1871-002
Nansemond Co.
(Suffolk)

Chancery Causes: Iragia Langston etc vs Jonathan Rogers Exx etc

Norfleet, McClenny, Baley, Arnold, Darden, Pearce, Pulling, Brittain, Rogers I,
McAlister, Harrell, Flynn, Webb, Brinkley, Cherry, Allen,
Daughtey, Smith, King, Wallace, Duughtrey, Daughtry

The estate Jonathan Rodgers dec'd

1861 To A. S. Harden Dr

June	28	To 2 yds Pink calico @ 9¢		25	
		2¼ " blk. do @ 9¢		28	
		1 pr gaiters @		188	
		1 blk crape collar		80	
		1 " " "		62	
		2 " " " 4/¢		150	
		1 box blk pins @		08	5 11
July	2	6½ yds blk Alpaca @ 5/-		325	
	3	1½ " Col'd Jeans @ 9¢		19	
		3 doz Cohaba bone @ 9¢		37	
		1 Hank silk @		06	3 87
	22	Bill carried on blk crape			13
	25	½ doz button molds	3		05
Aug	22	11/4 yds Ginghams (blk) 1/¢		281	
		15 " bld cottons @ 10		150	4 31
		1 lb. Shot @		13	
		¼ " Powder @ 40		10	
		1 box caps @		08	
		1½ yds Bro linen @ 1/¢		37	
		1 Hemstitched Hdkf @		38	1 06
Sept		1 pr Boys shoes		113	
		1 " " "		62	1 75
Oct	7	15 yds Bro cottons @ 10		150	
		1 1/8 " blk silk @ 6/-		113	
		1¼ " Col'd Cambric @ 9¢		15	
		2 Blk Breast pins 3/4½		113	
	14	1½ yds Cambric @ 9¢		19	4 10
					20 38

1862	To Amt brought forward		$20 38
Jany	4 " drawer Lock		13
			2051

The estate Jonathan Dodge
Acct

Debts due by Jno A Rogers unpaid

✓ To A. S. Darden	act. & Int.	$ 30.00
✓ " Dr. Bond		50.00
✓ " H. Langston Dr (in suit.	J.B.N. & J. Patterson say)	650.00
✓ " M. King Dr	"	400.00
✓ " Frank Rice		150.00
" May Brinkley		50.00
Merchants acct. say (Peden)	(39.57)	170.00
	Estimated at.	$ 1500.00

✓ O. R. Flynn $ 6.50
Int. & Cr. 1 Jan. 1863.
D. Webb 10
✓ Amos Harris
✓ Andrew Austin
✓ J. B. Norfleet
✓ E. Arnold Coffin

Debts due by
Jno. Rogers Est

abnt
$1500.

$40

Two days after date I promise to pay to A I Darden or order, the just sum of Forty ~~100~~ Dollars, for value received. for which payment, well and truly to be made, I bind myself my heirs, executors and administrators, jointly and severally, firmly by these presents. As witness my hand and seal. this 1st day of January 1861

Jonathan Rogers SEAL

SEAL

DUROSS, PR., PHILA.

Jonathan Rogers' note

1

$ 171 65/100 Norwich Nov 12 1860

Sixty after date, I promise to

pay to the order of Fuller & Pierce

Ott Humason & Lewis — Dollars,

Value Received.

No. Due

Jonathan Rogers

Jany 14/61
Paid on within
Fifty Dollars

Mrs. Lucy Ann Rand,

with 2/3 acct.

John R. Kelly

In re Rogers Est

claim

vs.

S. Langston, sent

Sullivan & Reese

V

Rodgers

On demand I promise to pay
Brittain and Rodgers Six
dollars and seventy five cents
for services of Their horse Cumberland
Turk. Witness my hand and seal
this 4th day of June 1861
$6.75

Jonathan Rogers Seal

✓

Jonathan Rogers

$6.75

The Estate of Jonathan Rogers

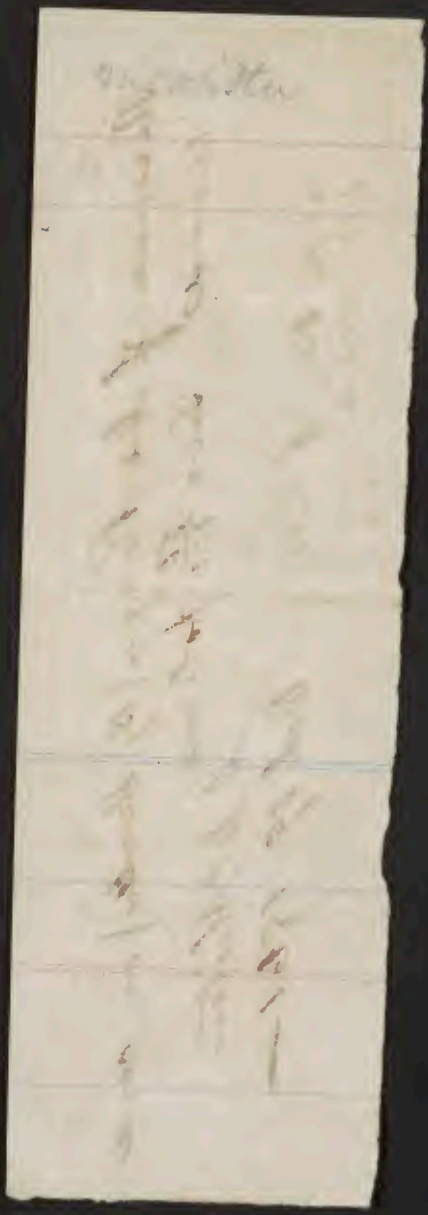
1861		To Andrew McMillan	Dr
Jany 6	To 1/4 Boots son		1.75
Mar 2	" 1/4 Shoes Dan'l		1.25
" 11	" 1/4 Boots Son		4.75
Sept 1	" 1/4 Shoes Mrs R		1.25
			$ 9.00
	To 4 years Interest		2.16
1862			$ 11.16
Jany 9	To 2/4 Shoes Dan'l.	2.75	
	" 3 years Interest	.49	
			3.24
			$ 14.40
	Cr By acct.		3.10
	Balance		$ 11.30

And McCatchey
acct.

Receive of Mrs Rodgers (By Beckles) one cord
wood Two $\frac{50}{100}$ Dollars

A McMeister
Oct 19. 1861—

Int from 1 Jany $ 2.50
1862 to 1 Jan 63 .60
3.10



Poor Quality Original. Best Possible Capture

Jonathan Rogers

1860		To amos Hamell of J N.		
May 18	To	Running one 12 spoke wheel	℔ 4	00
	"	34 lbs. tyer Iron at 5c.	1	70
	"	putting on Tyer.	1	00
Dec 8	"	Running & spoking one pr. 4 spoke wheels	4	67
	"	33 1/2 lbs. tyer Iron @ 5c.	1	67
	"	putting on "	1	00
	"	Jarring one pr. wheels.		75
	"	one pr. cast shafts.	4	50
Oct 8	"	7 fellows. on wheel	2	33
	"	7 spokes @	1	17
	"	ironing the same		63
			℔ 23	42
		Cr. By 7 Cords wood @ 2.50	17	50
		Bal. due Hamell	℔ 5.	92

Ann Harris
#5.92

✓

The Estate of Johnathan Rogers Decᵈ

To Eᵛᵈ Arnold

1861

June 18 To making Coffin imitation. B. Walnut 15 00
Lineing Wadding & Tufting 8 00
Silver Plated trimmings 10 00
Making Box 5.00
Hearse Hire 5 00 / 43 00
Interest from 1st day July 1861

Recᵈ Payment of Jnᵒ R. Kilby Comr
of the Estate of Johnathan Rogers Decᵈ

The Estate of

J. Rogers Decd

Jno. Rogers died 1861. June
Left will
He gave widow 50 acres for life
such as she might choose —
He gave widow Rockaway & Hamp
$250 ~~to Bro~~ & Ro:
$500 to: Ben:
$250.: [redacted]

Has Dower.
also

Children
1 Levi J Rogers. over 21.
2 Engram wife of Jno D McClung
3 Martha under 21
4 Sarah E " "
5 Jno. R. " "
6 Alice K. " "
7 Elijah F. " "
8. Benja. W. " "

Land 600. acres Home tract
Hanni tract
Vaughan "

1/2 of Bailey Lot.

Martha Bailey has Dower
& Jas B. Mallett ans 1/2

Parties names

Virginia Langston, administratrix for herself and all other creditors of Nathan Rogers dec'd. who may make themselves parties hereto, on the usual terms

vs.

Sophia Ann Rogers Ex'x of Nathan Rogers dec'd & in her own right - James B. Nutter, John D. McElroy & Virginia his wife, and Martha, Sarah C, John R, Alice K, Elizabeth F, and Benj'n W. Rogers, the last six Infants -

Virginia Langston

vs.

Sophia A. Rogers

Bill
1st To. settle Mrs Rogers
2nd. acct.
2. ascertain debts
3. ascertain value of lands
4. Mrs. Rodney dec'd. what
was due.
5 offer Mrs Rogers dower
6. sell &c -

Isaac Parker

Costs

Clerk	$20:00
Atto. for Plaintiff	31:00
Sheriff	3:00
Commrs. in Chy	45:00
	$97:00

Cork

The Commonwealth of Virginia,

To the Sheriff of Nansemond County---Greeting.

YOU ARE HEREBY COMMANDED TO SUMMON Sophia Ann Rogers, Executrix of Jonathan Rogers deceased, and in her own right, James B. Norfleet, Levi S. Rogers, John D. McClenny and Georgiana his wife, and Martha, Sarah C, John R, Alice R, Elizabeth S, and Benjamin W. Rogers: the last six being infants.

to appear at the Clerk's Office of our Circuit Court for the County of Nansemond, on the first Monday in July next, 1866, being rule day, to answer a bill in chancery, exhibited against them by Virginia Livingston, who sues for herself and all other creditors of Jonathan Rogers deceased, who may make themselves parties hereto;

and unless they shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then and there this writ. *Witness*. PETER B. PRENTIS, Clerk of our said Court, at his Office, this 21st day of June 1866, and in the 90th year of the Commonwealth.

Peter B. Prentis. Clerk.

riff will, in his return, note the day on which this process is executed on each Defendant.

Kilby. p. 9

Virginia Langston, who sues &c.

vs. In Chy.

Simt. in Chy.

Sophia Ann Rogers, Ex.
of Jonathan Rogers decd Vs.

To July Rules 1866.

Exhibit Nov 24th 1866. Bond a true Copy Receipt delivered to Sophia Ann Rogers, Jane S. Rogers & Jno D. Shepherd Exrs

Jno Kilby

Bo: b: No: 1. p. 7

Cir: Co

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Martha Bailey

to appear at the Clerk's office of our Circuit Court for the County of Nansemond, on the first Monday in March next, 1869, being rule day, to answer an original and amended bill in chancery, exhibited against her by Angia Langston, who sues for himself and all other creditors of Jonathan Rogers decd

and unless she shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly. And have then and there this writ. Witness. PETER B. PRENTIS, Clerk of our said Court at his office, this 3rd day of February 1869, and in the 93rd year of the Commonwealth.

Peter B. Prentis Clerk,

☞ The Sheriff will, in his return, note the day on which this process is executed on each defendant.

Killby. p. 9

Iragia Langston, who sues

&c

20 4 4 } Summ. in Chy:

Martha Bailey

To March Rules 1819

Pro: B. No: 1. page 44

Cir: Co:

Executed Killby 17th Sept & return Copy lodged delivered to Martha Bailey

Thos Ellis Shff

Decr 3rd 1870 Recd of Jno. R. Kilby Comr Twelve dollars & fifty cents for selling 3 pcs land belonging to the est of Johnathan Rogers dec

$12.50

Wm Jd McGuire Audr.

Mr. Jonathan Rodgers Est.

1869. **To A. S. ELEY, Sheriff of Nansemond Co., Dr.**

To	Capitation Tax, 60 cts.		
"	611 Acres Land, value $ 3666 at 30 cts.	9	95
"	Ditto for County, 50 per cent on revenue tax,	4	98
"	Ditto for Parish, 12½ " " " " "	1	25
"	County Levies at $1 50, Parish do 60 cts,		
"	Rev. on personal property, bonds, &c., at 30 cts.		
"	Ditto for County, 50 per cent on revenue tax,		
"	Ditto for Parish, 12½ " " " " "		
"	Clerk's fees,		
"	Commissioner's fees,		
	Received payment, of Wm R Pulley	$16	18

Wm Eley *Sheriff.*

Jonathan Rodgers
Ætat 16, 18

4 98
3-3
3..3-1

Mr. Johnathan Rogers Est.

1870. To A. S. ELEY, Sheriff of Nansemond Co., Dr.

To 611	Acres Land, value $ 3666	at 50 cts. on $100 value,	18	33
"	Ditto for county, 50 per cent. on revenue tax		9	17
"	Ditto for Parish, 12½ " " " " "		2	29
"	Revenue on Personal Property, Bonds, &c., at 50 cts. on $100 value,			
"	Ditto for county, 50 per cent. on revenue tax			
"	Ditto for Parish, 12½ " " " " "			
"	Clerk's Fees			
"	Commissioner's Fees			
"	Sheriff's Fees			
	RECEIVED PAYMENT, of Jno R. Kirby	$	29	79

Wm Eley

For A. S. ELEY, Sheriff.

Johnathan Rogers
Est. # 29,179
16, 18
#45-93

At a Circuit Court held for Nansemond County, the 20th. day of April 1869.

Inagia Langston, who sues for himself and all other Creditors of Jonathan Rogers deceased, who may make themselves parties hereto . . . . Complainant.

Against } In Chancery

Sophia Ann Rogers, Executrix of Jonathan Rogers deceased, and in her own right; James B. Norfleet, Levi J. Rogers, John D. McClenny and Georgianna his wife, and Martha, Sarah C, John R, Alice K, Elizabeth F and Benjamin W. Rogers: the last six being infants. . . . . Defendants.

This Cause came on this day to be again heard on the papers formerly read, and on the Report of Commissioner Prentis, made pursuant to the decree of the 15th. October 1866 (to which report there is no exception), and on the amended Bill filed in this cause, and on the answer of Martha Bailey, this day filed by leave of the Court, and on general replication to said answer, and was argued by Counsel. On consideration whereof, the Court doth confirm the said report, and doth adjudge, order and decree, that one of the Commissioners of this Court, enquire into and ascertain by proper examination and by taking evidence, whether it be practicable to assign dower in kind in the Lot of Land in Suffolk, referred to in the proceedings, to said Martha Bailey, and whether, by so doing, the rights of the other parties interested, will be injured thereby, or whether the interests of all parties or a majority of them, will be best promoted by a sale of the entire subject, and the payment to said Martha Bailey, of an annual sum, in lieu of her dower therein, and make report to Court with any matters specially stated, deemed pertinent

by himself or that any of the parties may require to be so stated. And it is further decreed and ordered that Thomas J. Kelly, Thomas Parker, Wiley Redd and John R. Copeland, any three of whom may act, proceed to set apart and assign unto Mrs: Sophia A. Rogers, for life, one third in value, of all the real estate of which her husband, Jonathan Rogers died seized and possessed, and make report to Court. And it is further decreed and ordered that a Commissioner of this Court make up a further account of the transactions of said Sophia A. Rogers, as Executrix on the estate of Jonathan Rogers deceased, and of any further outstanding debts due by said Jonathan Rogers or his estate, and report to Court.

A Copy:

Teste,

Peter B. Prentis. D.C.

Augusta County, to wit

In the Clerks Office of the County Court of Augusta on the 4th day of November 1867 this writ was delivered to me and on the same day executed by delivering a copy thereof to Sophia A. Rogers, Ext: of Jonathan Rogers dec'd Val:

Commissioners Office
Suffolk Va: January 19th 1870.

To Tragia Langston, who sues for himself and all other Creditors of Jonathan Rogers deceased who may make themselves parties hereto. } Complainant

(and to)

Sophia Ann Rogers, Executrix of Jonathan Rogers deceased and in her own right, James B. Norfleet, Levi J. Rogers, John D. McAlenny and Georgianna his wife, and Martha, Sarah C, John R. Alice K. Elizabeth F and Benjamin W. Rogers, the last six, being infants and Martha Bailey ..... Defendants

You are hereby notified that I have fixed upon Monday: the 28th: day of February 1870, to take and settle at my office the following accounts.

First. To enquire into and ascertain by proper Examination and by taking evidence whether it be practicable to assign dower, in kind, in the Lot of land in Suffolk referred to in the proceedings to said Martha Bailey, and whether by so doing the rights of the other parties interested will be injured thereby, or whether the interests of all parties or a majority of them will be best promoted by a sale of the entire subject and the payment to said Martha Bailey of an annual sum, in lieu of her dower therein.

Second. A further account of the transactions of said Sophia A. Rogers, as Executrix, on the

Estate of Jonathan Rogers deceased and of any further outstanding debts due by said Jonathan Rogers or his Estate. which accounts are required to be taken by the Decree of the Circuit Court of the County of Nansemond rendered on the 20th. day of April 1869. in a suit in Chancery depending in said Court, in which you are parties Complainant and Defendant, at which time and place you are required to attend. Given under my hand as Commissioner in Chancery of the Circuit Court of Nansemond County. the day and year first herein aforesaid.

Peter B. Prentis
Commissioner

Sorgeri Langston, vs do sued &c

Sophia Ann Rogers, Ex.x of Jonathan Rogers dec'd &c.

To 28th. Feby. 1870. at Comm.rs Prentis's Office

On the 21st day of January 1870. I delivered a true copy hereof to Martha Bailey.

Wm. Eley D.S.

Service of this notice acknowledged by us.

Peter B. Prentis. g.d. ad litem for infant Defendants.
John R. Kelly atty. for Pltffs: & all the adult Deffs: except Martha Bailey

Dr. The Estate of Jonathan Rogers. deceased,
In account with Sophia A. Rogers. Executrix. Cr.

1867. Octo: 14	By Balance of Principal due Estate	"	"	"	"	$	645	77
	" Do " Interest Do	$	46	04	"	"	"	"	"
1868. Octo: 14	" Interest on $645:77 for one year		38	75	"	"	"	"	"
	To 5 per cent Commn. on $38:75		"	"	$	1	94	"	"
" " "	" Bal: of Principal due Estate		"	"		643	83	"	"
		$	84	79	$	645	77	$	645 77
1868. Octo. 14	By Bal: of Principal due Est: brot on	"	"	"	"	$	643	83
" " "	" Do " Interest Do "	$	84	79	"	"	"	"	"
1869. Feby: 3	" This sum received of P. H. Lee & Co: for bond & int: due deceased		"	"	"	"		182	77
" March 10	" do. do. of Nos. Hain for hire of Negro in 1862		"	"	"	"		23	18
" Octo: 14	By interest on $643:83c for one year		38	63	"	"	"	"	"
	To 5 per Cent Commn. on $244:58		"	"		12	23	"	"
	" Balance of Principal due Estate		"	"		837	55	"	"
		$	123	42	$	849	78	$	849 78
1869. Octo: 14	By: Bal: on Principal due Est: brot. on	"	"	"	"	$	837	55
" " "	" Do " Interest Do "	$	123	42	"	"	"	"	"
1870. April 18	To Amo: of Bond due by D. D. Hall & W. W. Hall for Purchases at Sale 12th Decr: 1861 then good, and charged heretofore to Executrix - Now insolvent	$	50:00						
	" int: fm: 12th Decr: 1861 to 18th Apl: 1870.		25:00		"	$	75	00	" "
	" Amo: due by Thomas Lafsiter for Purchases at Sale do do	$	11	90					
	" int: as above		5	90	"	"	17	80	" "
		$	123	42	$	92	80	$	837 55

1870. April 18	Amts: Brot: Forward			$123	42½	$92	80	$837	55
" " "	To Amo: due by A R Harrell for purchases at Sale 12th Decr: 1861, then good and charged heretofore to Executrix. now insolvent	$10.33							
	" int: fm: 12th Decr: 1861 to 18th Apl: 1870	5:08		"	"	15	41	"	"
	" paid Wm. B. Allen, bal: on bond to which deceased was security - a Compromise - per receipt			"	"	400	00	"	"
	" " John R Kelly, Atty's fees, pr: rect:			"	"	30	00	"	"
	" board &c of Children of deceased Since 14th Octo: 1867			"	"	141	67	"	"
	By Interest on $837:55 fm: 14th Octo: 1867 to 18th April 1870			25	41	"	"	"	"
	To 5 per Cent Commn's on $25:41			"	"	1	27	"	"
	" Bal: of Principal due Estate			"	"	151	38	"	"
				$148	62	$837	55	$837	55
1870. April 18	By Bal: of Principal due Estate brot down			"	"	"	"	$151	38
	" Ditto " Interest " Do "			"	"	"	"	148	62
	Total Bal: due Estate with interest on $151:38 and interest thereof from the 18th day of April 1870. till paid							$300	00

Commissioner's Office
Suffolk Va: March 10th: 1870

To the Circuit Court of Nansemond County:

The Undersigned a Commissioner of said Court, to whom was refered the Decree made on the 20th: day of April 1869, in the cause pending in said Court, wherein Iraqia Langston, who sues for himself and all other creditors of Jonathan Rogers decd &c, is Complainant, and Sophia Ann Rogers, Executrix of Jonathan Rogers decd, and in her own right, & others, are Defendants, begs leave to report, that he gave due and proper notice, that he would, on the 28th: day of February 1870, proceed to execute said Decree, and did, on that day go on the premises refered to below, with Mrs: Martha Bailey, James B. Norfleet and Thomas Parker, and heard the statements of parties and examined the premises - He finds the premises to consist of a Lot on the North side of Washington Street, in the Town of Suffolk, County of Nansemond, State of Virginia, and bounded East by the "Washington Hotel Lot": West by the Lot of Exum Carstarphen: North by a branch, and South by said Street - The buildings on said Lot consist of a framed Dwelling House, one story high, with an entry or passage, and three rooms above, and three below stairs: one of which rooms is used as a store room for a Grocery - also a Kitchen, Warehouse, Smoke-House & Wood House.

That to assign Dower, in kind, to said Martha Bailey would necessarily give her a part of the Dwelling House only, which would render the balance of the premises

useless, as a residence to others, and thereby destroy the value of the premises, if the Court, in its wisdom, should decree a sale thereof. That as the widow and Children of Jonathan Rogers, one of the owners of the fee-simple of said premises, are interested (the estate of said Rogers being greatly involved) and James B. Norfleet the other owner, being also much interested, Your Commissioner does not think that Dower in kind, should be assigned to said Martha Bailey: but, looking to the interest of all parties, and as this property was sold by the husband in his life-time, Your Commissioner reports, that the said Martha Bailey should have an annuity paid her. That the property, when her husband died, was worth $1500 the interest on One third of which is $30:00 which sum he reports as a fair one, as allowed to be paid her, agreeably to Sec: 12. Chap: 110. Page 533 of the Code of Virginia 1860 — said Annuity To Commence from day of Sale, since, up to this time the said Martha Bailey has had the use of a large portion of said premises.

In connection with this branch of his duties under said Decree, and deeming it pertinent, Your Commissioner further reports, that he finds the present money fee-simple value of the said Martha Bailey's Dower interest in said premises to be $369.10c. which he ascertained as follows: Value of Lot &c $1500 — the interest of 1/3 of which is $30:00c — Mrs: Bailey has an expectation of life, of 23 years; and $30:00c discounted, at Compound interest, for 23 years, produce the sum of $369:10c.

Your Commissioner reports and returns herewith a further

account of the transactions of said Sophia A. Rogers, as Executrix on the Estate of Jonathan Rogers deceased, by which it will be shewn, that there is a Balance due by the Executrix to said Estate, of $300:00 with interest on $151:38. part thereof from the 18th day of April 1870. till paid.

All of which, together with a copy of said Decree, notice and proof and acknowledgment of service of said notice, is respectfully submitted.

Given under my hand, as Commissioner in Chancery of the Circuit Court of Nansemond County, the day and year first aforesaid.

Peter B. Prentis.
Commissioner

Iragia Livingston &c

vs } Commrs. Report

Sophia A. Rogers, Ex[x] of &
Jonathan Rogers decd & al:

1870
March 10th. Completed &
filed in my Office.
Peter B. Prentis.
Commr[r].

1870. March 21st. Filed
Clk:

4th Class

K	To Hagah Laughton (Executrix for)		£958.56
	" Int. on £958.56 from 29th Oct. 1869 to 13 March 1871 — 1 y. 2 m. 14 d		69.39
	Cont		3.42
			£1033.37
			1031 37

K	To A. S. Darden		£56.22
	" Int from 12 Oct. 1867 on £40. to 13 March 1871 3 yr. 5 m. 1 d.		8.22
			£64.44
K	To A. S. Darden		£28.96
	" Int from 12 Oct. 1867 on £21.51 to D°		4.31
			£33.27
K	To Pullen Deane		£168.90
Dy McDeane	" Int. on £120. from 12 Oct 1867 to D°.		24.62
			£193.52
K	To Britain Rogers		£9.31
	Int. on £6.75 from 12 Oct. 1867. D°		1.37
			£10.68
K.	And. McCauley		£15.22
	Int on £11.30 from 12 Oct 1867 D°		2.30
			£17.52
K.	To Amos Hance & D.		£8.32
	" Int on £5.92 from D°		1.06
			£9.38
K	To Owen R Dilyon		£8.37
	Int on £6.50 from D°		53
			£8.90
K	To Jos B Norfleet		£92.60
	" Int. on £71.97 D°		14.75
			£107.35
K	To Ro. H. Hall		£12.87
	" Int. on £10. D°		2.07
			£14.94
K.	To Mary Bundy		£53.88
	Int on £40. D°		8.23
			£62.11

	To cm Cherry	ℳ .82
	Int. on 63 Do	11
		9 82
K	To cm B. allen (Paid)	
K	To Michel Kuj	ℳ522.28
	Int. on ℳ348.19 Do.	71.40
		593.68
K	To cm H. Dauphin	ℳ21.21
	Int. on ℳ16.50 Do.	2.25
		ℳ23.46

List of debts

Dyer Rogers Esq.

Virginia:

At Rules, held in the Clerks Office of the Circuit Court of Nansemond County on Monday the 2nd: day of July 1866:

Iragia Langston, who sues for himself and all other Creditors of Jonathan Rogers deceased, who may make themselves parties hereto. . . . . Complainants

against

Sophia ann Rogers Executrix of Jonathan Rogers deceased, and in her own right, James B Norfleet, Levi T Rogers, John D McClenny and Georgeanna his wife, and martha . - Sarah C, John R, Alice K, Elizabeth F, and Benjamin W Rogers: the last six being infants. Defendants.

On the motion of the Complainant by Counsel, Peter B Prentis is appointed Guardian ad litem, to defend the infant defendants, in this suit. and it is ordered that notice, be given the said guardian of his appointment, by serving on him a copy of this order.

Teste:

Peter B. Prentis. Clerk

1866: July 2nd: I acknowledge service of this order, and that I have received a copy hereof.

Peter B. Prentis.

Gdn: ad litem

Virginia Langston &c

In } Order respecting dower
re } ad Litem

Sophia A. Rogers, Ex.x of
Jonathan Rogers decd
&al.

D. D. Fiske, Printer & Stationer, Portsmouth, Va.

Know all Men by these Presents,

That we, John R. Kilby, Thomas J. Kilby and Peter B. Prentis

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the just and full sum of Four Thousand ——— Dollars, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 11th day of June in the year one thousand eight hundred and Seventy, and in the Ninety-fourth year of the Commonwealth.

The Condition of this Obligation is such, That if the above bound John R. Kilby, who was by a Decree of the Circuit Court of Nansemond County, pronounced on the 19th day of April 1870, in the cause of Virgin Langston, who sues for herself and all other Creditors of Jonathan Rogers deceased &c vs Sophia Ann Rogers, Executrix of Jonathan Rogers decd &c, appointed a Commissioner to make Sale of certain Real Estate in said Cause described under said Decree and any other Decree that he may be required to execute in said Cause, shall faithfully discharge the duties of his said trust, then the above obligation to be void, or else to remain in full force and virtue.

Executed in presence of

John R. Kilby L.S.

Thos. J. Kilby L.S.

Peter B. Prentis L.S.

L.S.

L.S.

John R. Kelly. Commr

To

Bond

Commenced th

June 11th. 1870 Executed &
filed

In the Clerk's Office of Nansemond County Court.
The 29th: day of May 1866.

I do hereby certify, that some time during the year 1861, Sophia A. Rodgers, duly qualified as the Executrix of the Last Will and Testament of Jonathan Rogers deceased, in said Court. (The destruction by fire of the Records of said Court, on the 7th: day of February 1866. preventing me from furnishing a copy thereof.)

Teste,

Peter B. Prentis. Clerk.

(A).

Langston &c

v.

Rogers Ex^t Rogers

2 Exhibits filed

with Bill.

At a Circuit Court held for Nansemond County the 18th. day of April 1870.

Iraqua Langston, who sues for himself and all other creditors of Jonathan Rogers, de = =ceased, who may make themselves parties hereto. . . . . Complainant

Against } In Chancery

Sophia Ann Rogers, Executrix of Jonathan Rogers, deceased, and in her own right; James E. Norfleet, Levi T. Rogers, John B. McClenny and Georgianna his wife, and Martha, Sarah b, John R, Alice K, Elizabeth F. and Benjamin W. Rogers, the last six being infants . . . Defendants.

This cause came on this day to be again heard on the papers formerly read and on the report of Commissioner Prentis and of Thos. J. Kilby, John R. Copeland, Thos. Parker and Wiley Redd, made pursuant to the decree of the 20th. of April, 1869. To which reports there is no exception, and was argued by Counsel. On consideration whereof the Court doth confirm the said reports and doth adjudge, order and decree, that John R. Kilby, (who is hereby appointed Commissioner for that purpose) proceed to sell at public auction before the Court house door of Nansemond County, on some Court day, on a credit of Nine months with interest from date (except for a sum sufficient to pay costs and expenses which will be cash and which he will pay to those entitled) the lands re= =ferred to in the proceedings, to wit: 1st. The lot in Suffolk on the North side of Washington Street and bounded on the east by the Washington Hotel Lot, west by the lot of

Exum Barstarphen, north by a branch, and south by said Street 2nd. The Tract of land in the County of Nansemond containing six hundred acres more or less, including the Home Tract, the Harris Tract and the Vaughan Tract, and adjoining the lands of Wiley Redd and others, and on which Jonathan Rogers died siezed and possesed (subject to the dower of Mrs. Sophia A. Rogers in said lands as at present laid off). That in making such sale the said John R. Kilby as Commissioner as aforesaid may sell said real estate in such parcels as he may deem best, - and such sale to be advertised for four successive weeks in the "Christian Sun" a newspaper published in Suffolk, and by advertisement at the Court house door of Nansemond County and various other public places in said County taking from the purchasers bonds and good security and retaining the title till the further order of the Court. And by consent of parties it is adjudged, ordered and decreed that Mrs. Martha Bailey be allowed the sum of Four Hundred Dollars, instead of the sum of Three Hundred and sixty-nine Dollars and ten cents, as estimated by said Commissioner Prentis, in money in fee-simple in lieu of her dower in the said lot in Suffolk as above described to be paid to her out of the proceeds of Sale of said lot when collected as hereafter to be provided for, with interest from the first day of January next, and that the sale of said real estate be made for possesion to be given on the first day of January next. But no such sale shall be made by the said John R. Kilby as Commissioner as aforesaid, until he shall execute before the Clerk of this Court in his office, a bond in the penalty of Four

Thousand Dollars payable to the Commonwealth of Virginia, and conditioned for the faithful execution of this decree and any other decree that he may be required to execute in this Cause.

Costs

Clerk . . . $20.00
Atto. Fc. . . 31.00
Shff. 3.00
Commr. . 45.00
$99.00

A Copy
Teste,
Peter B. Prentis. Clerk

Xmas

Livingston &c

vs } Copy Decree 18th Apl: 1870

Rogers' Ex.r L.

At a Circuit Court held for Ransom and County,
the 12th day of October 1870
Grazia Langston, who sues for himself and all other Creditors of Jonathan Rogers deceased, who may make themselves Parties hereto . . . . . Complainant

against } In Chancery.

Sophia Ann Rogers, Executrix of Jonathan Rogers deceased; and in her own right, James B Nafleet, Levi J Rogers, John D McCleary and Georgeanna, his wife; and Martha, Sarah C, John R, Alice K, Elizabeth F and Benjamin W Rogers; the last six, being infants. Defendants.

This Cause, Came on this day, to be again heard on the papers formerly read and on the report of John R Kelly Commissioner, made pursuant to the decree of the 18th day of April 1870. to which report, there is no Exception, and was argued by Counsel; on Consideration whereof the Court doth Confirm the said report, and doth adjudge order and decree, that John R Kelly Commissioner as aforesaid receive of the Clerk of this Court, (who will deliver the same to him taking his receipt therefor) the Bond of John M. Shepherd and E. B. Britt, for Fourteen hundred and fifty Dollars, filed with said report and collect the same with any interest that may have accrued thereon, and make to the said John M. Shepherd a Deed with Special Warranty in

the usual form, for the Lot of Land in Suffolk, referred to in said Report, as purchased by him the said Shepherd. And it is further ordered that the said Sophia A. Rogers as Executrix of Jonathan Rogers deceased, pay to said John R Kelly Commissioner as aforesaid, the Sum of three Hundred Dollars, which appears to be due by her to said decedents Estate, by Commissioner Prentis' Report of the 10th of March 1870 with interest on One Hundred and fifty one dollars, and thirty Eight Cents part thereof from the 18th day of April 1870: and it is further ordered, that the said John R Kelly as Commissioner aforesaid out of the said Sum of Fourteen Hundred and Fifty Dollars and Three Hundred Dollars, and the interest thereon, pay to himself One Hundred and one Dollars and five Cents, Expenses paid by him as appears by his aforesaid Report and also pay any other Costs, that may remain unpaid, and then pay to Mrs Martha Bailey the Sum of Four Hundred Dollars, on the 1st day of January next, as directed by said Decree of the 18th day of April 1870, and then pay one half of the Balance to Jas. B. Norfleet and then pay to Edward Arnold, the Sum of Fifty nine Dollars and twenty two Cents, with interest on Forty three Dollars, part thereof, from the twelfth day of October 1867. being a Debt of the 3rd Class, as appears by Commissioner Prentis' Report

of the 20th: of August 1867: (and then pay the Balance, that may remain, ratably, to the Creditors of the 4th: Class of said Jonathan Rogers deceased, as appears by said Commissioner Prentis' report of the 20th of August 1867. Except; as to debt therein reported as due William B. Allen, which has been paid, as appears by said Commissioner Prentis' report of the 10th: of March 1870; and that the said John R Kelly Commissioner as aforesaid, in all other respects, Execute the Decree of the 18th: of April 1870. (and make report to Court.

A Copy.

Test.

Peter B. Prentis. Clerk

xind

Virginia Longstreet, who sues
&c

#2 Copy Decree. October Term 1870

Sophia Ann Rogers, Ex.x of Jona-
than Rogers decd & al:

To the Circuit Court of Nansemond County.

The Undersigned respectfully reports to Court, that pursuant to the decree of said Court, of 12th Oct. 1870 and the 18th. April 1870, he proceeded to make sale of that part of the real estate of which Jonathan Rogers died seized and possessed, not heretofore sold under proceedings had in this cause; and after due and due notice & after having a survey made, so as to sell in parcels, he proceeded to sell at auction before the Court house door of Nansemond County on the 14th. day of November 1870, being Court day, on the terms of the decree of 18th April 1870, when the several parcels of land then sold were purchased as follows =

114 acres according to survey, by Mr. Parker at $3.05 per acre = making $457.40

284 acres according to the survey by Jos. B. Norfleet ~~Parker~~ at $2.55 per acre } making $724.20

The fee simple interest in 168 acres held by Mrs. Sophia A. Rogers as Dower, & about 6 acres (marked (a)), by said Sophia A. Rogers for

Cont'd. on 205.00

$1380.60

Amo. brought on #1350.60

To 2 per cent Com. on Dr. #27.00

" reserve for 3 deeds 15.00

" do Ad. upon — 13.53

" Jno. R. Cleveland &

Chain carriers for Survey &c. 20.00

" "Christian Sun" ads 5.00

" paid Taxes per rolls. 45.97

" " W. N. McGuire, Asr. " 12.50 = #160.60

Nett Bal. #1240.60

In which the following bonds have been Taken —

Mrs. Parker & J. B. Norfleet's bond for ——— #410.00 payable 9 mos. after date with Int. from date

The Bonds of Jas. B. Norfleet & Mrs. Parker ~~with~~. —— as security dr. for 650.00

and Sophia A. Rogers & ——— Bond as above for 193.53 = #1253.53

The title to said Land has been withheld — and the Bonds of the purchasers are filed herewith —

and the Undersigned further Reports, that he has ~~surveyed and returned~~

endeavored to collect of Jno. W. Shepherd & E. B. Bell the Bond of $1450. as directed by said decree, but has yet been unable to do, that the party has failed to pay the said sum of money though demanded several times, and hence the Undersigned asks for power to sell the real estate purchased by said Shepherd, or for such direction as the Court may think proper to give.

Respectfully submitted

John R. Kelly, Comr.

12th April 1871.

1871 apr 24. Rec'd. of P. B. Parris Clerk the Bonds filed with this Report as directed by decree of april Court 1871 – to wit Sophia A. Rogers' Bond for $193.53, Jas B Imbler & Mrs Parkins Bond for $65.00 & Mrs Parkins & Jas. B. Imblers Bond for $110.

John R. Kelly, Com'r

Langston &
vs
Rogers Exr &c
2d Report & Rec
R. Kelly Com'r
& case ct. 1871

(Sales & Lands)

At a Circuit Court held for Nansemond County the 18th: day of April 1870:

Fragia Langston, who sues for himself and all other creditors of Jonathan Rogers, de=ceased, who may make themselves parties hereto ..... Complainant

against

In Chancery

Sophia Ann Rogers, Executrix of Jonathan Rogers, deceased, and in her own right, James B. Norfleet & Levi T. Rogers, John B. McClenny and Georgianna his wife, and Martha, Sarah E. John R. Alice K. Elizabeth T. and Benjamin H. Rogers, the last six being infants ..... Defendants

This Cause came on this day to be again heard on the papers formerly read and on the reports of Commis=sioner Prentis and of Thos. J. Kilby, John R. Copeland, Thos. Parker and Wiley Redd, made pursuant to the decree of the 20th. of April, 1869, to which reports there is no exception, and was argued by Counsel: On consideration whereof the Court doth confirm the said reports and doth adjudge, order and decree that John R. Kilby, (who is hereby appointed Commissioner for that purpose) proceed to sell at Public auction before the Courthouse door of Nansemond County, on some Court day, on a credit of Nine months with interest from date (except for a sum sufficient to pay costs and expenses which will be cash and which he will pay to those entitled) the lands referred to in the proceed=

=ings, to wit: 1st. The lot in Suffolk on the North side of Washington Street and bounded on the east by the Washington Hotel Lot, west by the lot of Exum Carstarphen; north by a branch, and south by said Street. 2nd. The tract of land in the County of Nansemond, containing six hundred acres more or less, including the Home tract, the Harris tract and the Vaughan tract, and adjoining the lands of Wiley Redd and others, and on which Jonathan Rogers died seized and possessed (subject to the Dower of Mrs. Sophia A. Rogers in said lands as at present laid off). That in making such sale the said John R. Kilby as Commissioner as aforesaid may sell said real estate in such parcels as he may deem best, - and such sale to be advertised for four successive weeks in the "Christian Sun" a news= =paper published in Suffolk, and by advertise= =ment at the Court house door of Nansemond Coun= =ty and various other public places in said County taking from the purchaser's bonds and good security and retaining the title till the further ord= =er of the Court. And by consent of parties it is adjudged, ordered and decreed that Mrs. Mar= =tha Bailey be allowed the sum of Four Hun= =dred Dollars instead of the sum of Three Hundred and sixty-nine Dollars and ten cents, as estimated by said Commissioner Pren= =tis, in money in fee-simple in lieu of her dow= =er in the said lot in Suffolk as above described

to be paid to her out of the proceeds of sale of said lot when collected as hereafter to be provided for, with interest from the first day of January next, and that the sale of said real estate be made for possession to be given on the first day of January next. But no such sale shall be made by the said John R. Kilby as Commissioner as aforesaid, until he shall execute before the Clerk of this Court in his office, a bond in the penalty of Four Thousand Dollars payable to the Commonwealth of Virginia, and conditioned for the faithful execution of this decree and any other decree that he may be required to execute in this cause.

A. Copy
Teste.
Peter B. Prentis. Clerk.

Costs

Clerk . .	$20.00
Atto. L .	31.00
Staff . . .	3.00
Commr.	45.00
	$99.00

Langston &
n 3 Co. Decree
Rogers admx &c

#1500
Fo. Bro. Shepherd

June 13th 1870 Rec'd of Jno. R. Kilby Court Six dollars & twenty five cents for selling the J. M. Bailey lot at Auction

$6.25

Wm'd McClure Auct'r

John R Kelly Commission

1870

To Christie Sun

May 23. To advertising the Bailey lot in the town of Suffolk 16 lines 5 times $4.80

Receipt.

W. B. Wellons

In the Circuit Court of Nansemond County.

The Undersigned reports to Court that pursuant to the decree of said Court made on the 18th day of April 1870 in the cause therein pending wherein Hajia Lampton &c. is plaintiff and Sophia ann Rogers Ext of Jonathan Rogers' decd & others, are defendants, he proceeded to advertise the Lot in Suffolk as named in said decree, & did on the 13th day of June 1870, before the court house door of Nansemond County sell the said Lot on the terms named in said decree, when the same was purchased by John W. Shepherd for the sum of $1500.00

The purchaser to have his on the 1st of January next, but the risk of fire to be his at once & the rent for 1870 reserved

~~Of which sum the said Shepherd~~
The Commissioner has paid in cash $137.05 and expended as follows —

To paid "Christian Sun" advertising $4.80
" " W. H. McGuire Crier 6.25
" " Clerk's fee 20.00
" " Comm'r. 45.00

Cash in $76.05 $1500.00

Amt. brought on	$76.00	$1500.00
To 5 per cent Comn. on $300.	15.00	
" 2 Dr. Dr on $1200	24.00	
" Atto. Fee Bar	31.00	
" reserved for Sheriff & stamps	5.00	
" " "	$151.00	$151.00
		$1348.95

Whereas Jno. W. Shepherd has executed his Bond with E. B. Britt as security for the sum of $1450 payable nine months after date, with Interest from date

	$1450.00
Balance due J. R. Kilby Comr.	$ 191.05

Respectfully submitted

John R. Kilby Comr.

Rec'd of Jno. R. Kilby, Commr. Sixty-four dollars ($64.00) the fees due me as Clerk & Commr. in this case.

Peter B. Pretty.

1870 Dec. 14 Rec'd of P. B. Prentis, clerk of the Court, the Bond of Jno. M. Shepherd & E. B. Britt for $1450. as directed by Oct. Court 1870.

John R. Skilly, Com.

Sampson &c.
vs.
Registrat of Acc. Co.
Rogers Esq. &c.

1870. Sept. 1st. Filed
clk.

At a Circuit Court held for Nansemond County
the 14th: day of April 1871.

Tragia Langston, who sues for himself
and all other Creditors of Jonathan Rogers
deceased, who may make themselves Parties
hereto . . . . . Complainants.

against § In Chancery.
§
Sophia Ann Rogers, Executrix of Jonathan
Rogers deceased; and in her own right, James
B. Nasfleet, Levi J. Rogers, John W. McClenny
and Georgeanna, his wife, and Martha,
Sarah C, John R. Alice K, Elizabeth F and
Benjamin W Rogers, the last six, being infants Defendants,

This Cause, Came on this day to be again heard on
the Papers formerly read, and on the report of John R.
Kelly, Commissioner, made pursuant to the Decree of the
12th: of October 1870, to which report, there is no exception
and was argued by Counsel; On Consideration whereof
the Court doth confirm the said Report, and doth
adjudge, order and decree, that the said John R Kelly
Commissioner as aforesaid, forthwith institute suit, on
the Bond of John M. Shepherd and E. B. Britt of Four=
=teen Hundred and fifty Dollars, referred to in said Report.
and by Judgment and execution collect the same, if
to be collected, and if not then report to Court, for such
further order, as may be necessary: and out of the pro-
ceeds of said Bond, when collected the said John R Kelly.
Commissioner, will pay (as he was directed by said decree,
of 12th of October 1870 to do) to himself, One Hundred
and one Dollars and five Cents, Expenses, paid out

by him, as appears by her report made under the decree of 18th. April 1870, then pay to Mrs Martha Barley, the sum of Four hundred Dollars, with interest from the 1st of January 1871. then pay one half of what remains of said Fourteen Hundred and fifty Dollars, to James B. Norfleet, (the owner of one half, of the real estate, for which said Fourteen Hundred and fifty dollars was the purchase Money) then pay to Edward Arnold, the sum of fifty nine dollars and twenty two cents, with Interest on Forty three Dollars, part thereof, from the 12th. day of October 1867. being a Debt of the 3d Class, against said Jonathan Rogers' estate, as appears by Commissioner Prentis' report of 20th August 1867. And the Court, doth order that on the payment of said sum of Fourteen hundred and fifty dollars, he the said John R Kelly Commissioner as aforesaid will execute a Deed with special warranty, in the usual form to said John M. Shepherd for the real estate, purchased by him, under proceedings had in this Cause. And the Court, doth further adjudge, order and Decree, that the said John R. Kelly — Commissioner as aforesaid, receive of the Clerk of this Court, (who will deliver the same to him, on his leaving a Receipt therefor) the Bond of James B. Norfleet and Thos. Parker for Six Hundred and fifty dollars and the Bond of Thos Parker and James B Norfleet, for Four Hundred and ten dollars, and the Bond of Sophia A. Rogers, for One Hundred and Ninety three dollars and fifty three cents; and collect the same, and make to the said Thos Parker, James B Norfleet and Sophia A Rogers

respectively, Deeds, with special warranty in the usual form, for the real estate, respectively, purchased by them.
And the Court doth further order, that the said John R Kelly Commissioner as aforesaid, receive of Sophia A. Rogers Executrix of Jonathan Rogers deceased, as heretofore directed the sum of Three Hundred Dollars, which appears to be due by her to said estate of said Jonathan Rogers, deceased, by Commissioner Prentis' Report of the 10th March 1870, with Interest on one hundred and fifty dollars and thirty eight cents, part thereof from the 18th day of April 1870, and with the said sum of money and any Balance, that may remain of the Fourteen Hundred and fifty Dollars aforesaid after paying thereout the several sums, as herein before directed, and out of the proceeds of the Bonds, directed by this decree to be collected of James B. Nasfleet, Thos. Parker and Sophia A. Rogers, he the said John R. Kelly, as Commissioner aforesaid, will pay any Costs that may remain unpaid and then pay the Balance, ratably to the several Debts reported by Commissioner Prentis, in his report of the 20th August 1867, as due by said Jonathan Rogers deceased, Except the Debt therein reported as due Wm B Allen, which has been paid, as appears by said Commissioner Prentis Report, of 10th March 1870: and the said John R. Kelly Commissioner as aforesaid, will make report of his proceedings under this Decree, to this Court.

A Copy.
Test:
Peter B. Prentis. Clerk C

Xmd

Iraqia Langston, who
sues Ux H Copy Decree
Jonathan Rogers' Ext. Lal:

1891 Oct. 5 Rec'd. of John R. Kelly Com'r.
the sum of sixty eight dollars & thirty four
cents, amo. due from Wm. Rogers' Estate

E. Arnold
Wm R. Arnold

1871 apr 24 Rec'd of John R. Kelly Com'r.
Four hundred and seven dollars & sixty seven
cents, amount decree to be paid me
by decree of Circuit Court of Tuscumbia
County of apr Term 1871, v Langston &c. et.
Ina Rogers' Sol'r. &c.

$ 407.67

Martha A. Bailey

1871 apr 24 Rec'd of John R. Kelly Com'r
Five hundred and eight dollars & seventeen
cents amo. decreed to be paid me as above
$ 508.17 — La. A. B. Norfleet

1871 apr 24 Rec'd of John R. Kelly Com'r
sixty eight dollars & thirty four cents the
amo. decreed to be paid me as above.
Amt'd $ 68.34.

See Rec'd amo'd

1871 apr 29 Rec'd of John R. Kelly, Com'r as
abv. five hundred eighteen dollars & 16c in part of his
claim $ 578.16 John R. Kelly Atty
for Sarah Langston

1871 Oct. 5 Rec'd of John R. Kelly Cow
four hundred & forty seven 84/100 On Dayal Sampton
claim
$447.84
Interest rec'd 518.16
$966.00

John R Kelly
atto. for
Dayal Sampton

Rosty

To the Circuit Court of Nansemond County.

The Undersigned reports to Court that pursuant to the decree of said Court made at april Term 1871, made in the cause of Virginia Langston &c. against Sophia A. Rogers Ex.x of Jonathan Rogers dec.d and others he has collected of John M. Shepherd the Bond referred to of $1450 and collected the same, and made to said John M. Shepherd a deed for the real estate purchased by him, under proceedings had in the cause and has disbursed the same as directed by said decree, and as the following statement will shew — By Bond aforesaid $1450.00
Int.. from 13th June 1870 to 24th
april 1871. 10 m. 11 d) 75.15
$1525.15
Retained by John R. Kelly, as directed 101.05
$1424.00
To paid Martha Baily $400.00
Int.. from 1st Jany 1871
to 24th apl 1871 - 3 m. 24 d) 7.67 $407.67
Balance $1016.33
To paid Jas. B. Norfleet, on behalf
of Heir Balance p decree Rec.d 508.17
Cr.d m. $518.16

By amo. brt. on $518.16
" amo. of Sophia A. Rogers Ext.
of Jonathan Rogers dec'd. as
per said decree $300.00
& Int. from 18th apl. 1870 on
$157.38 part thereof to 24th
April 1871. 1 yr. 6 ds. } 9.21 = $309.21
$827.37

To said Edward Arnold
as per decree, a preferred debt $59.12
& Int. on $43. part thereof from
12th Oct. 1867 to 24th April
1871 — 3 yrs. 6 m. 12 ds } 9.12 $68.34
Balance $758.91

and Your Commissioner further
reports that pursuant to said decree
he has received of the Clerk of
said Court the Bonds of Jas.
B. Norfleet, Thos. Parker and
Sophia A. Rogers, and has
collected the same & paid the
same out as directed by said
decree & has made deeds
to the several parties for the lands
purchased by them — The
following statement will
more fully show — to wit.

cont'd on

By amo. brt. on			₶758.91
" Bond of Jas. B. Ambler & Thos. Parker for			650.00
" Int. from 14 Nov 1870			33.80
" Bond of Thos. Parker and Jas. B. Ambler for			410.00
" Int. from 14 Nov 1870			22.55
" Sophia Rogers Bond			193.53
" Int. as above			10.63
			₶2079.42
To paid Rajah Langston, 92 per			
Cent of his debt &c. of	₶1050.00	₶966.00	
" " A. S. Warden do.	64.41	59 28	
" " same "	33.27	30 60	
" " Pullen Pearce "	193.52	178 03	
" " Britain Rogers "	10.68	9 82	
" " And Mcalister "	17.52	16 11	
" " Ann Pearce (f.) "	9.38	8 62	
" " A. R. Glynn " "	8.90	8 18	
" " Jas. B. Ambler "	107.35	98 76	
" " Ro. H. Nott "	14.94	13 74	
" " Mary Buckley "	62.11	57 14	
" " Wm Cherry "	.95	.87	
" " Michelsons "	593.68	546 18	
" " W. N. Daughtry "	23.46	21 58	
	₶2190.20	₶2014.91	
" Mrs G. Wyatt.	25.10	23 00	
	₶2215.20	₶2037.91	
Paid further Cty &c.		41 51	₶2079 42

accordingly which is respectfully submitted

John R Kelly. Comr

1871 Oct. 5 Rec'd of John R. Kelly Comr
the several sums due the within creditors
(for whom I am attorney)

John R Kelly atto.

Langston &c
vs
Royce Exr &c

Report &
Pay mast.

Filed 5 Oct 1871

At a Circuit Court held for Nansemond County, the 15th. day of October 1866.

Virginia Langston, who sues for himself and all other creditors of Jonathan Rogers, deceased, who may make themselves parties hereto. . Complainant

Against } In Chancery.

Sophia Ann Rogers, Executrix of Jonathan Rogers deceased, and in her own right, James R. Norfleet, Levi T. Rogers, John W. McClamy and Georgiana his wife, and Martha, Sarah C, John R. Alice K. Elizabeth F. and Benjamin W. Rogers, the last six being infants. . . Defendants.

This cause came on to be heard on the Bill of the Complainant, taken for confessed as to the adult defendants, on whom process had been duly served, and they still failing to appear and answer, and on exhibits filed with said Bill, and on the answer of the infant defendants by Peter B. Brenhis, their guardian ad litem, and with general replication to said answer, and was argued by counsel. On consideration whereof, the Court doth adjudge, order and decree that a Commissioner of this Court take the following accounts:

First. An account of the transactions of Sophia A. Rogers, as executrix of Jonathan Rogers deceased.

Second. An account of the outstanding debts against said Jonathan Rogers or his estate and their dignity.

Third. An account of the real estate of which said Jonathan Rogers died possessed and its annual and fee simple value.

Fourth. That he ascertain whether Mrs. Martha Bailey, who has her dower in the lot in Suffolk, referred to in said Bill, is willing to a sale thereof, and is willing to accept a sum of money in fee simple, as an equivalent for her dower therein, and whether Mrs. Sophia A. Rogers is willing to relinquish any right of dower she has therein and look to the other lands of her said husband for the same.

Fifth. Whether the sale of the undivided moiety of said Jonathan

Rogers in the lot aforesaid in Suffolk, and the saving to his heirs of the other real estate named in the bill is best for the heirs of said deceased, and especially whether the interests of the said infant defendants will be promoted by such sale, and make report to Court, with any matters specially stated deemed pertinent by himself or that any of the parties may require to be so stated.

A Copy:
Test,
Peter B. Prentis. Clerk.

Augusta Langston, wife
sued &c.
vs
Geo. Deane Admr. Dean
1816
Sophia A. Rogers, Exx &c
Jonathan Rogers decd &c.

Commissioner's Office.
Suffolk Va: July 1-st 1867.

To Iragia Langston, who sues for himself and all other Creditors of Jonathan Rogers deceased, who may make themselves parties hereto Complainant.

and To

Sophia Ann Rogers Executrix of Jonathan Rogers deceased, and in her own right, James B. Norfleet, Levi T. Rogers, John D. McCleary and Georgeana his wife, and Martha, Sarah C, John R, Alice K, Eliz. abth F. and Benjamin W. Rogers, the last six being infants ..... Defendants.

You are hereby notified that I have fixed upon Tuesday the 20th day of August 1867, to take and settle at my office, the following accounts. First an account of the transactions of Sophia A Rogers as Executrix of Jonathan Rogers deceased.

Second. an account of the outstanding debts against said Jonathan Rogers or his estate and their dignity.

Third. an account of the real Estate of which said Jonathan Rogers died possessed and its annual and fee-simple value.

Fourth. That he ascertain whether Mrs Martha Bailey, who has her dower in the lot in Suffolk, referred to in said Bill, is willing to a sale thereof, and is willing to accept a sum of money in fee simple as an equivalent for her dower therein, and whether Mrs Sophia A Rogers, is willing to relinquish any right of dower she has therein and look to the other lands of her said husband for the same

Fifth. Whether the sale of the undivided moiety of said Jonathan Rogers in the lot aforesaid in Suffolk and the saving to his heirs of the other real estate named in the bill is best for the heirs of said deceased. and especially whether the interests of the said infant defendants, will be promoted by such sale, which accounts are required to be taken by the Decree of the Circuit Court of the County of Nansemond rendered on the 15th. day of October 1866. in a suit in Chancery depending in said Court, in which you are parties Complainant and defendants, at which time and place, you are required to attend.

Given under my hand as Commissioner in Chancery of the.

Service of this notice acknowledged by us

John R Kelly Atty.
for Plt. & Mrs. Rogers &
other adult Defts.

Peter B. Peebles, guardian ad litem
to infant defendant -

Commissioner's Office
Suffolk Va: Aug: 20th: 1867

Iragia Langston, who sues &c
vs } Chy: suit pending in Cir: Co: Nansemond County.
Sophia Ann Rogers. Ex[x] of
Jonathan Rogers decd &al

This day Wm: Eley & Thos. J Kilby, being duly sworn, say that they are well acquainted with the Real Estate of which Jonathan Rogers died possessed, situated in the Town of Suffolk, as well as that same two or three miles distant from said Town: and that they consider the same to be worth, as follows: The one undivided moiety or half of the Lots & Houses thereon in the Town of Suffolk, subject to the right of Dower of Mrs: Martha Baily therein to be worth, annually, the sum of Fifty (50) dollars, and in fee simple the sum of $600 — And the tract of land of 611 acres, more or less, adjoining Wiley Redd & others, to be worth, annually, the sum of One hundred & fifty Dollars, and in fee-simple, the sum of Thirty-four hundred Dollars.

And the said Wm Eley & Thos. J. Kilby further say that the sale of the moiety of the Lots in Suffolk, and the saving thereby to the heirs of said Jonathan Rogers of the tract of land of 611 acres, more or less, or a large portion thereof, would be best for all parties and promotive of the interests of the infant defendants in this suit.

(Signed)

Wm Eley
Thos J. Kilby

Sworn to before me, in my office, the day & date above
Peter B. Prentis. Comm[r]

Commissioner's Office.
Suffolk Va: Aug: 20th: 1867

Tragia Langston, who sues &c. . Complainants
vs } Chy: Suit pending in the Cir: Co: of Nansemond County.
Sophia Ann Rogers. Ex[x] of Jonathan
Rogers dec'd & al. . . . . Defendants

I, Sophia Ann Rogers, widow of Jonathan Rogers dec'd, do hereby relinquish any right of Dower I may have in an undivided moiety of a Lot & Houses thereon, in the Town of Suffolk, Va: set forth and described in the Bill & proceedings in said Chy: Suit, and which Lot & Houses thereon are now the joint property of James B. Norfleet Esq: and the Estate of my late husband, Jonathan Rogers, and is usually known as the "Bailey Lot." And I do hereby declare, that it is my wish and intention to look [redacted] and resort to the other Real Estate of my said late husband, Jonathan Rogers, for Dower therein.

(Signed)
Sophia A Rogers

(Account No: 1)

Dr: The Estate of Jonathan Rogers deceased,

In Account with Sophia Ann Rogers, Executrix.

1865. Octo: 14	By Balance due Estate as former account			"	"	$ 343	51
" Dec: 26	To said Isaiah Langston, part of his bond ... for rent	$	117	62			
1866. Feby: 13	By one Bond against P. N. Lee & Co: $ 150.00						
	" Int: from 1st: Janry: 1862 to date 37.09			"	"	187	09
" Apl: 18	" hire of Negro Henry to Wells S. Riddick for 1/2 of 1862 ... $ 15.50						
	" Int: from 1st: Janry: 1863 to date 3.04			"	"	18	54
" Octo: 4	" Amo: of A. N. Lindsay for 4/3 mos: hire of Harry for 1862			"	"	10	52
" " 14	To said Sheff: of Nansemond Co: taxes on land for 1865 ... per rect		7	33			
" " "	By one years Int: on $ 343.51 (above bal.) $ 20.61						
" " "	To 3 pr: Ct: Commn on $ 216.15 rects: since annual Rest.		10	81			
" " "	" This sum to bal: acco: (principal) ...		423	90	"	"	
		$	559	66	$ 559	66	
1866. Octo: 14	By Bal: of Prin: due Est: Brot: down ...			"	"	$ 423	90
"	do ... Int: do. do. $ 20.61						
1867. Apl: 13	" This amo: of G. J. Wallace for hire of Negroes Hercules & Nathan 1862 ...			"	"	45	29
" " "	To said Clerks fee ... for ticket	$	2	87	"	"	
" Aug: 1	By amo: of P. N. Lee & Co's Bond & int ...			"	"	200	25
" " "	" Amo: of W. N. Riddick for work done by negro Henry in 1861 ...					50	00
" " "	To said John R. Kelly. Atty's fees ...		36	02	"	"	
	Amos: Carried forward ... $ 20.61	$	38	89	$ 719	44	

				1st			2nd		
1867. Aug: 1		Amos: Brch: forward		$20	61	$	38	89	$719 44
" Octo 14		To reserved to pay charges in C: Co:					20	00	" "
" " "		" Commⁿ at 5 pr: Ct: on $295:54 (rets since last annual rest.)					14	78	
" " "		By one years int: on $423:90 (last bal:		$25	43		"	"	" "
" " "		To this sum due Est: in bal: acco: (bil)					645	77	" "
				Est: $46	04	$	719	44	$719 49
1867. Octo. 14		By Bal: due Est: (Prin'l.) Brot: down		"	"		"	"	$645 77
" " "		" do. do (int)	and added	"	"		"	"	46 04
" " "		Total Bal: due Est:		"	"		"	"	$691 81
		with int: on $645:77 from thereof							
		from the 14th: day of Octo: 1867 till paid							

Account No: 2

An Account of the outstanding Debts against Jonathan Rogers or his Estate and their dignity.

First Class – None

Second Class – None

Third Class.

Kelly	To Edward Arnold for coffin &c Acco:			43	00	
	" int: fm: July 1. 1861 to 12th: Octo: 1867			16	22	59 22
	Total Third Class debts					59 22

Fourth Class.

Kelly	To Isagia Langston . . Judgt: on Bond			650	00	
	" int: fm: 18th: Jan: 1860 to 14th Octo: 1865			223	82	
				873	82	
	Cr:			117	62	
				756	20	
	" int fm: 14 Octo: 1865 to 12th Octo: 1867			90	50	
	Costs			9	00	855 70
Kelly	To A. S. Warden . . . Bond			40	00	
	" int: fm: 3 Jan: 1861 to 12th: Octo: 1867			16	22	56 22
Kelly	To A. S. Warden Acct:			21	51	
	" int: fm: 1 Jan: 1862 to 12th: Octo: 1867			7	45	28 96
Kelly	To Pullen & Pearce Note			170	00	
	Cr:			50	00	
				120	00	
	" int fm: 14th: Jany: 1861 to 12 Octo: 1867			48	90	168 90
	Carried over . . .					1109 78

	Brot: forward						$ 1109	78
Kilby	To Brittain & Rogers	Bond	$ 6	75				
	" int: fm: 4 June 1861 to 12th: Octo: 1867				2	56	$ 9	31
Kilby	To Andrew McAlister	Acco:	$ 11	30				
	" int: fm: 1 Jan: 1862 to 12th: Octo: 1867				3	92	$ 15	22
Kilby	To Amos Harrell (of J)	Acco:	$ 5	92				
	" int: fm: 1 Jan: 1861 to 12th: Octo: 1867				2	40	$ 8	32
Kilby	To. O. R. Flynn	Acco:	$ 6	50				
	" int: fm: 1 Jan: 1863 to 12th: Octo: 1867				1	87	$ 8	37
Kilby	To James B. Norfleet	Acco:	$ 71	97				
	" int: fm: 1 Jan: 1863 to 12th: Octo: 1867				20	63	$ 92	60
Kilby	To Ro: H. Webb	Acco:	$ 10	00				
	" int: fm: 1 Jan: 1863 to 12th: Octo: 1867				2	87	$ 12	87
Kilby	To Mary Brinkley	Bond	$ 40	00				
	" int: fm: 1 Jany: 1862 to 12th Octo: 1867				13	88	$ 53	88
	To William Cherry	Acct	$ 00	63				
	" int: fm: 1 Jan: 1862 to 12th Octo: 1867					21	$ 00	84
Kilby	To William B. Allen & Emeline F. his wife, formerly Emeline F. Daughtry, Benjamin D. Smith - Principal - and Jas: E. Smith, Wm J. Odom, W. E. Odom & Jonathan Rogers, Securities	Bond	$ 1346	21				
	" int: fm: int: fm: 30th Jany: 1859 to 4 Feb: 1860				81	90		
					$ 1428	11		
	Cr:				150	00		
					$ 1278	11		
	" int: fm: 4 Feb: 1860 to 11th: Octo: 1861				129	30		
					$ 1407	41		
	Cr:				106	75		
					$ 1300	66		
	" int: fm: 11th: Octo: 1861 to 12th: Octo: 1867				468	19	$ 1768	85
							$ 3080	04
	To Michael King. Bond & Chas R. Cakeland, Richd Knight & Jonas D. Rogers securities				$ 348	19		
	int: fm: 13th: June 1859 to 12th Octo: 1867				174	09	$ 522	28
	To Wm H. Daughtry	Acco	$ 16	50				
	" int: fm: 1 Jany: 1861 to 12th Octo: 1867			4	76		21	26
	Total 4th Class Debts						$ 543	54

Mr Jonathan Rogers

1860 To Wm. H. Daughtry

Aug. 13. For visit to Servant Henry at
Mrs Eliza Parkers at night & med. $5.00

" 14 " prescription & med. for Henry. 1.00

" 15 " Visit to same & med. 3.50

" 17 " " " " 3.50

3.50

$16.50

Interest from January 1. 61.

Decr. 16th 1867. This day personally appeared before me. (W. E. Beale a justice of the peace) Wm H. Daughtry and made oath to the above account of $16.50.
Given under my hand this 16th day of Decr. 1867

W. E. Beale J.P.

Account No: 3

An Account of the Real Estate of which Jonathan Rogers died possessed, and its annual and fee-simple value

First— A Tract of Land in the Upper Parish of Nansemond County, containing 611 acres, more or less, (including the House tract, the Harris tract and the Vaughan tract) and adjoins the lands of Wiley Redd & others

The annual value of which is $150:00
and the fee-simple value of which is . . . $3500:00

Second— An undivided moiety of a Lot thereon, in the Town of Suffolk, in Nansemond County: situated on the North side of Washington Street, and is bounded South by said Street, East by the "Washington Hotel Lot" West by the Lot of Exum Custin Esqr, and North by a branch: and in which Lot Mrs: Martha Bailey, widow of James M. Bailey has a right of Dower— (The other moiety is owned by James B. Norfleet Esq:)

The annual value of which undivided moiety is . . . . . $50—
And the fee simple value of which is . $600—
(See Deposition of Wm Eley & Thos J. Kilby, filed herewith)

Commr:

Commissioner's Office.
Suffolk Va: Aug: 20th 1867

To The Circuit Court of Nansemond County:

Your Commissioner to whom was referred the Decree of the 15th: day of October 1866, in the Chancery Cause of Isaiah Langston, who sues for himself and all other creditors of Jonathan Rogers deceased &c vs Sophia Ann Rogers, Executrix of Jonathan Rogers deceased &c: begs leave to report, that on the 20th: day of August 1867, having previously given notice to the parties interested, he proceeded to state the several Accounts directed to be taken thereunder. That upon a Statement of the transactions of Sophia A. Rogers, as Executrix of Jonathan Rogers deceased, your Commissioner ascertains a Balance of $691:81c to be due by the Ex'x to the Estate of the decedent, on the 14th: day of October 1867: of which sum $46:04c is interest — (See Acco: No: 1.) That by Acco: No: 2 it will be seen that the total amounts of outstanding debts, including all interest thereon up to the 12th: Octo: 1867, against said Estate is $3623.53c of which $37:22 is a debt of the 3rd: Class. & the remainder $3586:31 is composed of debts of the 4th: Class.

That by Acco: No: 3 it will appear that the fee simple value of the Real Estate belonging to said decedent is $4100. and the annual value of the same is $200. That he has ascertained from Mrs: Martha Bailey, who has Dower in the Lot in Suffolk, referred to in the proceedings, that she is unwilling to accept a sum of money in fee simple, as an equivalent for her said Dower, and that Mrs: Sophia A. Rogers is willing to relinquish any right of Dower she has in said Lot & look to the other Real Estate of her said late husband, for Dower therein, and that a sale of the moiety of the Lot in Suffolk, would be

best for all parties & promotive of the interests of the infant defend-
ants in this suit.

All of which together with the copy of the said decree, notice, affida-
vit of the value of the Real Estate aforesaid &c, and the several accounts
respectively numbered 1. 2. 3. are respectfully submitted

Given under my hand, as Commissioner in Chancery of the
Circuit Court of Nansemond County, the day and year first
aforesaid.

Peter B. Prentis.
Commissioner

Virginia Lunenburg &c
To the Commrs: Report

Sophia A. Rogers, Etc &c
John Wm Rogers decd &c

1867
Aug: 20 th Conducted Fees
in my Office.
Peter B. Prentis
Comm'r

1867. Aug: 31 st: Filed
Clk:

Langton v. Rogers &c

This cause came on to be heard on the Bill of the Compl^t. Taken for confessed as to the adult defendants, on whom process had been duly served, and they & their Solicitor filed with said bill to appear and answer ^ and on the answer of the Infant defendants by P. B. Pendis, their guardian ad litem, with general Replication to said answer, and was argued by Counsel; On consideration whereof the Court doth adjudge, order and decree that a Com^r of this Court take the following accounts, —

1st An account of the Transactions of Sophia A. Rogers as Executrix with the will annexed of Nathan Rogers dec^d —

2d. an account of the outstanding debts against said Nathan Rogers or his estate, and their Priority.

3d. an account of the real estate of which said Nathan Rogers died possessed &, annual & fee simple value

4th Not to ascertain whether Mrs Martha Bailey who has Dower in the Lot in Suffolk referred to in said Bill is willing to assign ^ her Dower therein, and whether she is willing to accept a sum of money in fee simple as an equivalent for her Dower therein, and whether Mrs. Sophia A. Rogers is willing to relinquish her right of Dower she has therein & both to the other Lands of the said Nathan Rogers

5. whether the sale of the undivided moiety of said Nathan Rogers in the Lot aforesaid in Suffolk and the saving to his heirs of the other real Estate named in the Bill is best for the heirs of said dec^d especially whether the Interests of the said Infant defendants, will be promoted by such sale

and make report to Court, with any matters specially stated deemed pertinent by himself or that any of the parties may require to be stated.

Daingerfield

vs

Rogers and Sc.

1866

~~Oct. 21. Decree~~

To be entered.

R. H. B.

Entered

Langdon Jr. vs. Rogers Et Al.

This cause came on this day to be again heard on the papers formerly read & on the Report of Com'r Purdy, made pursuant to the decree of the 15th Oct. 1866 (to which report there is no exception); & on the amended Bill filed in this cause & on the answer of Martha Bailey this day filed by leave of the Court & on general replication to said answer, and was argued by Counsel: On Consideration whereof the Court doth confirm the said Report and doth adjudge order & decree that one of the Comm'rs of this Court, enquire into and ascertain by proper examination & by taking evidence, whether it be practicable to assign to the said Martha Bailey, in lieu of Dower in Kind in the Lot of Land in Suffolk referred to in the proceedings ~~can be assigned~~ to said Martha Bailey, ~~in kind~~, and whether by so doing the rights of the other parties interested will be injured thereby; or whether the interests of all parties, or a majority of them will be best promoted by a sale of the entire subject and the payment to said Martha Bailey of an annual sum in lieu of her Dower therein, and make report to Court with any matters specially stated deemed pertinent by himself

or that any of the parties may require to be so stated —

and it is further decreed ordered that Thomas J. Kelly, Thomas Parker, Wiley Reed & John R. Cleveland, any three of whom may act, proceed to set apart & assign unto Mrs. Sophia A Rogers, for life, one third in value of all the real estate of which her husband, Jonathan Rogers died seized & possessed and make report to Court.

and it is further decreed ordered that a Copy of this Court make up a further account of the transactions of said Sophia A. Rogers as Ex. on the estate of Jonathan Rogers dec'd and of ~~the~~ any further outstanding debts due by said Jonathan Rogers or his estate & report to Court.

Sampson &c
vs.
Rogers Ex &c

1869
Interim Court
Decree

To be Entered
E. J. P. M.

Entered

To the Hon^{ble} Circuit Superior Court for
the County of Nansemond.

In compliance with a decree of the Circuit Court, held for Nansemond County on the 20th day of April 1869, appointing the undersigned, Commissioners to lay off and assign to Sophia A Rodges, widow of Jonathan Rodges dec^{d}. for life, one third in value of all the real estate, of which her husband died seized and possessed, beg leave to make the following report.

That we proceeded on the 11th day of March 1870 to lay off and assign the said dower, which is as follows, to wit: Commencing at the land on the south Grey road, and running along the fence on the south west side of said land to the corner of the garden, (including the barn, stables and other houses on said land); thence south-west along said garden forty yards to a cedar tree in the south west corner of said garden; thence south eastward along the rear line of the garden, and through the open field, straight line, to a small post oak, (marked) in the rear of said field and forty yards from the lane in rear of the houses on the south east side, thence a straight line to Smiths mill pond. assigning all the land on the North east side of said described lines, to the said Sophia A Rodges as her dower in the real estate of her husband, the said Jonathan Rodges, including the dwelling house, and all other houses, except two small framed houses, with brick chimneys, in rear,

or on the south east side of the dwelling house, which two houses are assigned to the remainder of the land other than the dower. And the dower hereby assigned is intended to include all right for life or dower, which the said Sophia A Rodges, may have ~~in the same~~ ~~or lot~~ in right of her husband Jonathan Rodges dec'd in and to the lot and house in the town of Scaffolds formerly owned by James M Bailey dec'd and now occupied by Martha Bailey, widow of said James M Bailey dec'd. The said two houses as above excepted are to be moved off by the future owner of the land, and the fences upon said lines are to be kept up equally by the respective owners. All of which is respectfully submitted by

Thos. L. Kelly
John R. Copeland
Thos Porter
Wily Redd
Com'rs

At a Circuit Court held for Nansemond County the 20th day of April 1869

Dragica Langston, who sues for ~~sues for~~ himself and all ~~those who sue for himself and all~~ other Creditors of Jonathan Rogers deceased who may make themselves Parties hereto. Complainant

against &c In Chancery

Sophia Ann Rogers Executrix of Jonathan Rogers deceased and in her own right, James B. Norfleet, Levi J. Rogers, John D. McClenny and Georgianna his wife, and Martha Sarah C, John R, Alice K, Elizabeth F and Benjamin W. Rogers, the last six being infants. Defendants.

This Cause came on this day to be again heard on the papers formerly read and on the Report of Commissioner Prentis, made pursuant to the decree of the 15th October 1866. (to which report there is no Exception) and on the amended Bill filed in this cause, and on the answer of Martha Bailey, this day filed by leave of the Court, and on general replication to said answer, and was argued by Counsel: On Consideration whereof the Court doth confirm the said report and doth adjudge order and decree, that one of the Commissioners of this Court enquire into and ascertain by proper examination and by taking evidence whether it be practicable to assign dower in kind in the lot of Land in Suffolk referred to in the proceedings, to said Martha Bailey, and whether by so doing the rights of the other parties interested will be injured thereby, or whether

the Interests of all parties or a majority of them, will be best promoted by a sale of the entire subject and the payment to said Martha Bailey of an annual sum in lieu of her dower therein, and make Report to Court with any matters specially stated, deemed pertinent by himself or that any of the parties may require to be so stated. And it is further decreed and ordered, that Thomas J. Kelly, Thomas Parker, Wiley Redd and John R Copeland, any three of whom may act, proceed to set apart and assign unto Mrs Sophia A. Rogers, for life, one third in value of all the real estate, of which her husband, Jonathan Rogers, died seized and possessed, and make report to Court. And it is further decreed and ordered that a Commissioner of this Court, make up a further account of the transactions of said Sophia A. Rogers, as Executrix on the estate of Jonathan Rogers deceased, and of any further outstanding debts Due by said Jonathan Rogers, or his estate, and report to Court:

A Copy.

Teste.

Peter B. Prentis. D.C.

Augusta Circuit, to wit: Sept 25th 1870. Upon the Petition of Martha Bailey, Sophia A. Rogers, Ex'x &c and Jonathan Rogers Heirs &c. Decree & Report

52 pages

1 Dec

1870. April 3. Filed

Langslow Dr

7 3

Rogers Dr

Unless Mr Kilby hears from us to-morrow, he may enter a decree for $400- for Mrs. Bailey - according to his proposition.

J. F. Crockett

April 18th 1870

Langston L
73
Rutgers

Jno K. Kilby Esq

Langston &c.

vs

Rogers adw &c

This cause came on this day to be again heard on the papers formerly read and on the Report of Com'rs Prentis & Tho. J. Kelly, Jno. R. Copeland, Wm. Parker & Wiley Reed made pursuant to the decree of the 20th of April 1869 - to which report there is no exception now argued by Counsel. On Consideration whereof the Court doth confirm the said Reports and doth adjudge, order & decree that, John R. Kelly (who ~~is~~ is hereby appointed a Commissioner for that purpose) proceed to sell at public auction before the Court house door of Nansemond County, on some Court day, on a credit of Nine months with Interest from date (except for a sum sufficient to pay costs & expenses, which are be cash & which he is to pay to those entitled). The Land referred to in the proceedings, to wit: 1st The Lot in Suffolk on the North side of Washington street, & bounded on the East by the Washington Hotel Lot; West by the Lot of Evans Cantaphen; North by a Branch and South by said street. 2d The tract of Land in the

County of Nansemond ~~County~~ Containing six hundred acres more or less, including the Home tract, the Harris tract and the Vaughan tract, and adjoining the lands of Isley Reddicks, and on which Nathan Rogers died seized & possessed (subject to the Dower of Mrs. Sabrina A. Rogers, in said Land as at present laid off) — That in making such sale the said John R. Kelly as Comr. as aforesaid may sell said Real estate in such parcels as ~~he~~ may deem best. — (and such sale to be advertised for four successive weeks in the "Christian Sun" a newspaper published in Suffolk & by advertisement at the Court House door of Nansemond County & various other public places in said County, taking from the purchasers Bonds & good security (and retaining the title till the further order of Court —

And by consent of parties it is adjudged, ordered and decreed that Mrs. Martha Bailey, be allowed the sum of $410. instead of the sum of $369.10 as estimated by said Com'r Prentis, in money in fee simple in lieu of her

Owen in the said Lot in Suffolk as above described, to be paid to her ~~with~~ out of the proceeds of sale of said Lot when collected as hereafter to be provided for, with Interest from the 1st Day of January next — and that the sale of said real estate be made for ~~prepsipsim~~ to be given on the first day of January next —

But no such sale shall be made by the said John R. Kilby as Comr. as aforesaid, until he shall execute before the Clerk of this Court in his Office a Bond in the penalty of $4,000. payable to the Comth. of Virginia & Conditioned for the faithful execution of this Decree & any other Decree that he may be required to execute in this cause

Lampton &
Ux.

Rogers &c

1870

Abe ct. Decree

To be entered.

Geo. P. Blow. Jr.

Entered

Langston &c.

vs

Rogers Exr &c.

This cause came on this day to be again heard on the papers formerly read & on the report of John R. Killy, Comr. made pursuant to the decree of the 18th day of April 1870 to which report there is no exception and was argued by Counsel. On consideration whereof the Court doth Confirm the said report and doth adjudge, order and decree that John R. Killy Comr. as aforesaid receive of the Clerk of this Court (who is hereby ordered to deliver the same to him, taking his receipt therefor) the Bond of Jno. W. Shepherd & E. B. Bull for $1450. filed with said report & collect the same with any interest that may have accrued thereon, and make to the said John W. Shepherd a deed, with special warranty, in the usual form, for the Lot of Land in Suffolk, referred in said Report as purchased by him the said Shepherd; and it is further ordered that the said Sophia A. Rogers as Exx of Jonathan Rogers dec'd, pay to said John R. Killy Comr. as aforesaid the sum of $300. which appears to be due by her to

said Decedents estate by Comr. Prentis' report of 10th March 1870, with Interest on $151.38 part thereof from the 18th day of april 1870:

And it is further ordered that the said John R Kelly as Comr aforesaid out of the said sum of $1450. & $300, & the Interest thereon pay to himself $101.05, expenses paid by him as appears by his aforesaid Report & also pay any other Costs that may remain unpaid; And then pay to Mrs. Martha Bailey the sum of $400, on the 1st day of January next, as directed by said Decree of the 18th day of april 1870; And then pay to Edward Arnold the sum of $59.22 with Interest on $43. part thereof from the 12th day of October 1867, being a Debt of the 3d class as appears by Commissioner Prentis' report of the 20th of August 1867, and then pay the Balance that may remain ratably to the Creditors of the 4th class of said Matthew Rogers dec'd, as appears by said Comr. Prentis' report of 20th augt. 1867 (except as to Debt therein reported as due Wm B. Allen, which has been paid as appears by said Comr Prentis report of 10th of March 1870); And that the said

John R. Kelly } Comr as aforesaid
in certain suits execute the
decree of the 18th of April 1870
and make report to Court.

Langston Jr.

vs.

Rogers Exr &c

1870

Act. Ct. Decree

To be entered.

Geo: Blow Jr.

Langston &c

vs

Rogers Exr. &c

This cause came on this day to be again heard on the papers formerly read & on the report of John R. Kelly Comr. made pursuant to the decree of the 12th of October 1870 – to which report there is no exception, and was argued by Counsel:

On consideration whereof the Court doth confirm the said Report, and doth adjudge & decree that the said John R. Kelly Comr as aforesaid forthwith institute suit on the Bond of Jno. W. Shepherd & E. B. Butt of $1450. referred to in said Report, and by Judgment & Execution collect the same, if to be collected, if not, then report to Court for such further order as may be necessary – and out of the proceeds of said Bond, when collected the said John R. Kelly, Comr. is to pay (as he was directed by said decree of 12th of Oct. 1870 to do) pay to himself $101.05 expenses paid out by him as appears by his report made under the decree of 18th April 1870, then pay to Mrs Martha Baily the sum of $400, with Interest from the 1st of January 1871: Then pay one half of what remains of said $1450 to James B. Nublin. (the owner of one half of the real estate for which said $1450 was the purchase money,)

Then pay to Edward Arnold the sum of $59.22

with Interest on $1143.- part thereof from the 12th. day of October 1867, being a debt of the 3d. class against said Sophia A. Rogers' estate as appears by Com'r Prentis' report of 20th. August 1867.

And the Court doth order that on the payment of said sum of $1450. by the said John R. Killy, Com'r. as aforesaid he execute a deed with special warranty in the usual form to said John M. Shepherd for the real estate purchased by him under proceedings had in this cause.

And the Court doth further adjudge order and decree that the said John R. Killy, Com'r. as aforesaid, receive of the Clerk of this Court, (who is directed to deliver the same to him on his giving a Receipt therefor) the Bond of Jas. B. Nisbet & Thos. Parker for $650 - & the Bond of Thos. Parker and James B. Nisbet for $410, & the Bond of Sophia A. Rogers for $193.53. and collect the same & make to the said Thos. Parker - Jas B. Nisbet & Sophia A. Rogers respectively deeds with special warranty in the usual form for the real estate respectively purchased by them -

And the Court doth further order that the said John R. Killy, Com'r. as aforesaid

recover of Sophia A. Rogers Executrix
of Jonathan Rogers dec'd. as hereinbefore directed the sum of
$300 which appears to be due by her
said estate of Jonathan Rogers, dec'd, by
Com'r Pantis's Report of the 10 March 1870
with Interest on one hundred and fifty
dollars and thirty eight cents from
from the 18th day of April 1870, and with
the said sum of money, and any Balance
that may remain of the $1480 aforesaid
after paying thereout the several sums as
hereinbefore directed, and out of the proceeds
of the Bond directed by this decree to be
collected of Jas B. Millett, Mr. Parker
Sophia A. Rogers, he the said John
R. Kelly, as Com'r aforesaid will pay
any costs that may remain unpaid
& then pay the Balance, ratably, to the several
Debts reported by Com'r Pantis in his report
of the 20th August 1867 as due by said
Jonathan Rogers dec'd, except the Debt
therein reported as due to B. Allen, which
has been paid as appears by said Com'r.
Pantis's Report of 10th March 1870.

and the said John R. Kelly, Com'r
as aforesaid will make report of his
proceedings under this decree to this Court

Langston &
Ux.

Rogers Estate
1871
Ape Ct. Decree
To be entered ✓

Geo. Bleau.

Tax costs for
assigning Dower.

The Joint and separate answer of Martha Sarah C. John R.
by Peter B. Prentis, their guardian ad litem
Alice K. Elizabeth F. and Benjamin W. Rogers, infants to a
Bill in Chancery exhibited in the Circuit Court of Nansemond
County by Tragicia Langston, who sues for himself and all other
creditors of Jonathan Rogers deceased, who may make themselves
parties, against Sophia ann Rogers Executrix of Jonathan deceased
and in her own right, and others.

These respondents, say, that the facts and
allegations, contained in said Bill, are true so far as they
know, but being infants and ignorant of their rights, they
submit the same to the Court, and pray that no order or decree
may be made in the premises, to their injury.

and having answered &c. pray hence &c.

(signed)
Peter B. Prentis.
gdn: ad litem

Irujia Langston, &c

vs } Answer of
infant defendants

Sophia A. Rogers, Ex of
Jonathan Rogers decd &c

Isaac Langston who sues for himself and all other creditors of Jonathan Rogers dec'd.

vs.

Sophia Ann Rogers Executrix of Jonathan Rogers dec'd, and in her own right, James B. Norfleet, Levi T. Rogers, John D. McClenny and Euphania his wife, and Martha Sarah — John R — Alice K — Elizabeth H — and Benj^a W. Rogers, the said Infants

This cause came on this day to be again heard on the papers formerly read and on the report of John R. Kelly, Commissioner, made pursuant to the decree of the 16th of April 1871 — to which report there is no exception and was argued by Counsel; On consideration whereof the Court doth confirm the said Report & doth adjudge & decree that the proceedings had in this cause be confirmed & made final & binding between the parties, & that the cause be removed from the Docket.

Lamptons v
Ry

Rogers v

1871

Oct. 21.
Final Decree

To be entered

Geo. P. Bloss.

Entered

Answer of Martha Bailey to a bill of Complaint exhibited agst. her, et als: in the Circuit Court of Nansemond County, by Virgia Langstine.

This Deft: says, that it is true, that her late husband, James M. Bailey, did, in his lifetime, sell & alienate the lot described in the original bill, of which he said husband was seized during coverture with her; but this Deft: did not join in the deed of sale & alienation of said lot, & that she is therefore entitled to dower in the same. And this Deft: alleges, that it is to her interest, that her dower be assigned her in kind, by the metes & bounds, & she therefore asks that it may be so assigned to her. This deft: also states, that she has several small children, dependent on her, for support.

And having answered &c, she prays hence to be dismissed.

(Sign'd) Martha Bailey

Sworn to & subscribed before me, This 19th Day of April 1869.

Jno. M. Hall

J. P.

Langston

v

Rogers &c.

Answer &

Dem. Bond

To the Hon: Richard N. Baker, Judge of the Circuit Court of Nansemond County.

Complaining, shew unto the Court your Complainant Isaiah Langston, who sues for himself and all other creditors of Jonathan Rogers decd.

Your Complainant respectfully represents to the Court and says, That he filed his original Bill in this Honorable Court at July rules, 1866, against Sophia Ann Rogers Executrix of Jonathan Rogers decd, and in her own right, James B. Norfleet, Levi T. Rogers, John D. McClenny and Georgiana his wife, and Martha J. Sarah C; John R., Alice K., Elizabeth H. and Benj.a W. Rogers, the last six being Defendants, having for its object the settlement of the transactions of said Sophia Ann Rogers as Executrix of the estate of Jonathan Rogers decd, and to subject any Balance in her hands to the payment of your Complainants demand, and to sell the real estate of which the said Jonathan Rogers died seized and possessed for the same purpose, if the chattle and personal estate should be insufficient

Your Complainant says that he failed to make Mrs Martha Bailey a Defendant in said suit as he might & ought to have done, and now files this amended Bill for that purpose

your Complainant say that as James M. Bailey the late husband of said Martha Bailey sold and alienated the Lot in Suffolk (described in said original Bill) in his life time, and as no assignment of her Dower therein can be made without greatly injuring the other parties, some of whom are also a widow & children, she prays that the said Lot may be sold free from any Dower, and an equivalent paid to said Martha Bailey therefor,

Your complainant now prays that the said Martha Bailey may be made defendant to said suit and answer the several allegations herein, and that she say whether she is willing to allow a sale of said Lot and accept in lieu of her Dower in the same an equivalent in money, and if she is not, that then the Court will decree a sale and payment such as may be right and proper, and that such other and further orders may be made in the cause as shall seem right.

John R. Kilby p. q.

Langston &c

v

Rogers Exr &c

amended Bill

Filed March 8th, 1869

To the Hon. Richard D. Baker, Judge of the Circuit Court of Nansemond County.

Complaining, shew unto the Court your complainant Ragia Langston, who sues for himself (and all other creditors of said Jonathan Rogers deceased, who may make themselves parties hereto, on the usual terms —

Your Complainant respectfully represents to the Court and says that the said Jonathan Rogers died in Nansemond County on the day of June 1861, having first made his Last will and Testament, which was duly recorded in Nansemond County Court, and his Executrix therein named, to wit: Mrs. Sophia A. Rogers, his widow, duly qualified as such Executrix as will herewith appear as a paper marked (A) filed herewith as part of this Bill.

That the said Sophia A. Rogers as such Executrix took charge of the personal estate of said deceased & converted the same into money, and has partially administered the same, sufficiently so to ascertain the fact that the personal estate of said deceased is insolvent (and that the real estate, or a part thereof, of the said Deceased will be required to pay the debts due by him —

Your complainant does not file herewith any copy of the Testator's will, as the record

of Nansemond County, including the original of said will were destroyed by fire on the 7th of February last, and he is advized that it is not material for him to do so.

That the said Jonathan Rogers is indebted to your Complainant the sum of $ 650: with legal interest thereon from the 18th of January 1860 till paid, subject to a credit of $ 117: 62 on the 14th of Oct. 1865, as will appear by a duly certified Copy of a Judgment rendered your Complainant in Nansemond County Court, filed herewith as part of this Bill marked (B,).

That the said Jonathan Rogers died possessed of the following real estate, to wit: 1st a tract of land containing six hundred acres more or less, including the Home tract, the Harris tract and the Vaughan tract, and adjoining the lands of Wiley Reed and others —

2d. an undivided moiety of a Lot & House thereon in the Town of Suffolk, Nansemond County, formerly owned by Jas. M. Bailey, & is situated on the North side of Washington Street, and is bounded South by said Street; East by the Washington Hotel Lot; West by the Lot of Evans Carstarphen & North by a Branch and in which Lot, Mrs. Martha Bailey widow of said James M. Bailey has a Right of Dower, and in which the other moiety is owned

by James B. Moffett—

That whilst your Complainant cannot produce a copy of said Jonathan Rogers will, yet he has heard & believes that it is so, that he gave his widow Mrs. Sophia A. Rogers, a certain piece of wood Land & then what the Law would give her, so that the said Sophia A. Rogers would have Dower in said real estate, but as it can be easily assigned her in the ~~Land~~ Mast of 600 acres, your Complainant prays that no Dower in the Lot in Suffolk may be assigned her — That as to the Dower of Mrs. Martha Bailey in the Lot in Suffolk, your Complainant prays that she may take an equivalent thereof in fee simple in money & that the said Lot & improvements may be first sold and that, that part of the proceeds to which the said Jonathan Rogers may be entitled may be applied to pay his debts —

Your Complainant says that no partition of said Lot should be made between the said James B. Moffett & Jonathan Rogers, as it is not susceptable of division without sacrificing the interests of the parties, and that a sale of the entire subject, would be best for all parties especially for the heirs of said Jonathan Rogers, who thereby may save the Homestead.

That the heirs at Law & Legatees of

of said Jonathan Rogers dec'd. and his said widow, Sophia ann Rogers, and Eight children, to wit. Levi T. Rogers, over twenty one years old, Georgianna, wife of Jno. D. McClenny also over that age, and Martha, Sarah C., John R, alice K, Elizabeth H. & Benja. W. Rogers, who are under twenty one years of age.

In consideration whereof, and as this Court has jurisdiction to grant all proper relief: To the End, therefore your Complainant may that Sophia ann Rogers ~~Exrx~~ of Jonathan Rogers dec'd., and in her own right v. Levi T. Rogers John D. McClenny, and Georgianna his wife, and Martha, Sarah C, John R, alice K, Elizabeth H. and Benja. W. Rogers, the last six Infants, may be made defendants hereto, and be required to answer the allegations herein: That the Lands aforesaid may be sold, if necessary to pay your Complainants demands: That the Lot in Suffolk may be first sold for that purpose; That the Dower of Mrs. Martha Bailey in said Lot may be assigned to her unless she ~~should~~ accept a money value in fee simple in lieu thereof, That the said Sophia A. Rogers may have her Dower assigned to her in the home Lands aforesaid, That the accounts of said Sophia ann Rogers as such Executrix may be settled, and that all assets in her hands as such, and the proceeds

of such Land as may be sold may be applied to the payment of your Complainants' demand, and that all further proper relief may be granted consistent with Equity &c.

John R. Kilby p.q.

Kelly f. d

Hapia Langston
vs
Bill

Sophia A. Rogers
Ext. of Jon^a Rogers dec^d
al.

Nans ? Cir. Ct.

Isaac Livingston, who sues for
25th Ex Chy. Notes

Sophia A. Rogers, Ext. &
Jonathan Rogers dec'd Ext.

1866. June 21st: Sum's in Chy: issued
" July 2nd: Bill & Exhibits filed
Conditional decree vs absent
defts:
" " " F. B. Prentis, appointed g'd'n:
ad litem to infant defts: who
filed their answer, to which
there was a general replication
& cause set for hearing as to
them.

1871 Oct. 12th
Final decree

" Augt. 6th: Conditional decree confirmed
& cause set for hearing on
bill & pltffs: answer
" Octo: 15th: Decree for accts:
1867. Apl: 19th Continued
" Augt: 31st: Report filed (Octo: 15th) Continued
1868. Apl: 22d: Continued (Octo: 14th) Continued
1869. Feb. 3d. Sum's in Chy: vs Martha Bailey, Jas
" March 1st: Amend'd Bill filed & Conditional decree vs defts
" Apl: 20th Martha Bailey decree for further account & to assign Dower &c
1869. Octo: 14th Continued
1870. March 21st: Report filed
" Apl: 2d: Report & Dower filed
" " " 18th: Decree for sale &c filed
" June 11th: Bond &c filed
" Sept. 1st: Report of sale & list filed
Octo: 12th: Decree confirming sale & directing distribution &c.

All Available Text Successfully Captured

1871. Apl: 14th: Decree in
Ottawa, dividing, and
dividing

1871 Oct. 5, 2d Report of
Distributees filed

Chy: Notes