1873-003
Nansemond Co. (Suffolk)

Chancery Causes: Francis D. Holladay etc vs Comt of Edmond Walker etc

Norfleet, Eleya Brinkley I, McAlister, Britha Cohoon I,
Riddick, Hall, Cohoone

Costs:

Clerk $10:00
Atto: Hay 30:50
Wm. McGinnis, Const: 1.00
Commr: in Chy . . . 15:00
$56:50

Clk W.E.C. 9.66

69.16

Coats

Know all Men by these Presents, That we William Eby and Samuel Eby

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the sum of Four Hundred

Dollars; for the payment thereof, well and truly to be made to the said Commonwealth, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally firmly by these presents. Sealed with our seals, and dated this 5th day of Dec 187 1, in the 96th year of the Commonwealth.

THE CONDITION OF THIS OBLIGATION IS, That if the said William Eby who was on the 17th day of October 1871, appointed a Commissioner under a decree of the Circuit Court in a certain Chancery Suit then pending under the name and style of "McCalladay &c Plaintiffs against Watkins &c Defendants"

shall faithfully discharge the duties of his said trust,

aforesaid, then this Obligation to be void, else to

remain in full force

Acknowledged in the presence of

Wm Eby [SEAL.]

Samuel Eby [SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

Walladay &c

vs } Bond Court

Wm Thomas &c

Hammond County to wit

This day Samuel Ely personally appeared before me in my office and doth declare his estate after the payment of all his debts and those of others for which he may be bound. and that my home stead is worth the penalty of this bond. Witness my hand the 5th day of December 1871

Willis E Colvin Clerk

The Commonwealth of Virginia, Wm. M Gurie a Constable

To ~~the Sheriff~~ of Nansemond County---Greeting.

YOU ARE HEREBY COMMANDED TO SUMMON Wm. Eley Sheriff and Committee of Edmond Walker dec'd and Emmeline Walker (widow) — and John Walker and Edmonia Walker the last two infants:

to appear at the Clerk's Office of our Circuit Court for the County of Nansemond, on the first Monday in — March — next, 1868, being rule day, to answer a bill in chancery, exhibited against ——— them ——— by

F. D. Holladay, who sues for himself and all other creditors of Edmond Walker deceased. upon the usual terms

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 13th day of February 1868, and in the 92nd 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.

W. L. Riddick, Jr. q

F. D. Holladay, who sues for himself &c.

vs. } Sum's in Chy:

Wm. Eley, Shff. & Commee of Edmund Walker decd &al:

To March Rules 1868

Feb. 26th 1868 Executed by delivering a true copy of the within to Wm. Eley Shff. and Committee of Edmund Walker dec'd. and Emeline Walker (Widow) exec'x.

Brodnax McGuire Const.

Pro: B. No: 1. Page 32

Cir. Co:

Feby. 1st 1818. Recd. Francis D. Holladay Esq. one acct. vs: Edmond Walker decd. in his favor for Fifty six dollars, which I promise to collect or account for.

Wm S. McGuire

Edmond Walker

1859 To Amaza McAlister Jun

Dec 3 To 1 pr Gaiter Boots $4.50

~~Interest up to Jany 1st, 1860~~ ~~2.43~~

$6 93

1860 Cr 13 By this amo due said Walker 2

March 29 To 1 pr Shoes $2.25 $4.93

July 20 " 1 " Oxford ties High 1.50

~~Interest to Jany 1st 1860~~ ~~2.83~~

$9.58

$14.51

4.50
1.25
4.50
$10.25

Int. due Dec 20th 1861

Nansemond County, to wit:

This day Andrew McAlister personally appeared before me, a Justice of the Peace for the County aforesaid and made oath that the within acct. is just and true.

Given under my hand this 12th day of July. 1868

Wm. R. Willis J.P.

A. McAlister
vs
Ed Walker
&c

$11.25
Acct: for
20 mos July '67
to 12 Oct. '68

Contract

Edmond Walker (Barber)

1861 To Ansl Ruddick Dr

Jany	12	Th	To Hire of horse & Buggy	1 day	$ 2.50
Feby	9	"	" " "	1 day	2.50
April	5	"	" " "	1 day	2.50
	8	"	" " " & Saddle	9/-	1.50
				Cr	$ 9.00
			By Shaving bill & Cash		1 50
					$ 7.50

Rec. from 1 Dy 1862

Nansemond County to Wit:

Personally appeared before me a Justice of the Peace of Nansemond County Archd. Riddick and made oath that the within acct. of seven dollars & fifty cents is Correct.

Feb. 12th 1868

Wm. D. McClenny J. P.

Archd Riddick
Acco: $7.50
int: for 1 Year:
12 to 12 Oct.
1868.

Correct

Edmund Walker Col,

1862 Bot of Jos. P. Hall

To Mdse 2 00

Jos: P. Hall

Acco: $2.00

Int: Jan: 1st
Jury: 62 6
12th Oct: 68

V

Costs

Edmond Walker (Barber)

1839 To Britt Vcohoon

June 19	To	1	Duck Coat	$4.00
July 4	"	1	Sattinet Coat	3.00
Apl. 24	"	1	pr Calf Shoes —	3.50
				$10.50

Nansemond County to wit

Personally appeared before me a Justice of the Peace of said County Edmund Britt and made oath that the above act of Ten dollars & fifty cts was correct.

July 12th 1868

W.m R. Ellis J.P.

Britt & Echoes

Acco: $10:50

int: from 1st mo
July 1860 to 12
Octo: 1868

V

Cancelled

Edmond Walker

1861 To Eley & Brinkley &c

Jany 30 To Goods for Emeline 952

1 Parasol 2011

Apl 4 Goods 94 1246

Interest from Jany 1st 62

Eley & Brucklay

acco: 12:46

int: bw: 7th July
1/2 to 12th Octo:
1868

Common

Claims

vs

Edmund Walker's Est

Presented before Commissioners

To Wm. Eley, Shff & Comr. of Edmund Walker dec'd & others —

Take notice that we shall on the 14th day of Febuary, 1870, at the Office of W. L. Riddick, in the Town of Suffolk, between the hours of 8 a.m. & 6 p.m. of that day, proceed to take the depositions of A. M. Channell & others, to be read as Evidence in our behalf, in a certain suit in Chancery, depending in the Circuit Court of Nansemond County wherein we are plaintiffs, and Wm. Eley, Sheriff & Committee of Edmund Walker dec'd. and others are defendants: and if from any cause the taking of the said Depositions be not commenced on that day, or if commenced be not concluded on that day, the taking of the same will be adjourned and continued from day to day or from time to time, at the same place and between the same hours, until the same shall be completed.

Respfly. F. D. Holladay & others
by W. L. Riddick Atty.

To the Sheriff of
Nansemond County.
to Execute.

F. D. Halladay Esq

Notice to
take Dep.

Wm. Eley. Pltff. & Com. of
Edmund Walker Sect. Esq

Executed January 3rd 1871 and
a true Copy hereof delivered to
Wm Eley & Emmeline Walker

Wm Eley Jr. P S.

Virginia.

At Rules, held in the Clerk's office of the Circuit Court of Nansemond County, on Monday the 2nd day of March 1868.

F. D. Holladay, who sues for himself and all other Creditors of Edmond Walker deceased, upon the usual terms . . . . . Complainant

against

Wm. Eley Sheriff and Committee of Edmond Walker dec'd and Emmeline Walker widow. and John Walker and Edmond A Walker, the last two infants . . . . . Defendants

On the motion of the Complainants 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

1868 March 2nd. I acknowledge service, of the foregoing order, and that I have received a Copy thereof

Peter B. Prentis
Gdn: ad litem

F. D. Holladay &c

vs } Or: capias &c: ad Idem

Wm: Eley, Shff: & Comm^r
of Edmund Walker dec^d
&c.

Decr. 13th 1871 Rec'd of Col Wm Eley Comr Two dollars & fifty cents for Selling at Auction the Edwd Walker lot under a decree of Court

$2.50

McGuire & Brinkley Aucts

BOOK, JOB, AND ORNAMENTAL PRINTING EXECUTED WITH DISPATCH.

SUFFOLK, Va. Jany 2nd 1872

Mr Wm Eley

W. B. Wellons.
D. B. Dunbar.
N. F. McCann.

To W. B. WELLONS & CO. Dr

TERMS CASH.

KILBY STREET.

1871			
Nov	17	Advg House & Lot in Suffolk for Sale E Walker lot — 2 sq 3 l 3 t	4 60
"	11	2 y 30 8th Sheet-Bills	1 50
		Jany 2nd 1872 Recd Paymt	$6.10
		W B Wellons & Co	
		Per D B Dunbar	

I. W. E. Colvon Clerk of Assessment County Court. Certify that I find on the Commissions Book One half acre of Land Valued at one hundred and Seventy five Dollars assessed to Edmund Watkins Estate.

Test

W. E Colvon Clerk

In Common Pleas Circuit Court Dec 15th 1871.

Francis D. Halladay who sues for himself and all other creditors of Edmund Walker (dec'd) who may come in and make themselves parties to this suit on the part of Plaintiff

against } In Chancery

John Ely Sheriff and Committee of Edmund Walker (dec'd) and Caroline Walker, and John and Edmonia Walker the children of Edmund Walker, dec'd under the age of twenty one years by John B. Hamlin their Guardian ad litem. Def'ts

Costs of Plaintiff and Defendants, to wit

Clerk's Fee		16.00
Sheriff	"	1 50
Attorney	"	30.00
Seal		50
Master		15.00

$63.00
5.00
Total 68.00

Wm. Ellis Clerk

Halladay &c

vs Bill Curtis

Walker admr

At a Circuit Court held for Nansemond County on 12th Oct 1871.

F. D. Holladay, who sues for himself and all other Creditors of Edmond Walker, deceased

vs

Wm Eley Sheriff and Committee of Edmond Walker dec'd and Emmaline Walker (Widow), and John Walker and Edmond Walker, the last two Infants -

It appearing to the Court that since the Commencement of this suit, the said F. D. Holladay has died and that John R. Copeland and A. F. Holladay have duly qualified as his Executors - On motion of plaintiffs Attorney it is by the Court Ordered that hereafter, the cause be proceeded in, in their name as such Executors - And the cause came on to be heard on the papers formerly read and on the the Report of P. B. Prentis Commissioner made pursuant to the Decree of the 14th day 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, and doth Adjudge, Order and Decree, that, William Eley, who is hereby appointed a Commissioner for that purpose, proceed to sell the real Estate of which said Edmund Walker died seized and possessed - (Subject to the Dower therein of Emmaline Walker, Widow of said deceased) described as a House and Lot near the Upper part of the Town of Suffolk, on the South side of the South Quay road, Adjoining the Lands of Richd Channel (formerly belonging to the Bank of Virginia) A. E. Smith, and B. D. Smith - And said Road; Which said Sale shall be made before the Court House door of Nansemond County on some

Court day, on a Credit of One, two and three Years - (except for the Costs and expenses, which will be cash) With Interest from date, taking from the purchaser, Bond and good personal security for the deferred payments And retain the title till ordered by the Court. Which Sale shall be first advertised for twenty days, by advertisements at the Court House door of Nansemond County, and in the "Christian Sun" a Newspaper published at Suffolk. once a week for three weeks - and at least three other public places in Suffolk, and make report to Court. But no Sale shall be made under this Decree till the said Wm Eley shall execute & give the Clerk of this Court a Bond in the penalty of $400. payable to the Commonwealth of Virginia and conditioned for the faithful execution of this decree and of any future decree that he may be required to execute in this cause.

Test

Willis E. Cohoon Clerk

Walker Adm
1871
Adj Ct. Decree

M-6 by - Copy
Salladay &
Sy

To the Circuit Court of Nansemond County.

The Undersigned reports to Court, that pursuant to the decree of the 12th day of October 1871, made in the cause therein pending in which H. W. Holladay's Exrs. &c. are plaintiffs and Edmund Walker's adm'r &c. are defendants he proceeded to advertise the said Walker's Land, consisting of a House & Lot near the Upper part of the Town of Suffolk, and on the South side of the South Quay road (subject to the Dower therein of Emmaline Walker widow of said deceased.), and did on the 11th day of December 1871 (being Court Day) sell the said Land (subject to said Dower) at auction, on the terms of said decree, when the same was purchased by Richard H. Parker and Calvin L. Gardner, at the price of ..... $210.00.

Of which they paid in cash, which as been paid out as follows — to 5 per cent Com. $10.50
To paid W. H. McGuire, Com'r $ 2.50
" " "Christian Sun" advert'g $ 6.10
" " Jno. R. Kilby, Att'y.
The taxed Costs } 68.00
" Taxes $ 1.50
" Deed Stamps 3.00 — $ 91.60

Balance $ 118.40

For which the said Parker & Gardner executed

three Bonds each for ₶39:46/3
payable 1. 2 & 3 years after
date with Int. from Date &
with
as security making ₶118:40

which Bonds are filed herewith
and the title retained as recited.

Respectfully submitted

Wm Ely } Com.

Received of the Clerk the Shes before mentioned Bonds
of Thirty Nine Dollars & forty-six ⅔ each
November 11th 1872 Wm Ely } Com.

1871 Dec 30th Rec'd of Wm Ely Com
the sums following to wit.
The Taxed costs ₶68:00. ₶3. Dec'd
John R Kelly

Holladay's Exrs &

vs

Walker's admr &

Report of sale

filed 10th Dec 1874

Cir. Ct.

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

F. D. Holladay, who sues for himself, and
all other Creditors of Edmond Walker, dece-
ased, upon the usual Terms. . . . . Complainant

Against } In Chancery

Wm. Eley, Sheriff and Committee of Edmond
Walker, deceased, and Emmeline Walker,
(Widow) and John Walker and Edmonia
Walker, the last two, infants. . . . . Defendants.

It being suggested and made known to the Court, that the plaintiff, Francis D. Holladay, has departed this life, and that John R Copeland and A. F. Holladay, are his Executors, it is ordered that this Cause, be hereafter, proceeded in the name of said Executors of said deceased; and it being also made known to the Court, that Washington L Riddick, the Commissioner appointed by the Decree of the 12th. of October 1868. to rent out the real estate, referred to in the Cause, has died without Executing said Decree, and it being further suggested to the Court, that the annual valuation of the real estate, referred to in the proceedings, is unreasonable and much more than it should be, it is ordered, that a Commissioner of this Court, proceed to make special enquiry, as to the Condition, in which said Real estate is, and what would in it's present Condition, be a fair annual rent of the same, making a reasonable allowance for Taxes and necessary repairs, and report to Court.

A Copy — Teste.

Peter B. Prentis. Clerk

F. D. Holladay, who sues &c
vs
Copy Decree
Wm Eley Shff. & Commrs. &c
Edmund Walker decd &al:

Commissioner's Office.

Suffolk, Va: August 1st: 1871

To the Circuit Court of Nansemond County:

Pursuant to a Decree of said Court, rendered on the 14th: day of April 1871, in a suit in Chancery depending in the said Court, between P. D. Halladay, who sues for himself and all other creditors of Edmund Walker deceased, upon the usual terms, Complainant, and William Eley, Sheriff and Committee of Edmund Walker deceased, and Emeline Walker (widow) and John Walker and Edmonia Walker the last two infants, Defendants, the undersigned, one of the Commissioners of said Court, who was directed "to proceed to make special enquiry, as to the condition in which the Real Estate of said Edmund Walker deceased is, and what would, in its present condition, be a fair annual rent of the same: making a reasonable allowance for Taxes and necessary repairs", begs leave to report, that he made a special visit to the premises, and found them, in a very bad condition - the house (there being only one on the lot) requiring immediate repairs, and the enclosures almost down; and that in its present condition, $25 would be a fair annual value.

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

Peter B. Prentis
Commissioner

Commrs' Fee $5-

F. D. Holladay, who sues
&c

vs. Comm'rs Report

Wm Eley, Sheff. & Commr of
of Edmund Walker decd
&al.

Filed 16th Sept 1871

At a Circuit Court held for Rockingham County the
21st day of April 1818.

F. D. Halladay who sues for himself and
all other Creditors of Edmond Walker deceased
upon the usual terms ..... Complainant,

against &c. In Chancery.

Wm Eley Sheriff and Committee of Edmond
Walker dec'd and Emmeline Walker widow,
and John Walker and Edmond Walker
the last two infants ..... Defendants,

This Cause, in which process had been duly executed
on the adult defendants, and they having appeared
and answered, came on this day to be heard upon the
Bill of the Complainant, taken for confessed as to them
and exhibits filed therewith, and upon the answer
of the infant defendants by P. B. Beatty, their guardian
ad litem, and upon replication to said answer and
upon argument by Counsel. On consideration whereof
the Court doth adjudge order and decree, that
a Commissioner of this Court, take the following
accounts

1st an account of the transactions of Wm Eley.
Sheriff & Committee of Edmond Walker dec'd

2d An account of all debts and demands
against the said Edmond Walker or his Estate
and their priority,

3d an account of the Real Estate of which Edmond
Walker died possessed, and its fee simple and
annual value, and to the Court report,

with any matters stated, deemed pertinent by himself, or that may be required by any of the parties to the ^50 States and reporters.

A Copy.
Test,
Peter B. Prentis. Clerk

Commissioners Office
Suffolk Va June 6th 1868.

W. F. D. Holladay, who sues for himself and all other creditors of Edmond Walker dec'd upon the usual terms ..... Complainant

and &c.

William Eley Sheriff and Committee of Edmond Walker dec'd and Emmeline Walker (widow,) and John Walker and Edmonia Walker, the last two infants ..... Defendants.

You are hereby notified that I have fixed upon Monday, the 20th day of July — next, to take and state at my office the following accounts,

First, an account of the transactions of Wm. Eley Sheriff & Committee of Edmond Walker dec'd.

Second an account of all debts and demands against the said Edmond Walker or his Estate, and their Priority.

Third, an account of the Real Estate of which Edmond Walker died possessed, and its fee simple and annual value. Which accounts are required to be taken by the Decree of the Circuit Court of the County of Nansemond, rendered on the 21st day of April 1868, 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 Hanemmo County the day and year first herein aforesaid.

Peter B. Prentis. Commissioner

I acknowledge service of the within notice. for Complainants & Defendants

W. L. Riddick

Atty

Acco: No: 1

Dr: The Estate of Edmond Walker deceased,
In account with Wm: Eley Sheriff and Committee

The Shff & Committee reports to your Commissioner that no estate or property of any kind, belonging to the decedent, has come into his hands.

Acco: No: 2

An account of all Debts and demands against the said Edmund Walker or his Estate and their degree.

First Class – None

Second Class – None

Third Class – None

Fourth Class.

Creditor's Atty.				
W. L. Riddick	To F. D. Holladay . . . . acct:		$ 56	00
	" int: fm: July 1st: 1863 to Octo: 12th: 1868		17 75	$ 73 75
	To Abram J. Norfleet . . . Judgt:		$ 4	25
	" int: fm: Jany: 1st: 1861 to Octo: 12th 1868		1	97
	Costs . . .		" 40	$ 6 62
	To Eley H Brinkley . . . . acct		$ 12	46
	" int: fm: Jany: 1st: 1862 to Octo. 12th 1868 .		5 06	$ 17 52
W. L. Riddick	To Andrew McAlister . . . . acct		$ 11	25
	" int: fm July 20th: 1861 to Octo: 12th: 1868		5 22	$ 16 47
W. L. Riddick	To Brett & Cohoon . . . . acct:		$ 10	50
	" int: fm: July 1st: 1860 to Octo: 12th: 1868		5 21	$ 15 71
W. L. Riddick	To Archibald Riddick . . . . acct:		$ 7	50
	" int: fm: Jany: 1st: 1862 to 12th Octo: 1868		3 05	$ 10 55
	To Joseph P. Hall . . . . acct		$ 2	00
	" int: fm 1st: Jany: 1862 to 12th Octo: 1868		" 81	$ 2 81
	Total Debts and Demands		"	$ 143 43

Acco: No: 3

An account of the Real Estate of which Edmond Walker died possessed, and its fee-simple and annual value.

A House and Lot near the Upper part of the Town Suffolk, on the South side of the South Quay Road, adjoining the lands of the Bank of Virginia, H. E. Smith and Benj. D. Smith, and the South Quay Road

the fee simple value of which is . . . . $ 400:00

and the annual value of which is . . . . $ 60:00

(See Deposition of Wm H. McGuire filed herewith)

Commissioner's Office
Suffolk Va: July 20th: 1868

F. D. Holladay, who sues for himself &c

vs

William Ely, Sheriff and Committee
of Edmund Walker dec'd &al:

This day Wm: H. McGuire, being duly sworn, says, that he is well acquainted with the House & Lot, near the upper part of the Town of Suffolk, on the South side of the South Quay road, and adjoining the lands of the Bank of Virginia, H. E. Smith & Benja: D. Smith, and the South Quay road and that he considers the same to be worth in fee simple the sum of Four Hundred Dollars . . . $ 400:00
and annually the sum of Sixty Dollars $ 60:00

(Signed)

Wm H. McGuire

Sworn to before me, in my
Office, the day and date above.

Peter B. Prentis. Commr.

Commissioner's Office.
Suffolk Va: August 15th 1868

To the Circuit Court of Nansemond County:

Pursuant to a Decree of the Circuit Court of Nansemond County, rendered on the 21st: day of April 1868, in a suit in Chancery depending in the said Court between F. D. Halladay who sues for himself and all other Creditors of Edmund Walker deceased, upon the usual terms, Complainant, and William Eley, Sheriff and Committee of Edmund Walker dec'd, and Emeline Walker (widow) and John Walker and Edmonia Walker, the last two infants, Defendants: the undersigned, one of the Commissioners of said Court, to whom was referred for Settlement by said Decree, the following accounts, viz:

1st: An Account of the transactions of Wm: Eley, Sheriff & Committee of Edmund Walker dec'd:

2nd: An Account of all debts and demands against the said Edmund Walker or his Estate, and their dignity:

3rd: An Account of the Real Estate of which Edmund Walker died possessed, and its fee-simple and annual value: reports to the Court, that on the 6th: day of June 1868 he issued notices against the several parties aforesaid, requiring them to attend the Settlement of said accounts before him, at his said Office, on the 20th: day of July 1868, which said notices were posted at the Court House Door of Nansemond County on two successive Court days, and service thereof also acknowledged by W. L. Riddick, Esq: Atty: for Complainant & Defendants: That the parties aforesaid appeared before the Commissioner, on the day aforesaid, in

obedience to said Notice, and the taking and stating of said accounts was commenced, and adjourned from day to day and from time to time, until Completed: That he reports that "Acco: No: 1" was not taken, for the reason, that no estate or effects has come to the hands of said Sheriff & Committee, for administration, nor is it at all probable that there will be any:

That he reports, by "Acco: No: 2", the amount of all debts and demands against said Edmund Walker or his Estate and their dignity to be $143:43c on the 12th: day of October 1868, including interest, calculated up to that period: all of which indebtedness being of the Fourth Class:

That he reports, by "Acco: No: 3", that the fee-simple value of the Real Estate of which Edmund Walker died possessed, is $400:00 and that its annual value is $60:00

The Commissioner further reports to the Court, that after the Completion of the said accounts, he retained the same in his Office ten days, for the examination of parties, during which no exceptions were filed thereto, and now the same, with the decree and notice (together with the evidence of the Service, and the testimony relating thereto, are herewith returned.

Given under my hand as Commissioner aforesaid, the day and year first aforesaid.

Peter B. Prentis.
Commissioner

Comm'rs fee $15:00

F. D. Holladay &c

vs

Comm'rs Refusal

Wm. Eley, Sheff. & Comm'r &c
Edmund Walker decd Sur.

1868. Aug: 22nd Filed
Clk:

To the Circuit Court of Jefferson County

The undersigned Wm E Ely Commissioner begs leave to report that pursuant to the Decree of the 10th October 1872 made in the Cause of F. D. Holladay, who sues for himself and all other Creditors of Edmund Walker dec'd vs. Wm E Shurtliff &c & al pending in said Court he has received of the Clerk of said Court the bonds of Gardner & Pattie for the sum of $128.196/100 filed in said Cause, and have collected and paid out and distributed the same to the Creditors of said deceased Edmund Walker, as directed by said decree and ~~has~~ asks that a deed may be made for the parcel of land sold under the proceedings, to Willis S Riddick, the said said Gardner & Pattie having returned the deed ~~from~~ to said Wm E Ely the Commissioner aforesaid to make the deed to the said Willis S. Riddick, in the usual form with special warranty. The following statement and papers attached will show how the fund in his hands has been distributed. To wit.

To F. D. Holladay Estate	$	61	45
" Abram J Norfleet	"	5	61
" Eley & Brinkley		14	65
" Andrew McAlister Est		13	80
" Britt & Cohoon		13	20
" Archabold Riddick Est		8	88
" Joseph P Hall —		2	46
" W. E. Cohoon Clerk —		8	71
	$	128	94

Pro Rata Share due each Creditor of Edmund Walker deceased in the fund of $128 96/100 and their names thereto

1873. Oct 11th Return of William Eley Com. requiring the sum set opposite our names as our Respective Shares of the above fund of $128 96/100

John N. Watson Adm. F.D. Treadway	$61 65
Eley & Brinkley	14 65
John R. Kelly Exr. of and. McAlister Dec'd	$13 80
John R. Kelly atty for and. Riddick et.	8 88
Jos B Hall	2 46
Britt & Cohoon	$13 20
Abram & Norfleet By D Norfleet	5 61
Willis & Cohoon (clerk)	8 71

Wm Eley (Com)

Oct 14th 1873

An account of all Debts and demands against the Estate of Edmund Walker Decd. and their degrees

First Class Nine

Second Class Nine

Third Class Nine

Fourth Class Nine

Worthington Kelly	To F D Holladay	act		56	00	
	" act for July 1st 1868. to Oct 12th 1868			17	75	73 75
	To Abram S Anglen judgt			4	25	
	" act for July 1st 1861 to Oct 12th 1868			1	97	
		cost			40	6 62
	To Eley & Bonilley	act		12	46	
	" act for July 1st 1862 to act 12th 1868			5	06	17 52
	To Andrew Woodside	act		11	25	
	act for July 20th 1861 act 12th 1868			5	22	16 47
	To Bill Hobson	act		10	80	
	act for July 1st 1860 to act 12th 1868					15 71
	To Archibald Kendrick	act		7	80	
	act for July 1st 1862 to 12th 1868			5	06	10 53
						140. 62

Amt Brot Forward			1410	62
To Ivs P Hall acct-	2	00		
" acct-from 1st July 1862 to 12th Oct-1868		81		81
			1491	43

Whereas we Calvin L. Gardner & Richard L. Parker, then doing business under the name & style of Gardner & Parker purchased at public auction, of Wm. Eley Commissioner, a Lot of land in the town of Suffolk: for the sum of two hundred & ten dollars to be paid by installments, and whereas since that time Richard L. Parker has sold his interest to John L. Hoffman. and the said Gardner & Hoffman has since sold, the said Lot to the Farmers Bank of Nansemond, and the said Bank has paid to Wm. Eley Comr as aforesaid all the notes, due for the said property by C. L. Gardner & Rich^{d} L. Parker.

We desire that the said Wm. Eley Comr as aforesaid be authorized to make a deed for the Lot aforesaid to ~~the Farmers Bank~~ Willis L. Riddick — he having purchased the same from the Bank.

June 25th 1873

Gardner & Parker
per Gardner

Virg^{a} In the Circuit Court of Nansemond Oct 10 1872

T. D. Holladay who sues for himself and all other Creditors of Edmund Walker dec'd, Plff

vs

Wm Ely Sh. and Comr of Edmund Walker dec'd, and Emmeline Walker (widow) and Jno Walker & Edmonia Walker, the last two, infants, Defts } In Chancery

This cause came on this day to be again heard on the papers formerly read and on the report of Wm Ely commissioner of sale made under the decree of the Circuit Court of Nansemond County of the 12th day October 1871, 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 Wm Ely Comr as aforesaid receive of the Clerk of this Court, the three bonds of C L Gardner, Richard H. Parker and Thos Parker for $39.06 2/3 each, and collect the same when due (and the said debtors may pay the same before due if they so desire and in which event no interest is to be demanded by said commissioners for the unexpired credit) and make to said C L Garden and Richard H. Parker a deed with special warranty in the usual form for the real estate sold under proceedings

herein, and out of the proceeds, he the said Wm Ely as commissioner aforesaid will pay any costs that may remain unpaid and then pay the residue ratably to the several creditors of Edmond Wacker dec'd named in Comr Franks' report of the 15th of August 1845 and this Master report to Court,

A Copy

Test Willis E Johnson Clerk

Halladay's action v

Edmond Wacker's adm'r

Report of Master

Filed

At a Circuit Court held for Nansemond County
the 12th. day of October 1868
F. D. Holladay who sues for himself and
all other Creditors of Edmond Walker de-
ceased upon the usual terms . . . . . Complainant.

against

In Chancery

Wm. Eley Sheriff and Committee of Edmond
Walker dec'd and Emmeline Walker (widow)
and John Walker and Edmonia Walker
the last two infants . . . . . Defendants,

This Cause, came on this day to be again heard on the
papers formerly read and upon the report of Comm'r
Prentis, made pursuant to the Decree of the 21st.
April 1868, 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 or-
der and decree that W. L. Riddick who is appointed
Special Commissioner for that purpose, rent out the
House and Lot in the proceedings mentioned from year
to year and from the proceeds of said rent first pay
the costs of this suit, and then distribute the remain-
der as collected pro rata to the payment of the debts
reported by account No 2 of said Comr Prentis report
until all of said debts are paid and satisfied and
then make report to Court, but no action shall be-
taken upon this decree, until W. L. Riddick, the
Special Commissioner, shall enter into Bond before
the Clerk of this Court, in the penalty of Two hundred
and fifty Dollars with sufficient surety Conditioned

In the faithful performance of this or any future order of the Court.

A Copy
Teste.
Peter B. Prentis. Clerk

Costs

Clerk	$10:00
Atto: Hay	30:50
Wm H. McGuire, Court	1.00
Commissioner Chy	15:00
	$51:50

F. W. Goddin, who sued &c
x ind

Va
Vs
Wm & Co: Decree

Wm: Eley. Shff: x Comm &c.
of Elmore's Widow, Heir & x
al:

Holladay & als.

vs.

Eley, Shff. &c. of Edm^d Walker dec^d &als.

This cause, in which the proces had been duly executed on the adult defendants, and they failing to appear and answer, came on this day to be heard upon the Bill of the Complainant, taken for confessed as to them, and Exhibits filed therewith, and upon the answer of the infant defendants by P. B. Prentiss, their gd^n. ad litem, and upon replication to said answer and argued by Counsel. On Consideration whereof the Court doth adjudge order and decree that a Commissioner of this Court take the following accounts:

1st An acct. of the transactions of Wm. Eley Shff. & Committee of Edmund Walker dec^d.

2nd. An acct. of all debts and demands against the said Edmond Walker, or his Estate, & their dignity.

3rd. An acct. of the ~~value of the~~ Real Estate of which Edmund Walker died possessed, and its fee simple and annual value. and to the Court report, with any matters stated deemed pertinent by himself, or that may be required by any of the parties to be so stated & reported.

Holladay Pals.

vs.

Deeree

Eley Chff &c. &
Edwd Walker Dec'd &c.

April 1868

To be entered

R. H. Baker

Entered

Holladay Exrs.

vs.

Eley. Staff Com. of El Walker dec'd &c.

This cause came on this day to be again heard on the papers formerly read, and upon the report of Commr. Prentis, made pursuant to the decree of the 21st Apl. 1868. 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 W. L. Riddick, who is appointed a Special Commissioner for that purpose, rent out the House and lot in the proceedings mentioned from year to year, and from the proceeds of said rent first pay the Costs of this suit, and then ~~and~~ distribute the remainder as collected pro rata to the payment of the debts reported by ~~Com~~ Account No. 2 of said Comr. Prentis' report, until all of said debts are paid and satisfied, and then make report to Court: but no action shall be taken under this decree until W. L. Riddick, the Special Comr. shall enter into bond ~~& with sur~~ before the Clerk of this Court in the penalty of Two hundred & fifty Dollars, with sufficient surety, conditioned for the faithful performance of this or any future order of the Court.

Holladay Sals.

vs.

Eley. Shff &c.

Octo. Term 1868

Decree to be entered.

Rich. H. Baker

End

Holladay &c

vs

Walker admr &c

It being suggested & made known to the Court that the plaintiff Francis W. Holladay, has departed this life and that John R. Cleland and A. F. Holladay are his Executors. It is ordered that this cause be hereafter proceeded in, in the name of said Executors of said deceased,

and it being also made known to the Court that Washington L. Riddick, the Comr. appointed by the decree of the 12th of October 1868 to sell out the real estate referred to in the cause has died without executing said decree, and it being further suggested to the Court that the annual valuation of the real estate referred to in the proceedings is unreasonable and much more than it should be, It is ordered that a Comr of this Court proceed to make special enquiry as to the Condition in which said Realty, & what would in its present Condition be a fair annual rent of the same, making a reasonable allowance for Taxes & necessary repairs, & report to Court

Holladay &c

v

Walker adm'x &c

1871

Appl. decree

To be entered

Geo. F. Blow

S. D. Holladay, who sues for himself and
all other Creditors of Edmond Walker dec'd,

vs.

Wm. Ely, Sheriff and Committee of
Edmond Walker dec'd, and Emmeline
Walker (widow), and John Walker
and Edmond Walker, the last two Defts

It appearing to the Court that since
the Commencement of this suit, the said
S. D. Holladay has died and that John
R. Copeland and A. H. Holladay have
duly qualified as his Executors on motion of Plaintiff's Attorney
it is by the
Court ordered that hereafter, the cause be
proceeded in, in their names as such
Executors — and the cause came on to
be heard on the papers formerly read & on
the Report of P. B. Plumb, Commissioner
made pursuant to the decree of the 14th
day 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, and doth adjudge
order and decree that William Ely,
who is hereby appointed a Commissioner
for that purpose, proceed to sell the real
estate of which said Edmond Walker died
seized and possessed (subject to the Dower
therein of Emmeline Walker, widow of said

deceased), described as a House & Lot near the Upper part of the Town of Suffolk, on the South side of the South Quay road, adjoining the Lands of Richd. Channel (formerly belonging to the Bank of Virginia), H. E. Smith and B. D. Smith and said Road; which said sale shall be made before the Court house door of Nansemond County on some Court Day, on a credit of one, two and three years (except for the costs and expenses, which are to be cash), with Interest from date, taking from the purchaser, bond & good personal security for the deferred payments, & retain the title as directed by the Court - which sale shall be first advertised for twenty days, by advertisement at the Court house door of Nansemond County, & in the "Christian Sun" a Newspaper published at Suffolk once a week for three weeks and at least three other public places in Suffolk, and make report to Court,

But no sale shall be made under this decree till the said Wm Eley shall execute before the Clerk of this Court a Bond in the penalty of $1.00. payable to the Commonwealth of Virginia, and conditioned for the faithful execution of this decree & of any future decree that he may be required to execute in this cause.

Holloway &
N

Walker admr

1871

Act Ct. Decree

to be entered

Geo. P. Blow.

Entered

J. D. Holladay who sues for himself
and all other creditors of Edmund
Walker dec'd, &c

vs.

Wm Ely Ad'r & Com'r of Edmund Walker
dec'd, and Emmeline Walker (widow)
and John Walker and Edmonia Walker
the last two Infants.

This cause came on this day to
be again heard on the papers formerly read
and on the Report of Wm Ely, Commissioner
of Sale, made under the decree of the Circuit
Court of Nansemond County of the 12th Oct. 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, order & decree that
Wm Ely, Comr as aforesaid, receive of the
Clerk of this Court the three Bonds of C.
L. Gardner, Richard H. Parker & Thos. Parker
for $39.46 2/3 each, and collect the same
when due (and the said debtors may pay the
same before due if they so desire (in which
event no interest is to be demanded by said
Comr. for the unexpired credit), and make
to said C. L. Gardner & Rich'd H Parker, a
Deed with special warranty in the usual
form for the real estate sold under proceedings

herein, and out of the proceeds, he the said Wm Ely, as Comr. aforesaid will pay any costs that may remain unpaid and then pay the Residue thereof, if any, of Edmond Walker dec'd to the several creditors & named in Comr. Purdy's report of the 15th of August 1868 and make report to Court.

Edmond Walker adm'r

Decree

1872
Oct. Cir. Ct.

Ret. to attend

Entered & copied

Cir. Ct.

Saturday's Sess

(2).

Dr. Edmund Walker

To Francis D. Holladay

1861:	Jany. 1.	To	Rent of Shop 1860 —	$15.00
	"	"	Coal furnished shop	15.00
"	Feby 20	"	Hire of Horse & Buggy	3.00
"	Mar. 1	"	do. do. do.	2.00
"	" 9	"	do. do. do.	1.00
1862	Jany. 1	"	Rent of Shop 1861	15.00
"	" "	"	Coal furnished shop	15.00
1863	" "	"	Rent of Shop. 1862 —	15.00
"	" "	"	Coal furnished shop	6.00
"	July. 1	"	Rent of shop	7.00
"				$94.00
	By Cash in part			38.00
	Bal. from July. 1st 1863			$56.00

State of Virginia

Nansemond County, to wit:

This 13th day of Feby. in the year 1868, John Pinner personally appeared before me, W. L. Riddick, a Notary Public for said County & State and made oath that the above account of fifty six dollars is true to the best of his knowledge & belief.

Given under my hand the day & year first above written

W. L. Riddick

N. P.

Edmund Walker

To 5 Aug 56.—

Francis D. Holladay

B

At a Quarterly Court held for Nansemond County. the 12th day of March 1866.
On the Motion of Abram J. Norfleet, it is ordered that the Estate of Edmond Walker deceased, be committed to William Eley Sheriff of this County. for administration according to Law, it appearing that the said Edmond Walker, has been dead more than three months, and no person having applied for administration on his Estate.

A Copy:
Teste:
Peter B. Prentis. Clerk

(A.)

Holladay &c

4
05

Eleg. Stiff: &c &c:

(2) Ethiopic folio with
Bds

Holladay adm'r

v.

Walker &c

This cause came on this day to be again heard on the papers formerly read & on the report of Wm Ely, Com'r. made pursuant to the decree of the 10th Oct 1872, to which report there is no exception and is confirmed by Consent. And on consideration whereof the Court doth confirm the said Report & doth adjudge, order and decree that the said Wm Ely, Com'r. as aforesaid make a deed to Willis J. Riddick purchaser from Gardner & Parker of the land sold under proceedings herein, with special warranty in the usual form; and nothing further remaining to be done in the cause, it is ordered that the same be removed from the Docket.

Holladay's adm's

v.

Walker, adm'r

1873

Oct. Cir. Ct.

Deed decree
to make deed

To be entered.

Geo. V. Brown

Entered pr 194

The joint and separate answer of John Walker and Edmonia Walker, infants, by Peter B. Prentis their Guardian ad litem, to a Bill in Chancery exhibited against them and others, by F. D. Holladay & others, in the Circuit Court of Nansemond County. The Respondents say that so far as they know & believe, the facts set forth in said Bill, are true, but, as they are ignorant of their rights, being infants, they submit the same to the Court and pray that no order or decree, may be made in the cause inconsistent therewith.

Signed,

Peter B. Prentis

Guardian ad litem

Ft. D. Holladay &c

11/85 } Answer of Infants

Com: Eley, Sh Ff: & Commr.
of Edmund Walker decd
&al:

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

Complaining shew unto the Court your Complainant Francis D. Holladay, who sues for himself and all other Creditors of Edmond Walker (colored) deceased who may make themselves parties to this suit on the usual terms.

Your Complainant respectfully represents to the Court and says that the said Edmond Walker (colored) died sometime in the month of in the year 1864, being then the owner of a small house and lot in the upper part of the Town of Suffolk, worth about two hundred dollars, and but a very small Chattel Estate, if any, and leaving as his heirs at law, his widow named Emmeline Walker, and two infant Children viz John Walker and Edmonia Walker both under twenty one years of age: That on the 11th day of March, 1865 the Estate of said Edmond Walker deceased was committed to the hands of Wm. Eley, Sheriff of Nansemond County, for administration, by order of Nansemond County Court. Copy of which said order is herewith filed marked (A.); That at the time of the death of said Edmond Walker (Colored) he was indebted by account for Rent &c. to your Complainant in the sum of fifty ~~six~~ dollars, and that he believes that said decedent was largely indebted to others at the time of his death: ~~That upon~~ which said account of Complainants is herewith filed marked (B) That your Complainant is advised that he is entitled to be paid his

said debt out of the personal Estate of said decedent should there be enough for that purpose, and your Complainant therefore prays that an Account of said Wm. Eley's transactions as Committee of said decedents Estate may be had: That an account of your Complainants demand, and all other outstanding debts against the said decedent or his Estate may be had: That if the personal Estate of said decedent should be insufficient to pay said debts, that then the house and lot aforementioned may be sold for that purpose.

In Consideration Whereof and as this Court has power to grant all adequate relief - To the End Your Complainant prays that Wm. Eley, Sheriff and Committee of Edmund Walker (colored) deceased, Emmeline Walker (widow) and John & Edmonia Walker, the last two being Infants, may be made parties defendant hereto and be required to answer the allegations herein, and that the prayers of your Complainant may be granted, and that all other and further relief may be granted Consistent with Equity &c.

W. L. Riddick
P. Q.

F. D. Holladay &c.

vs. } Bill of Ex.

Wm. Eley. Sh'ff. & Com. of
Edmund Walker and Als.

F. D. Holladay &c
vs } Chy. Notes
Wm. Eley. Shff. &c Commee of Edmund Walker decd &al.

1868. Feby. 13th. Sumons in Chy. issued to March Rules 1868.
" March 2nd. Bill & Exhibits filed
" " " Conditional decree vs adult defts
" " " P. B. Prentis. apptd gdn. ad litem to infant defts. who filed their answer to which there was a repln. & cause set for hearing on the mo. of Plffs Counsel
" Apl. 6th. Conditional Decree confirmed and cause set for hearing on mo. of Plffs Counsel
" " 21st. Decree for Accos.
" Aug. 22nd. Report filed.
" Octo. 12th. Decree to rent out property &c.
1869. Apl. 21st. Continued (Octo. 14th) Continued
1870. Apl. 20th. Continued
" Octo. 13th. Continued
" Apl. 14th. Plffs death suggested & cause to be proceeded in in name of his Exors. &c

1871 Feb 10 Decree for Accos: Report of Commrs filed
1871 Oct. 12th Report confirmed & decree for sale -
" Deer Bonds Comm
1871 Dec 11. Report of sale filed
(1872 Jan 21. Decree confirming sale & to collect proceeds filed & for distribution)
1872. April 12. Cont'd
1872 Oct 12 - Rep't confirmed decree to collect Bond

Chy: Notes