

1893-58

Southampton County - Chancery

Gaule, Aaron

vs Gaule, Richard H. et al

To divide land, if not
sold and proceeds divided
according to interest of the parties

Gaule, Tom, a minor

Rawls by ~~fc~~ 35
w 3 Bills & Exhibits
Rawls &c

1881 April Rules

J.B. Prince &c

To the Hon Geo. Blow, Judge of the
Circuit Court of Southampton County
— In Chancery —

Humbly complaining sheweth unto your Honor your complainant Owen Rawls by R. H. Rawls his next friend, that in the year 1871 Mary A. Rawls departed this life intestate, seized and possessed of a Tract of Land containing 54 acres situated in Southampton County, that the said tract of Land was conveyed by Deed from Stancy E. Taylor, dated 25th July A.D. 1872 to said Mary A. Rawls, as will more fully appear from Copy of said Deed. Herewith filed mark "A" & prayed to be taken as a part of this Bill. That the said Mary A. Rawls left as her heirs and distributees, her husband R. H. Rawls, and two children, Owen Rawls & Wm Rawls both minors, Your Complainant desires the said land to be divided in kind if practicable, but if not practicable, then that it may be sold, and the rights of all parties determined & the proceeds properly distributed; in Consideration whereof and in as much as your Complainant is without remedy in the premises except in a Court of Equity, where such

matters are peculiarly Cognizable, to the
end therefore that justice may be done
he prays that Richard & Rawles and
Wm Rawles the last a minor, may be
made parties defendant to this ~~Bill~~
and compelled to answer its allega-
tions - That some fit & proper person
may be appointed Guardian ad Litem
to defend the interest of the infant de-
fendant, That the said Land may be
divided if practicable, but if not then
that the same may be sold and the
proceeds divided according to the in-
terest of the parties, And that your
Honor will grant such other further-
general & special relief, as to Equity
may seem meet or the nature of the
case demand, And as in duty bound
to May it please the Court &c

J.B. Prince fc.

The answer of Wm Rawles ~~an~~ infant
by W.W. Briggs ^{exhibitor} Guardian ad Litem, to a Bill
in Chancery, in the Circuit Court of
Southampton County, against him & R.N. Rawles
by Owen Rawles.

This Respondent saving & reserving

re. for answer to said Bill says
that he is an infant & being such knows
nothing of the facts alleged in the Bill
he therefore submits his rights to the
protection of this Court & having an-
swered prays to be dismissed re.

W W Buys Gen ad Litem

J. B. Prince rd

Rawls

& } Come Bond

Rawls

In the Clerk's office of Southampton County
GIVEN in Court July 7-1882 This Bond was acknow-
ledged by the obligors thereto & admitted to record

Teste J. H. Edwards C. C.

Copy Teste J. H. Edwards cc

Know all men by these Presents, That we

John Davis

R. H. Rawls &

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of

three hundred

Dollars, to the payment whereof well and truly to be

made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation. Sealed with our seals and dated this

7 day of *July*

A. D. 188*2*.

THE CONDITION of the above obligation is such that if the above bound

R. H. Rawls was by a

decree of the Circuit Court of Southampton County entered at its May Term 1882 in a suit in chancery depending therein in which Owen Rawls by & C. Rain-
liff and R. H. Rawls & William Rawls Defendants ap-
pointed Commissioners for certain purposes
in said decree prescribed Now if the said
R. H. Rawls shall faithfully execute the said decree
and do further decree in said Cause

~~shall faithfully discharge the duties of~~
remain in full force and virtue.

~~office or trust~~ according to law, then the above obligation to be void, or else to

Signed, sealed and delivered }
in presence of the Court }

R. H. Rawls
John X. Davis

[Seal.]

[Seal.]

[Seal.]

[Seal.]

Rawls
vs. } Reports of
Rawls }

Commissioner Tyler

1882. April 1st

Rawley by J^r }
against }
Rawley } Report of Commissioner Tyler,

Pursuant to a decree in this Cause,
entered at the November Term 1881, I beg leave to
submit the following Report: That in my Opinion,
the Land in the Bill mentioned Cannot be
divided in kind among the parties thereto
entitled. It consists of only 54 acres.
I am of Opinion that the interests of all the
parties would be more promoted by a sale
of the Land, and I have arrived at this
Conclusion from the testimony of J^r Wm.
H. Patton & others, who were sworn
about the Land, which are herewith
returned with this report.

The fair Simple Value of this Land is \$150.00,
all of which is most Respectfully
Submitted,

To the Judge of the
Circuit Court of
Southampton County.

James R. Tyler,
Commr. in Chancery.

Costs for \$2.00
Chas. H. Peffer.

Rawls by $\frac{1}{2}$
or $\frac{3}{4}$ deposition
Rawls.

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The depositions of Wth Pucton & others, taken before me Jth Schell, a Comm^r in Chancery for the Circuit Court of Southampton, pursuant to notice hereto annexed, in the Law Office of Jth B. Price, in Jerusalem May 5. 1882 to be read as evidence in a certain suit in Equity depending in the Circuit Court of Southampton in which Owen Parols by A. H. Parols, next friend is pl^{ff} - and A. H. Parols & William Parols are def^{ts}.

Present. Geo. Briggs - Coun^{sel} ad litem for Wth Parols and J. B. Price, atty for pl^{ffs}.

Wth Pucton being duly sworn upon the Emphatics of Almighty God, deposes and says as follows -

What is your age & do you know the parties to this suit. Ans. I am 47 years old and know the parties to this suit.

Do you think the land in question can be divided in kind. Ans. I do not.

Do you think the interests of all parties would be promoted by a sale of said land, and what would you regard as a fair price for the same. Ans. There are about 54 acres in the land and I think the interests of all parties would be promoted by a sale. I think \$150 a good price for the land. If this land can be sold

for that sum, it will be a most excellent
sale. It is situated some distance from
the depot. off from any public road, and
is very inaccessible.

And further this deponent saith not,

Wm H Pulton

D. P. Davis. being duly sworn, deposes
and says as follows.

What is your age & do you know the
parties to this suit. I am 22 years old
and know the parties to this suit.

Have you heard the foregoing deposition
of Wm H Pulton read. and if so, do you
concur in the statements therein made?
Ans. I have heard the foregoing deposition
of Wm H Pulton read and concur in
all the statements therein made.
And further this deponent saith not.
D. P. Davis

Virginia.

Southampton County Court.

I. Jno N. Sebrille, a Commr in Chancery for
the ~~Commonwealth~~ Court of the County aforesaid
in the State of Virginia do hereby certify
that the foregoing depositions were duly taken
sworn to, and subscribed before me, at
the time & place mentioned therein.

Given under my hand May 5. 1882

J. N. Sebrille

Commr in Chancery.

Court fee for taking }
above depositions }
\$5.⁰⁰ charged to plaintiff }

115

Notice-

In pursuance of a decree of the court of Southampton at the June term 1882 in the Suit of Rawls vs Rawls, for the benefit of Owen Rawls and Willie Rawls.

I will sell at Soor Stn. on July 10th to the highest bidder a certain tract of land now occupied by Malory Hargrave, one and a half miles from Soor Station lying on the rail Road and containing fifty seven acres more or less.

Terms - One half cash, and the balance in twelve months, or the whole amount can be paid cash.

R. H. Rawls

Comr.

The Commonwealth of Massachusetts

AN ACT TO AMEND THE

Rules

{ Sum's Chy

Rules

1881 April Rules

Executed by returning
to the Rawha Copy of
this Summons on the 1st
day of April 1881.

Attest by
W. W. Briggs, Clerk

1881 April Rules

1881 April Rules

The Commonwealth of Virginia,

To the Sheriff of Southampton County - GREETING:
WE COMMAND YOU TO SUMMON *R N Rauols and William Rauols*
an infant

to appear at the Clerks Office of our Circuit Court of Southampton County
at the Rules to be holden for the said Court on the first Monday in *April*
next to answer a bill in chancery exhibited against *they* in our
said Court by *Allen Rauols* by *R N Rauols* his next friend

and have then there this writ.

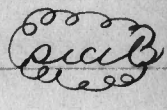
Witness, LITTLETON R. EDWARDS, Clerk of our said Court at the Court
House, this *24* day of *March* 188*1*, in the *105* year
of the Commonwealth.

J R Edwards

Taylor
to J. D. D. D.
Ravels
Exhibit A.

Exhibit A

This Deed made this 25th day of July one thousand eight hundred & seventy two between Nancy E. Baylor of the one part and Mary A. Rauls wife of Richard A. Rauls of the other part all of Southampton County Virginia, Witnesseth: That the said Nancy E. Baylor in consideration of Two Hundred dollars to her paid in hand doth grant unto the said Mary A. Rauls as and for her sole and separate estate the following real estate to wit, a tract of land in ^{the said county of} Southampton containing by estimation fifty four acres more or less, familiarly designated as the Wister tract and adjoining the lands of John Crumple's Estate and the Home tract in which said Nancy E. Baylor resides and the lands of Mrs. Sally Brown together with all and singular the appurtenances belonging to the said Land, And the said Nancy E. Baylor doth warrant generally the right and title hereby conveyed, Witness the following signature and seal,

Nancy E. Baylor 

Southampton County to wit:

I Charles A. Pettlor a Justice of the peace in and for the said County in the State of Virginia do certify that Nancy E. Baylor party to the foregoing writing bearing date the 25th day of July 1872 has acknowledged the same before me in my said County, Given under my hand this 25th day of July 1872
C. A. Pettlor J. P.

Southampton County, In the Clerk's Office August the 20th 1872, This Deed of Bargain & Sale from Nancy E. Baylor to Mary A. Rauls, was this day received and together with the certificate thereto annexed, admitted to record, Stamps of the Int. Rev. of the U. S. to the amount of fifty cents, being affixed thereto and duly cancelled, Teste J. R. Edwards Clerk
A Copy Teste J. R. Edwards Clerk

Rawls by V
or $\frac{1}{3}$
Rawls & Co

Notice to take
depositions

I acknowledge legal service of
this notice.
May 4. 1881

R. H. Rawls
by J. V. P. M. C. atty

To R. H. Rawls - and Wm Rawls - the last
a minor.

Take notice that I shall at the law
office of J B Prince, in Jerusalem
on the 5th day of May 1882 between
the hours of 6 am & 6 pm of that
day proceed to take the depositions
of Wm H. Pectoro & others to be used as
evidence in my behalf in a certain
suit in Equity depending in the
Circuit Court of Southampton, wherein
You are defendants and I am plaintiff.
And if from any cause, the taking of
the same should not be commenced,
on that day, or if commenced should
not be concluded on that day, the
taking of the same will be continued
from day to day at the same place,
between the same hours, until the
same are completed.

May 2nd 1882

Respectfully

Wm Rawls by

R H Rawls, his next friend.

To H H Southampton to execute

Rawls

To $\frac{3}{4}$ Repack,

Rawls

How.

Rawls

vs $\frac{2}{3}$ Report of Comm'r Rawls,
Rawls

In this cause your Comm'r sub-
mits the following report: That I adver-
tised the land in the proceedings men-
tioned for sale and at the sale so made
R. S. Boykin became the purchaser by bid-
ding therefor the sum of \$205.00. Out
of this which was paid in cash, I have
paid as follows:

To Costs of Suit	\$27.82
" Comm'r's	10.25
	<u>\$38.07</u>

Leaving a balance in my hands of
\$166.93. I ask the Court to allow me
to invest this amount in the purchase of
land for the benefit of my children.

The sale was a good one and I recommend its Confirmation

To the Judge $\frac{2}{3}$ Respectfully Submitted
of the Cir. Ct. of $\frac{2}{3}$

So-amptm. $\frac{2}{3}$

R. H. Rawls, Special
Comm'r, By J. B. Prince.

~~74 70 76 77~~

~~72~~

Rawls

77

7 } Stat Rules

Rawls

In Southampton Circuit Court

Owen Rawls by R. H. Rawls his next friend Plaintiff

against
R. H. Rawls & William Rawls

Defendants

1881 March 24th Summons issued

" April R Summons set^d executed. Bill filed - W. W. Briggs
assigned Bon ad litem to W. M. Rawls - answer of Deft W.
Rawls. Gen. Rept. thereto. Decree nisi to Deft R. H. Rawls

" May Bill taken for confessed as to Deft R. H. Rawls & cause
set for hearing as to Defts.

" Nov. J. Decree 3rd to 20 Court 3rd

1882 May Decree for sale

" Nov. J. Report 1st & Decree 1st

Nov, Pa. Nov 8th 1882

Mr Prince,

Dear Sir:-

In accordance with the decree
of Court I sold that land & Mr. R. S. Brylkin
became purchaser, who preferred to, & did
pay cash for it \$205⁰⁰. Please re-
quest the Judge to direct that the money
be invested in land that I have already
purchased, - land that was sold from
my father by decree of court & bought by
me, but I have not finished paying
for, - hence the cause of my wishing to
sell the piece of land first mentioned.
Not knowing the regular form of report
I write to you & you will please
make out the report. Enclosed you
will find cost of suit, - you will
please pay the bills for me. I also
send the advertisement of said land.

Respectfully yours
R. S. Rawls.

Cost of suit as made out by H. C. Dyer.

Clk. \$8.82 W L R Edwards

Sh .50 W

Law. 2.00 W J. K. Dyer Commissioner

Law. 16.50 W - J. B. Prince
27.82

I do this to save you trouble, - How about your
charging \$16.50 - you told me only \$10.00
R. H. R.

Rawls by 7th
m 3 Dec

Rawls 7th

May Term 1881

To be entered.

Geo. Brown.

Rawls by 4.
as 3 decrees.
Rawls &c.

This day this cause came on to be heard on the bill of the complainant later forecompressed as to N.H. Rawls, the answer of Wm Rawls by Wm. Muff, his son as tutor, Exhibits filed and was argued by Council. On consideration whereof the Court doth adjudge order and decree that one of the Commissioners of this Court enquire & report whether the real estate in the proceedings mentioned is susceptible of partition among the parties interested or not. and if the said Court shoud find that it is impracticable to divide the said land among the aforesaid parties, or shoud be of opinion that the interests of the said parties woud be more promoted by a sale of the same, in such case, he will report the facts upon which his opinion is based, and also what in his opinion is the true simple value of the said real estate.

32
Ravels by 7.
15. 3 above
Ravels 4.

=====

May Term 1882.

To be entered.

Geo. B. Low.

Rec'd by 4.
vs 3 deceit.
Rec'd 4.

This day this cause came on to be further heard on the papers formerly read, the report of Comr. ^{Tyler} ~~Libell~~, filed during the term, reporting partition of the real estate in the proceeding mentioned inproachable, to which report, there is no exception, and was agreed by Council. On consideration whereof, the Court doth approve & confirm the said report and doth adjudge order & decree that R.H. Parole, who is hereby appointed a Comr. for the purpose, sell the real estate in the proceeding mentioned, after 20 days public notice of time, place & terms of sale, upon the following terms, to wit - one half cash balance on credit of twelve months from day of sale, the credit installment to bear interest from day of sale - taking from the purchaser bond with good personal security and the title to be retained for the further order of the Court. And said Comr. will report his proceedings to Court.

But said Comr. will not act under this decree until he shall have entered into bond in the penalty of \$300. with security to be approved by the Clerk of this Court. Conditioned to faithfully execute this and any further decree in this cause.

Rawls ~~32~~ 7#
ms $\frac{1}{3}$ Dr crew.

Rawls 30

Nov. Term 1882,
To be entered,

Geo. Blom

Rawls
vs $\{$ Decree,

Rawls

This day this cause came on to be further heard on the papers formerly read and the report of Comm'r Rawls reporting sale of the land in the proceedings mentioned to R. S. Boykin for the sum of \$205. ⁰⁰/₁₀₀ and also that the said purchaser has paid the whole amount in cash, and showing further that after the payment of expenses there was a balance in the hands of the Comm'r of \$166. ⁹³/₁₀₀ and asking that he be allowed to invest the same in real estate for the benefit of his children to whom the fund belongs, and was argued by Counsel. On consideration whereof, the Court doth decree that the said report be confirmed, and that the said Comm'r execute to R. S. Boykin a deed with special warranty for the land in the proceedings mentioned. The Court doth further decree that the said Comm'r invest the said sum of \$166. ⁹³/₁₀₀ ~~therein~~ paying for a tract of land which he has recently bought as shown by a letter filed with his report. That he secure the same by a deed of trust upon said land and make report to Court.