1894-10 Southampton County Chancery - Nicholson, C.W. pl'ff vs Gillette, J E's Estate

"Creditors Suit"
Land to be sold and
proceeds be applied to
payment of debts -

Vaughan, C.C
Davis, J B

Gillette, W. J Adm.
Gillette, Lucy O.
Gillette, Annie L.
Gillette, James E.
Gillette, Jno F.
Gillette, Nettie L
Gillette, Geo. W.

Nicholson + als:

vs. } Bill in Equity

Gillette's Admrs.

1 Apr Rules

2nd Nov Rules 1865.

Copied

J. C. PARKER,
ATTORNEY-AT-LAW,
Main St., Franklin, Va.

To the Hon.C.W.Hill,Judge of the Circuit Court of Southampton County,Virginia.

Your orators,C.C.Vaughan,J.B.Davis,and C.W.Nicholson,who sue for themselves and all other creditors of the late J.E. Gillette who will come in and bear their share of the expenses of this suit,showeth unto the Court that on the 10th day of September 1892,J.E.Gillette departed this life ~~intestate~~ intestate ,leaving surviving him his wife,Lucy O.Gillette,and his five children,to wit,Annie L.Gillette,James E.Gillette,Jno.K.Gillette,Nettie L.Gillette,and Geo.W.Gillette,all infants;that on the 19th day of September 1892,Wm.J.Gillette qualified in the County Court of Southampton County as Administrator of the estate of the said deceased J.E.Gillette,a copy of the order of qualification being herewith filed,marked exhibit ''A''and pray -ed to be read as a part of this bill.That on the said 10th day of September when the said J.E.Gillette departed this life, he was indebted to your orator,C.C.Vaughan in the following manner and amounts,to-wit;on one bond,dated August 31st 1888 and due on demand for the sum of $12.69 ;on one bond dated Jany 1st 1890 and due on demand for the sum of $68.95 ;and on one bond dated Jany 1st 1884 and due one day after date for the sum of $38.21 . That on the said 10th of Sept.1892,the deceased was indebted to your orator J.B.Davis in the sum of one hundred and ten dollars,with interest from the 17th day of August 1892,as is evidenced by bond bearing date the 17th day of August 1892,for the sum of one hundred and ten dollars and payable on demand with interest from date. That on the said 10th day of September 1892,the de-

ceased was indebted to your orator C.W.Nicholson in the sum of $461.78,with interest from the 16th day of September 1890, as is evidenced by a due bill given by said J.E.Gillette to said C.W.Nicholson on the 15th day of September 1890,for said sum and due one day after date. Your orators further show unto the Court that none of said debts have been paid;that the said deceased left property consisting of realty and personal ,the said realty consisting of a farm in Berlin and Ivor district in said County,on which he resided at his death,containing about 250 acres,and adjoining the lands of W.A.Bell's est. and others.

To the end therefore that justice may be done and forasmuch as your orators are remediless in the premises save in a court of equity where such matters are alone cognizable,your complainants pray that the said W.J.E.Gillette,Administrator of J.E.Gillette deceased,Lucy O.Gillette,and Annie L.,James E.,Jnº K.,Nettie L.,and George W.Gillette,be made parties defendant to this suit and required to answer this bill,though an answer under oath is expressly waived;that a proper Guardian ad litem be appointed for the infant defendants;that an account of the transactions of Wm.J.Gillette as administrator of J.E.Gillette be taken;that an account of the debts due by the estate of the said J.E.Gillette or by him at his death,be taken,together with their order of priority and dignity;that the real estate be sold,after the widow's dower in said realty shall have been ,assigned her,and the proceeds of same togehter with the funds in the hands of the administrator,be applied to the payments of the debts of the deceased intheir order of priority;that proper counsels fees be allowed out of the proceeds of the estate;and that all such other and further and general relaif may be granted as to the Court may seem right or the nature of the case require.And your orators will ever pray &c &c.

1492
UNITED STATES OF AMERICA
1892
2
2
LANDING OF COLUMBUS

Dec 23/93

Mr Thomas Howard

Dear Sir.

Will you please furnish me statement of all debts proven against the estate of J. C. Liddle, in the case of Nicholson et als against Liddle, forthwith.

Very Respectfully
C. W. Nicholson

Nicholson et als

vs.

Circuit Court Adm. et als

Answer of Defendants

Filed 14 June 1965

and says that it has no knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40,

The joint and separate answers of Annie L.Gillette and James E. Gillette, infants under the age of twenty-one, to a bill of complaint exhibited against them and others in the Circuit Court of Southampton County by C.C.Vaughan and others.

These respondents, reserving to themselves the benefit of all just exceptions to said bill, for answer thereto, or to so much thereof as they are advised that it is material that they should answer, answer and say:-

That they are infants of tender years, and by reason of their infancy are incapable of understanding or of taking care of their rights and interests. They therefore commend themselves and their rights and interests to the protection of the Court and pray that no decree may be pronounced that will tend to their prejudice.

And having fully answered, the said respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray, etc.

Annie L. Gillette

Jas. E. Gillette

Nicholson & als:

Summ:

Gillettes Admr & als:

1893. 1st April Rule

Cir: Ct.

Executed March
25th 1893 by delivering
a copy of this Summ
to W.J. Gillette admr.
of J.E. Gillett dec'd. and
Chas G. Gillette &
J.L. McClemon dec'd.
ad Litem

E.S. Hall dep't

for J.H. Williams
Shff.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON W. J. Gillette Admr of J. E. Gillette, dec'd, Lucy O. Gillette widow of said J. E. Gillette, Annie L. Gillette, James E. Gillette, John R. Gillette, Nellie L. Gillette and Gertie W. Gillette: the last five being infants, by J. L. McLemore their Guardian ad litem

to appear at the Clerk's 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 them & als: in our said Court by C. W. Nicholson, C. C. Vaughan & J. B. Davis

And this they shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 28 day of February, 1893, in the 117th year of the Commonwealth.

Test: B. F. McLemore C. C.

Everett Waddey, Stationer and Printer, Richmond, Va. } Form No. 309.

Know all Men by these Presents, That we J. C. Parker & Jno A Knight are held and firmly bound unto the Commonwealth of Virginia, in the sum of Fifteen Hundred Dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligaiton, and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our seals, and dated this 20 day of November one thousand eight hundred and Ninety three.

The condition of the above Obligation is such, That if the above bound J. C. Parker shall faithfully perform the duties of his office or trust, as Special Commissioner under a decree of the Circuit Court of the County of Southampton, pronounced on the 10th day of November, 18 93, in the suit therein depending under the name and style of Nicholson et als & Gillettes Admr etals

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

J C Parker SEAL.

J. R. Knight SEAL.

SEAL.

In the Clerk's Office of the Circuit Court of the County of Southampton:

This day J. R. Knight surety on the above bond, made oath before me T. M. Howard, Clerk of the Circuit Court of the County of Southampton, that his estate after the payment of all his just debts, and those for which he is bound as security for others, and expect to have to pay is worth the sum of Fifteen hundred dollars; whereupon the said bond is admitted to record according to law.

Given under my hand this 20 day of Nov. 1893

Teste: T. M. Howard Clerk.

Stat of Leach in Coby suit of
Nicholson et als & Gillettes Admrs et als -

50 - 15 = 15 - 15 = 14 - 14 = 72 - 125 = 3.22

Coll. 72 - 40 - 25 = 1.37

$4.59

Nov. 23/94 D. M. Howard Clk.

Stat of Costs in Chy suit of
Nicholson et als Vs Gillettes Admr et als.

		To Copy of Comrs report for C.W.N.	.50	
1893		" filing 2 petitions @ 15¢	30	
Nov	20	" taking & recording Comrs Bond	1.25	
1894				
Apl	24	" filing copy of Comrs	15	
"	25	" " " " Admr	15	
Oct	17	" " " " Comrs	15	
		" 2 decrees & copy 72¢	1.44	
		" taxing Costs	40	
		" filing papers	25	$4.59

Jany 11-1895

Rich Seymour
T. H. Howard C.C.

Southampton County Court: Sept: Term 1893

On motion of W. J. Gillette - who made oath, and together with B. E. Worrell and R. S. Pope as his securities, who justified on oath as to their sufficiency - entered into and acknowledged a bond in the penalty of Eight hundred dollars, conditioned as the law directs, which bond is ordered to be recorded - certificate is granted the said W. J. Gillette to obtain letters of Administration on the Estate of J Ezra Gillette dec'd, in due form, and W. H. White - Geo. H. Williams and J. E. Rowe are appointed appraisers who being duly qualified will appraise the Estate of said decedent and return the same under their hands as the law directs.

A Copy.

Teste: B. D. McLemore C.C.

by D.C.

lent up to Aug 20.93, in lobby suit of Nicholson et als vs Estelle Admr.

L&C	25-39-18-10-18-50-35-15=15=50- =	
B.F.M.	15-15=36- Paid-	= 3.04

B-F-M Lewis

L&C		
J.M.H.	18-15=40-25=108-50-50-25-	3.46

Shff-	J.W.W.	Paid J.H. Williams Shff.	2.50
Lewis	Sup-		16.50
Lewis	J.C.M.		10.00
			35.00

200

Nichols on + als:

" " Stat: Rules.

Gillette's Admrx + als:

1 apl

72
36
108

C. W. Nicholson. C. C. Vaughan
& J. B. Davis. Pltffs.
Against
F. J. Gillette. Admr of J. E. Gillette,
dec'd. Lucy A. Gillette, widow of said
J. E. Gillette, dec'd. Annie L. Gillette.
James E. Gillette. John H. Gillette.
Nellie L. Gillette. and George W.
Gillette. the last five being infants
by J. L. McLemore, their Gdn ad litem. Pltff.
1896. Feb. 28. Issues ifp to 1. April Rules:
" 1st Mol. R: Issues Executed. Bill & Ex: filed.
J. L. McLemore apptd Gdn ad litem.
decree nisi & adults.
" 2 " " Bill taken for confessed as
to adults & cause set for
hearing as to them.

$12.75/100

Franklin, Va. June 1st 1881

One day after date I promise to pay to the order of **H. COBB & CO.,**

Twelve & 75/100 Dollars,

for value received, with interest from date till paid and I maker and endorser hereby waive the benefit of my Homestead Exemption as to this debt.

Given under my hand this 1st day of June 1881

DUE

J. E. Gillette (Seal)

Nicholson et als
vs. }
Gillette's Admrs. et als

Petition of H. Cobb & Co.

To the Hon. C.W.Hill, Judge of the Circuit Court of Southampton County, Virginia.

Your petitioners, H.Cobb & Co, hunbly petitioning showeth unto the court that at the May term 1893 of said court a decree was made in the chancery cause therein pending styled Nicholson et als. vs. Gillette's Admr. directing an account of the debts due by J.E.Gillette deceased to be taken. Your petitioners had no knowledge of said decree and did not know of the time appoin-ted by Comr. McLemore to take said account and in consequence did not present their account. The said J.E.Gillette was indebt-ed at the time of his death to your petitioners in the sum of $12.75, with interest from June 1st 1891, as is shown by his bond herewith filed, and the said bond has been in no wise paid or satisfied. Your petitioners therefore pray that said bonds may be paid out of the proceeds of the estate of said J.E. Gillette, or if said estate will not pay all the debts of deced-ent in full that your petitioners be paid their pro rata share of same along with the other creditors. And your petition-ers will ever pray, etc.

H.Cobb & Co.
by J.C.Parker atty.

Received of W. J. Gillette adm. of E. Gillette, deceased. Thirty-one & 67/100 Dollars to be distributed among the creditors of J. E. Gillette, deceased.

J. C. Parker
Special Comm.

Statement of Cash up to
Nov. 20-1893. in Ly Lawsuit
Nicholson et als vs Gillette Admr et als.

Cl Ct.	B. F. M.	Paid B. F. M. Lemon	3.00
Vs	F. M. H.	paid F. M. Howard.	3.46
Shff.	J. W. W.	Paid J. W. Williams Shff.	4.50
Lawyer	J. C. P.	Paid. J. C. Poker atty	16.50
Lawyer	J. L. M.	Paid J. L. McLemore Lawyer	10.00
			37.50

Received of W. J. Gillette Admr.
of J. L. Gillette. Nineteen 00/100
Dollars. balance in his hands
for distribution as per decree
in suit Nicholson et als. vs.
Gillette's admr et al.

J. C. Poker
Special Comr.

Nicholson. et als.

vs.

Gillette's Admrs. et als

Report of Administrators

1894. Apl 25. filed

T. M. H. C. C.

NICHOLSON,et als,

VS. REPORT OF ADMINISTRATOR.

GILLETTE'S ADMR.et als.

To the Hon.C.W.HILL,Judge of the Circuit Court of Southampton County,Va.

The undersigned,Administrator of J.E.Gillette,deceased, respectfully begs leave to report to the court that since the last decree in the above cause he has received the sum of fifty dollars on account of rent for the farm of which the deceased died seised and possessed,and that he has paid out the said fifty dollars,together with the balance in his hands at the last term of the court as shown by report of Comr.McLemore,in accordance with the following statement,supported by vouchers,in obedience to the decree of this court entered at the November term 1893 in the above cause.

Amount in hand per last report,		$55.38
" of rent collected,less widows one third,		33.33
To com.on $55.33	$1.66	
" paid costs of suit per statement,	35.50	
" " J.C.Parker,Special Comr.to be paid to creditors according to decree,	51.55	
	$88.71	$88.71

Respectfully submitted,

W. J. Gillette Admr.

Michaelson, Et als

vs.

Gillettis adms.

Appeal from Circuit Court

Argued

Counsel for Plff. in Error

Counsel for Deft. in Error

Mr. Justice Harlan delivered the opinion of the Court.

This was an action brought by the plaintiffs in error against the defendants in error in the Circuit Court of the United States for the District of Nebraska, to recover the value of certain property alleged to have been converted by the defendants. The property consisted of a stock of goods, wares and merchandise, and the conversion was alleged to have occurred on the 9th day of March, 1889. The defendants pleaded not guilty, and upon the trial the jury found a verdict for the plaintiffs for the sum of $1,000.00, upon which judgment was entered. To reverse that judgment the case is brought here by writ of error.

The only question presented for our consideration arises upon the refusal of the court to give the following instruction asked by the defendants:

"If you believe from the evidence that the plaintiffs, or either of them, executed the bill of sale in question for the purpose of hindering, delaying or defrauding the creditors of Michaelson & Co., and that the defendants, or either of them, purchased the property in question with knowledge of such fraudulent purpose, then the plaintiffs cannot recover, and your verdict must be for the defendants."

The court refused to give the instruction, but did instruct the jury that if they believed from the evidence that the bill of sale was executed for the purpose of hindering, delaying or defrauding the creditors of Michaelson & Co., and that the defendants purchased the property with knowledge of such fraudulent purpose, then the plaintiffs could not recover, and their verdict must be for the defendants. The refusal to give the instruction asked by the defendants is the only error assigned.

The answers of Annie L Gillette, James E. Gillette, John K. Gillette, Nettie L. Gillette, Geo. W. Gillette, infant orphans of J. E. Gillette, deceased, by J. L. McLemore, their Guardian ad litem, to the bill of complaint exhibited in the Circuit Court of Southampton County, Va., by C. C. Vaughan, C. W. Nicholson and J. B. Davis, against them and others.

The respondents, reserving to themselves the benefit of all just exceptions to said bill for answer thereto, or to so much thereof as they are advised that it is material they should answer, by their guardian ad litem answer and say:-

That they are infants of tender years and by reason of their infancy are in-capable of understanding or of taking care of their rights and interests. They therefore, by their guardian, commend themselves and their rights and interests to the protection of the court, and pray that no decree may be pronounced which will tend to their prejudice.

And having fully answered, the said respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray, etc.

Jas. L. McLemore
Gdn ad litem.

Subscribed & sworn to before me
this 8th day of May 1893
B. F. McLemore C.C.

To the Circuit Court of Southampton County.

We, the undersigned Commissioners appointed by a decree of the Circuit Court of Southampton County entered at the May Term 1893 in the Chancery Cause of Nicholson et: als. vs. Gillette's Administrator, et: als: to lay off and assign to Lucy O. Gillette, widow of Jos. E. Gillette, dec'd. - one third in value of the real estate whereof the said Jos. E. Gillette died seized and possessed - having regard to quality and quantity, respectfully report to Court. that in obedience to said decretal Order, we met on the premises, on the 21st day of September 1893. and proceeded to lay off and assign the dower aforesaid, as follows: Beginning at the Assamoosic Bridge - thence down the Assamoosic Swamp 250 yards. thence to a small Sweet Gum, in the field. on the side of a small branch - thence across the field, a straight line, to a Pine. standing at the North Corner of the lot & building - on the road below the dwelling. thence a straight line along the fence of said lot. to the Mill Swamp - thence up the said

swamp to the line of H. A. Bell. thence along said Bell's line to the County road near the dwelling. thence along the County road to the Aspamoxie bridge the point of beginning. This we consider one third in value - and also in quantity - the widow gets the dwelling, but there are two settlements on the residue of the tract - worth about as much as the dwelling - hence we have had to give her one third - in quantity.

Respectfully submitted.
John D. Turner

E. F. Reese
W. S. Biggs.
"

Southampton Circuit Court. May term 1893

Nicholson et als

vs

Gillette's Administrator, et als.

This day this cause came on to be heard upon the bill and exhibits filed, upon the answers of Annie L. Gillette and James E. Gillette infants over the age of fourteen years, and of J. L. McLemore Guardian ad litem for the infant defendants, and the replications thereto, and upon the taken for confessed as to the adult defendants, and was argued by Counsel:

Upon consideration thereof the Court doth adjudge, order and decree that one of the Commissioners of this Court proceed to take an account 1st, of the trans actions of W. J. Gillette, Administrator of J. E. Gillette deceased, and report the balance in his hands; 2nd — an account of all the debts outstanding against the said J. E. Gillette or his estate, together with their order of priority and dignity, and whether the same are secured by lien on the property of the deceased or not, and whether the same waive the homestead exemption or not; 3rd — an account of the annual and fee simple value of all the real estate of which the said J. E. Gillette died seized and possessed; 4th — any other matter he may deem pertinent, or which he may be requested to make, state and report by any of the par-

fies to this suit to this suit. And he shall report to this Court at the next term thereof. And the Court doth further adjudge order and decree that W.W. White. B.F. Briggs W.S. Briggs, E.F. Reese & Jno. D. Turner any three of whom may act, who are hereby appointed special Commissioners for that purpose, having been sworn according to law. proceed to lay off and assign by metes and bounds, unto said widow one-third of the real estate of which her late husband died seized and possessed, having due reference to quantity and quality, and if in their opinion such dower cannot be assigned in kind, then to make such report as they may deem pertinent and proper or as any party in interest reasonably may request.

A Copy:

Teste: B.F. McLemore C.C.

Nicholson et als
vs
Dacus
Leilus Admrs et als

Acct 1-93-

Comm's Report
of
Dower of

Lucy A. Gillette

1893 Oct 5 Filed
P. M. Howard Clk.

COMMISSIONER'S OFFICE,

JERUSALEM, Courtland Va. Sept. 22 1853

To the *Creditors* of the Estate of
J. Ezra Gillette
deceased, and all others concerned.

You are hereby notified, that ~~at the request of~~ by direction of a Decree of the Circuit Court of Southampton entered in the Chancery Cause of Nicholson &c. against Gillette's admr. &c. ~~Administrator of the estate of the said~~ deceased, I have appointed the 23rd day of October next, at my Office, for receiving proof of debts or demands, against the said decedent or his estate, at which time and place you are required to attend.

Given under my hand, as a Commissioner of the County Court of Southampton County, the day and year first aforesaid.

Jas. L. McLemore
Commissioner.

Nicholson vs
Ex" 5
3 Decree
Gillettes admrs etals

a copy

Southampton Circuit Court
May Term 1893.

Nicholson et als

(or"

Gillette's Administrator et als.

This day this cause came on to be heard upon the bill and exhibits filed, upon the answer of Annie L. Gillette, and James E. Gillette, infants over the age of fourteen years and of J.S. McLemore Guardian ad litem for the infant defendants and the replications thereto, and upon the bill taken for confessed as to the adult defendants, and was argued by counsel. Upon consideration whereof the Court doth adjudge, order and decree that one of the Commissioners of this Court proceed to take an account 1st of the transactions of W.J. Gillette, administrator of J.E. Gillette deceased, and report the balance in his hands. 2nd An account of all the debts outstanding against the said J.E. Gillette or his estate

together with their order of priority and dignity, and whether the same are secured by lein on the property of the deceased or not, 2nd whether the same waive the homestead exemption or not: 3rd, an account of the annuae and fee simple value of all the real estate of which the said J.C. Gillette died seised and possessed: and 4th any other matter he may deem pertinent, or which he may be requested to make, state and report by any of the parties to this suit, And he shall report to this court at the next term thereof.

And the court doth further adjudge, order, and decree that W.W. White, B.F. Briggs, W. S. Briggs, E.F. Reed & Jno. D. Turner any three of whom may act, who are hereby appointed Special commissioners for that purpose, having been sworn according to law, proceed to lay off and assign by metes and bounds

unto said widow one third of the real estate of which her late husband died seized and possessed, having due reference to quantity and quality and if in their opinion such dower cannot be assigned in Kind, then to make such report as they may deem pertinent and proper or as any party in interest may reasonably request.

A Copy
Test: T. M. Howard Clk.

An Account of the transactions of Wm. J. Gicette Administrator of J. E. Gicette dec'd taken before J. L. McLemore Comr in Chy Lin. Ct.

1893.					
Febry	15	By amo. of acct Sales per. sundry property.			140.87
		To Comr on Same.		7 04	
Febry	20	" paid G.W. Nagelle in full of all burial expenses		37.	
		To paid Appraisers		2 00	
		" " J.L. Gicette Auctioneer Sale of chattel property		5 00	
		" " Clerk fee retained		1 00	
		" " Taxes for 1892 & 1893.		12 95	
		" Comrs fee for examining and approving Inv. & acct Sales		4 00	
		" Clerk fee for recording Said Appr. & Ac Sales		2 00	
		" Comrs fee for this a/c & a/c of debts. acct. apportioning balance &c.		10 00	
		" Clerk fee for recording Same		2 00	
June	1	Balance		50 38	
			140 87		$140.87
1893.					
Date	1.	By bal. due Est. brot down.			$ 50.38

Respectfully Submitted
J. L. McLemore
Comr in Chancery -

Office of Comr. in Chancery
Lin. Court

Your Comr. begs to state specially that there will be about $50. coming into the hands of the Admr.

from the rent of the farm of decedent for the year 1893. but that the same is not yet due, and one third thereof belongs to the widow of said J. E. Gillette. whereon the same shall have been collected.

Respectfully Submitted.

J. L. W. Lemare

Comr. in Chancery.

An account of the debts outstanding against the estate of J. E. Gillette decd. taken before me. on the 5th day of October 1893.

- 5th Class. -

1 Bond due J. B. Davis, Aug. 17. 1892, and due on demand. Homestead waived.	1100.0	
Int from Aug 17. 1892 to Nov. 1. 1893.	79.8	1179.8
Note due Lee Vaughan	58.95	
Int from Janu 1. 1890 to Nov. 1. 93.	10.02	68.97
- Homestead Waived -		
Note due Lee Vaughan	12.69	
Int. from Aug 31/88. to Nov. 1. 1893.	3.92	16.61
- Homestead waived -		
Note due Lee Vaughan	38.31	
Int. from Janu 1. 1884 to Nov. 1. 1893.	22.60	60.91
- Homestead Waived.		
Note due R. F. Bell	10	
Int. on same from Janu 1. 85 to Janu 1/93.	5.05	15.05
- Homestead waived -		
Note due Bain & Co. balance.	8.66	
Int. on same from Janu 1/93 to Nov. 1/93.	.21	8.87
Note due Dr. C. W. Nicholson	46.78	
Int. from Sept. 16. 1890. to Nov. 1/93	8.58	54.836
- Homestead waived -		
An account due Williams & Prettard	26.70	
Int from Janu 1/89 to Nov. 1/93	7.74	34.44
		891.19

$ 871.19

An account due Sallie Bell	500	
Int from Janu 1st 90 to Nov. 1. 93.	102	602
An account due John G. Kells	1230	
Int from Janu. 1st 1893 to Nov. 1/93	61	1291
An account due R.S. Pope.	5546	
Int on same from Janu 1/93 to Nov. 1. 93	277	5823
		$ 9486

November 1/1893.

Respectfully Submitted.
Jas. McLaurin
Com'r in Chancery.

An account of the annual and fee simple value of the Real Estate of which J. Ezra Tillett died seized and possessed.

	Annual value	Absolute
A tract of land containing 250 acres	$100.	$1200

This tract of land is subject to the widows dower therein, and would not rent for anything scarcely after the dower is taken from it. The above values are arrived at without noticing the fact that the dower has been claimed.

Respectfully Submitted
Jas. L. McLemore
Comm. in Chancery

Nicholson et al.
vs.
Reporb
Gillette rather

1893 Oct. 28 filed

Commissioners Office,
October 1893.

Your Commissioner to whom was referred the several accounts herein required to be stated, begs to report that after due notice both by advertisement at the front door of the Court-House, & by personal service on the parties, he took the several accounts directed to be taken by the annexed decree and finds that the amount of the debt against the said estate are $948.30, and that the amount now in the hands of the Administrator is $65.38

Comm's Fee.
$10 - Pd. to Plaintiff

Respectfully Submitted
J. L. McLemore
Comm. in Chancery

$66.40

Courtland, Va. May 26th 1864.

Received of J.C.Parker Special Commissioner in the chancery suit of Nicholson et als vs. Willetts Adm. ~~Fifty~~ ~~cts~~ Sixty dollars in full of my prorata share of the funds in his hands to be distributed in said suit, by order of decree at May Term 1864 of the Circuit Court of Southampton County, Va.

J B Davis

$69.50 Franklin Va. May 26th 1894.

Received of J.C.Parker Special Commissioner in the chancery suit of Nicholson et als vs. Gillett's Admr. Sixty-nine & 50/100 Dollars in full of my prorata share of the funds in his hands to be distributed in said suit, by order of decree at May Term 1894 of the Circuit Court of Southampton County, Va.

L. G. Vaughan

$8.02

Sov. Va. July 14 1894.

Received of J.C.Parker Special Commissioner in the Chancery suit of Nicholson et als vs. Gillett's Admr. Eight-.....
$8.02/100 ..... Dollars in full of my prorata share of the funds in his hands to be distributed in said suit by order of decree at May Term 1894 of the Circuit Court of Southampton County, Va.

Please sign this
& return.

X R. L. Bell

$12 Courtland Va. July 27th 1894.

Received of J.C.Parker Special Commissioner in the chancery suit of Nicholson et als vs. Gillett's Admr. Five & 12/100 Dollars in full of my prorata share of the funds in his hands to be distributed in said suit by ~~decree~~ order of decree at May Term 1894 of the Circuit Court of Southampton County, Va.

Bain & Co.

Please sign this & return Rosine. J.C.P.

$258.68

Received of J. C. Parker Special Comm. in the chancery suit of Nicholson &c vs. Gatellis Adms. Two Hundred & fifty-eight & 68/100 Dollars in full of my two salmon shore fisheries funds in his hands to be distributed in said suit, by order & decree at May Term 1894 of the Circuit Court of Southampton County. C. W. Nicholson

J. C. PARKER
ATTORNEY-AT-LAW
FRANKLIN, VA.

No 907 Franklin, Va., July 27th 1894

VAUGHAN & CO.
BANKERS.

Pay to the order of Jno. G. Keels

Six & 02/100 Dollars

Vaughan & Co. PAID AUG 16 1894 Franklin, Va.

$6.02 J. C. Parker atty.

SAM W. BOWMAN, NORFOLK, VA.

J. C. PARKER
ATTORNEY-AT-LAW
FRANKLIN, VA.

No 906 Franklin, Va., July 27th 1894

VAUGHAN & CO.
BANKERS.

Pay to the order of Williams & Keller

Seventeen & 13/100 Dollars

Vaughan & Co. Franklin, Va. PAID AUG 13 1894

$17.13 J. C. Parker atty

SAM W. BOWMAN, NORFOLK, VA.

$3.76 Ivor, Va. July 14 1894.

Received of J.C.Parker Special Commissioner in the chancery suit of Nicholson et als vs. Gillett's Admr. three 76/100 Dollars in full of my prorata share of the funds in his hands to be distributed in said suit, by order of decree at May Term 1894 of the Circuit Court of Southampton County, Va.

Please sign this & return to me.

x Sallie B. Bell

28^{32} Boykins Va. July 27 1894.

Received of J.C.Parker Special Commissioner in the chancery suit of Nicholson et als vs. Gilletts Admr. Twenty-eight & 32/100 Dollars in full of my prorata share of the funds in his hands to be distributed in said suit, by order of decree at May Term 1894 of the Circuit Court of Southampton County, Va.

R S Pope

Please sign this & return 5 rec'd. J.C.P.

$7 83/100

Franklin Va. June 2nd 1894.

Received of J.C.Parker Special Commissioner in the chancery suit of Nicholson et als vs. Gillotts Admr. Seven & 83/100 Dollars in full of my prorata share of the funds in his hands to be distributed in said suit, by order of decree at May Term 1894 of the Circuit Court of Southampton County, Va.

H Cobb

Nicholson. et als

vs

Gillett's Admr, et als

Report of Comm.

1894 Oct 17 Filed

D.M.H. Lyle,

Clerk.

Nicholson,et als.

VS. Report of Special Comr.

Gillette's Admr. et als.

To the Hon.C.W.Hill,Judge of the Circuit Court of Southampton County:-

The undersigned,your special commissioner in above cause, begs to report that since the last term of this court he has collected the balance due on the purchase price of the property sold and given a deed for the same to G.H.Magette as directed by the decree last entered,and has paid out the entire fund in his hands as is shown by the following statement.

By balance in hand per last report,		$64.50
" " of purchase price collected,		470.00
To Commissions on reciepts,	$18.40	
" attorney's fee allowed me by court,	50.00	
" reserved for future costs,	5.00	
" paid J.B.Davis,	56.40	
" " C.C.Vaughan,	69.80	
" " R.P.Bell,	8.02	
" " Bain & Co.	5.12	
" " C.W.Nicholson,	258.68	
" " Williams & Pretlow,	17.15	
" " Sallie Bell,	5.78	
" " John G.Kello,	6.02	
" " R.S.Pope,	28.52	
" " H.Cobb & Co.	7.83	
	$534.50	$534.50

Respectfully submitted,

J.C.Parker

Special Comr.

Received of J. C. Parker, Special Capias, Five Dollars in full of auctioneers fee for selling land in suit of Nicholson, et als. vs. Gillette's adm. et als. December 18th 1893.

J. L. Gillette sheriff

Franklin, Va., Dec 14 1893

Mr. H. C. Parker

Special Comm'r Nicholson vs. Tillett's admr

To Southampton Democrat, Dr.

W. H. Stroud, Proprietor.

JOB PRINTING DONE WITH NEATNESS AT LOW PRICES.

93

Nov	21	To 150 1/16 bills 2d q Jam		1	00
		Paid on acct			
		W. H. Stroud			

SALE

—OF—

Valuable Farm Land!

By virtue of a decree of the Circuit Court of Southampton County, entered at the November term, 1893, thereof, in the Chancery suit therein pending, styled Nicholson et als vs. Gillette's Administrator et als., I shall on

MONDAY, DECEMBER THE 18TH, 1893,

(Courtday) offer for sale at PUBLIC AUCTION,

IN THE TOWN OF COURTLAND,

Va., in front of the Courthouse, between the hours of 12 M. and 2 o'clock P. M., that portion of the Farm of which the late J. E. Gillette died, seized and possessed which is not included in the widow's dower, said Farm being situated near Assamoosic Postoffice and bounded by Assamoosic swamp and Butt's mill swamp, the portion to be sold containing about 165 acres. INSPECTION of the property is invited.

TERMS—One-fourth of the purchase price cash; the balance in three equal instalments, payable one, two and three years after date, with interest from date, bonds with approved security to be given for deferred payments. Title reserved until purchase price is fully paid, but with privilege to purchaser to pay all cash and take deed as soon as sale is confirmed.

J. C. PARKER, Special Commissioner.

NOVEMBER 20TH, 1893.

NICHOLSON ET ALS.
vs.
GILLETTE'S ADMINISTRATOR } In Chancery.

I hereby certify that the bond required by the decree in the above-named cause has been executed by the Commissioner with security deemed sufficient by me.

T. M. HOWARD, C. C.

Nicholson. et als
vs. }
Gillett's Admn. et als.

Report of
Special Comm.

1894 Apl 24 filed
T. M. Hee.

N I C H O L S O N, ET ALS.

V S. REPORT OF SPECIAL COMMISSIONER.

G I L L E T T E'S A D M R. ET ALS.

TO the Hon.C.W.HILL, Judge of the Circuit Court of Southampton County, Va.

The undersigned, your special commissioner in the above suit, begs leave to report to you that in accordance with the direction of the decree entered in the said cause at the November term 1893 of said Court, he offered the property described in the bill and proceedings for sale at auction, upon the terms set forth in said decree, on the 18th day of December 1893, after having advertised said sale as directed by said decree. Upon said offering no one made any bid upon the said land and it was taken down by the auctioneer. Your Comissioner thereupon, and at the request of the widow and uncle of the children of the deceased J.E.Gillette, and of a parge majority of the creditors of said deceased, offered the whole of the property described in said bill and proceedings, subject to the widow's dower, at which offering Lucy O.Gillette became the purchaser for the sum of five hundred dollars, of which she has paid to your Commissioner and he now has in hand $50. The said purchaser has not complied further with the terms of sale, but your Commissioner think the sale a good one, that the same should be confirmed and that the said purchaser will comply and pay all cash as soon as sale confirmed. In addition to the above $50. your Commissioner has received from W.J.Gillette, Admr. $51.05, and has paid out from said sums as follows ;

Amount received from W.J.Gillette, Admr.		$51.05
" " " Lucy O.Gillette,		50.00
To paid for advertising,	$1.00	
" " " Auctioneer,	5.00	
" " writ tax	1.50	
" 5 o/o com.on receipts,	4.05	
" reserved to pay for deed	5.00	
Balance,	64.50	
	$81.05	$81.05

By balance in hand subject to order of court, $64.50

Respectfully submitted,

J.C.Parker

Special Comr.

Contains the agreement of rental and sale to him

by G.H.Magett of the farm known as the Buzzards Nes

Geo. H. Magett

See D.T.B. 3-238

Subject to dower rights of Lucy E. Gillette, widow of J.E. Gillette.

Nicholson et als vs. Gillett's Admr et als (Rem'n. 94)

See 43 D.B. page 247 - 1894

This contract made and entered into this the I9th day of September. I904 between G.H.Maget of the first part, and C.S.Ricks of the second part, all of Southampton County, State of Virginia,

Witnesseth, that for, and in consideration of one dollar in hand paid receipt of which is hereby acknowledged, the said G.H.Magett agrees to lease to the said C.S.Ricks his entire farm known as the "Buzzards nest" for a period of five years at one hundred and twenty five ($I25.00) dollars per year, with the privelege of buying the farm any time during the five years at the price of two thousand dollars,

Witness our hands and seals the above named date.

WIitness

J.J. Knight

E.L. Magett

G.H. Magett (Seal)

E.L. Gillette

C.S. Ricks (Seal)

in my County aforesaid
Given under my hand this
5th day of May 1894.
R. F. Barham J.P.

Nicholas Co. to wit
I, [illegible] Clerk
of the Circuit Court
of Nicholas County
do certify that
R. F. Barham Esq
whose name is
subscribed to the
foregoing certificate
was at the date
thereof a Justice
of the Peace for
said County duly
commissioned and
qualified and that
full faith and credit
should be given to
his official acts as
such.
Given under my hand
this 5th day of May
1894.

Nicholson. &c. &c.
vs. } Petition of Lucy O. Gillette.
Gillette's Admrs.

To the Hon. C.W. Hill Judge of the Circuit Court of Southampton County.

Your petitioner. Lucy O. Gillette, respectfully beg leave to signed the court. Such hereby request the court, that it order the deed for the land bid off by me in the above suit. sold by J.B. Porter Special Comm. be made to G.H. Ingell. I having conveyed my rights under said sale to said G. H. Ingell. And your petitioner will ever pray. &c.

Lucie O. Gillette.

Virginia. Southampton County, to-wit.

This day personally appeared before me R.F. Barham a justice of the peace in for the said County, Lucy O. Gillette whose name is signed to the writing above, has acknowledged said writing before me

Nicholson Heirs

vs. 1st Decree

Gillette's Adm. Heirs

Gillette, Justice over the 586 of Journal Entry, and of Pl.

Mary Lou Zobel

Gillette's Administrator, et al.

vs.

et al.

This day this cause came on to be heard upon the petition and exhibits filed, upon the answers of Annie I. Gillette and Jane E. Gillette, Administrator, et al, upon the cross petition of Annie I. Gillette against Jane E. Gillette, Administrator, et al, upon the answer of Jane E. Gillette to the cross petition of Annie I. Gillette against her, upon the answer of Mary Lou Zobel to the petition and cross petition of Annie I. Gillette against her, upon the answer of Jane E. Gillette, Administrator, et al, to the petition of Mary Lou Zobel, upon the answer of Jane E. Gillette, Administrator, et al, to the cross petition of Annie I. Gillette against her, upon the answer of Annie I. Gillette to the petition of Jane E. Gillette, Administrator, et al, upon the answer of Jane E. Gillette, Administrator, et al,

Nicholson et als.

Vs.

Gillette's Administrater,et als.

This day this cause came on to be heard upon the bill and exhibits filed,upon the answers of Annie L Gillette and James E. Gillette,infants over the age of fourteen years,and of J.L. McLemore Guardian ad litem for theifant defendants,and thereplications therete,and upon the bill taken for confessed as to the adult defendants,and was argued by counsel.

Upon consideration thereof the Court doth adjudge,order and decree that one of the Commissioners of this court proceed to take an account 1st ,of the transactions of W.J.Gillette,Administrater of J.E.Gillette deceased,and report the balance in his hands;2nd,an account of all the debts outstanding against the said J.E.Gillette or his estate,together with their order of prierity and dignity,and whether the same are secured by lein on the property of the deceased or not,and whether the same waive the homestead exemption or not;3rd,an account of the annual and feesimple value of all the real estate of which the said J.E. Gillette died seised and possessed;and 4th ,any other matter he may deem pertinent,or which he may be requested to make,state and report by any of the parties to this suit.And he shall report to this court at the next term thereof.

And the court doth further adjudge,order,and decree that W.W. Wall. B.F. Briggs. W.L. Briggs. E.F. Reese & Jno D. Turner any three of whom may act,who are hereby appointed special commissioners for that purpose,having been sworn according to law, proceed to lay off and assign by metes and bounds,unto said widow onethird of the real estate of which her late husband died seised and possessed,having due reference to quantity and quality,and if in their opinion such dower cannot beassigned in kind,then to make such report as they may deem pertinent and proper or as any party in interest may reasonably request.

sufficient by the clerk in the penalty of $15-00. and conditioned for the faithful discharge of his duties as Comr. under this decree. And said Comr. and W.J.Gillette, Admr. shall make report to this court at the next term thereof.

NICHOLSON,ET ALS.

VS.) 2nd Decree.

Gillette's Admr.et als.

This day this cause came on again, to be heard upon the papers formerly read and upon the reports of Comr.J.L.McLemore, and of Special Comrs.John I.Turner,E.F.Reese,and W.S.Briggs assigning dower to Mrs.Lucy O.Gillette,to which reports no exceptions have been filed,and was argued by counsel.

Upon consideration whereof the court doth confirm said reports,and doth adjudge,order,and decree that the land and buildings assigned her by said special commissioners be held by Mrs. Lucy O.Gillette for her life as her dower interest in the land of her deceased husband,J.E.Gillette. And the court doth further adjudge,order,and decree that W.J.Gillette,Administrator of J. E.Gillette deceased,pay out of the funds in his hands the costs of this suit,and the remainder he shall turn over to J.C.Parker, who is hereby appointed a Special Comr.for that purpose,to be distributed among the creditors of the said J.E.Gillette,deceased as is shown by Comr.McLemore's report,in accordance with the directions of a future decree. And the court doth further adjudge, order and decree that J.C.Parker,who is hereby appointed a Special Commissioner for that purpose,proceed at once to sell the remainder of the land belonging to J.E.Gillette,deceased,as is shown by Comr.McLemore's report,excepting however the dower that has been assigned to Mrs.Lucy O.Gillette,to the highest bidder at public auction,on some courtday,in Courtland,in front of the Courthouse,and upon the following terms,to-wit,one fourth cash, and the balance in one,two,and three years,with title reserved untill all the purchase money is paid,and bonds with approved security to be given for the defered payments,but with privilege to purchaser to pay all cash and take deed as soon as sale is confirmed. Thirty days advertisement of said sale shall be made by hand bills posted at three or more public places is this county but before entering upon the discharge of his duties under this decree the said J.C.Parker shall give a bond with security deemed

NICHOLSON, ET ALS.
VS.
GILLETTE'S ADMR. ET ALS.

Rough Decree.

May Term 1894.

To be entered,

CMH

Entered 25-14

NICHOLSON,ET ALS.

VS. Rough Decree.

GILLETTE'S ADMR.ET ALS.

This day this cause came on again to be heard upon the papers formerly read,the report of J.C.Parker,Special Comr. filed ten days before term,to which report no exceptions have been filed,the petition of Mrs.Lucy O.Gillette, and the report of W.J.Gillette, admr. and H.Cobb & Co. and was argued by counsel.

Upon consideration whereof the court doth confirm said reports, and the sale reported therein, and doth adjudge,order and decree that the purchaser of said land be given thirty days additional time in which to comply with the terms of sale ; and doth further adjudge,order and decree that J.C.Parker Special Comr. who is hereby appointed for that purpose,collect the balance of said purchase price and when the same shall have been paid,make,execute and deliver a good and sufficient deed,with special warranty,for the said land to G.H.Magett as is prayed to be done by the purchaser,Mrs Lucy O.Gillette,in her petition filed in this cause.And the court doth further adjudge,order and decree that the said J.C.Parker,Special Comr.,shall,as soon as said balance of purchase money is collected,proceed to pay out the same,together with the balance in his hands as shown by his report,after deducting costs of this suit,pro rata to the creditors of J.E.Gillette deceased as shown by report of Comr.McLemore,and including also the debt due H.Cobb & Co.set up in their petition,deducting therefrom however a fee of $50.to J.C.Parker as attorney inthis cause,which fee shall be deducted pro rata from the shares of all the said creditors, none of them being represented by any other attorney and all sharing ratably in the benefit of this suit. And said Comr. shall make report to court of what he has done under this decree

Nicholson,et als.

VS.) Final decree.

Gillette's Admr. et als.

This day this cause came on again to be heard upon the papers formerly read and upon the report of Special Comr. J.C. Parker,filed ten days before term,to which report no exceptions have been filed,and was argued by counsel.

Upon consideration whereof the court doth confirm said report, and it appearing that there is nothing further to be done in this cause it is ordered that the same be dismissed from the docket,with leave to anyone interested to re-instate the same on the docket within the next twelve months from date of this decree.

Nicholson,et als.

VS.) Final decree.

Gillette's Admr.et als.

November term 1894.

To be entered.

CMT

Ent 6 8 3

Ent 6