1898-01 Southampton County Chancery Archer, Eva et al vs Drury, Henry, et al.

To sell land in Berlin, if it has interest and and divide proceeds & sale among heirs at law

Archer, Edmund
Degraw, Annie
Degraw, Mattie
Degraw, William

Drury, Mary
Drury, John
Drury, William
all four infts

To the Honorable R. R. Poulis judge of the circuit court of Southampton County in chancery sitting

Humbly complaining Your Orators, Eva Archer and her husband Edward Archer, Annie Degraw, Mattie Degraw and her husband William Degraw shew unto your Honor that sometime in the year 1893 Henry Dowry of Southampton County died intestate having a small tract of land lying in Southampton County in the neighborhood of Berlin containing about one hundred acres and adjoining the lands ~~and adjoining the lands~~ of James Lane Patrick Dowry and others that he left the following him at law Henry Dowry an infant and only child of a child C. R. Dowry, Eva Dowry a child married to Edward Archer, Annie Dowry a child married to Degraw now dead and she now a widow and Mattie Degraw who was before her marriage to William Degraw a Dowry and a daughter of Henry Dowry and three infant children Mary Dowry, John Dowry and William Dowry

Your Orators state and shew further unto your that as three an infants part owners of this land in common with them and whose interests are to be

looked after and protected by a court of equity they not being able to consent to any sale or division of this land they have found it necessary to bring this suit to divide the same

In tender consideration of all of which and inasmuch as your Orators are without remedy at law and only entitled to relief in court of equity where such matters are peculiarly cognizable they therefore pray that Henry Dorsey, Mary Dorsey, John Dorsey and William Dorsey all four infants by some fit and proper person their guardian ad litem appointed for that purpose may be made parties defendant to this bill and that the court would compel them to full and perfect answer make to the allegations therein contained as if they had been thereunto more fully and specially interrogated and that the court would direct one of its commissioners to enquire into and report to court whether the said tract of one hundred acres of land can be divided in kind conveniently or whether it would not be to the interest of all the parties concerned to sell the same and divide the proceeds of sale

among Henry B. Drury Exrs at Law
according to the rights of the parties
and that the court would grant such
other and genral relief the premises
considered as equity may dictate and the
nature of this case may require and
as in duty bound your Orators will
ever pray &c And your Orators hereby give
notice to all parties interested in this suit
that they will ask the court to allow to Myers
Wm. B. Shands a son a reasonable fee for their
services in prosecuting this suit
Shands & Son for Pl'ffs.

Complaint
Bill
Drury
1896. March 3d Filed
L.A. Gray Clk.

the consent that the chancery cause of Archer et als vs Drewry may be submitted to the Judge of the circuit Court of Southampton County Va in vacation for such decision and decree therein in vacation as might be made in term said cause being now pending in the circuit court of Southampton County Va

Eva Archer & her husband Edward Archer
Martha Degraw & her husband Wm Degraw
and Annie Degraw
by Shands & Sam their counsel
J.L.M. McLemore Gen'l ad litem
for the infants Henry Drewry
Mary Drewry, John Drewry
and William. Drewry

rder at 12

12 3 Consent of Parties
Nothing else a vacation
course

Drawing

Commissioner's Sale of Valuable farm in Southampton Co Va

By Virtue of a decree of the Circuit Court of Southampton Co Va rendered at the September Term 1896. I shall on Nov 15th 1897 at 12 M. Court day sell at public Auction in Boydton Va to the highest bidder that certain tract of land lying near Berlin Va whereof Henry H Drewry died seized and possessed Containing one hundred acres more or less. This is a nice little farm & can be bought at a great bargain Terms of Sale: one half cash, balance on a credit of twelve months, purchaser giving bond with approved security for the same carrying interest from day of sale with option to pay all purchase money Cash upon Confirmation of sale by Court and take a deed for said property

Oct 25th 1897 Wm Shands Special Comr

Orders &c
as 3
Drewry &c

I, L. A. Gay clerk of the Circuit Court of Southampton Co. Va. do certify that the bond as required under the decree of Sale in the above cause entered on Sept 28th 1896 has been executed with security deemed sufficient by me. Given under my hand this 26th day of Oct 1896.

L. A. Gay C.C.

(a copy)

Their property was sold at public auction
on Nov 14th 1899 at Courthouse to and
at said sale Wm. P. Fish being the
highest bidder. The same was struck
out to him for the sum of $925.00
and said purchaser wishes upon
all the purchase money cash and
take a deed for said property

J. L. Gillette Comr

To the Hon R. R. Prentis Judge of the Circuit Court of Southampton Co Va

your undersigned special commissioner in the chancery cause of Archer et als vs Drewry begs leave to report that in pursuance of a decree entered by this Court in the above cause at its Sept Term 1896 and a decree entered by this Court in the above cause at its March Term 1897. he after giving the required notice of place time and terms of sale. proceeded to offer at public auction on Nov 15th 1897 (County court-day) at Courtland to the said tract of land where Henry H Drewry died seized and possessed mentioned in the bill and proceedings, containing one hundred acres more or less. And at the said sale W. P. Dick was the highest bidder. he offering bid the sum of ($225) two hundred and twenty five dollars. and the same was cried out to him. And he wishes to pay all the said purchase money cash and take a deed with special

Warranty for the said property, and Your Commissioner recommends that the said sale be confirmed. all of which is

Respectfully submitted by

Nov 17th 1897 Wm Shand D Special Com

Order
No 3 2nd Report of Wm Shand Special Com
Decree
1897. Nov. 23rd Filed
L. A. Gay C.C.

archer et al

1st Report of Special Com

Wm Shand

Drawings

1897 Mich. 25" Field

L. A. Gray C.E.

To the Hon A.R. Prentis Judge of the Circuit Court of Southampton Co Va

your undersigned Speial Commissioner begs leave to report that in pursuance of a decree entered in this cause at the Sept Term 1896 of this court. he proceeded; after having first given the required notice of place. time and terms of sale. to offer at public auction on Nov 16th 1896 (County Court-day) at Courtland to the said tract of land whereof Henry H. Drewry died seized and possessed, containing one hundred acres more or less. That the highest bid made at the said sale was that made by Kirk Ricks; namely a bid of $200. This your commissioner does not consider a fair price for said land and recommends that the said bid be not confirmed and that a resale be ordered of the said land on Same Terms as formerly directed. all of which is

Respectfully Submitted by

Wm Shands

Special Comr

Form No. 309.

Wm Shands

to { COMMISSIONER'S BOND.

Commonwealth.

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

Know all Men by these Presents, That we Wm Shands

& Wm B Shands

are held and firmly bound unto the Commonwealth of Virginia, in the sum of One

Thousand 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 26th day of October one thousand eight hundred and Ninety Six.

The condition of the above Obligation is such, That if the above bound Wm Shands

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 28th day of September, 1896, in the suit therein depending under the name and style of Archer et als

vs.

Drewry's Infants

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

Signed, sealed and acknowledged in the presence of

Wm Shands SEAL.

Wm B Shands SEAL.

SEAL.

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

This day

suret on the above bond, made oath before me, Clerk of the Circuit Court of the County of Southampton, that estate after the payment of all just debts, and those for which bound as securit for others, and expect to have to pay worth the sum of dollars; whereupon the said bond is admitted to record according to law.

Given under my hand this day of 18.

Teste: Clerk.

Archer et als ..... Plaintiff...

AGAINST

Drewry's Infants ..... Defendant...

} IN CHANCERY.

I, ~~T. M. HOWARD~~ L A Gay, Clerk of the Circuit Court of Southampton County, Virginia, do certify that bond as required under a decree of sale in the above style cause, entered on the 28th day of September 1896, has been executed with security deemed sufficient by me.

Given under my hand this 26th day of October 1896.

L. A. Gay C. C.
m.

Drawings by me

Ads 3

Archimedes

Division of infant

defendants by me

The answer of Henry Downy, Mary Downy John Downy and Williams Downy four infants by J. L. McLemore their guardian ad litem to a bill in chancery by Eva Avelon and others against them

This defendant for answer to the said bill or as much thereof as he is advised it is material for him to answer answering says he know nothing of the facts set forth in the plaintiffs bill but submits the interests of his wards to the care of this court whose peculiar duty it is to protect the rights of infants and having fully answered prays hence to be dismissed with his costs

Sign
Jas. L. McLemore
Guardian ad litem
Hands to sworn J. A.

Archer et als

vs. } Sum: In Chy:

Drewry et als.

1896. 1. March Rules

Lis Pet.

Executed Feb. 19
1896 by delivering
a copy of this Subs
to J. L. McLemore
Guardian ad litem

D. W. Williams

Shandoson p.q.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Henry Drewry, Mary Drewry, John Drewry and William Drewry, all four 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 1st Monday in March next, to answer a Bill in Chancery exhibited against them in our said Court by Eva Archer and her husband Edward Archer, Annie Degraw, Martha Degraw and her husband William Degraw

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

WITNESS, ~~T. M. HOWARD~~ L. A. Gay, Clerk of our said Court, at the Courthouse, this 19th day of February, 1896, in the 120th year of the Commonwealth.

TESTE: L. A. Gay, C. C.

Archer et als.

vs. } Statement of Rules

Drewrys

Eva Archer and her husband Edward Archer }
Annie Degraw and her husband Wm Degraw } Plaintiffs
Vs. } In Chancery.
Henry Drewry. Mary Drewry. John Drewry }
and William Drewry. all four infants by }
J. L. McLemore their Guardian ad litem. } Defendants.

1896. 19th February. Process Issd. to 1st March Rules.
" 1st March Rules. Process returned executed.
Bill filed. J. L. McLemore appointed Guardian
ad litem to infant defendants.
1896. 2nd March Rules. Answer of Guardian ad litem
filed with general replication, and Cause
set for hearing.

Archer et als.

vs. } Decree

Dempsey

In the Circuit Court for Southampton County,
March term 1896.

Archer &als.
vs. } Decree
Drewry's

This day this cause came on to be heard on the bill of the plaintiffs the answer of the four infant defendants, Henry Drewry, Mary Drewry, John Drewry and William Drewry by J. L. McLemore their guardian ad litem and general replication thereto and was argued by Counsel. On consideration whereof the Court doth adjudge, order, and decree that one of the Commissioners of this Court enquire into and report to Court whether the tract of land containing one hundred acres left by Henry H. Drewry dec'd. to his heirs at law and now held by them as Co-parceners can be divided in kind, the respective interest of the parties therein, and if partition cannot be conveniently made if the interest of those who are entitled to the subject or its proceeds will be promoted by the sale of the entire subject or allotment of part and sale of the residue any report to Court together with any matters deemed pertinent by himself or which he may be so required to state by any of the parties interested.

A Copy.

Teste: L. A. Gay C.C.

We acknowledge legal service of the within Notice.

Shands Son & P.Q.

P. L. McLauchlin

Att'ys for Pltffs.

Archd
vs
Rowan.

Process &c:

1896. Augt 20."

Commissioner's Office,

~~Courtland~~ Jerusalem, Va., Augt 1st 1896

To Eva Archer & Edward Archer, her husband.
Annie Degraw & Wm. Degraw, her husband
Henry Drewry. Mary Drewry. John Drewry
and Wm. Drewry, infants - & J.L. McLemore,
Gdn ad litem.

You are hereby notified that I have fixed upon the 20th *day of* August *next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:*

Whether the tract of land containing 100 acres, left by Henry H. Drewry to his heirs at law. can be conveniently divided in kind among the parties entitled, according to their respective rights. and if not. if the interest of those who are entitled to the subject matter or its proceeds, would be promoted by a sale of the entire subject, or by sale of part and allotment of residue.

required to be taken by a decree of Southampton Circuit Court, rendered at the March *term, 1896, in a suit in chancery depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.*

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

B. F. McLemore

Commissioner.

To the Sheriff of Southampton County to execute.

Archer
Co } Report.

Drewry et. al.
1896. Sept. 1. filed.

L. A. Gay. b.b.

Commissioner's Office
Courtland, Va.
August 20th 1896.

To Robt. R. Prentis, Judge of the Circuit Court of Southampton County.—

Pursuant to a decree of said Court entered at the March Term 1896 in the Chancery Cause of Archer J. & Drewry et. als: the undersigned Commissioner reports to Court that on the 1st day of August 1896 he issued Notice against the parties plaintiff and defendant, requiring them to appear before him at his office in Courtland, on the 20th day of August 1896 - at which time and place he should proceed to inquire and report: "Whether or not the tract of land containing 100 acres left by Henry St. Drewry to his heirs at law can be conveniently divided in kind among the parties entitled according to their respective rights. And if not, if the interest of those who are entitled to the subject or its proceeds, would be promoted by a sale of the entire subject matter, or by allotment of part and sale of the residue?"

The Commissioner also caused G. T. Whitfield, J. E. Whitfield, Amos F. Gardner and W. J. Bradshaw to appear before him as witnesses they being Gentlemen of good judgment residing in the vicinity of the land, & know it well - and having carefully examined them - submits the following report Viz: The tract of land of which Henry St. Drewry died seized - containing 100 acres cannot be divided in kind, or in other words it will not be to the interest of the parties to have it divided: it would have to be divided into 7 shares - a fraction over

14 Acres to each share. The Shares being so small, the value of the property would be decreased to such an extent as to make it to the interest of all parties concerned to sell the entire tract, and divide the proceeds according to their respective rights.

A copy of the decree under which this report is made, and the Notice of the time and place of taking the same, are herewith filed.

Respectfully Submitted

B. F. McLemore,

Comr in Chancery.

Commissioner's Fee $5.00

Archer et als
vs. } Judges Certificate
Drewrys.

Enter Nov. 24 1897
Robert R. Prentis

Enld Page 189-

Circuit Court of Southampton County Va.
In Vacation. November 24. 1897.

I. Robert R. Prentis Judge of the Circuit Court of Southampton County Va. do Certify that the parties, plaintiffs and defendants in the Chancery Cause of Archer &c als. Versus Drewry's, have by Consent out of Court. evidenced by a writing duly signed by Counsel and the Guardian ad litem, and filed in the papers of the Cause Consented to make the same a Vacation Cause, for such decision and decree therein to be entered in Vacation as might be made in Term.

A Copy.

Teste: L. A. Gay C.C.

Received Feby 3rd 1898 of Wm Shands Special Commissioner in the chancery suit of Archer et als vs Drewry the sum of twenty five dollars and fifty five cents for Mary H. Drewry and a like sum for John. B. Drewry and same as payment in full of the amount in his favor said parties from the sale of the H. H. Drewry land, and from suit of rent collected for rent of said land for the year 1897

Son of Mary H Drewry and John. B. Drewry

Witness
C. P. Birdsong

E. Whitfield

Received Feby 5th/98 1898 of Wm Shands special Commissioner in the chancery suit of order it also as Drewry the sum of ($25 55/100) Twenty five dollars and fifty five cents for Wm. H. Drewry and the sum of ($25 55/100) twenty five dollars and fifty five cents for H. L. Drewry as payment in full of the amount in his hands for said parties from sale of H. H. Drewry land and from suit of rent collected for rent of said land for the year 1897

Signed — G. J. Whitfields

Son of Wm H. Drewry & H. L. Drewry

Witness
W. P. Vick

Received Feby 15th 1898 of Wm Shands Special Commissioner in the chancery suit of order et als vs Drewry the sum of twenty five dollars and fifty five cents ($25.55/100) as payment in full of the amount in his hands formed from sale of the H. H. Drewry land, and from amount collected for rent of said land for the year 1897

Witness } Mattie DeGraw
F. S. Hope

Received Feby 15th 1898 of Wm. Chandler Special Commissioner in the chancery suit of Archer et als vs Dr Degraffenreid the sum of twenty five dollars and fifty five cents ($25.55) as payment in full of the amount in his hands for one from sale of the H. H. Degraffenreid land and from rent of same for the year 1897

Witness -

Mrs Annie Degraffenreid

3

Received Feby 15th 1898 of Wm Shand Special Commissioner in the chancery suit of Archer et al vs Drewry the sum of twenty five dollars and fifty five cents ($25.55) as payment in full of the amount in his hands for one fourth of H.H. Drewry land and fourth amount collected for rent of said land for the year 1897

Sign here E. Eva L. Archer

Witness

Received Dec 28th 1897 of Wm Shand
special Com in the chambers out
of orders it order Drewyer the
sum of five dollars as payment
in full for Com fee for sale
& resale of Drewy land

J. L. Gillette Com

Mr. N. H. Drewry: Est

No. 236

1897. To L. R. EDWARDS, Treasurer of Southampton County, Va., Dr.

Subjects of Taxation.	State Tax, 30c. on $100.	State School Tax, 10c. on $100.	County Levy, 40c. on $100.	County School Tax, 5c. on $100.	District School Tax, 7½c. on $100.	TOTAL TAX.
To 100 acres Land, value $ 257	75	25	100	13	18	2 30
" ..... acres Land, value $						
" ..... acres Land, value $						
" ..... acres Land, value $						
" Personal Property, value $						
" Capitation Taxes						
" Income ..... $						
Total						
5 per cent. additional						2 30
Fee Bills						1 2
Total						2 42

Received payment 3 day of Jan 189 L R Edwards Treasurer.

from Wm Shands Esq Special Com in Chancery
Est of Archer H. Drewry Stratton

[Receipt to be given by County or City Treasurer when Delinquent Land Taxes are paid before sale.]

$2.96/100

Office of the Treasurer of the County *of* Franchamplain

Franklin Va Jan 3, 1898

RECEIVED of Wm Shands Esq Special Comr in Chancery suit of Archer & do & Dennyhake

Two ——— *Dollars and* Ninety six *Cents,*

in payment of Delinquent Taxes due on 100 *acres of land for the year* 1896, *as follows:*

Chs E Kelly Delinq't

State Taxes and penalty,	$ 1.05
Interest on State Taxes,	.06
County Levies for all purposes, and penalty,	1.45
Interest on County Levies,	.09
Proportionate expense of advertising, and receipt,	.31
Total,	2.96

L. R. Edwards, *Treasurer.*

[Receipt to be Given Where Land is Redeemed.]

$ 3 02

Office of the Treasurer of the

County of Southampton

Dec 21, 1896

RECEIVED of A J Branch

Three Dollars 02 Cents, on account of the redemption of H H Drewry land returned delinquent for the non-payment of Taxes and County Levies by the Treasurer of Southampton, for the year 1895

100 Acres as follows:

STATE TAX,	$ 112
COUNTY LEVIES FOR ALL PURPOSES,	133
COMMISSIONS,	25
EXPENSES OF SALE, Recpt	7
	25
TOTAL,	$ 3.02

L. R. Edwards Treasurer.

Jany 17/98
This amount has been repaid to me by Mr Shands Special Comr in the Chancery suit of Orders for sale of said land and Entitled Given to A J Branch

To Wm Shands special Commissioner in the chancery suit of

Archer et als vs Drewry

Dear Sir

I desire you to make the deed for the land sold me by you in above styled cause, on Nov 15th 1897, to Lucy George. As witness my hand and seal this 25th day of Nov 1897.

W. P. Vick. (Seal)

Archer et als.

vs. } Statement of costs

Drewrys

Summ. 25. Copy 13, read, 18. alty. 10. Decle. 18= .84

Rules 1.00, Entering return 35. Fil. Bill 15 = 1.50

Fil. answer 15. replication 15. Fil. Depositions 15= 45

5 days rc. 3.60. Fil posting comm rc. 15 = 3.75

Fil. Comrs report 25. Entering Comrs Rep. 140 = 1.65

Fil. Special Comrs report 15. Dr. amount report 15= 30

Tax Costs 40, Fil. away papers 25 = 65

Dec. 1-97 Fractions Costs about $1.50 = 1.50

Paid Dec. 10/97 L.R. Gay Solicitor $10.64

Stuff. .50

Paid Skands Law Costs. 26.50

$37.64

Fee of D.F. McLemore Comr. 5.00

$42.64

Archer ex als
vs } Statement of costs
Dreverys

To the Honorable R. R. Prentiss Judge of the Circuit Court of Southampton County.

Your undersigned Commissioner begs to report that acting in pursuance of a decree rendered in this cause on Nov 24. 1897. he collected the purchase price $225.00 for the land sold by him and as per written request of the purchaser W. P. Vicks made a deed with special warranty for the same to Lucy George and distributed it and the cost he received for rent of the place for the 1897. To wit; $23.63 after paying the costs of said sale as follows. to the parties entitled thereto.

1897 Nov 15	By sale of 100 acres of land		$225.00
	To cash on same	$11.25	
	" paid taxes for 1895-1896. 1897	8.40	
	" " exon fee selling land	5.00	
	" " clerks fees	10.64	
	" " Sheriffs "	8.50	
	" " Com. B. F. McSemore	5.00	
	" " writing deed	2.50	
	" " atty's fee	26.50	
	By amt from rent of land for 1897	69.79	23.63
	Balance	178.84	
		$248.63.	$248.63

Balance to be distributed $178.84

To paid Eva order one share	$25.55	
" " annie Degraw " "	25.55	
" " mattie Degraw " "	25.55	
" " son of Henry L Drewry " "	25.55	
" " " " Wm. H Drewry " "	25.55	
" " " " Mary A Drewry " "	25.55	
" " " " John B Drewry " "	25.55	
	$178.85	$178.84

receipts for all of which payments are

herewith filed. That there remains no
funds in the hands of your Com
and nothing further to be
done by him. all of which is
Respectfully submitted by
March 12th 1898 Wm Shands Special Com

Order to
3rd Time report of
W. J. Shands special
Com
Drumgoole

Archer et al

vs 3 Judges Certificate

Drawings

Entered Nov. 24, 1897

Robert C. Ritchie

Entered Page 189-

Circuit Court of Southampton County Va
In Vacation November 24, 1897.
I Robert R. Prentis Judge of the Circuit
Court of Southampton County Va, do
certify that the parties, plaintiffs
and defendants in the chancery
cause of Archer et als versus
Downing, have by consent out of
Court, evidenced by a writing
duly signed by the counsel and the guardian ad litem, and filed
in the papers of the cause
consented to
made the same a vacation cause,
for such decision and decree
therein to be entered in vacation
as might be made in Court

Robt R Prentis

To L. A. Gay
Clerk of the Circuit Court
of Southampton Co. Va.

Archer ave

12 3 Doane

Drawings

Entered Nov. 24, 1897.

Robert S. Peculiar.

Euclid Page 189

Virginia

In vacation - In the circuit court of Southampton County November 24, 1897

Archer et als

vs

Drewry's

This day this cause come on again to be heard upon the papers formerly read, and upon the agreement in writing of all parties to this cause, made in vacation, that this cause be submitted to the Judge of the circuit court in vacation, for such decision and decree therein, to be entered in vacation, as might be made in term; and which writing is hereby made a part of the record in this cause, and upon the report of Special Comr Wm Shands of the sale of the real estate in the bill and proceeding mentioned to W. P. Vick for the sum of two hundred and twenty five dollars, ~~and~~ to which report no exceptions have been filed. And was argued by counsel on consideration whereof the court doth adjudge, order and decree that the said report, and the sale therein reported, be confirmed, and that the

said Commissioner proceed to collect from the said purchaser the purchase money for the said property sold him. and upon receipt thereof make him a deed, with special warranty, for the real estate sold him. and out of the proceeds the said Commissioner shall first pay all costs of sale & suit including an attorneys fee of $25.- to Messrs Shands Bro, which shall be lien of legal taxed fee. And then the said Commissioner shall divide the balance into seven equal shares and pay one share to Eva Archer. one share to Annie Degraw. one share to Mattie Degraw one share to the guardian of Henry Drury one share to the guardian of Mary Drury one share to the guardian of John Drury and share to the guardian of William Drury. take receipts for all of said payments and return them along with this report to court.

Robert R Davis

To L.A Gay
Clerk of the Circuit Court
of Southampton Co Va.

(2) to sell as they shall have given bonds in sufficient penalty and with sureties sufficient to the Sheriff of the County.—

archer & als

12 3rd D

Drawings

Entered Mar. 25, 1897

Robert C. Ellis,

Entitled Page 136

Cop

Archer et al

vs

Decree

Drewrys

This day this cause
come on to be heard on the papers
formerly read and on the report of
Special Commissioner Wm Shands reporting
bid made ~~&~~ for the land exposed
by him for sale in pursuance
of a decree entered in this cause
at the Sept Term 1896 of this court
said report recommending non
acceptance of said bid and re-
sale of said land and was argued
by counsel. on consideration whereof
The court doth adjudge order
and decree that the said bid
for said land be not accepted
and that the aforesaid commissioner
proceed to make resale of the
said land according to the
terms laid down in the decree
entered in this cause at the
Sept Term 1896

Archibald

vs 3rd Decree

Downey

Entered Sept. 28, 1896

Robert R. Bruhs

X

Entered Page 89=

Archer et al
vs
Drewry

Decree

This day this cause came on again to be heard on the papers formerly read and the report of Commissioner McTeuer made pursuant to a decree of this court entered at the March term 1846 and to which report no exceptions have been filed and was argued by counsel On consideration whereof the court doth adjudge order and decree that the said report be confirmed and the court being of opinion from the report of the said commissioner that the tract of land containing 100 acres whereof Henry H Drewry died seized cannot be divided or partition made in kind among the parties entitled thereto doth adjudge order and decree that William Shands who is hereby appointed special commissioner for that purpose shall after having given at least twenty days notice of the

time and place of Sale by
public advertisement at Cortland and
Berlin the immediate neighborhood
of the land proceed to sell at
Cortland on some county court day
at public auction to the highest bidder
the tract of land containing one
hundred acres column Henry 86.
Decree dire sign and proper on
the following terms to wit One
half cash and the balance on a
credit of twelve months taking from
the purchaser bond with approved
security carrying interest from the day
of sale with the option to the
purchaser to pay all the purchase
money in cash upon confirmation of sale
and take a deed, and
report his proceeding, to court in
order to a further decree but the
said commissioner shall not proceed
to act under this decree unless he
shall have given in the clerks
office of this court a bond in the
penalty of one thousand dollars
conditioned for a faithful performance
of this decree and any other which

may be entered in this cause and shall have obtained from [redacted] the clerk a certificate that the bond required by this decree has been given and which certificate or copy thereof shall be appended to the notice of sale

Archuleta
as 3rd Deeds
Journ

Entered Mar. 23, 1896
Robert D. Lewis

×

Continued
Page 52

Archer &c
vs
Downys

Decree

This day this cause came on to be heard on the bill of the plaintiffs the answer of the four infant defendants Henry Downy, Mary Downy, John Downy and William Downy by J. L. McLemore their guardian ad litem and general replication thereto and was argued by counsel On consideration whereof the court doth adjudge, order, and decree that one of the commissioners of this court enquire into and report to court whether the tract of land containing one hundred acres left by Henry G Downy dec'd to his heirs at law and now held by them as Co-parceners can be the respective interests of the parties therein divided in kind, and if partition cannot be conveniently made if the interests of those who are entitled to the subject or its proceeds will be promoted by the sale of the entire subject or allotment of part and sale of the residue and report to court together with any matter deemed pertinent by himself or which he may be so required to state by any of the parties interested

order et al
vs
Final Decree
Decree

To be entered
April 6th Term 1898
Robert R. Davis

Entd - 206 -

order it as
is 3 Decree
Drewry This day this
cause come on again to be heard
on the papers formerly read, and upon
the report of Special Comr Thos Shands, filed this day
of the collection of the purchase
money ($225.00), and execution of a
deed with special warranty for
the said land sold, to Lucy George
as directed by the original decree
Wm. P Vicke; and of the distribution
of the purchase money so collected
prthe Year 1897, as directed by the
decree entered in this cause on Nov
24th 1897, and said payments sup-
ported by proper vouchers, and to
which report no exceptions have
been filed, and was argued by
Counsel. On consideration whereof
the Court doth adjudge, order and
decree, that the said report, and the
disbursements therein reported, be
and the same are hereby confirmed,
and it appearing that there is nothing
further to be done in this cause,
Ordered that the same be removed
from the docket

Archer et als.
vs } Decree
Arenson.

Entd Nov. 24. 1897.
Robert R. Prentiss

Entd Page 189-

Virginia:

In Vacation. In the Circuit Court of Southampton County, November 24. 1897

Archer et als.
vs. } Decree.
Drewrys.

This day this cause came on again to be heard upon the papers formerly read, and upon the agreement in writing of all parties to this cause, made in vacation, that this cause be submitted to the Judge of the Circuit Court in Vacation, for such decision and decree therein, to be entered in Vacation, as might be made in term; and which writing is hereby made a part of the record in this cause, and upon the report of Special Comr Wm Shands of the sale of the real estate in the bill and proceedings mentioned to W. P. Vick for the sum of two hundred and twenty five dollars to which report no exceptions have been filed, and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that the said report, and the sale therein reported, be confirmed, and that the said Commissioner proceed to collect from the said purchaser the purchase money for the said property sold him, and upon receipt thereof make him a deed. With

Special Warranty, for the real estate sold him, and out of the proceeds the said Commissioner shall first pay all costs of sale & suit including an Attorneys fee of $25.- to Messrs Shands & Son, which shall be in lieu of Legal Taxed Fee, and then the said Commissioner shall divide the balance into seven equal shares and pay one share to Eva Archer, one share to Annie Degraw, one share to Mattie Degraw, one share to the guardian of Henry Drewry, one share to the guardian of Mary Drewry, one share to the guardian of John Drewry, and share to the guardian of William Drewry, so soon as they shall have given bonds in sufficient penalty and with sureties sufficient for the security of the same, take receipts for all of said payments and return them along with his report to Court.

A Copy.

Teste: L. A. Gay C. C.