1883-020 Chancery Causes : Robert P. Bell vs Noah Stephenson & Wf, Indiana Belk's admr & al

Isle of Wight County

other sur names: Edwards, Jones

Robert P. Bell

v. } Bill

W. A. Delk & others

Sept. Rls. 1875.
Bill & filed - Summ. exd.
& de. nisi as. defts.

Octo. Rls. 1875. Bill taken
for confsn. & set for hearing.

Octo. ct. 75. De. for postm.
" & a ctn.
Apl. 76. contd.
" Octo. " — do
" Apl. 177 — do.
" Octs. " De. to call &
" Octo 82. Exptl. & sale confd.
& De. to attend, inq. &
" Oct. 1883. Final Decree.

That his estate is indebted to your orator (as shown by the account filed herewith marked "A") in the sum of $125.00 with interest thereon from the date of said bill paid, and your orator charges that he is entitled to have his interest in said real estate sold and the proceeds applied to the payment of his debt. To the end therefore that justice may be done your orator in the premises he prays that the said Wm Stephenson and Elizabeth his wife, Winslow A. Dell, Benj. A. Dell and Jesse L. Jones and Martha Ann, his wife, may all be made parties defendant to this bill and required to answer the same. And that by the decree of this Court the interest of said Indiana Dell dec'd, in said land may be sold, or that said land may be divided and her share sold and the proceeds applied to the payment of her debt. And that such other and further and general relief may be granted your orator in the premises as the nature of his case may require and to equity may seem meet. And your orator will ever pray &c.

Robert P. Bell

By Geo. F. Black

His atty.

To the Hon. Geo. Blow, Judge of the Circuit Court of Isle of Wight County

Humbly complaining showeth unto your honor your orator Robert R. Bell, that Jemima Wells of Isle of Wight County died intestate, unmarried, and without issue, sometime during the year 1874, and that her estate has been committed to the hands of L. D. Edwards Sheriff of said County for administration. That she left as her heirs at law her Mother, Elizabeth Stephenson, wife of Jno Stephenson, and her brothers and a sister to wit, Mastom A. Wells, Benj. W. Wells and Martha Ann Jones, the wife of Isaac L. Jones. That at the time of her death she was seized of one undivided fourth part of a tract of land in said County supposed to contain acres, adjoining the lands of W. C. Parker, James Betts, W. O. P. Gwaltney & others it being the land which descended from her father William Wells to her and her brothers and sisters aforementioned and in which the said Elizabeth Stephenson (formerly Wells) has a life of dower. That there was no personal estate left by said deceased and there is nothing out of which to pay the indebtedness of her estate except her said interest in said land.

I acknowledge the service of the within Sept 5th 1878
A B Edwards Shff

D. Ct's Ro. P.

Summons
v.
Clk.

Delk Indiana's
a dm. & als.

To Sept. Rules, 1878.
G. T. Clarke Sol.

Service by delivering
to the within named
N. Stephenson Elizabeth
Stephenson M. A Delk
B. N. Delk. J. N. Long &
Martha A Long a true
copy of the within Summons
Sept. 3rd, 1878
A B Edwards
Shff

Guggenheimer & Weil, Stationers, Baltimore.

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU TO SUMMON L. B. Edwards, Sheff of said Isle of Wight County, and as such Admr & Robt and Sarah Ann dec'd. for Stephenson & Elizabeth his wife, Thomson R. Clark, Benj. H. Clark, Isaac N. Jones and Martha 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 September next to answer The Bill in Chancery of Robert C. Bell

of a plea of ~~for $~~ Damages $ And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Court House, the 27 day of August 1875, in the 100 year of the Commonwealth.

N. P. Young Clk

Bell
vs. In Chy
Bell's adm. et al.

Report of Comr. Young
under decree of Octo
term, 1846.

Filed Jany. 12th 1847

notice upon debt executed & returned to your account & that notice of said sale and place for taking said account of debts was posted at the Court house door on the same day as the County Court & upon the posting aforesaid and from the vouchers & evidence laid before your commissioner he made the following accounts A. B. & C.

Acct. A. This account shows the amount of debts proved to be $353.75 of which the debt due to the plaintiff is of first dignity and first priority & the debt due to E. L. Delk is of 4th dignity & second priority.

Acct. B. This account shows the real estate of Indiana Delk dec'd; the personal value of which is ascertained to be $130.00 and the annual value $12.50

Acct. C. This account shows the estate to be indebted to the administrator the sum of $1.00 with interest from 8th Sept. 1845. This is also a debt of first dignity & priority.

Given under my hand as a commissioner of said court, this day and year first aforesaid.

(N. S. Thomas Com.)

Time employed 6 hours

Comm. fee $6.00

Asst. " 3.50

$9.50

The Estate of Indiana Dalk dec'd.
In acct. with L. B. Edwards Adm'r. & Adm'r.

18"5			
Sept. 6.	To paid for Commissioners cert. to Adm'r. & registering same by Comm'r. Facts.	1 00	
	Balance due Adm'r per debit		1 00
		$ 1 00	$ 1 00

Commissioners Office Isle of Wight C.H.
January 10th 18"6.

To the Circuit Court of said County.

Pursuant to a decree of said Court rendered on the 21st day of Octo. 18"5 in a cert. therein depending between R. P. Bell Adm'r. & L. B. Edwards Adm'r. & Adm'r. of Indiana Dalk dec'd. & defts. directing a Commissioner of this Court to take & report the following accounts. First. An account of the Plaintiffs debts and those of all other Creditors of said Indiana Dalk or her estate, with their respective priorities & degrees. Second. An account of the transactions of L. B. Edwards as Adm'r & Adm'r in behalf of Indiana Dalk dec'd. Third. An account of the real estate of the said Indiana Dalk dec'd with its fee simple and annual values. Your Commissioner reports to the Court that on the 26th day of November last he issued notice to the parties, pltf. & defendants, that he had fixed upon the 10th. day of Jany. 18"6 to take said accts. & said of the said accounts when

An account of the Plaintiffs demand and those of all other creditors of Indiana Dolk or her estate with their respective priorities.

Debts of 1st & 2nd Classes Now.

Debts of the 3d Class.

Debt due the Plaintiff Robt P. Bell, by acct for Cash for decedent, on 4th May, 1871		25	00	
Interest thereon to 20th Apl: 1877		7	44	$32 44

Debts of 4th Class.

Debt due Dr. J. E. Dolk on acct for medl. attendance five years from May 1867		250	00	
Int. on $50.00 from 2d May 1868		26	75	
" " $50.00 " 2 " 1869		23	75	
" " $50.00 " 2 " 1870		20	75	
" " $50.00 " 2 " 1871		17	75	
" " $50.00 " 2 " 1872		14	75	$353 75
Total amt. of Debts proved				$386 19

An account of the real estate of Indiana Dolk dec'd with its fee simple & annual value.

	Fee simple.		Annual
An undivided one fourth of 3 7/12 acres adj. Mrs Stephenson fee simple	30	00	
Annual value thereof			3 50
An undivided 1/4 of 7/5 held by the wife of Mrs Stephenson as dower in W.T. Dolk's land	100	00	
	$130	00	$12 50

1877. 4-20
1872. 5. 4
4. 11. 16
(54)
29 3/4

25.
29
225
50
12
2
7.44

Memo's for Mr. Young

7 | 280.00
40.
5
200

27
68 | 12.00
69 | 9.
70 | 6
71 | 3
30

1877. 4-20
1868. 5- 4
8. 11. 16
2 | 10772
53 1/2
52
26.50
.25
26.75

$\frac{\$\#\$}{113}$
4 | 25.75
(7.50
187.50

20. | .50
2 | 10.

1200
20
24.00

Bell

v.

Wells &c.

Mr. Gray will furnish Special Commr.
with a copy of decree in this case and get
them to report. And he will also please
get in Accts. directed to be taken, by the
first term,

S. C. C.

Oct term 1876

Miss Indiana O. W. Delk (Dec'd)

To L. L. L. Delk Dr.

For Medical Services rendered deceased from May 1867 to May 2nd 1872 ($50. per yr.) $250.00

I know that Dr. Delk was the physician of Indiana Delk during the time mentioned in above a/c.

Witness
D. M. Jones

Noah his X mark Hutchinson

Coleres

~~A. Copy~~ of bond
in Suit of Dale of Vs
O. Drake.

Test
N. B. Lomax Cc

$32.14 acpt

Twelve months after date we promise to pay unto L.B. Edwards Shff & admr in the suit of Bill vs L.B. Edwards admr of Indeanna Dick dec'd his heirs Executors administrators or assigns the just and full sum of Thirty two dollars and fourteen Cents for value received for the payment of which we bind ourselves heirs Executors & admrs jointly by these presents, and we hereby waive the benefit of our Homestead Exemption as to this debt or obligation

Witness our hands and seals this 7th day of June in the year of our Lord One Thousand Eight hundred and Eighty

J.N. Jones (Seal)
J.W. Hastings (Seal)

$32.14 acpt

Two years after date we promise to pay unto L.B. Edwards Shff and admr. in the suit of Bill vs L.B. Edwards admr of Indeanna Dick dec'd his heirs Executors admrs or assigns the just and full sum of Thirty two dollars and fourteen Cents for value received for the payment of which we bind ourselves heirs Executors and administrators jointly by these presents and we hereby waive the benefit of our Homestead Exemption as to this debt & obligation

As witness our hand and seal this 7th day of June in the year of our Lord One Thousand Eight hundred and Eighty

J.N. Jones (Seal)
James W. Hastings (Seal)

Dell et als.
vs. 330 In Chy.
Dells adm. etals.

Report of sale
under decree of
Oct. 18th ult.

I have received the bond
that was filed in this
report and left Copies
of the bonds Nov. 9th
1882.

L. B. Edwards Clk

Bell R. C. Pltff.

v. In Chy.

Delk Indiana adm. &c. Defs.

To the circuit court of Isle of Wight county

Your commissioner reports to the court that pursuant to a decree in this cause rendered at Octo. term, 1879, after legal notice of the time and place of sale he proceed to sell at the courthouse of said county, on the 7th. day of June, 1880, by auction the lands of said Indiana Delk died seized, as directed by the decree. at which sale Isaac A. Jones being the highest bidder, became the purchaser for the sum of $110.00 from which is deducted

Costs of suit as taxed on the decree	$37.72	
Comm. on sales	5.50	
Fees for	3.00	45.72

leaving net sales of $64.28

for which he has taken two bonds of I. A. Jones with R. W. Stallings as security for $32.14 each, payable to himself as Pltff. &c. in one & two years respectively, from the day of sale, with interest from day of sale. which bonds with the papers of the cause for the costs, are herewith returned. Given under my hand this 10th day of Sept. 1880.

D. B. Edwards Mr.

Bell
vs Judicial copy de
of Jacw. ao. 1877

Deed et als

" "a copy"

To the Circuit Court of Isle of Wight County,

Pursuant to the above decree of the court, I report to the court that, after due notice, I have offered the land therein mentioned for sale, at auction and have not been able to get a bid therefor

R. B. Edwards Sheriff

Noah Stephenson as her dower in Wm
D. Delk's land the last mentioned
fourth being only in the remainder
or reversion after the termination of the
said dower estate in said tract of 75
acres. all on the following terms viz:
Enough in cash to pay the costs of suit,
and expenses of sale including a fee
of $ to George T. Clarke the
Atty. in this cause, remainder on
a credit of one and two years in
equal payments with interest from
the day of sale, taking of the purchaser
bond with sufficient security reserving
the homestead for the deferred payments
retaining the title until the further
order of the Court, and returning said
bonds to Court with the report which
he is hereby required to make of his
proceedings under this decree —

A Copy
Teste.
M. A. Edwards D.C.

Costs to & including Octo. Ct. 1877.

Allo. for surv't tax	$ 6.50	pd. J. W. Stevens Atty for G. T. Clarke
Clerk's fees	8.22	$4.40 pd per receipts filed herein / Balance pd on 22 F. Gurney
Shff. "	6.50	pd per receipts, " "
Coun. in chy. Young.	6.00	
	$ 27.22	

In the Circuit Court of Pike of Wright County - October term 1877 -

Robert P. Lee
vs
T. J. Edwards Sheff. & admr of Indiana Delk et als. Defts

Pltff.

This cause came on this day to be further heard on the papers formerly read, and on the report of Comm: W. P. Young made under decree herein of Oct: Term 1876, and was argued by Counsel. On consideration whereof the Court confirming said report to which no exception was filed, doth adjudge order and decree that the Sheriff of this County after having given notice of the time, place, and terms of sale at the Court House door on the next preceding Court-day and at three or more other public places nearest to the land herein aftermentioned proceed to sell at public auction in front of the Court House door on some Court-day, the interest of the said Indiana Delk in the lands as mentioned in said report, viz: one undivided fourth part of a tract supposed to contain 67½ acres, adjoining Noah Stephenson &c, and one undivided fourth part of another tract of 75 acres, now held by the wife of said

The 3/4 Value of Indemnity Dollars interest
in W & Dock Land is £100 00

Bell Rs. P.

$4.04
.36
$4.40
~~4.80~~
~~4.40~~
~~7.90~~
~~3.00~~
~~10.90~~
G. T. Clark
to pay

~~4.40~~
6.50
10.90

~~Let it stand over~~
~~2 days~~
Pd. 7, 31, 80, by
L. B. Edwards Clerk
Com. sale
Asst. Dr
Sale of Weights,

L. B. E.

Robert P. Bell.

1875 To the Clerk of Isle of Wight County 12.

Aug. Summons & Del'rs Admr vals in Chy. 2 5.
six Copies .75. noting .15. entering Attys .10.
filing bill .15. Exhibits .25. Supt. return .35.
Rule .5 0. Acts: Amdtry rule .5 0.
Docketing .15. 3.21

Octo. Drawn & Del'rd .5 0. Copy .33. .83

$4.04

R. P. Young Clk.

Bell Ro. P.
.36

1876. Robert P. Bell.

To the Clerk of Isle of Wight Circ. Ct. Dr.

Dpl: Con't & Clk & als. .36

R. P. Young Clk.

R. P. Buck

3.50

3

" 7, 31, 80, by
Sheff & Campbell
C. H. Waite Co.

1

Wm. Ro. D Bell

1870

To the Shff Sale of 160 acres Co Ga

Nov 30 To Ex. Cond. Notice on L Jones

Mrs. L Jones, Bd Dielt In

A Dells Mrs. Cele Stephenson

Noah Stephenson & R D Bell $3.51

L. B. Edwards Shff

Beck Ro. Co.

$3—

Bell Ro. P.

v. } Extract from decree Oct. 18th 65.

Adelk's adm'r. et ab.

Nov. 26. 1866. notice ifo. to 10. Jany. 1867.

"

Comm'r in Chy.

In the circuit court of Isle of Wight county, Oct. 21st. 1845.

R. P. Bell — Pltff.

vs. In Chancery.

L. B. Edwards sheff. & admr. of Indiana Delk dec'd. Noah Stephenson & Elizabeth his wife, Mossellow A. Delk, Benjamin D. Delk and Isaac N. Jones and Martha Ann his wife — Defts.

Extract from decree.

"And the Court doth adjudge, order & decree that a commissioner of this Court take the following accounts, 1st. An account of the plaintiffs demand and those of all other creditors of said Indiana Delk or her estate, that may be properly proved before him, with their respective priorities or dignities. 2nd. An account of the transactions of L. B. Edwards sheriff & administrator of Indiana Delk dec'd. 3rd. An account of the real estate of said Indiana Delk dec'd. with its fee simple & annual value. and report the same to Court with any matters specially stated, which he may deem pertinent or which may be required by any of the parties to be so stated."

Teste, N. P. Young clk

Robert P. Bell

v. } Decree

M. A. Bell & others

Dec. Term 1875

To be entered

Geo. Bliss.

Entered 74

Grant report the cause & court & parties
with any other matters especially stated
which he may deem pertinent, or which
may be required by any of the parties to
be so stated

as above directed, and be of opinion that the interests of all the parties entitled thereto, would be promoted by a sale of the entire subject; or of a sale of part and allotment of the residue, then they are required to report to Court the grounds upon which their opinion may be based, together with the fee simple and annual value of said land, and whether any of the parties interested therein will receive the same and pay thereon to the other parties such sums as their interests therein may entitle them to. And in any such case said Commrs are required to report to Court their proceedings under this decree.

And the Court doth further adjudge, order and decree that a Commr of this Court take the following accounts

1st An account of the plaintiffs demand and those of all other creditors of said Benjamin Odell dec'd or his estate, that may be properly proved before him, with their respective priorities or dignities

2d An account of the transactions of C. C. Edwards Sheriff and Admr of said Benjamin Odell dec'd

3rd An account of the real estate of said Benjamin Odell dec'd with its fee simple and annual value

Robert G. Bell

vs.

Jn. A. Bell & others

This cause came on this day to be heard upon the pleadings & all the depositions, they having been examined and filed according to agreement, & read, answer, & demurrer, and upon exhibits filed, and was argued by counsel: On consideration whereof the Court doth adjudge, order and decree that Jesse Cook, W. C. D. Swadley, Robert Bingford and James Jn. Bell, who are hereby appointed Special Comm.rs for the purpose, (any three of whom may act) proceed to make partition of the land & personal property of land in the pleadings bill mentioned, in lieu of which they are to assign unto Jn. A. Bell, one to B. W. Bell, one to Martha Ann Jones wife of Isaac N. Jones, and one to the Heirs of Sarah Bell dec.d But if said Comm.rs should find it inconvenient to make said partition

Bill

C 3 Dem

Veek &c.

Oct. term 1877

To be entered

Leiblon.

Entered 28

dower in Wm 29. Deeds land, the last-
mentioned parcel being viz, the remain-
der or reversion after the termination
of the said dower estate in said tract
of seventy five acres; All on the follow-
ing terms viz: Enough in cash to pay
the costs of said sale and expenses of
sale including a fee of $ to
Geo. T. Blank the attorney in this cause,
remainder on a credit of one and
two years in equal payments with in-
terest from the day of sale, bonds of
the purchaser bond with approved se-
curity bearing interest for the
deferred payments, and reserving
(reserving the title until the purchase money is paid)
said Bonds to Court with the report
of his proceedings which he is
hereby required to make of his pro-
ceedings under this decree

Bell

v.

Bell & als.

This cause came on this day to be further heard on the papers formerly read, and on the report of Commissioner ~~S. W. Young~~ made herein (herein) dated Oct. term 1876 and was argued by Counsel: On consideration whereof the Court confirming said report, to which no exception was filed, doth adjudge, order and decree that the Sheriff of this County after having given notice of the time, place, and terms of sale at the Courthouse door on the next preceding Court day and at three or more other public places nearest to the land hereinafter mentioned, proceed to sell at public auction in front of the Courthouse door on some Court day the interest of the said Indiana Bell in the lands as mentioned in said report, viz: One undivided fourth part of ~~37½~~ acres & Court supposed to contain 37½ acres adjoining Noah Stephenson &c, and one undivided fourth part of another tract of seventy five acres now held by the wife of said Noah Stephenson as her

he shall pay to Robt P Bell the sum of $82.44 with interest on $25.57 part thereof from the 25th day of April 1877 and the balance he shall pay to W. E. L. Delk, taking the receipts of said parties and returning them to Court along with the report of his proceedings under this decree

Filed Nov 5 Delk

Oct Term 1882
Continued

Test

Bill

vs.

Dekk

This cause came on this day to be again heard on the papers formerly read, and on the report of sale of L B Edwards Sheriff and commissioner herein, to which report no exception has been filed, and was argued by counsel. On consideration whereof the Court, confirming the said report, doth adjudge, order, and decree, that the said L.B. Edwards Sheriff and commissioner aforesaid, withdraw from the clerks office, (copying copies therefrom) from the papers in this cause, the two bonds of J.H. Jones and J.W. Collings for $32.14 each, dated the 7th June 1892 and payable in twelve months and two years respectively from the day of date, which were returned with his said report of sale, and collect the sums, and out of the proceeds thereof he shall pay first the unpaid cost of this suit, then out of the remainder thereof

60
25
34
3
102
12
11
17 | 125-(7

Bill
8
Held

Veru

Octobertermo
1853.
To be entered

Geo. S. Bloss

Entered No 27.

$64.28
Pd Bill 40.69
Due Bill 23.59

Bill.

vs.

Ord.

This cause came on this day to be heard on the papers formerly read and on the report of L. B. Edwards Sheriff & Comr. & Judgment by the purchaser, the Court confirming said report to which no exception was filed, doth adjudge order and decree that the said L. B. Edwards Sheriff & Comr. as aforesaid, make to Isaac N. Ford the purchaser a good and sufficient deed with special warranty of the lands hereto for sold him by said ~~&~~ Comr. under a former decree in this cause and nothing further remaining to be done, it is ordered that this cause be removed from the docket

Answer Defendant
et al.
B. P. Bell

Exhibit
"A"

Fannie Belk Dr
1872 To J. D. Bell
To making coffin $25.00

Any 4 / 100 due

Bell No. 9

v. } Com. Notice

Debts adm. sals.

from 10th Jany. 1877

Execution on the
within Bond
Carlisle Jan 15th
1877. A. B. Conway
Sheff

Commissioner's Office,

Isle of Wight C. H. Va Nov. 26th 1876.

To Robert P. Bell

.....

.....

.....Plaintiffs.

and to L. B. Edwards adm'r. & adm'rs. of Indiana Delk dec'd. Noah Tuftinson & Elizabeth his wife, Massillon A. Delk, Benjamin A. Delk and Isaac N. Jones & Martha Ann his wife .....Defendants.

You are hereby notified that I have fixed upon the tenth day of January 1877 to take and settle at my office aforesaid, the following accounts to wit: 1st. An account of the plaintiff's demand and those of all other creditors of the said Indiana Delk or her estate, with their respective priorities and dignities. 2nd. An account of the transactions of L. B. Edwards adm'r. & adm'rs. of Indiana Delk dec'd. 3d. An account of the real estate of the said Indiana Delk dec'd. with its fee simple and annual value.

Required to be taken by a Decree of the Circuit Court of Isle of Wight County, rendered on the 21st day of October 1876 in a suit in Chancery depending in the said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

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

N. P. Young Commissioner.