1871-024 Chancery Causes. Thomas H. Gray adl vs Samuel Cutchins & al & Thomas Cutchins & al
Isle of Wight County

other SURNames: GODFREY, DRURY
Shepherd, DREWRY, Underwood,
Spence, Hatchell, Everett, Cutchen
Cutchin, Bunkly

Hayden pl.

Gray & als.
v. } Bill &c.
Catchim & als.

1868

April Rules - Subs. ctf. Bill filed & dem. nisi.

May Rules Bill taken for confsd and cause set for hearing.

May Term - Dem for acth.

Dfts. 10. Dfts. filed.

Octo. Ct. cond

May 1869 - Dem for sale &c.

Octo. 1869 - Cond.

Jany. 3d. 1870 Dfts. of sale filed

May 1870 - Cond.

Octo. 1870 - Rfts. recmd. for accts.

Apl. Ct. 1871 - Dem to collect & pay smith deb.

Octo. 1871, final dem

+ Lauretta his wife, + Thomas Cutchins + Eliza-
Ann his wife, may be made parties defendant
to this bill, + be required to answer the same —
that partition of said land may be had between
your complainants + said defendants according
to their respective rights therein — that an
account may be taken of the rents + profits of the
said land received by the said Samuel Cutchins
+ of the damage done to said land by him, and
satisfaction of the same decreed your complainants.
And that such other + further relief in the
premises may be granted your complainants as
to the court may seem meet + may consist with
the equity of the case + your complainants will
ever pray &c —

Hayden p q —

have no knowledge. That the said Thomas Cutchins has ever since held & at the present time occupies the said land, taking the profits thereof to his own use. That the said Samuel Cutchins cut & sold large quantities of wood from the said land since his occupancy aforesaid. That your complainants are informed & so charge that they are entitled to have partition of said land with said Samuel & Thomas Cutchins, according to their respective shares aforesaid; but that the said Thomas & Samuel Cutchins refuse to make such partition, fraudulently pretending & claiming that they are entitled to the whole of said land. That your complainants further charge that they are entitled to demand & receive from the said Samuel Cutchen their respective portions of the rents & profits of the said land, & to be compensated for the injury & damage done to the said land by cutting wood therefrom as aforesaid, yet the said Samuel Cutchins refuses to pay or account to your complainants therefor, although often requested so to do. All of which is to the manifest injury, & fraud of your complainants. In tender consideration whereof, & for as much as your complainants are without remedy at law, & can only be relieved by the aid of this honorable court of chancery, where matters of this sort are cognizable, to this end your complainants pray that the said Samuel Cutchins

of Josiah Cutchins a brother of said Esther, and Samuel Cutchins + Thomas Cutchins children of + of Almeda the wife of said Robert a sister of the aforesaid Joseph Everett. Robert Cutchins a brother of said Esther. That the said Jane Spence + James T Shepherd have since the death of the said Sarah departed this life, the said Jane Spence having left as her heirs at law her three infant children Alesena Columbus + Martha Jane, the last of whom has since died leaving the other two surviving, who are still infants. That the said James T Shepherd left as his sole heir at law his infant child Mary Jane Shepherd.

That the aforesaid heirs at law of the said Sarah Hatchell are entitled to share in the aforesaid land as follows, to wit; the said Thomas H Gray, Elizabeth Godfrey, William T Shepherd, John Shepherd, Mary Jane Shepherd, Sally Ann Dewey, Josiah T Cutchins, + Emily Underwood each to 1/24 thereof. The said Alesena + Columbus Spence are each entitled to 1/48 thereof. The said Samuel Cutchins + Thomas Cutchins are each entitled to 5/16 thereof; the said Samuel + Thomas Cutchins being each entitled to 1/2 of 1/8 or 1/16 as their share of the moiety going to the maternal kindred + to 1/2 of 1/2 or 1/4 each of their share of the moiety going to the paternal kindred.

That soon after the death of the said Sarah Hatchell the said Samuel Cutchins took possession of the said land without the privity or consent of the other heirs aforesaid except perhaps that of the said Thomas Cutchins, as to whose consent your complainants

she was over 21 years of age & her interest in said land passed to her surviving sister the said Sarah, who thus became entitled to the whole of said land, & being seized & possessed of the same in fee simple, departed this life intestate as aforesaid on the of September 1862. that at the time of her death the said Sarah was over 21 years of age & left no child nor the decendants of any child, nor father, nor mother nor brothers & sisters or their decendants.
That consequently under the fourth section of the statutes of decents one moiety of the said land passed to the paternal, & the other moiety to the maternal kindred. That the heirs at law of the said Sarah on the paternal side were Samuel Cutchins & Thomas Cutchens children of Robert Cuthins & his wife Almeda, who was Almeda Everett a sister of Joseph Everett the father of said Sarah. That the only heirs of said Sarah on the maternal side were Thomas H Gray, Elizabeth Godfrey, & James Spence, children of Rachel Gray a sister of the said Esther Everett, the mother of said Sarah — Hatchell & William I. Shepherd John Shepherd & James T Shepherd children of Betsy Shepherd a sister of said Esther Everett & Sally Ann Drewry Josiah T Cutchins & Emily Underwood wife of John C Underwood children

To the Honorable Richard H Baker Judge of the Circuit Court of Law & Chancery for the County of Isle of Wight in Chancery sitting, humbly complaining showeth to the court your complainants, Thomas H Gray - Elizabeth Godfrey - William I Shepherd, John - Shepherd - Sally Ann Dewey - Josiah T Hutchens - & C M his wife, John Underwood & Emily his wife, Serena Spence, Columbus Spence, & Mary I Shepherd, the last three infants, suing by said John Underwood as their next friend, that on or about the ^ day of September 1862 one Sarah Hatchell who was Sarah Everett a daughter of Joseph & Esther Everett - died intestate in the County of Isle of Wight seized & possessed in fee simple of a tract of land containing by estimation 73 acres lying in said County near Powell's mill adjacent to the lands of Thomas & Samuel Hutchins - being the land of which the said Joseph Everett the father of said Sarah died seized & possessed in fee simple & which on his death, (he having died intestate) passed to his two daughters Louisa C Everett & the said Sarah as his sole heirs at law, subject to the dower therein of his widow the said Esther. that the said Esther departed this life on the 15th day of Jan' 1862, leaving the said Louisa C. & the said Sarah, her surviving. That soon after the death of the said mother, the said Louisa C departed this life intestate.

+ of Wellys Goodwin + Mike. Haughey

That at the time of the death of the said Louisa C

Thomas N. Gray dals.

v. Saml. in chy.

Saml. Culbertson surfs
dals.

Fa Apl. 1856. ca. ch.
Haydenfeldt.

Rec'd this day a true copy of this
Summons & Complaint Thomas Culbertson vs
Saml & others Apl 1st 1856

Orlan D. Phelps D.S.
for C. W. Elwy Sheriff

The Commonwealth of Virg. } To the Sheriff of Isle of Wight
county, Greeting: We command you to summon Samuel
Cutchin & Laurella his wife & Thomas Cutchin & Eliza
Ann his wife to appear at the clerk's office of the circuit
court of Isle of Wight county, at Rules to be holden for the
said court on the first monday in April 1868, to answer
the Bill in chancery of Thomas H. Gray, Elizabeth Godfrey,
William J. Shepherd, John Shepherd, Sally Ann Drewry,
Josiah T. Cutchin & C. M. his wife, John C. Underwood
& Emily his wife, Alpina Spence, Columbus Spence &
Mary J. Shepherd, the last three infants suing by John
C. Underwood next friend. And have then there this
writ. Witness N. P. Young clerk of our said court, at
the court house, the 1st. day of April 1868, in the 92d.
year of the Commonwealth.

N. P. Young clk.

In pursuance of a decree made by the Circuit Court of Isle of Wight County, on the 18th day of May 1868 for a partition of the lands whereof Sarah Natchelle died seized & possessed, in the county of Isle of Wight, we the Commissioners, named in said decree to make said partition, do most respectfully report That, in our opinion, a division of said land is entirely impracticable on account of the number of heirs & consequently the very small quantity each would receive. We have enquired and found no party willing to have the entire allotment made to him and pay such sum of money to the other parties, as they be entitled thereto may entitle them to.

We consider that a sale of the entire tract, would be to the advantage of all concerned. We estimate the fee-simple value of the 73 acres of land to be three hundred dollars.

Jno. H. Chapman

Isaac S. Parker

D. Jordan

Comrs.

Gray Sals. Cond.
Ex Rept.
v.
Entertain Sals.

Sept. 10. 1868 Filed

Commissioners office, Isle of Wight Court House
Sept. 8th 1868.

To the Circuit Court of Isle of Wight County.

Your commissioner reports to the court that, pursuant to a decree of said court rendered on the 20th May 1868, in a cert. cause "pending between Thomas A. Gray & wife &c. pltffs. and Sam'l. Cuthbert &c. defts. requiring one of the commissioners of the court make & report certain accounts mentioned in the said decree, he issued notices to the parties interested informing them that he had appointed the 8th Sept. 1868 at his office for taking the accounts required, and requiring them to attend. That said notices were returned to your comm'r. duly executed. And that in consequence of the failure of the parties to attend & the absence of all necessary evidence, he is unable to make said accounts.

Given under my hand as a commissioner of said court the day & year aforesaid.

J. S. Young Comr.

Attorney's Fee & Tax $30.50

Clerk's do. Paid J. L. Underwood 5.77

Sheriff — Paid J. L. Underwood 5.00

Commissioner in Chancery for Notices &c 2.50

Auctioneer's Fee (Fee paid J. L. Underwood &c.) 2.50

Printer's Bill 1.00

2½ per cent Commissions on $146.00 3.65

3 Commission for Partition each $2.50 7.50

$58.42

All of which is respectfully submitted

signed

E. B. Hayden

John R. Kelly } Com.

Report of Commissioners
E. B. Hayden born
Minimum of Sale under
decree of May Term
1869

Jany. 3. 1870 Filed

Recd. 7 May 15th 1871.
from C. P. Young Clerk. Filed
in Cir. Court. the bond of
Joshua Hall & Jno. P. Adams
which was filed in this
office on last Dec. 13, Hayden

Hay Hall.
Exhibit
Exhibit in Hall.

To the Circuit Court of Isle of Wight County

The undersigned Special Commissioners of Sale under the Decree of said Court of May Term 1869 in the suit of Gray et als. vs. Crutchfield et als., report to the Court that on the 4th of October last, being Court Day they exposed for Sale at Public Auction at Isle of Wight Court House, after having given the notice of the time & place of sale required by said Decree, the Land in said Decree mentioned, when Joshua Hall being the highest bidder became the purchaser thereof for the sum of $146.00, of which amount he paid $58.42 in Cash, and with John E. Adams as his Surety gave his Bond for the Balance $87.58, payable 12 months from date, with interest from date, which Bond is herewith returned to Court. The Cash payment is appropriated as per statement below and the receipts of the parties to whom the same was paid are herewith filed.

Cash payment $58.42
Bond 87.58 $146.00

Over

Received of R. B. Hayden each the sum of $2.50 for services as Commissioner for Partition in suit of Gray et al. vs. Lutchin et als.

Lewis A. Parker

C. K. Jordan

John H. Chapman

Accts. Test — U.S. Treas. D.C.

Atto. for Plff	$ 30	.50
Clk. "	5	.77
Sheff "	5	.00
Commn. for Notices &c.	2	.50
Cost to May 1869	$ 43	.77

Treasury Dept.
Register's Office
Washington, D.C.
May 20th 1869
I certify that the foregoing is a true copy of the original Bond & Warrant of Attorney executed by Thomas Allen, Receiver of Public Moneys at Chillicothe, Ohio, on the 20th day of May 1869, and now on file in this office.
In testimony whereof I have hereunto set my hand and caused the seal of this office to be affixed, the day and year above written.
[illegible]
Register of the Treasury

In the Circuit Court of Isle of Wight County May 17th 1869.

Thomas H. Gray, Elizabeth Godfray, William J. Shepherd, John Shepherd, Sally Ann Docwry, Josiah J. Cutchen & C.M. his wife, John C. Underwood & Emily his wife, Alexina Spence Colombus Spence & Mary J. Shepherd (the last three infants) suing by John C. Underwood next friend. Pltffs

Against.

Samuel Cutchen & Caurella his wife & Thomas Cutchen and Eliza Ann his wife, Defts

This cause this day came on to be again heard on the papers formerly Read and on the report of John W. Chapman, Jesse A. Parker & Charles D. Jordan Commissioners for partition 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 John R. Kilby and C.B. Hayden who are hereby appointed special commissioners for that purpose proceed to sell at public Auction at Isle of Wight Courthouse on some Court day after having given at least twenty days notice of the time and place of sale by advertisement at the Courthouse door of said County on some Court day previous to the day of sale and at other public places in said County, on a credit of twelve months with interest from date, except so much for cash as will pay the costs of this suit and of said sale inclusive of an attorneys fee of $30.00 to C.B. Hayden for his services in this cause & taking for the credit portion of said sale a Bond payable to himself as commissioner twelve months from date with interest from date, and return the same with his report to Court of his proceedings under this decree, But the effect of this decree shall be suspended as to said sale, until the said commissioners, shall execute in the Clerks office of this Court, a bond with sufficient security in the penalty of $400.00/100, Conditioned for the performance of this decree or any future decree herein.

Gray and others

vs Commencement Report
to April Term 1871

Dutchin and others

An account of the Amount of Rent due from Samuel Critchins for the occupation of the land of which Sarah Critchell died seized.

Rent of Land from September 30th 1862 to October 1st 1869. 7 years at $25 — 175 00

Commissioners Office Smithfield
March 13th 1871

To the Circuit Court of Isle of Wight County

Pursuant to ~~a decree~~ of the Circuit Court of Isle of Wight rendered on the May term 1868 of the said court on the 1st ~~and on the 18th Day of October 1870~~ in the Chancery Cause depending in said court between Thomas H Gray William Godfrey and others plaintiffs and Samuel Critchins and others ~~defendants~~ ~~plaintiffs~~. ~~The undersigned acting as Commissioner~~ of said court to ~~whom~~ was referred for settlement by the said decree the settlement of the following accounts, 1st An account of the Amount of Rent due from the defendant Samuel Critchin ~~and~~ as ascertained by the ~~decree~~ aforementioned 2nd An account of the Amount of any wood or timber cut and carried away by the defendant Samuel Critchin, reports to the court that on the 12th day of January 1871 ~~a~~ notice was by the clerk in pursuance of ~~an~~ order upon the 14th day of February 1871 at this office aforesaid as the time and place for ~~taking~~ Making and settling the said accounts; That the said parties were summoned to appear before your Commissioner duly served, and the parties plaintiff by their attorney C H Hayden appeared [illegible] and on the part of the defendants Samuel Critchin appeared in person and by his attorney Thomas F Jones and said that on the date of this report stated and settled, the account of the Amount of Rent due by the said Samuel Critchin for the said land and premises that is to say from the 1st day of October 1862 the sum of $175. That no evidence having been offered to your Commissioner by the parties to the contrary, he therefore reports the account of the Amount of Rent due from the said Samuel Critchin for the said land and premises as stated in the account hereto annexed marked A. The plaintiffs attorney filed with the Commissioner a paper containing a list of the items of the account. The account herewith returned is established by the said

$4 74/100 Received of C B Hayden Commissioner in suit of Graydale v. Eutetiew Dale Four Dollars and Seventy Four cents my share under said Decree

Test Jno. C. Underwood

Josiah his X Eutetiew mark

3

Received of C. R. Hayden Commissioner
under the Decree of the Circuit Court of
Isle of Wight County of April Term 1871
in the suit of Grayson's Executrix
Four Dollars & Seventy Four cents under
said Decree.

Elizabeth X Godfrey
her
Mark

Witness
W. H. Whitehurst

Received of C B Hayden Twenty dollars on a/c
of My share of proceeds of Sale of Land in Eng[land] &
in Contention —

his
Thos H Eng X
mark

witness
[illegible], Norfolk

Gray & wife & als

v

Eutaten & wife & als

Report

of

F. B. Hayden

Comr. for collecting & distributing

under Decree

of April Term 1871

To the Honorable George Blow Judge of the Circuit Court of Isle of Wight County in Chancery sitting

The undersigned Commissioner under the annexed Decree of said Court of April Term 1871 in the suit of Thomas H. Gray & wife &c. vs. Samuel Cutchen & wife &als. reports to Court that pursuant to said Decree he collected on June 14th 1871 of Joshua Hall in full of his Bond the sum of $96.46/100 & having paid thereout the costs of suit amounting to $18.16/100, leaving a balance for distribution of $78.30/100 as per Statement of costs & distribution hereunto annexed; that he has paid out as per said Statement with the exception of the sum of $14.76/100 being the sum of $2.38/100 each due Alexina Spence & Columbus Spence, who are Infants under twenty one years of age without legal guardian, which sum your Commissioner retains subject to the Order of Court.

All of which is respectfully submitted,

(Signed) C B Hayden

Comm'r, for that purpose, execute & deliver to the said Joshua Hall a good & sufficient deed in fee simple with Special warranty for the land in these proceedings mentioned, whereof Sarah Hatchell died, seized in the County of Sale of Wight, Containing by estimation 073 acres, more or less, lying in said County near "Powell's Mill" adjacent to the lands of Willis Godwin & Mike Murphy - & make report to Court of his proceedings under this decree -

A Copy
Teste

add'l. Clk. fee $2.77 ℔. C. & S. Ct. - N. P. Young Clk.

Com'r. Atkinson 5.00
7.77
Sheff. Chapman 2.00 paid E. J. Chapman
$2.77

Copy of Decree
Cattleton & Co
vs.
Hall, Adm'r, &c. - 1871.

Mss. Papers in the Office of Commissioner of Agriculture

In Isles of Wight Circuit Court April 19th 1871.

Thomas H. Gray & wife & als Pltffs.
vs. In Chy.
Samuel Crutchin & wife & als. Defts.

This Cause this day Came on to be again heard on the papers formerly read, & on the Report of Comr. Geo. R. Atkinson made the Decree herein of October Term 1870. And was argued by Counsel: On Consideration whereof the Court Confirming said Report to which no exceptions were filed, doth adjudge, order, & decree that the Clerk of this Court deliver to C. B. Hayden on his filing his receipt therefor, the Bond of Joshua Hall & John E. Adams for $87.58/100 payable 12 months from October 4th 1869 with interest from that date, which bond the said C. B. Hayden is authorized & required to collect, & after paying the costs of this suit thereout, distribute the balance as follows:

1/24 each to Thomas H. Gray, Elizabeth Godfrey, Wm. J. Shepherd, John Shepherd, Mary J. Shepherd, Sally Ann Dewey, Josiah T. Crutchin & Emily Underwood wife of John Underwood —, 1/48 each to Alexina Spence & Columbus Spence — To Thomas Crutchin 5/16; and the remaining 5/16 (the share of Samuel Crutchin distribute among the other parties aforesaid in the proportion aforesaid in payment of the Rent due them from the said Samuel Crutchin; & the Court doth further adjudge, order & decree that on the payment of said Bond the said C. B. Hayden who is hereby appointed Special

Statement of Costs

in

Gray vs Cutchin

Fee for drawing Deed	5 00		
Stamps on Do.	50		
Comr Atkinson for certifying Deed	50		
E. R. Atkinson Comrs Fee	5 00		
N. D. Young Clks Fees	2 77		
Commission on $96 48/100 @ 2½ per ct	2 41		
Sheriffs Fees	2 00	18	18
Amount for Distribution		78	30
Amount collected		$96	48

Thomas H. Gray Paid	4 74	
Elizabeth Godfrey Paid	4 74	
William J. Shepherd Paid	4 74	
John Shepherd Paid	4 74	
Mary J. Shepherd Paid	4 74	
Sallyann Drury Paid	4 74	
Josiah T. Cutchin Paid	4 74	
Emily Underwood Paid	4 74	
Alexina Spence	2 38	
Columbus Spence	2 38	
Thomas Cutchin Paid	35 62	
Amt for Distribution	$78 30	

Received of C. B. Hayden Commissioner in suit of Graydals. vs Cutchindals. Thirty Four Dollars & Sixty Two Cents my share under said Decree

Thomas E Cutchin

Received of the above "Four Dollars & Seventy Four Cents" my share under said Decree

Test

M. F. Jongnorne

Sarah Ann J. Graydals
mark

Received of the above Four Dollars & Seventy Four Cents my share under said Decree -

Test -

E. J. Chapman

Wm. J. Shepherd

Received of the same Four Dollars & Seventy Four Cents in right of my wife Emily -

Jno C Underwood

Rec'd of the above Four Dollars & Seventy Four Cents -

E. J. Chapman

John. Shepherd

Rec'd of the above Four Dollars & Seventy Four Cents amount due my ward Mary J. Shepherd -

Witness

Jno M Waddell

T K his Buckley
mark

therefor to the other parties such sums of money as their interests therein may entitle them to — & inquire whether the interests of those who are entitled to the subject, or its proceeds will be promoted by a sale of the entire subject, or allotment of part — & sale of the residue, & report to court the reasons on which their opinion is founded & the fee simple value of the whole land & if any of the parties will accept the whole subject what amount the parties willing to take it should pay therefor & the terms of such payment — & the court doth further adjudge order & decree that a commissioner of this court take the following accounts:

1st of the amount of rent due from the defendant Samuel Ketchum for the occupation of the land in the proceedings mentioned

2nd of the amount of any wood or timber cut upon said premises by the defendant Samuel Ketchum & the value thereof —

which account he shall take settle report to court with any matter specially stated deemed pertinent by himself or required by the parties to be so stated

Rec'd & filed — 14 Aug 1858 — Wm Lee Clerk — — —

Rec'd & filed — 14 Aug 1858 — To be entered

R. H. Barbour

Gray & als

vs

Cutchins & als

This cause in which the Bill is taken for confessed as to the defendants Samuel Cutchins & Louretta his wife & Thomas Cutchins & Eliza Ann his wife on whom process has been duly served they still failing to appear plead answer & demur, came on this day to be heard ~~& has been argued by Counsel~~, on consideration whereof the Court doth adjudge order & decree that John W Chapman, Lewis A Parker Charles Jordan Edmund Pitt & Willis J Bunkley — who are hereby appointed special commissioners for the purpose any three of whom may act & proceed to make partition as follows of the lands whereof Sarah Hatchell died seized & possessed in the County of Isle of Wight, containing by estimation 13 acres lying near Powells Mill, adjacent to the lands of Willis Goodwin & Mike Murphy - assign 1/24th each to Thomas H Gray, Elizabeth Godfrey, William J Shepherd John Shepherd, Mary J Shepherd, Sally Ann Gregory Josiah T Cutchins & Emily Underwood wife of John Underwood — to Alexena & Columbus Spence ~~& H~~ each to 1/48 - & to Samuels Cutchins & Thomas Cutchins each 5/16 - Having regard to quantity & quality, but if such partition cannot be conveniently made the said commissioners may allot the entire subject to any party who will accept it & pay

With the reasons on which their Opinions is founded, and the fee Simple Values of the whole tract. And if any of the parties will accept the whole subject, What Amount, the parties are willing to take it, Should pay therefor and the terms of such payment; and the Court doth further adjudge Order and Decree, That a Commissioner of this Court take the following account;

1st. of the Amount of rent due from the Defendant Samuel Culchins for the Occupation of the land in the proceedings Mentioned;

2nd. Of the Amount of any Wood or timber Cut from said premises by the defendant Samuel Culchins and the Value thereof, Which Accounts he Shall take State and report to Court with any matters Specially Stated, deemed pertinent by himself or required by the parties to be so Stated;

A Copy.

Teste

J. F. Goss Clk

Filed May Sec'n,

B. Fla. Decrees

Culchins &c.

At a Circuit Court for the County of Isle of Wight, held at the Court house on the 18th day of May 1868.

Thomas H. Gray, Elizabeth Godfrey, William J. Shepherd, John Shepherd, Sally and Drewry, Josiah T. Cutchin & C. M. his wife, John C Underwood & Emily his wife Alexd. Spence, Columbus Spence & Mary J. Shepherd the last three infants by John C Underwood next friend Pltffs

Against In Chcy

Samuel Cutchin & Amanda his wife, Thomas Cutchin & Elizabeth his wife, Defts

This cause in which the Bill is taken for Confessed as to the defendants Samuel Cutchin & Amanda his wife Thomas Cutchin & Eliza and his wife, on whom process has been duly served, they still failing to appear plead answer and demur, Came on this day to be heard and was argued by Counsel; On Consideration whereof the Court doth adjudge Order and decree that John M. Chapman and Jesse A Parker Charles D. Ford and Edmond Pitt and William Barkley, who are hereby Appointed Special Commissioners for the purpose, any three of whom may act, proceed to make partition as follows, of the lands whereof Sarah Mitchell died Seized & possessed in the County of Isle of Wight Containing by estimation 73 Acres lying near Powells Mill adjacent to the lands of Willis Godwin & Michael Murphey, & Upright 1/24 each to Thomas H. Gray, Elizabeth Godfrey, William J. Shepherd, John Shepherd, Mary J. Shepherd, Sally and Drewry, Josiah T. Cutchin & Emily Underwood wife of John C Underwood, to Alexander & Columbus Spence each 1/48 and to Samuel Cutchin & Thomas Cutchin each 5/16. having regard to quantity & quality, but if such partition cannot be Conveniently made, the said Commissioners may allot the entire subject to any party who will accept it and pay therefor to the other parties such sums of Money as their interest therein may entitle them to, and enquire whether the interests of those who are entitle to the subject or its proceeds will be promoted by a Sale of the entire subject or allotment of part and Sale of the residue and report to Court

Gonzales
vs.
Gutchintals

Decree
May Term 1869
To be entered
—
E. J. Fitts

Entered
1869

conditioned for the faithful performance of this
or any further decree.—

Long Tabs.
vs
Partition Tabs.

This cause this day comes to be again heard on the papers formerly read & on the report of John R Chapman Jesse L Parker & C D Jordan Commissioners for Partition 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 John R Kelly & C B Hayden who are hereby appointed special Commissioners for that purpose proceed to sell at the public at Isle of Wight Court House on some Court day after having given at least thirty days notice of the time & place of sale by advertisement at the Court House door of said County on some Court day previous to the day of sale & at other public places in said County, on a credit of twelve months, with interest from date, except so much for cash as will pay the costs of this suit & of said sale, including an attorneys fee of $30.00 to C B Hayden for his services in this cause taking for the credit portion of said sale a bond payable to themself as Commissioners twelve months from date with interest from date, & return the same with his report to Court of his proceedings under this decree.

The land in where proceedings mentioned whereof Sarah Hatchell died seized in the county of Isle of Wight containing by estimation 13 acres, more or less adjacent to the lands of Willis Ladmin & Mike Murphy -

But the effect of this decree shall be suspended as to said sale, until the said commissioners shall execute in the clerks office of this Court a bond with sufficient security in a penalty of $400.00

Thos. H. Gray et als. Hayden

vs. { Copy of Decree

S. Critchin et als

Oct. Cir. Ct. 1870.

Act.

In Isle of wight Circuit Court. Oct: 18th 1870.

Thomas H. Gray, Elizabeth Godfrey, William J. Shepherd, John Shepherd, Sally Ann Drewry, Josiah J. Cutchin & C. M. his wife, John C. Underwood & Emily his wife Alexina Spence, Columbus Spence & Mary J. Shepherd the last three infants suing by John C. Underwood next friend — pltffs.

vs. In Chy.

Samuel Cutchin & Laurella his wife & Thomas Catchin & Eliza Ann his wife ——— Defts.

This cause this day came on to be again heard on the papers formerly read. & on the Report of Com'r. Young under the Decree herein of May Term 1868 & the Report of Sale of Comm'r. Killy & Hayden under the Decree herein of May Term 1870, & was argued by Counsel: On Consideration whereof the Court confirming said Report of sale to which no exceptions were filed, doth adjudge order & decree that said Report of Com'r. Young be recommitted & that said Com'r. take accounts directed by the Decree herein of May Term 1868.

A Copy
Teste
N. P. Wrenfield.

Eng Lab -
&
Cust Tim Lab -

Ralph Kearns
6 Oct Term 1870
To be entered
Geo. Bliss. Jr.

Ent'd 6.

Reg Sales

Cutchins

This cause this day came on to be again heard on the papers formerly read & on the Report of Commissioner Jones under the decree herein of May Term 1868 & the Report of Sales of Commissioners Kelly & Hayden under the decree herein of May Term 1870 & was argued & counsel on consideration whereof the court confirming said report of sale to which no exceptions were filed doth adjudge order & decree that said Report of Commissioner Jones be recommitted & that said Commissioner take the acc directed by the decree herein of May Term 1868 -

Samuel Cutchin) distribute among the other parties aforesaid in the proportion aforesaid in payment of the rent due them from the said Samuel Cutchin, & the Court doth further adjudge order & decree that on the payment of said Bond the said C B Hayden, who is hereby appointed a Special Commissioner for that purpose, execute & deliver to the said Joshua Hall a good & sufficient Deed in fee simple with special warranty for the land in these proceedings mentioned viz of Sarah Hatchell died seized in the County of Isle of Wight & State containing by estimation 73 acres more or less lying in said County near "Powells Mill", adjacent to the lands of Willis Godwin, & Mike Murphy, & make Report to Court of his proceedings under this Decree

Exrs sales
vs
Cutchin & als

Rec'd Decree
April Term
1871

To be entered

Exd

Gray &als.
vs.
Cutchin &als.

This cause this day came on to be again heard on the papers formerly read & the Report of Commissioner W^m Atkinson under the decree herein of October Term 1870 & was argued by counsel. on consideration whereof the Court confirming said Report to which no exceptions were filed doth adjudge order & decree that the Clerk of this Court deliver to C.B. Hayden on his filing his receipt therefor the Bond of Joshua Stall & John E. Adams for $189.58/100 payable 12 months from October 4th 1869 with interest from that date, which Bond the said C.B. Hayden is authorised & required to collect, & after paying the costs of this suit thereout distribute the balance as follows

1/24 each to Thomas & Gray, Elizabeth Godfrey, Wm J. Shepherd, John Shepherd Mary J. Shepherd, Sally Amndrury Josiah F. Cutchin & Emily Underwood wife of John Underwood — 1/48 each to Alexander Spence & Columbus Spence, —— to Thomas Cutchin 5/16 & the remaining 5/16 to the use

We Alexina Spence & Columbus Spence have each received of E. B. Hayden Commissioner under decree of circuit Court of Isle of Wight County of October Term 1871 in the suit of Gray & wife & als vs Lutchin & wife als." Two Dollars & Thirty Eight Cents "amount due us under said decree

2.38
2.38
4.76

Test
Jno. C. Underwood

Alexina Spence
Columbus Spence

Gray & wife & als
Copy decree
of Oct. Cir.
Ct. 1871.
vs.
Lutchin & wife &c.

In Isle of Wight Circuit Court, &c, 20th, 1871,

Gray & wife & als, Pltffs,
vs, In Chy,
Leitchin & wife & als, Defts,

This Cause this day came on to be again heard on the papers formerly read, & on the Report of C. B. Hayden Comr. for Collection & distribution under the decree herein of April Term — 1871, & was argued by Counsel, On consideration whereof the Court confirming said Report to which no exceptions were filed, doth adjudge order & decree that C. B. Hayden pay the sum of $2.38/100 belonging to Alexina Spence & Columbus Spence each, to the said infants, shown by his Report aforesaid to be in his hands, & the Court doth further adjudge, order and decree that this Cause be removed from the Docket.

Hasley
Clerk,

Gray & wife et als.

v.

Cutchen & wife et als

Final Decree

of

October Term

1871.

To be entered.

Geo. H. Bliss.

Entered 22

Gray & wife & als.
v.
Cutchen & wife & als.

This cause, this day came on to be again heard on the papers formerly read, & on the Report of C.B. Hayden Commissioner for collection & distribution under the decree herein of April Term 1871. & was argued by counsel, on consideration whereof, the Court confirming said Report, to which no exceptions were filed, doth adjudge, order & decree that C.B. Hayden ~~pay into Court for deposit~~ the sum of $2.30 belonging to Alvina, Spence & Columbus Spence each & shown by his Report aforesaid to be in his hands, ~~to their respective credit in the "Citizens Bank of Norfolk", taking the certificate of deposit of the Cashier of said Bank therefor, & file same in this cause, &~~ the Court doth further adjudge, order, & decree that this cause be removed from the Docket, ~~with liberty to any party interested to restore the same.~~

Pay to the said

Gray Sals,

v. Z Comm. bond.

Cutchins Sals.

July 5. 1849 filed

Know all Men by these Presents, That we John R. Kilby and C. B. Hayden [illegible] are held and firmly bound unto the Commonwealth of Virginia in the sum of four 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 5th day of July in the year of our Lord, one thousand eight hundred and Sixty nine

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 1869, in a cause depending in the said Court, in which Thomas H Gray, Elizabeth Godfrey, W. J. Shefelbine, John Shefelbine, Sally Ann Drewry &als. are Plaintiff, and Samuel Culpeper & wife & Thomas Culpeper & wife are Defendant, the above bound Jno. R Kilby & C. B. Hayden ~~was~~ were appointed a special Commissioner to Sell

Now, if the above bound J. R. Kilby & C. B. Hayden shall faithfully discharge his duties as Commissioner under the said Decree, or any future decree in the cause, then the above Obligation to be void, otherwise to remain in full force and virtue.

Signed, Sealed and Delivered in the presence of

John R. Kilby SEAL.

C. B. Hayden SEAL.

[illegible] SEAL.

Gray & others

vs

Court & others

Cutchin & others

Executed, by
delivering a copy
to the parties.

E. J. Chapman Sheriff

Commissioners Office Smithfield
January 12th 1871

To
Thomas H Gray, Elizabeth Godfrey, William J Shepherd, John Shepherd Sally Ann Drewry, Josiah J Eatchin & Mr his wife, John C Underwood & Emily his wife and John C Underwood next friend of Andrew Spence, Columbus Spence and Mary J Shepherd, infants Plaintiffs,
And to
Samuel Eatchin & Lavilla his wife and Thomas Eatchin & Eliza Ann his wife, Defendants.

You are hereby notified that I have fixed upon the 14th day of February next (if not the next fair day thereafter, Sunday excepted) to take and state at my office aforesaid the following accounts: 1st An account of the amount of Rent due from the defendant Samuel Eatchin for the occupation of the land in the proceedings mentioned, 2nd An account of the amount of any wood or timber cut from said premises by the defendant Samuel Eatchin, required to be taken by two decrees of Isle of Wight Circuit Court, rendered at the May term 1868 and on the 18th day of October 1870 in a suit in chancery depending in said court between Thomas H Gray Elizabeth Godfrey, William J Shepherd John Shepherd Sally Ann Drewry, Josiah J Eatchin & Mr his wife John C Underwood & Emily his wife, Andrew Spence Columbus Spence and Mary J Shepherd, the last three infants suing by John C Underwood next friend, plaintiffs, and Samuel Eatchin & Lavilla his wife and Thomas Eatchin and Eliza Ann his wife defendants, at which time and place you are required to attend

Given under my hand as a Comm'r of the said Court the day and year first aforesaid

Geo L Atkinson Comr