John B Peain, being first duly sworn deposeth and
saith that they are well acquainted with the Tract of Land
belonging to the heirs of James Peain deceased, that they
do not think a division of said Land could be made
to the best interest of the parties without selling the whole
that they estimate said Land is worth from \$3500 to \$4000.
and that if it was divided in kind, the share of each party
would not be worth as much as a share of the proceeds of
sale of the whole, by about \$200, as the shares would be too
small to make a farm, and further their depositions with
not.

John B. Peain

Edmund B Peain

Sworn to and subscribed before me, a Commissioner of said
Court the day and year first aforesaid

Geo R Johnson

Pedin
as } In Chancery
Pedin
et als }

Report of J. M. Ham-
ilton & F. McClung
Justices of the Peace
for the County of
Nicholas County
made under decree
of May Term 1836 -

To the Circuit Court for the County of Isle of Wight;
The undersigned John McHamilton and Fielding M. Blung
Justices for the County of Nicholas State of Virginia
in which county, Frances E Price wife of Henry M Price
resides, report to the said Court, that pursuant to the
annexed decree pronounced in said Court at its May term
1854 in the cause of Emily M A Pedin vs Joseph B White
head Trustee for Frances E Price, and others, they have exam-
ined the said Frances E Price privately and apart from
her husband and ascertained from her that she desires
a portion of the funds due her arising from the sale of the
lands in the proceedings of said suit mentioned to be
invested in the purchase of a tract of land in the county
of Nicholas state aforesaid now owned by A J Kellergal
& Rufus Bobbet supposed to contain five hundred acres
and known as the Williams Tract lying and situate about
five miles from the Court house. The covenant of the own-
ers of said land for the sale and conveyance of the same
setting forth the terms &c is returned with this report. We
further report that we are acquainted with said land
and have enquired into its situation and value as well
as into the title (which we believe to be unquestionably
and have no hesitation in saying that the said purch-
ase is a very desirable and judicious one and that
the owners are reliable responsible men. Given under
our hands in our County aforesaid this 12 day of February
1856

John McHamilton J.P.
Fielding M. Blung J.C.

Given under my hand as Commissioner aforesaid the
day & year first aforesaid

statement of Fees-

Page m — 06

Putax on Notias from

Depositions & Report (2. Feb) 1. 88

Due T. Hall Shuffu serving three notices 1.50

" Shelf of Nicholas - two " 1.00

Peter
 Mitchell
 et al

the Chancellor

Commissaire Haydens
Repat-

March 27th. 1853
Fair & clear.

$$\begin{array}{r} 1.25 \\ 1.37 \\ 1.52 \\ \hline 4.14 \end{array}$$

The Deponent being first duly sworn, answers & says -
Quest 1st Are you acquainted with the land whereof James
Pedin died seized in this county, now owned by his heirs -
Could this land be conveniently divided among the heirs
of James Pedin three in number, so as to give them just
& equal portions thereof, or would the interests of the par-
ties entitled to the said land be promoted by a sale thereof
& a division of the proceeds among the parties -

Ans - I am well acquainted with the land alluded to in
the foregoing question, having rented the same for two years,
& having lived all my life in the immediate neighbour-
hood. Owing to the quantity of the said land & its character
I do not think a division of it could be made among the
heirs without a great sacrifice of its value & it would
be much better to sell the same & divide the money among
the parties -

And further this deponent saith not -

Signed - Edmund B Pedin

The Deponent being first duly sworn, answers & says;
Quest. 1st Are you acquainted with the land belonging to
the heirs of the late James Pedin & to say whether
in your opinion the said land could advantageously
be divided among the heirs - which would most benefit
the heirs a division or sale of said land -

Ans - I am very well acquainted with the land of the late
James Pedin, as it adjoins the plantation on which I live
where I was born & raised - I do not think said land
could be divided among the heirs without greatly injuring
it - it would hardly be worth any thing if divided. It
would benefit the heirs more to sell the same & divide the
proceeds -
And further this deponent saith not - Signed - John B. Pedin

Commissioners Office

Smithfield February 13th 1835

To the Circuit Court of Isle of Wight County;

Pursuant to a decree of the Circuit Court of Isle of Wight
County, rendered on the day of October 1834 in a suit
in chancery depending in said court between, Emily M
A Pedin Plaintiff and Joseph B Whitehead trustee
for Henry M Price wife, Adelaide J Pedin, Henry
M Price and Frances E his wife who was Frances E
Pedin Defendants, the undersigned one of the com-
missioners of the said court to whom was referred for
enquiry by said decree whether the land in the
proceedings of said suit mentioned, whereof James Pedin
died entitled, is susceptible of a just & equal division
among the several parties to whom the same now belongs
or whether it would promote the interests of said parties
that the said land should be sold & the proceeds thereof
divided, reports to the court, that on the 8th day of Novem-
ber 1834, he issued notices against the several parties afore-
said, requiring them to attend the ~~settlement~~ ^{settlement} of the said
enquiry before him at his said office on the 1st day of Februa-
ry 1835, which were returned to your commissioner duly
executed. That in obedience to the said notice the said
Plaintiff appeared before your commissioner and addu-
ced before him on behalf of said Plaintiff two witnesses, Ed-
mund B Pedin and John B Pedin whose evidence the
commissioner proceeded to take in writing. That from the
said evidence your commissioner has ascertained that
the land aforesaid cannot be divided among the parties
entitled thereto without a great sacrifice of its value, & that
the interests of the parties would be promoted by a sale
thereof & a division of the proceeds. The commissioner
further reports to the court that after the completion of
said enquiry, he retained the same in his office ten days

The examination of Edmund B Pedin and John B Pedin, witnesses of lawful age, taken on the 1st day of February 1835, before C B Hayden, one of the commissioners in Chancery of the Circuit Court of St. L. of Wight County at the office of said commissioner under a decree of the said court, pronounced on the 20th day of Oct, 1834, in a suit in Chancery therein pending between Emily M A Pedin, Plaintiff, and Joseph B Whitehead trustee for Henry M Price and wife, Adelaide J Pedin, and Henry M Price and Frances E his wife who was Frances E Pedin defendants, to be used as evidence before the said commissioner touching the enquiry whether the land in the proceedings of said suit mentioned whereof James Pedin died entitled, is susceptible of a just and equal division among the several parties to whom the same now belongs, or whether it would promote the interests of said parties that the said land should be sold and the proceeds thereof divided; which enquiry was referred to the said commissioner by the said decree -

Justices of the peace for the County in which the Defenda-
 -nt Frances E. Price wife of Henry M. Price resides or
 may be found, inquire and ascertain from her, in what
 real estate she desires her part of the proceeds of the sale
 of the land in this decree to be invested, And report to
 this Court the terms on which the same may be purchased,
 and whether in their Opinion such purchase would be
 a judicious investment.

A Copy

Teste.

N. P. Young

Price

v. M. Price

Whithead trustee &c

3250.

At a Circuit Court continued and held for the County
of Isle of Wight on the 18th day of May 1855.

Emily M. A. Pedin

against

Joseph B. Whitehead Trustee for Henry M. Prin wife,
Adelaide J. Pedin. Henry M. Prin and Frances E. his wife - who
was Frances E. Pedin

This cause this day came on to be again heard on the
papers formerly read - and on the report of Commissioner
Hayden made pursuant to a decree herein of October term
1854. and was argued by Counsel. On consideration whereof,
the Court confirming said report, to which no exceptions were
filed, doth adjudge order and decree - that Joseph B. Whitehead
who is hereby appointed Special Commissioner for that purpose
do proceed to sell at public auction to the highest bidder
at the Court house of this County - On some Court day - after
having given at least twenty days notice of the time and
place of sale - by advertisements at the Court house door
of this County on some Court day previous to the day of
sale and at other public places in said County - The land
in the proceedings mentioned - whereof James J. Pedin died
Seised & possessed in the County aforesaid, Containing by esti-
mation 330 - acres - and lying adjacent to the land of George
J. Pedin, Willis Wilson & John B. Pedin - On a credit
of twelve months with interest from date - taking bond with
sufficient security - payable to himself as Commissioner for
the same, and return said bond to Court with his report of
proceedings under this decree for further action herein,
But the effect of this decree shall be suspended until the said
Commissioner shall execute and deliver in the Clerk's office
of this Court bond with sufficient security in a penalty of
\$7000.00 payable to the Commonwealth of Virginia, Condition-
ed for the faithful performance of this decree, And the
Court doth further adjudge order and decree that any two

In obedience to the aforesaid decree I did on the
first Monday in October 1855 being Court day
sell at public auction ^{at the Court house} the land named in the
said decree, after having advertised the time
and place of sale according to the requirements
of the decree and in the Richmond Enquirer
at which sale Emily M. A. Pedin became
the purchaser for the sum of thirty two hundred
& fifty dollars being the highest bid made
for which sum she has executed bond with
sufficient security, which is herewith return-
ed according to the requisition of the
decree, all of which in respect fully submitted

Signed J. B. Whitehead Com.
Oct 5th 1855

Review of A. J. Young Clerk of the Circuit Court of
State of Wight, The Book of Emily M. A. Pedin Algeen A.
Whitaker & Mrs. B. Swallow which was filed in this report
for \$32.50 dated the 1st. Oct. 1833.

~~Whitaker~~

Oct 30th 1856 Received of Jos B Whitehead the sum
named in the within decree \$25.00 as my fee in
the said cause

A. Whitehead atto.

Nov 14. 1856

The of Jos B Whitehead Comr. named in
the within decree eleven hundred & five dollars
thirty three cents in full for my wife Emily's
(formerly Emily Peden) proportion of the sale of the
land named in the within decree

Teste

Richard. Goodwin

A. Whitehead 2d

Recd of J B Whitehead my fees as commissioner -

C. B. Haydon

Emily M. Peden

or

My Copy Received

Jos B Whitehead (Trustee)

A. Copy

The of Jos B Whitehead Comr. named in the within
decree one thousand one hundred & five dollars
thirty three cents in full for my proportion
of the sale of the land named in this decree
Oct 30th 1856

Teste

A. Whitehead

Notelawds J Peden

At A Circuit Court Continued and held for the
County of Isle of Wight On the 17th day of May 1856.
Emily M. A. Pedin Plff.

Against In Chancery
Joseph B. Whitehead trustee for Henry M. Price wife vs Defts

This Cause came on this day to be further heard on the papers
formerly read and the report of Sale made by Commissioner Whitehead
pursuant to a decree herein of the May term 1855. And was argued
by Counsel. On Consideration whereof, the Court approving and
Confirming said Sale & report, to which no exceptions were filed,
doth adjudge order and decree, That upon the payment by Emily
M. A. Pedin of her bond in the report mentioned, The said Commis-
sioner do Convey with special warranty, to the said Emily M.
A. Pedin the tract of land in the report mentioned ~~with~~ ^{which} said bond,
for which purpose the Clerk is hereby Authorized to deliver to said
Commissioner & take his receipt for the same, And the Court
doth further adjudge order and decree, that said Commissioner
Collect said bond, And after having first paid all the costs & charges
attending this suit, He ^{shall} divide into three equal parts or portions,
One of which he shall pay over to the said Emily M. A. Pedin,
another to Adelaide J. Pedin she having attained the age of 21 yrs.
since the last decree herein, (And the third or last portion, the
said Commissioner shall hold subject to the further order of this
Court.) But this decree shall be suspended until the said Com-
missioner shall execute in the Clerks office of this Court bond
with sufficient security payable to the Commonwealth of Virginia
in a penalty of Five Thousand Dollars, Conditioned for the faithful
performance of this decree, And the said Commissioner shall
report to Court his proceedings under this decree.

Plff. att. Hoy \$15.75

clk. 9.25

Shff. J. L. W. 2.50

Shff. Nichols 1.00

Comm. Boyden 4.85

\$33.35

A Copy

Teste.

A. P. Young co.

My virtue of this ^{decree} I have retained in my hands
 as Trustee to H. M. Price eleven hundred &
 five dollars thirty three cents being the amount
 due Price as his proportion of the sales of the
 land sold by virtue of a Decree in the suit of
 Emily M. A. Price vs. W. Whitehead Trustee of
 Henry M. Price & wife & others I have paid Charles
 Hayden Esq. by order of this decree thirty dollars
 by his receipt in full of this paper and have
 retained fifty five dollars twenty five cent
 as my commission on \$1105.33 cents leaving
 one thousand one hundred twenty dollars eight cents
 in my hands as Trustee to Francis M. Price
 to which I have safely invested and have
 ready to submit the further order of the Court
 all of which is respectfully submitted
 Nov 14. 1856 W. Whitehead Trustee

Emily M. A. Price
 vs.
 Henry M. Price & wife
 W. Whitehead Trustee

By virtue of the annexed decree I have paid
 to C. B. Hayden \$30.00 and the balance of
 said fund amounting to \$1075.33 1/2 cts I have
 retained in my hands as Trustee of
 Henry M. & Francis C. Price under
 the deed of marriage settlement mentioned
 in these proceedings all of which is respectfully
 submitted.
 Sept 5th 1857 W. Whitehead Trustee

At a Circuit Court Continued Held for the County
of Isle of Wight on the 20th day of Octo: 1856.

Emily M. A. Pedin Plff

Against — In Chancery.

Henry M. Price and Frances E. his wife (formerly Frances E.
Pedin) Defs.

This Cause in which the marriage of the plaintiff Emily
M. A. Pedin with Richard Goodwin since the last hearing
of this cause is suggested — it is ordered that this suit proceed
in the name of the said Richard Goodwin wife; Came on
this day to be again heard on the papers formerly read. Upon
the report of the examination of Frances E. Price wife of
Henry M. Price by J. M. Hamilton & F. H. M. Holding M. C. C. J.
Justices of the peace for the County of Nicholas, made pur-
suant to a decree herein of May term 1855. It was argued
by Counsel — On Consideration Whereof the Court consider-
ing the said report such as cannot be acted on with
safety to the interest of said Frances E. Price, doth
adjudge order and decree, that Joseph B. Whitehead, out
of the fund in his hand belonging to said Frances E. Price,
arising from the Collection made by him under a decree
herein of May term 1855. pay throughout to C. B. Hayden Thirty
dollars (\$30.00) as his fee as Counsel for said Frances E. Price.
(And retain the balance of said fund as trustee under the mar-
riage Settlement between the said Henry M. Price and Fran-
ces, E. his wife in these proceedings mentioned, shall the
same under the trusts of said deed, I make report to
Court of his proceedings under this decree.

A Copy

Teste.

J. C. Astor D. C.

November 29th 1856. Received of J. B. Whitehead Thirty
Dollars, in pursuance of the above decree —

C. B. Hayden

Report
Oct 1857

An Account of the sale of the land belonging to the heirs of Amos J. Pedin, made by virtue of a decree of the circuit pronounced at the May term 1855 in the case of Emily M. A. Pedin vs Jos. Whitthead trustee for Henry M. Price & wife & others made the first day of October 1855.

The land sold for
Interest to Oct 1st 1856

\$
3250
195
\$3445

Cost of Suit & Sale

Commefficiaries \$3445.

77 40

Paid attorney by receipt on the decree

25 00

Paid Clerk fee (bill delivered)

9 25

Paid Sheriff of Exh of weight

2 50

Paid Stiff. of Nicholas

1 00

Paid Commiffionary Hayden

4 85

Paid Collector of Engineer

8 50

129 00

Balance due the heirs

3316
3145 00

Francis E Price's proportion

\$1105 33 1/3

Emily M. A. Goodwin (formerly Pedin)

\$1105 33 1/3

Adelaide J. Pedin's proportion

1105 33 1/3
\$3316 00

By the above statement the heirs are entitled to \$1105. 33 1/3 cents each, the portion due Francis E Price, I have ready to make the further order of the Court; I shall ^{pay} to Adelaide J. Pedin & the Charles Goodwin husband of Emily M. A. Pedin their proportions by their receipts on the decree.

The cost has been paid to the parties entitled all of which is respectfully submitted

J. Whitthead Clerk

a judge order and decree that any two or more
 justices of the peace of the county in which the
 defendant Frances E. Price, wife of Henry M. Price resides
 or may be found, take the examination of the
 said Frances, separate and apart from her said
 husband, and report whether she is willing
 that her interest or share in the real estate
 in the bill mentioned should be sold, and if
 so, how or in what manner she desires
 her part of the proceeds of the same, to be
 secured or invested under the marriage con-
 tract in the proceedings referred to -

122072

Price

or

Price

Decree to be

entered

R. H. Butler

Del. Co. 5th

Samuel H. & Peter

Samuel H.

13.

In Chancery

Henry H. Price & others.

14th

This cause came on this day to be heard on the Bill, ^{the} of the defendants with applications ~~thereof~~ & answers, exhibits, and examinations of witnesses, and was argued by counsel: on consideration whereof (the court is of opinion that a partition in kind of said tract of land cannot conveniently be made, and that the interest of all parties will be promoted by a sale thereof & a division of the proceeds amongst those entitled,) it is adjudged, ordered & decreed that Joseph H. Whiteland who is hereby appointed & commissioned for that purpose, do sell the said tract of land situated in the town of New York containing 332 acres be the same more or less & bounded by the lands of Ebenezer Pedin, Willis Wilson & others in the Bill mentioned, to the highest bidder, on a credit of ~~months~~, after having returned the time and place of sale for ~~days~~ successively, except so much as may be necessary to defray the expenses of suit & sale which will be cash, that he take some bond with approved security for the purchase money thereof & retain a sum thereof to secure the same as the law in such cases directs, & make report to the court of his transactions in the premises in order to a final decree in the premises. And before his return shall be of any effect, the said commissioner is required to enter into bond with ample security in before the close of this court, in the penalty of ~~interest~~, as directed in the law in such cases required.

The court doth adjudge order and decree that a corner of this court ascertain and report to the court whether the land in the Bill mentioned whereby James Pedin died entitled is susceptible of a just and equal division among the several parties to whom the same now belong, or whether it would promote the interests of the said parties that the said land should be sold and the proceeds thereof divided. And the court doth further

Pedin

(240)

or 3 copy Decree

Whitehead & al.

Oct 1854

In the Circuit Court of Del. of Wayne County.
Octo. 20. 1837.

Emily M. A. Pedin

against

$\frac{1}{2}$ W. Chy

Plff

Joseph B. Whitehead, trustee for Henry M. Price wife Addie
J. Pedin, Henry M. Price and Frances E. his wife - also as
Frances E. Pedin.

Defl.

This cause came on this day to be heard on the Bill answers
of the defendants with replications, depositions, and exhibits, (and exami-
-nation of witnesses) and was argued by Counsel; On consideration
whereof the Court doth adjudge, order and decree, That a commissioner
of this Court ascertain and report to this Court whether the land
in the bill mentioned whereof James Pedin died entitled is suscepti-
-ble of a just and equal division among the several parties to whom
the same now belongs, or, whether it would promote the interests
of the said parties - that the said land should be sold and the proceeds
thereof divided. And the Court doth further adjudge, order and
decree that any two or more Justices of the peace of the County in
which the defendant Frances E. Price wife of Henry M. Price resides
or, may be found, take the examination of the said Frances,
separate and apart from her said husband, and report whether she
is willing that her interest or share in the real estate in the bill
mentioned should be sold, And if so, how - or in what manner
she desires her part of the proceeds of the same to be secured - or
invested under the marriage Contract in the proceedings referred to.

A Copy

Teste.

N. D. Sangre

sufficient security in a penalty of \$1000.00 payable
to the commonwealth of Virginia, conditioned for
the faithful performance of this decree.—
and the court doth further adjudge order & decree
that any two justices of the peace for the county
in which the defendant Frances C Price, wife
of Henry M Price resides or may be found inquire
& ascertain from ~~her~~, in what real estate she
desires her part of the proceeds of the sale of the
land in this decree to be invested & report to this
court the terms on which the same may be ~~invested~~
~~shared~~ & whether in their opinion such pur-
chase would be a judicious investment—

Pectin
" } in Charney
Pectin -

Rough decree

May Term 1835

To be entered

W. H. Barker

Pedin

as

Pedimentals-

This cause this day came on to be again heard on the papers formerly read & the report of Commissioner Hayden, made pursuant to a decree herein of Oct Term 1834, & was argued by counsel; on consideration whereof, the court confirming said report, to which no exceptions were filed, doth adjudge order & decree that Joseph B Whitehead who is hereby appointed special commissioner for that purpose, do proceed to sell at public auction to the highest bidder at the Court House of this County, on some court day after having given at least twenty days notice of the time & place of sale by advertisement at the Court house door of this County, on some court day previous to the day of sale & at other public places in said County, the land in these proceedings mentioned whereof James I Pedin died seized & possessed in the County aforesaid, containing by estimation 330 acres lying adjacent to the lands of George Mandie, Willis Wilcox, & John B Pedin, on a credit of twelve months with interest from date, ~~except~~ ~~as much for each as will pay the costs of this~~ ~~suit of said sale,~~ taking bond with sufficient security payable to ~~himself~~ ^{same} as commissioner for the ~~assessing~~ ^{same} ~~to be paid on credit~~ ^{to repay} return said Bond with his report of proceedings under this decree for further action herein. But the effect of this decree shall be suspended until the said Commissioner shall execute & deliver in the Clerk's office of this Court bond with

Pedicularis {
as

Piedra {
etale

Rough beam
very fine 1856

To be entered -

R. H. B. 1856

1856

18

Emily M A Pedin

P.H.F.

against

3 in shy.

Joseph B Whithead trustee for Henry M Price & wife
and others

defts.

This cause came on this day to be further heard on the papers formerly read and the report of sale made by Commissioner Whithead pursuant to a decree herein of the May term 1855, and was argued by Counsel, on consideration whereof, the Court approving and confirming said sale & report, to which no exceptions were filed, doth adjudge, order and decree, that upon the payment by Emily M. A. Pedin of her bond in the report mentioned, the said Commissioner do convey with special warranty, to the said Emily M. A. Pedin ~~the tract of land on the report mentioned~~ ^{for which purpose, the said Commissioner is authorized to take} ~~the said bond~~ ^{the tract of land on the report mentioned} and the court doth further ~~adjudge~~ ^{order & decree}, that said Commissioner collect said bond, and after having first paid all the costs & charges attending this suit

~~and~~ the balance shall divide into three equal parts or portions one of which he shall pay over to the said Emily M. A. Pedin, another to Adeline I Pedin she having attained the age of 21 years since the ^{last decree herein} ~~constitution~~ of this suit, and the third or last portion the said Commissioner shall hold subject to the future order of this Court. But the effect of this decree shall be suspended until the said Commissioner shall execute in the clerk's office of this Court bond with sufficient security payable to the Court of Virginia in ^{all} ~~the~~ ^{condition} for the faithful performance of this decree. & the said Commissioner shall report to Court his proceedings in this decree.

Pedin
" - }
Pedin } In Chancery
State - }

Rough Decree
Oct Term 1835 -

To be entered -

R. H. Baker

17th Dec

Pedin

25

J B Whitehead

Trustee & al-

This came in which the marriage of the Plaintiff Emily M A Pedin with Richard Goodwin since the last hearing of this cause is suggested it is ordered that this suit ~~proceed~~ in the name of the said ~~Richard Goodwin~~ wife, came on this day to be again heard on the papers formerly read & on the report of the examination of Frances E Price wife of Henry M Price by J. M. Hamilton & Fielding McCune, justices of the peace for the County of Nicholas, made pursuant to a decree herein of ~~the~~ ^{May} Term 1835, was argued by counsel, on consideration whereof the court considering the said report such as cannot be acted on with safety to the interests of said Frances E Price, doth adjudge order & decree that Joseph B Whitehead out of the fund in his hands belonging to said Frances E Price, arising from the collections made by him under a decree herein of May Term 1835, pay thereout to C B Hayden Thirty Dollars, as ~~his~~ fee as counsel for ^{said} Frances E Price retain the balance of said fund as Trustee under the marriage Settlement between the said Henry M Price & Frances E his wife in these proceedings mentioned & hold the same under the trusts of said deed & make a part to court of his proceedings under this decree -

Pedun }
as } In Charney
Pedun }
Las }

Rough Sleaves
May Term 1859

To be entered

To be entered

R. H. P.

C. —

Peden

^{as}
Peden & Co

This cause this day came on to be again heard on the papers formerly read, & on the report of S. B. Whitehead made under a decree therein of Oct. 20th 1834 was argued by counsel on consideration whereof the court doth adjudge and decree that said report to which no exception was filed be confirmed, & that said S. B. Whitehead as trustee for H. M. Phipps & Francis & his wife out of the trust apts pay the unpaid costs of this suit if any -

Sedona
N. J. City.
Sedona

Copy of Marriage Contract
filed with bill.

A. S. Kebbergall &
Rufus Bobbitt
To } Covenant
J. B. Whitehead

farther understood and agreed that the deed aforementioned shall not be delivered to the said J B Whitehead until he shall have first complied with the requisitions of the foregoing condition and when the deed is delivered the said Whitehead is to be placed in full and peaceable possession of said tract of land. And should the said Whitehead fail to comply on his part with the requisitions of these presents on or before the fifteenth day of June next then this covenant to be void otherwise to remain in full force and virtue Witness the following signatures and seals this nineteenth day of January 1856.

Teste.

Geo Hamilton

Andrew G. [Signature]

Rufus B. [Signature]

This above agreement is modified on the part of Rufus Bobbit, as follows. The bonds due by And. J. Neighbors all to him, in payment of said Land are as follows ^{Two Hundred} \$200. due on the 1856 Two Hundred Dollars on the 1857. Two Hundred On the 1858. Two Hundred Dollars on the 1859 and ~~One~~ ^{Two} Hundred Dollars on the 1860. That Rufus Bobbit is to receive. But on the ~~Two~~ ^{Two Hundred} ~~Hundred~~ Dollars, from its maturity till paid. But in consideration of the payment in cash of the other bonds; ~~the time mentioned~~ ^{placed}, in all ~~cases~~ ^{of} the interest, which must necessarily be deducted, he agrees to deduct Twelve per Cent a year on the balance paid him on the above bonds. The sum of Fifteen Dollars is also to be deducted on the ~~first~~ ^{first} bond the sum due him the said Bobbit being Only Eight Hundred & Eighty Five Dollars. As Witness the said Bobbit hath hereunto affixed his hands seal, this the Day of January 1856.

Teste

[Signature]

I Rufus Bobbit do hereby agree that if the Bonds drawn by Neighbors to me shall be as follows Two Hundred Dollars March 1856 Two Hundred Dollars due March 1857. Two Hundred Dollars due March 1858. Two Hundred Dollars March 1859. One hundred Dollars March 1860, be paid as per agreement I bind myself to deduct One Hundred & Fifty Dollars. The first bond is subject to a credit of Fifteen Dollars. Given under my hand and seal this the 19th day of Jan 1856

Teste.

Geo Hamilton

Rufus B. [Signature]

Know all men by these presents that we Andrew J. Kibber-
gall and Rufus Bobbet of the County of Nicholas State
of Virginia have and by these presents do covenant with
J B Whitehead Trustee for Mrs Francis E Price (late Pears)
of the County of Isle of Wight State aforesaid ^{that we} will for and
in consideration of the premises in the condition under
written set forth make or cause to be made executed and
delivered unto the said J B Whitehead Trustee as aforesaid
a good and sufficient deed with covenants of general
warranty by the said Rufus Bobbet conveying unto
the said J B Whitehead for the use and benefit of the
said Francis E Price a certain tract or parcel of land
lying and being in the County of Nicholas aforesaid
within five miles of the Court House known as the Williams
tract of which the said Bobbet was possessed by descent
and by purchase of the heirs of said Williams the title
papers of which call for five hundred acres. It is agreed
however that the deed shall only convey with general
warranty four hundred and seventy ~~five~~ acres thereof
and shall convey with special warranty the residue.
Yet with this condition that the said J B Whitehead
Trustee as aforesaid shall on or before the sixth day of June
1856 pay or cause to be paid as the purchase money of
said land six hundred and fifteen dollars to the said
Andrew J. Kibbergall current money of Virginia and shall
deliver or cause to be delivered to the said Kibbergall
his bonds executed to said Bobbet for the said land amount-
ing in the aggregate to nine hundred dollars. And that
the said J B Whitehead shall also on or before the sixth
day of June 1856 pay to the said Bobbet the amount of
said bonds two hundred dollars a part thereof to bear
interest from the first day of March next in full; and
the said Bobbet making a deduction of twelve per
cent on the residue (seven hundred dollars). And it is

and hold the same to & for the uses and trusts & for the purposes hereinbefore set forth & declared; & said Joseph B. Whithead is hereby authorized & empowered to demand, receive, recover and collect by all lawful means all of the property, debts, monies, Rents, Mins or effects belonging or owing to the said Frances E. Pedin, to be held by him to & for the purposes hereinabove declared & set forth, & its further understood & agreed by & between the said parties to these presents, that nothing herein contained shall effect or prejudice the claim or right which the said Frances E. Pedin may have to dower and her distributive share in the estate of the said Henry M. Price should she survive him.

In witness whereof the said parties have hereunto set their hands and affixed their seals the day and year first above writtten.

Signed sealed & delivered in presence of us by
Frances E. Pedin (Seal)
Henry M. Price (Seal)
J. B. Whithead (Seal)

I, of Wight County to wit, Mr Edwin Morrison and Merit Noble Justices of the peace in & for the County & State aforesaid, do hereby certify that Frances E. Pedin, Henry M. Price and Joseph B. Whithead parties to a certain deed bearing date on the 10th day of April 1849 and hereunto annexed, personally appeared before us in our County of said & acknowledged the same to be their act & deeds & desired us to certify the said acknowledgment to the Clerk of the County Court of Isle of Wight in order that the said deed may be recorded. Given under our hand & seals this 10th day of April 1849.

E. Morrison J.P. (Seal)
Merit Noble J.P. (Seal)

In the clerk's office of Isle of Wight County Court, April 11th 1849
This deed from Pedin & Price to Whithead was admitted to record from Justices certificate hereunto annexed of Edwin Morrison & Merit Noble Justices of the peace for this County aforesaid.

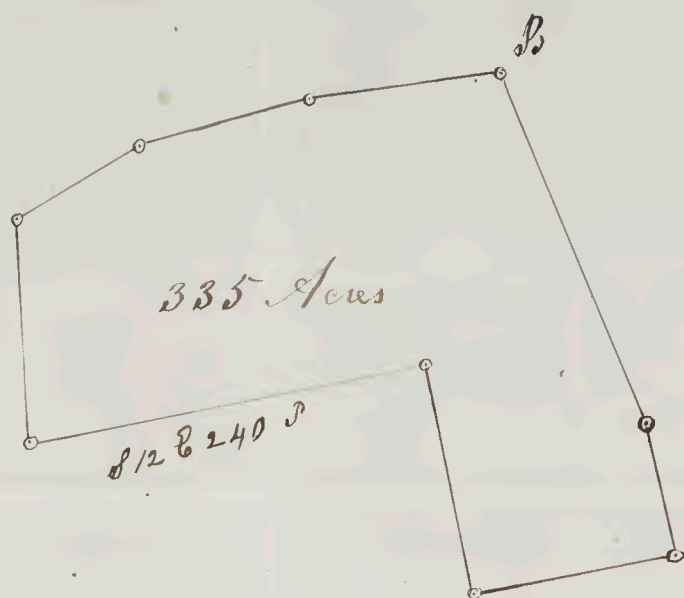
Teste. A. O. Young es.
A copy. Teste. J. C. Latimer A.C.

May be due her upon settlement of her guardian account with
her guardian Joseph B. Whitehead Esq., all of her right, title,
& interest in & to the estate of her Father, the said James F.
Pedin Esq. it being one third part of the following property,
Namely, Two tracts of land situated in Red Point, in the
County and State aforesaid, the first by estimation one hundred
and fifty seven acres, bounded & described as follows on the
North by the land of George J. Purdie and Willis Wilson, on
the East by the land of said Wilson & Moonfield Creek or a
Branch thereof which separates it from the second tract, on
the South by said creek & the land of Mrs. Priscilla Pedin,
and on the West by the land of said George J. Purdie, it being
the lands on which said James F. Pedin lived at the time of
his death; The second commonly called the "Waterfield tract,"
containing one hundred and forty nine acres (by estimation) and
bounded on the North and East by the land of George W. Andrews
and Mrs. Priscilla Pedin, on the South & East by the land of
Daniel H. Battin, and on the North & West by the land
of Mrs. Priscilla Pedin (called the woods tract) the land of
John T. Taylor and the said branch of Moonfield Creek, which
separates it from the first tract: And the following Negroes,
Sam, Peter S, Bob, Jim, Phillip, Thaddeus, George, Peter Jr,
William, Henry, Nicholas, Lucy, Mary & child's not named,
Manning, Margaret, Sally, Eliza, Sam & Harriett Ann.
Also the sum of Eight Hundred and Sixty three Dollars, The
purchase money of a tract of land belonging to said estate sold
by virtue of a decree of the County Court of Law & Chancery
for said County pronounced on the — day of — 1846. in the
case of Pedin's guardian vs. Pedin & others together with the
tenements, hereditaments, privileges & appurtenances to the said
tracts of land in anywise appertaining & belonging, & the future
increase of said female Negroes, To have & to hold the above con-
veyed property unto the said Joseph B. Whitehead his heirs, execs
administrators and assigns upon trust, for the said Frances E.
Pedin her assigns, until the solemnization of said intended

Marriage & from after the solemnization to the said intended
Marriage. Then upon trust that he the said Joseph B. Whitehead
his heirs, &c. shall permit the said Frances E. Pedin notwith-
standing her coverture to have, receive, take & enjoy during her
natural life all the rents, profits, hires, interests & issues of
the said hereby conveyed property to & for her only & sole proper use
and benefit and entirely exempt & free from all contracts, debts,
liens, incumbrances & judgments &c. existing against or made
by her said husband & from & after the decease of her the said
Frances E. Pedin, then upon this further trust, that she the said
Joseph B. Whitehead his heirs, execs. admors. & assigns shall and
will assign, transfer, pay over and convey all and every part of the
above named property unto ~~the~~ such person or persons, at
such time & times, and in such parts and portions, manner
and form as the said Frances E. Pedin shall from time to time
notwithstanding her coverture, by any writing or writings under
her hand and seal attested by three or more witnesses or by her last
will & testament in writing to be by her signed, sealed, published
and declared in the presence of a like number of witnesses,
direct, limit or appoint, to the intent that the same may
not in any manner be at the disposal of or subject to the
contracts, debts, liabilities or engagements, liens, incumbrances,
judgments or claims of any kind existing against or
hereafter made by the said Henry M. Price her intended hus-
band; and in default of such direction or appointment then to
the said Henry M. Price his heirs & assigns forever. And it is
hereby understood and agreed by & between the parties to these presents
that said Joseph B. Whitehead by & with the consent and advice of
the said Frances E. Pedin shall have power. He is hereby author-
ized and empowered by and with such consent, to sell the whole
or ~~the~~ ^{such} part of said land hereby conveyed, and one or all of said
slaves whenever the said Frances E. Pedin and himself shall
think the interest of this trust will be promoted by such sale,
and to vest the proceeds of such sale in such manner & in
such way or ways as the said Frances E. Pedin shall direct

This Indenture made this tenth day of April in the year
One Thousand eight hundred & forty nine, between Frances Eddin
Price (infant of James E. Peditin dec'd) of the County of Isle of
Wight & State of Virginia of the first part; Henry M. Price of
the County of Prince George & State of Virginia of the second
part, Joseph B. Whithead of the said County of Isle of Wight of
the third part. Whereas a marriage is shortly intended to be
had and solemnized between the said Henry M. Price & the said
Frances E. Peditin, and whereas the said Frances E. Price is sei-
zed and possessed of a considerable Real and personal estate, con-
sisting of lands, Slaves, Money and debts, which will be herein
after more particularly described as far as it may be possible
so to do; And wherein it has been agreed by and between the
said Frances E. Peditin and the said Henry M. Price, that all
the said property of every description, both Real and personal
shall be sold in a tract to be held by him in trust and
in the manner & for the purposes herein after mentioned &
described; Now therefore this Indenture witnesseth, that the
said Frances E. Peditin for & in consideration of the premises
& for the further consideration of the sum of five Dollars to
her in hand paid by the said Joseph B. Whithead at or before
the enrolling and delivery of these presents, the receipt whereof
she doth hereby acknowledge, and by and with the privacy con-
sent and agreement of the said Henry M. Price testified by
his being a party to, this sealing and delivery of these presents,
hath granted, bargained & sold, assigned, transferred & set over,
and by these presents doth grant, bargain & sell, assign, trans-
fer, set over & convey unto the said Joseph B. Whithead his heirs
&c. all of her right, title and interest either at law or equity to
the whole of her said property - whether real or personal in possession
or action (and whether particularly described in this Indenture
or not) That is to say, One Negro man called Ned, given to
her by the last will & Testament of her Aunt, the late Elizabeth
Peditin dec'd. all the Money, Bonds & debts due her or which

335 Acres
R. B. Pett
Nat



June 19th 56 Surveyed for Rufus Bobett 335 acres bought
 by ~~Mr. J. E.~~ Price of Said Bobett Which is bounded as follows
 to wit Beginning at two Whiteoaks thence N 12 W 100 poles
 to an Ash & Dogwood on a branch N 17 W 91 poles to a White
 Oak corner to Jones and with his line N 32 W 74 poles to Hammonds
 line & with S 87 W 115 poles to Radens line & with S 12 E 240 poles to
 a White Oak & Maple thence S 75 W 130 poles to a White & Gum
 in a line of James Reid 700 acre survey and with S 12 E
 108 poles to a stake in same clearing N 78 E 70 poles to a
 Spanish Oak & two dogwoods thence N 66 E 252 poles to the
 beginning
 J. R. Dyer - S. N. C.

R Bottett

To 7 Acre

A J Muzall

Copy Courses

Land Sold To

^{James}
H E Puri

Rufus Bobbitt
to 3 rods } Copy Courses
of Muzzall

Beginning at a Spanish Oak and two
Dogwoods on a ridge thence N66° E 253 poles
to two white Oaks and Gum Corner to Robert
Young & Company N12° W 100 poles to an Ash
& Dogwood on a branch running into Glade
Creek N17° W 85 poles to a white Oak
corner to a Survey of Six hundred acres
made for Thomas Jones thence with his
line N32° W 132 poles crossing Glade Creek
to a white Oak N31° E 60 poles to a white
Oak & White Oak Stump N58° poles to two
white Oaks on a Branch N37° W 74 poles
to a white Oak and Maple thence leaving
Thomas Jones' line S50° W 154 poles to two
poplars and Dogwood corner to a Survey
of Three Hundred acres made for James
Robinson and with his line S12° E 338
poles crossing Glade Creek to a white
Oak and Maple S75° W 130 poles to a white
Oak and Gum in a line of James Kinis
~~Survey~~ ^{line} Hundred acre Survey and with
said line S12° E 108 poles to a stake
in said line & thence leaving the same
N48° E 34 poles to the Beginning
A Copy

Let

No Hamilton use

This agreement on the part of And^r J Neighborgall
with Henry M Price Witnesses: That should from any Cause
the Contract between A J Neighborgall & Jas B Whitehall
Trustee of Francis E Price, not be complied with, that the said
Neighborgall agrees that Henry M Price shall remain on the
place or farm, sold for one year - by paying Seventy Five
Dollars rent.

And the said Neighborgall further agrees, that if the
Judge of the Circuit Court of Isle of Wight deems to him,
out of F E Price's money, at the May term next 1856, the
sum coming to him in payment of the Land as per Contract
and it should be necessary, from any Cause, ~~that~~ the
said Neighborgall agrees to extend the time of payment
Ninety days, upon the party paying him Interest & the
said Price the pro rata rent, for the same time. As Witness
the said And^r J Neighborgall, hath hereunto affixed
his hand & seal this 11th day Feb 1856

Witness:  A. J. Neighborgall

L B Hayward

Nicholas ~~to~~ ^{to} Mr

Feb 14th / 1856

W B Hayden Esq

Sir At the request of Mrs F E

Price I send you enclosed the papers relating to a contract for the purchase of a tract of land for her. She desires that you will attend to the matter for and procure the necessary deeds &c. I am not personally acquainted with the land but from what I can learn the purchase will be a safe and desirable one. Please write and inform Mrs Price of the reception of the papers &c.

Respectfully yours

R. H. Burley

Virginia

Nicholas County Court

In answer to the Decree of the Circuit Court in
and for the County of Dale of Wight rendered at the Fall Term 1854
Francis & Priel being privately examined by us two Justices of the peace
in and for said County of Nicholas and State of Virginia at the residence
of Henry A. Priel and being examined by us privately and apart from
her husband

1st Answered and said that she has no objection to the sale of the land
belonging to the heirs of James Priel and - providing the money
is reinvested in the purchase of a home

Secondly she wishes the Court to decree that her Executor shall invest
the money in such land as she may select providing the said
land so selected by her may not cost more than her share of the
proceeds of said land belonging to the heirs of James Priel.

Given under our hands & seals this 1st day of March 1855

J. M. Hammett Seal

Geo. Duffy Seal

Virginia

Nicholas County Court

We John M Hamilton & John Duff, Justices of the peace
in and for the County aforesaid do hereby Certify that Frances E Price the wife
of Henry M Price late Francis E Price, ^{she being examined privately and apart from her husband} and Acknowledges that she is willing
that her Interest in the Land in the within Deed mentioned be sold and that
her part of the proceeds of said sale be invested in procuring for her in the
County of Nicholas a home Given under our hands & seals this 2^d day of February
1855

F. Price

M. Y. Kelly

F. Price

Subscribed of Francis

E. Price

Filed 5th March 1855

J. M. Hamilton *J. M.*
J. Duff *J. D.*

At a Circuit Court continued held for Islesworth
County on the 26th day of October 1854.

Emily M. A. Pedin

Plf.

against

$\frac{1}{2}$ M. Chry

Joseph B. Whitehead, trustee for Henry M. Price wife,
Adelaid I. Pedin, Henry M. Price & Frances E. his wife
who was Frances E. Pedin

Def's

This cause came on this day to be heard on the Bill answers
of the defendants with replication thereto and exhibits ~~filed~~
and examination of witnesses, and was argued by Counsel;
On consideration whereof, the Court doth adjudge, order and
decree, that a Commissioner of this Court ascertain and
report to the Court whether the land in the bill mentioned
whereof James Pedin died entitled is susceptible of a just
and equal division among the several parties to whom the
same now belongs, or whether it would promote the interests
of the said parties that the said land should be sold, and
the proceed thereof divided; And the Court doth further judge
order and decree, that any two or more Justices of the peace
of the County in which the Def^t Frances E. Price - wife of
Henry M. Price resides, or may be found, take the examination
of the said Frances separate and apart from her said husband
and report whether she is willing that her interest or share
in the real estate in the bill mentioned should be sold,
and if so, how or in what manner she desires her part of
the proceed of the same to be secured or invested under the
Marriage Contract in the proceedings referred to.

A Copy.

Testo

N. J. Young & Co.

Mrs F E Price

To Neighbergal & Bobbit

1856 To 470a (500a) as per Contract already sent. \$1500

"

By this amt amt to be paid Neighbergal
as per Contract \$612

By this amt to Bobbit as per do 900

By Credit On Bond 15 885

Rufus Bobbit

To Mrs F E Price

By Cash as per Receipt filed paid for ~~the~~ \$167.50

To 135 acres Land Sacking as
per Survey of J R Dyer - \$433.50

By 35 acres held adversely by
Anthony Rader valued at \$6.50 \$227.50

By Reduction as per Contract \$150.00 \$977.50
Or

By amt due you on Land - 885
Balance due me \$92.50

As Over paid

Due on 310 acres of Land now held by Mrs
Price & on which she resides \$612. with
Int from 7th June Last.

Personally appeared before me John Duff, a Justice
of the Peace for Nicholas Co: Henry M Price, who being
duly examined on Holy Evangelist; Says, the above
is a correct statement, that the sum due by his
wife on the Land purchased by her, of A Neighbergal
& Rufus Bobbit is Six Hundred & Twelve Dollars
with Interest from the 10th of June. That by Survey
as will appear there was only 345 acres instead of
470 as Guaranteed. Given Under my hand
this the 7th day October 1856 Jno Duff J. P.

Pedini —
Whitehead & Co } Le Chary

Amundson's Hotel

Executed by delivering a true copy
of the within to J B White &
C A Pedini Lane to A P Young
Dec 1854 James O Wood
Es For J. Hall, Sheriff

To be returned to
P B. Hayden

Commissioner's Office
Smithfield Nov 8th 1834 —

To Emily M A Pedin, Adelaide I Pedin &
Joseph B Whitehead Trustee for
Henry M Price & wife;

You are hereby notified that I have fixed upon the
first day of February next, if fair, if not on the next fair
day thereafter (Sunday excepted) to enquire & ascertain
at my said office whether the land in the proceedings
of the suit hereinafter named, mentioned whereof
James Pedin died entitled is susceptible of a just &
equal division among the several parties to whom the
same now belongs or whether it would promote the inter-
ests of ^{the} said parties that the said land should be sold,
& the proceeds thereof divided, required to be taken by
the decree of the of Right Circuit Court rendered on the
20th day of Oct 1834 in a suit in Chancery depending
in said Court between Emily M A Pedin Plaintiff &
Joseph B Whitehead Trustee for Henry M Price &
wife, Adelaide I Pedin, Henry M Price & Frances C
his wife, who was Frances C Pedin, Defendants; at
which time & place you are required to attend.

Given under my hand as Commissioner in
Chancery of the said Court the day & year first
aforesaid.

C. B. Hayden

Executed by a copyist
delivered A. B. Lee
for W. J. Shelton, A. B.

To be returned to
C. B. Hayden

Commissioner's Office, Smithfield
Isle of Wight County, Va. Nov 8th 1854

To Frances E Price, late
Frances E Pedin, wife
of Henry M Price;

You are hereby notified that I have fixed upon
the first day of February next, if fair, if not on the
next fair day thereafter, (Sunday excepted) to enquire
& ascertain at my office, "whether the land in the
proceedings of the suit hereinafter ~~now~~ mentioned;
whereof James Pedin died entitled is susceptible of
a joint and equal division, among the several par-
ties to whom the same now belongs, Or whether it would
promote the interests of said parties, that the said
land should be sold & the proceeds thereof divided
required to be taken by the decree of Isle of Wight Circuit
Court, rendered on the 20th day of October, 1854, in a
suit in Chancery depending in said court, between
Emily M A Pedin Plaintiff against Joseph B White
head, trustee for Henry M. Price wife, Adelaide S
Pedin, Henry M Price & Frances E his wife, who was
Frances E Pedin Defendants; at which time and
place you are required to attend.

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

C. B. Hayden

Acknowledgment Service

May 10 Price
Nov 24th - 1854

Executed by a copy
delivered Anthony Price
D. P. for Winston
Shelton S. H. C.

To be returned to
C. B. Hayden

Commissioner's Office Smithfield
Sole of Right Circuit 8th Nov 8th 1834

To Henry M Price;

You are hereby notified that I have fixed upon the First day of February next if fair, if not on the next fair day thereafter (Sunday excepted) to enquire & ascertain at my office whether the land in the proceedings of the suit hereinafter mentioned, whereof James Pedin died entitled is susceptible of a joint & equal division among the several parties to whom the same now belongs, or whether it would promote the interests of said parties, that the said land should be sold, & the proceeds thereof divided; required to be taken by the decree of Sole of Right Circuit Court rendered on the 20th day of ~~October~~ 1834, in a suit in chancery depending in said Court, between Emily M A Pedin Plaintiff against Joseph B Whitehead trustee for Henry M Price & wife, Adelaide J Pedin, Henry M Price, & Frances E & his wife, who was Frances E Pedin, Defendants; at which time & place you are required to attend.

Given under my hand as Commissioner in chancery of said Court the day & year first aforesaid.

C. B. Hayden

Pedun

v. } Com. Bird

Pedun tar.

Sept. 3^d 1833. 24th &
filed.

KNOW ALL MEN BY THESE PRESENTS, That we, *Joseph B. Whithead*, *Algunnon A. Whithead* & *Albert G. Shiver*

are held and firmly bound unto the Commonwealth of Virginia in the sum of *Seven Thousand* dollars to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. As witness our Hands and Seals, this *Third* day of *September*, in the year of our Lord, one thousand eight hundred and *fifty five*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a Decree of the Circuit Court of Isle of Wight county pronounced on the *18th* day of *May 1855*, in a cause depending in the said Court in which *Emily M. A. Peden* is —

Joseph B. Whithead trustee for *Henry M. Peden* and wife, *Adelaide I. Peden*, *Henry M. Peden* and *Francis E. Peden* his wife, who was *Francis E. Peden*

plaintiff, and defendants the above bound *Joseph B. Whithead* was appointed a special Commissioner to *sell* (after giving twenty days notice of the time & place of sale or directed in the decree) the land in the proceedings mentioned whereof *James I. Peden* seized & possessed in the County of Isle of Wight, containing by estimation 330 acres, lying adjacent to the land of *George I. Peden*, *William Wilson* & *James B. Peden*, on a credit of twelve months with interest from date - Taking bond with sufficient security payable to himself or Commissioner, for the same, and return said bond to Court with his report of proceedings under this decree, for further action.

Now if the above bound *Joseph B. Whithead* shall faithfully discharge his duties as Commissioner under the said Decree, then the above Obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed, and delivered }
in the presence of }
A. P. Gougeon

J. B. Whithead L.S.

A. Whithead L.S.

Albert G. Shiver L.S.

Pedew

5. 3 Cash Bond.
3 Dec 17. May
1886.

Pieces trustee Vals.

Aug. 4. 1886. Executed
Security Vindictive on
oath &

W. P. Young

KNOW ALL MEN BY THESE PRESENTS, That we, *Joseph B. Whitehead,*

are held and firmly bound unto the Commonwealth of Virginia in the sum of *five thousand*
Dollars to the payment whereof, well and truly
to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by
these presents. As witness our Hands and Seals, this *4th* day of *August*, in
the year of our Lord, one thousand eight hundred and *fifty six*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a Decree of the
Circuit Court of Isle of Wight county pronounced on the *17th* day of *May 1856.*
in a cause depending in the said Court in which *Emily M. A. Peddie* is

Joseph B. Whitehead trustee for *Henry M. Price* wife,
and Adelaide J. Peddie are

above bound *Joseph B. Whitehead* was appointed a special Com-
missioner to *collect the bond of Emily M. A. Peddie, filed*
in this cause, and execute for the purchase of the land in
the proceedings mentioned. And after having first paid all the costs
and charges attending this suit, divide the balance into three equal
parts. One of which he shall pay over to said Emily M. A. Peddie, one
other to Adelaide J. Peddie and the third or last the said Com-
missioner shall hold subject to the further order of this court.
And make report of his proceedings to the court
as ordered."

Now if the above bound *Joseph B. Whitehead* shall faithfully discharge
his duties as Commissioner under the said Decree, then the above Obligation to be void, otherwise to
remain in full force and virtue.

Signed, sealed, and delivered }

in the presence of }

A. J. Green

J. B. Whitehead L.S.
A. J. Whitehead L.S.
L.S.

Engu - ren - for
advertising
Piedin Lane
\$8.50

3250
300
2950
2
59.00
15
74

Mr Jos B. Whitehead, Commr

1853

Sept 6

To ENQUIRER OFFICE,

Dr.

To Advertising in the Richmond Enquirer,
as Commr in Case of Pedin vs
Whitehead. Sale of Land in
Isle of Wight Co 2 Sq 8 L \$8.50

1853

Feb 26

Received Payment

For RITCHIE, PRYOR & DUNNAVANT.

R. Milesworth