

1898-18

Southampton County Chancery - Pope, R. A. et al vs Gillette, Amos, W. et al

Division of real estate to
proper parties; if not this
then sell same & divide
proceeds as law requires -

Pope, Benjamin A.

Mrs. { Gillette, Lizzie
" , Katie E.
Gillette, James T.
" , Wm. P.
" , Mary E.
" , Wm. P., Sr.
Shands, Wm.
(G. A. L.)

Pope et al.

against Bin ^{2d} Ex.

Gillette et als

To 1st Sept. Rules, 1897.

1897. 1st. Sept. Rules filed.
L. A. Kay L. C.

JOHN N. SEBRELL, JR.,
ATTORNEY AT LAW,
COURTLAND, VA.

To the Honorable Robert R. Prentiss, Judge of the Circuit Court of the County of Southampton, Virginia, *Ellis Gillette, deceased, owning an undivided one-fifth interest in the said land, wife of said Amos S. Pope, deceased, in the said Circuit Court of the County of Southampton, Virginia.*

Humbly complaining shew unto your Honor your orators, R.A. Pope and Benjamin A. Pope, both of the county of Southampton, and state of Virginia, that Amos S. Pope at the time of his death was seized and possessed of that certain tract of land lying in Boykins Magisterial District in Southampton County, on the road leading from Cross Keys to Courtland (formerly Jerusalem) containing 461 acres, more or less, and bounded by the lands of Dr. F.R. Williams, J.R. Dickens, George W. Prince, Melula Pope, and Giles Pope's Estate. That the said Amos S. Pope, being so seized and possessed of the said tract of land, by his last will and testament devised the said tract of land to his wife, Edith E. Pope during her natural life or while she was the widow of said Amos S. Pope, deceased; the remainder of his ~~estate~~ *estate* to be equally divided among his children; that the said Amos S. Pope left the following children: Your orators, R.A. Pope and Benjamin A. Pope, and William R. Pope, Emily Pope, and Mary Ella Gillette, nee Pope, the wife of W.P. Gillette; that the said William R. Pope and Emily Pope have sold their interests in the said land to your orator, R.A. Pope; that on ~~or~~ *about* the 27th day of *November* 1894, the said Mary Ella Gillette, nee Pope departed this life, *intestate, leaving her husband, W.P. Gillette, and* the following heirs at law:— Amos W. Gillette, Lizzie E. Gillette, Katie E. Gillette, James T. Gillette, Wm. P. Gillette, Jr., and Mary E. Gillette, children of said Mary Ella Gillette, all of whom are infants of tender years. That your orators are therefore seized in common with the said children and heirs at law of said Mary Ella Gillette deceased, above mentioned, of the said tract of land, — your orator the said R.A. Pope owning an undivided ~~one~~ *three-fifths* interest therein, Your orator the said Benjamin A. Pope owning an undivided one-fifth interest therein, and the said Amos W. Gillette, Lizzie E. Gillette, Katie E.

Gillette, James T. Gillette, Wm. P. Gillette, Jr., and Mary E. Gillette, the children and heirs-at-law of Mary Ella Gillette, nee Pope, deceased, owning an undivided one-fifth interest in the said land, ~~that~~ *subject to the courtesy interest of Wm. P. Gillette, in the said one-fifth interest.*

Your orators here state that they together with Wm. P. Gillette, the ~~father~~ *acting guardian* of the said Amos W. Gillette, Lizzie E. Gillette, Katie E. Gillette, James T. Gillette, Wm. P. Gillette, Jr., and Mary E. Gillette, who was acting for them, have sold the timber on the said land to the Courtland Lumber Company as follows:- The standing pine and poplar timber, measuring not less than 12 inches across the stump at the time of cutting and larger. The said Courtland Lumber Company being granted the period of seven years from January first 1897, to cut and remove said timber from said land, and also the right to construct any railroad, tramways, roadways, stables and other fixtures, and right of way on or over said lands which shall be necessary to remove the timber conveyed, and any timber they may have, provided the field in which the main dwelling house is situated is not traversed. Other rights and obligations of the said Courtland Lumber Company being more specifically set forth in the contract of sale of said timber duly recorded in the Clerk's office of the County Court of Southampton County, Virginia. That the said sale of the said timber was made for the consideration of \$600.00, which your orators think a very fine price for the same.

Your orators further state that the said land is as they believe not susceptible ~~of~~ of partition in kind among the parties entitled thereto but if it is your orators desire it to be so divided, but if it is not your orators desire the same to be sold and the proceeds therefrom be divided among the parties according to their respective rights. If the said land shall have to be ~~divided~~ ^{sold} your orators desire that one-half acre be reserved as a burial ground with free ingress and egress to and from the same.

Should the said property not be divisible in kind among the parties your orators believe and here state that the interest of those entitled to the said real estate or the proceeds thereof would be promoted by a sale of the same or by an allotment of part and sale of the residue.

In tender consideration whereof and inasmuch as your orators are ~~of~~ without remedy save in a court of equity where all such matters are alone and properly cognisable, your orators pray that the said ~~Amos W. Gillette, Lizzie E. Gillette, Katie E. Gillette, James T. Gillette, Wm. P. Gillette, Jr., and Mary E. Gillette~~ be made parties defendants to this bill and required to answer the same though answer under oath is hereby expressly waived. That a suitable and proper person be assigned as guardian ad litem to defend the interest of the said infants defendants in this suit; that proper process issue; that the said real estate be divided between the parties entitled thereto, and the portions of your orators be allotted to them, and in case the said land cannot be conveniently divided in kind, that the same be exposed to sale and the proceeds of such sale be divided among the parties according to their respective rights; *and that the sale of the timber on the said land, as alleged to have been made, be confirmed,* that all proper orders and decrees may be made and enquiries directed and taken, and that such other further general and special relief may be given your orators as the nature of their case may require or to equity shall seem meet. And your orators will ever pray &c. May it please the Court &c.

James T. Gillette Jr. P.Q.

(signed here) R. A. Pope
(" ") B. A. Pope

Pape, et al.
Report of Comdr.
in Charge, under
Decree Sept. 12th 1877
Gentile, et al.

1877. 9th Nov. filed
L. A. 44-144

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

Pope et als,
vs. } 1st Decree
Gillet et als.

Entered Sept. 27th/97
Page 161

R. A. Pope and Benjamin A. Pope Plaintiffs
vs.

W. P. Gillette, Amos W. Gillette,

Lizzie E. Gillette, Katie E. Gillette,

James J. Gillette, Wm P. Gillette Jr

and Mary E. Gillette, last six infants. Defendants

This day this cause came on to be heard on the bill of Complainants and exhibits therewith filed, taken for confessed as to the defendant W. P. Gillette on whom process has been duly served, he still failing to appear and plead, answer or demur to the said bill; on the answer of infant defendants by their guardian, addition, William Shands, duly assigned at rules to defend them in this suit, and was argued by Counsel.

On consideration whereof, the Court doth adjudge, order and decree that it be referred to one of the Commissioners of this Court to enquire into and report to Court,

First - Whether the real property in the bill mentioned can be conveniently divided in kind among the parties entitled thereto.

Second - If the same cannot be conveniently divided in kind, whether any party will take the entire property and pay the other parties such sums of money as their interest therein may entitle them to.

Third. - And if the same cannot be conveniently divided in kind and if no party will take the entire property and pay the others for their shares, whether the interests of those who are entitled to the said property or its proceeds will be promoted by a sale of the entire property or by the allotment of part and sale of the residue.

Fourth. - The true value of the said land, and the interests of the several parties therein, and the liens thereon, if any.

Which several inquiries the said Commissioner will make and report, together with any such matter specially stated deemed pertinent by himself or required by any interested party to be stated.

A copy.

Teste: L. A. Gay Jr.

Commissioner's Office,

~~James T. Gillette, Jr.~~ Franklin, Va. Nov. 1st, 1887

To R.A. Pope, Benj. A. Pope, W.P. Gillette, Amos W. Gillette, Lizzie E. Gillette, Katie E. Gillette, James T. Gillette, Wm. P. Gillette Jr. and Mary E. Gillette, the last six infants, and Wm. Shands, Guardian ad litem.

You are hereby notified that I have fixed upon the 9th day of November 1887 ~~if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office; in Franklin, Va.~~ the following accounts, to-wit and make the following inquiries, to-wit:

- 1st. Whether the real property in the bill and proceedings mentioned in the Chancery suit styled Pope, et als, vs. Gillette, et als, pending in the Circuit Court of Southampton County, can be conveniently divided in kind among the parties entitled thereto.
- 2nd. If the same cannot be conveniently divided in kind whether any party will take the entire property and pay the other parties such sums of money as their interests therein may entitle them to.
- 3rd. If the same cannot be conveniently divided in kind and if no party will take the entire property and pay the others for their shares, whether the interest of those who are entitled to the said property, or its proceeds, will be ~~entitled~~ promoted by a sale of the entire property or by the allotment of part and sale of the residue.
- 4th. The fee-simple value of the said land, the interests of the several parties therein and the liens thereon if any.
- 5th. Any other matter deemed pertinent by me or which I may be requested to report on by any party in interest.

required to be taken by a decree of Southampton Circuit Court, rendered at the September term, 1887, 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.

J. C. Parker

Commissioner.

To the Sheriff of Southampton County to execute.

We hereby acknowledge legal service of files
within notice.

Wm. J. Bruce Jr.
Counsel for Pott & W. R. Linn
Hm Sh and Gdn ad Litem

To.W.P.Gillette,Amos.W.Gillette,Lizzie E.Gillette,Katie E.Gillette,James T.Gillette,Wm.P.Gillette Jr.and Mary E.Gillette,
the last six infants and Wm.Shands,Guardian ad litem.

You are hereby notified that on the ¹⁰28 day of October
1897,at the office of B.F.McLemore,Commissioner in Chancery ,
in Courtland,Va.,between the hours of 9 A.M.and 6 P.M.of that
day,we will proceed to take the depositions of Geo.W.Prince and
others,to be read as evidence in support of the report of Comr.
J.C.Parker in a certain suit in equity depending in the Circuit
Court of Southampton County,wherein we are plaintiffs and you
are defendants ; and if from any cause the taking of the said
depositions be not commenced,or if commenced be not completed
on that day,the taking thereof will be adjourned from time to
time at the same place and between the same hours until the
same shall be completed.

Yours very respectfully,

R.A.Pope and Benj.A.Pope by

Robert A. Pope their Atty.

*We hereby acknowledge legal service
of the above notice.*

*Robert A. Pope
Commissioner in Chancery*

Wm Shands Gdn ad Litem

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The Depositions of Geo. W. Preece and others
taken before B. F. Mc Lennan, a Commissioner
in Chancery of the Circuit Court of South-
ampton County, Virginia. Pursuant to notice
hereto annexed, at my office in Cambridge, Va. on
the 28th day of October 1897, between the hours
of 9 A.M. and 6 P.M. to be read as evidence in sup-
port of the report of Commissioner J. B. Pokes in a certain and in-
equity depending in the Circuit Court of Southampton County styled
Pokes, et al. vs. Preece et al.
Present - J. B. Pokes, Attorney for plaintiffs.

The Witness Geo. W. Preece, being duly
sworn, deposes as follows:

Q: Are you acquainted with the real estate in
the bill mentioned, and if so, do you think
it can be conveniently divided in kind among
the parties entitled thereto?

A: I am well acquainted with the land, live
within one mile of it. I do not think it
can be divided in kind, conveniently,
among the parties entitled to it.

Q: Please state your reasons for thinking it
cannot be conveniently divided in kind?

A: All the best land and buildings are at or
immediately around the main house.
it would have to be divided into eight
shares. who ever should draw the house
would get no land or rail timber or fire

wood. in fact the dwelling house itself would be worth more than any one share. there is only ^{one} tenant house on the place of any value. and the land lies in such position that it would be impossible to divide it equally among the parties.

Q: Do you know whether any interested party would take the entire property - and pay a fair price therefor?

A: I do not.

Q: Do you think the interest of the parties would be promoted by a sale of the entire property, or by allotment of part and sale of residue?

A: I think it would be to the interest of the parties to see the entire subject matter and divide the proceeds among the parties according to their respective rights.

Q: State, in your opinion, the fee simple value of said real estate?

A: About \$2000. or \$2500.00

Q: Please state the interest of the several parties in the said real estate?

A: R. A. Pope owns $\frac{3}{5}$. B. A. Pope $\frac{1}{5}$. and the six children of Mary Ella Gillette. named in the deed jointly, the other fifth. that is to say: each one of said children

now 1/6 of 1/5.

G. W. Paine

We the undersigned. Having read the foregoing deposition of G. W. Paine. Herby corroborate, endorse and hereby adopt the same as our own deposition in the case

Geo. I. Knight
W. P. Gillette.

~~The further deposition of W. P. Gillette~~

The witness W. P. Gillette, being duly sworn deposes and says as follows:

Q: You have read the evidence of G. W. Paine, do you remember therein?

A: I do.

Q: It is stated in the proceedings in this suit that the Cleveland Lumber Co. has offered six hundred dollars for the timber upon the land in the proceedings mentioned, as described in the said deed. What do you think of this offer?

A: I think it a good price for the timber, so much as it is worth. Offers have been made by other Lumber dealers. The highest offer made being \$400.00. I think it would be to the interest of the parties for the offer made by the Cleveland Lumber Co. to be accepted.

Q: Would it be to the interest of the parties

interested to sell the land and Timber together or separate?

A: I think it would be to the interest of the parties to sell it separately. if the land and Timber is sold together, some farmer will buy it who knows not the value of the timber and would aim to buy at such figures as would enable him to sell the Timber at a profit - a lumber dealer would care nothing for the land, and would pay no more for the land and timber combined, than for the timber alone.

And further this deponent says etc etc.

W. P. Gillette.

Virginia, Southampton County, Co. Atty.

I, B. F. McLeam, a Commissioner in Chancery for the Circuit Court of Southampton County in the said state, do hereby certify that the foregoing depositions of Geo. W. Prince, Jas. J. Knight and W. P. Gillette, were duly taken, sworn to and subscribed before me at the times and place and for the purpose in the caption hereto mentioned.

Given under my hand this 28th day of Oct
1897.

B. F. McLeam
Comm in Chancery.

Commissioner's fee
\$2.50

To the Hon. R. R. Prentiss, Judge of the Circuit Court of Southampton County, Va.

The undersigned, one of your Commissioners in Chancery, begs leave to report that pursuant to a decree of the said court rendered on the 27th day of September 1897, in the chancery cause of Pope, et als, vs. Gillette, et als, he on the first day of November gave notice to all the parties to the said suit that on the 9th day of November 1897, at his office in Franklin, he would take the accounts and make the inquiries required to be taken and made by said decree. That at the said time and place the plaintiffs and defendants, by their attorney J. N. Sebrell Jr., appeared before your Commissioner and offered in evidence the depositions of Geo. W. Prince, Jas. T. Knight and W. P. Gillette, the said depositions being herewith filed in support of this report. That upon the evidence thus filed and from inquiries made and facts ascertained from other sources by your Commissioner, he begs to report as follows :

- 1st. That the real property in the bill and proceedings in said suit mentioned cannot be conveniently divided in kind.
- 2nd. None of the parties in interest will agree to take the entire property and pay the others a fair price for their shares, or at any rate no proposition thus to take it has been made by any of the parties in interest.
- 3rd. No feasible plan to allot part of the land and sell the remainder has been suggested and in the opinion of your Commr. none can be suggested. It is the opinion of your Commr. that the interests of **ALL THE PARTIES WILL BE PROMOTED BY A SALE OF THE ENTIRE PROPERTY AND DIVISION OF THE PROCEEDS.**
- 4th. The fee-simple value of said property your Commr. ascertains to be two thousand dollars. Of which R. A. Pope owns three-fifths (3/5), Benj. A. Pope one-fifth (1/5), and Amos W. Gillette, Lizzie E. Gillette, Katie E. Gillette, James T. Gillette, Wm. P. Gillette Jr., and Mary E. Gillette, all the infant children of W. P. Gillette, each own one-thirtieth (1/30)
- 5th. Deeming it pertinent and being requested by the parties to report thereon, your Commr. reports that in his opinion it is to the best interest of all parties that the timber standing upon said land and the land itself be sold separately and that the bid of the Courtland Lumber Company of Six hundred dollars for said timber is a good price and the offer should be accepted.

There are no liens upon said property so far as your Commr. can ascertain.

Respectfully submitted,

J. C. Parker Commr. in Chancery.

Commr. Sec. 1897

It is a fact, agreed to by the parties
to this suit, that the interests
of all the adults in the timber
mentioned in the bills and proceedings
has been sold to the Courtland
Lumber Co. and proper deed has
been executed to said Courtland
Lumber Company therefor, and
that ^{now only} the interest of the infants named
in this suit, ~~in~~ the said timber
remains to be disposed of - and
that their part of the purchase
price is \$120.⁰⁰

Wm. F. Bruce Counsel for
Plaintiffs & W. P. Gilman.

Wm. Shand Gordon and Son

Pope et al.

17.

Gillotte et al.

Enter this Apr. 5, 1848

Wm. H. Davis

Ent. d. 200.

Pope et al.

vs.

Gillette et als.

This day this cause came on to be further heard on the papers formerly read and on the report of Special Commissioner John N. Sebrell Jr., this day filed by leave of Court. # showing a proper disbursements of the funds coming into his # hands in the said cause, and a proper discharge of his duties under decree entered herein on the 3rd day of January 1898, to which report there is no exception, and was argued by counsel.

On consideration whereof the Court doth approve and confirm the said report, and it appearing that there remains nothing further to be done in the suit it is ordered that the # same be removed from the docket, ~~with leave to any interested party to reinstate same upon motion.~~

In vacation: Circuit Court of Southampton County, on the 31 day of January

1898

Pope et al.

vs.

Gillette et als.

This day this cause came on in vacation, to be further heard after legal notice to all parties, upon the papers formerly read, and on the report of special commissioner John N. Sebrell Jr., this day filed, to which report there is no exception, and was argued by counsel. On consideration whereof, the Court confirming the said report, doth adjudge, order and decree that the sale of the land in the bill and proceedings mentioned, as reported in the said report, be and the same is hereby confirmed and made firm and binding between the parties.

It appearing to the Court that the adult parties have already received of the Courtland Lumber Company, their part of the purchase price of the timber sold to said Company, and have executed to said Company their deed for their interest in the said timber, and that now the interests of the infants only remain to be conveyed, the Court doth further adjudge, order and decree that John N. Sebrell Jr., special commissioner, collect from the Courtland Lumber Company the sum of One Hundred and ~~44~~ Twenty dollars, the infants' part of the purchase price of the timber sold the said Courtland Lumber Company, to wit, Six Hundred Dollars, and pay same to the legal guardian of the said infants, and execute to the said Courtland Lumber Company a deed, with special warranty, conveying the interests of the said infants in the said timber as set out in the bill. The Court doth further adjudge, order and decree that John N. Sebrell Jr., special commissioner, collect from Jas. T. Knight the sum of twenty two hundred and ~~####~~ fifty dollars, the purchase price of the land in the bill mentioned, and pay out of same the legal cost attending this suit and sale, including the commissions of said commissioner, and pay three-fifths of the balance to R. A. Pope, one-fifth of said balance to Benjamin A. Pope, and the remaining one-fifth of said balance to the lawful guar-

~~dition of the infants, Amos W. Gillette, Jesse F.~~

dian of Amos W. Gillette, Lizzie E. Gillette, Katie E. Gillette, James T. Gillette, Wm. P. Gillette Jr., and Mary E. Gillette. (But before the said commissioner shall pay any of the proceeds to the said guardian, the said guardian shall enter into bond in the penalty of \$1000.—, with ~~the~~ approved security, before the Clerk of this Court, conditioned for the faithful application of the funds, and ^{Management and} the preservation of ~~the~~ property or security in which the same may be invested, and for the protection of the rights of all persons interested therein, whether such rights be vested or contingent. After collecting the said sum of twenty two hundred and fifty dollars, the purchase price of the said land, the said commissioner shall execute to the said Jas. T. Knight, a good and sufficient deed, with special warranty, ~~for~~ conveying the said land in the bill and proceedings mentioned, exclusive of the timber sold to the Courtland Lumber Company, as set out and described in the said bill, reserving, however, one-half acre for a burial ground with free ingress and egress thereto and therefrom to the parties to this suit.

And the said commissioner will report to Court.

To the Clerk of the Circuit Court
of Southampton County, Va.

Robert R. Smith

Papa et als.

vs.
Giannelli et als.

W. P. Giannelli

Guardian

to }

COMMISSIONER'S
BOND.

Commonwealth.

Know all men by these Presents, That we, H. P. Gillette
and Benja E. Morrill

are held and firmly bound unto the Commonwealth of Virginia, in the sum of (1000.-)

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 obligation,
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 _____ day of _____ one thousand
eight hundred and ninety eight.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound

H. P. Gillette
shall faithfully perform the duties of his office or trust, as Guardian of Amos H. Gillette,
Lizzie E. Gillette, Katie E. Gillette, Jas. T. Gillette, Mrs. P. Gillette & Mary E. Gillette.
under a decree of the Circuit Court of the County of Southampton
pronounced on the 3rd day of January, 1898, in the suit therein
depending under the name and style of Pope et al. vs. Gillette et al. and 15
make faithful application of the funds, and for the manage-
ment and preservation of any property or securities in which
the same may be invested, and for the protection of the rights
of all persons interested therein, whether such rights be vested
or contingent

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

Signed, sealed and acknowledged in
the presence of

H. P. Gillette
Benja E. Morrill
SEAL
SEAL
SEAL

In the Clerk's Office of the _____ Court of the _____ of _____

This day _____

suret _____ on the above bond, made oath before me, _____ Clerk
of the _____ Court of the _____ of _____
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.

Given under my hand this _____ day of _____, 189 _____

Teste: _____ Clerk.

Pope et al.

vs. { Statement of case

Green et al.

Paper & etc.

vs. { Statements of Costs,

Yicerte & etc.

Sum, 25. 2 copies 26. receipt 18. atty-102 79

Docket 18. Return 1.00 entering return 35 = 1.53

Filing bill 15. 50. answer of Yicerte 15 = 30

Dr. notice 15. 50. Comr's report 25 - 40

Replication 15. taking Comr's bond 1.20 = 1.35

3 Decree copy 2.46, Tax cost &c. 40. - 2.56

Filing away papers 25 = 25

Further Costs about \$2.84 = 2.84

{ Dec. 22nd 1897 } { 2 Decree 144 } Paid L. A. Gay to atty \$70.02
{ 4th bond 95 } pd. J. M. Williams shff. 1.50
{ fil. notice 15- } to J. M. Schuefer Land &c. 16.50
{ " 2 reports 30 } \$2.84 } \$27.02

Fee of Comr. J. L. Parker 5.00

See Receipt. " " B. F. McLemore for depositions 2.50

\$34.52

Teste: L. A. Gay l. l.

Commissioner of the General Land Office

Washington, D.C.

The above report is submitted.

James C. Smith is hereby notified that the terms of the sale are such as
your Commissioner will state that he is informed that the said
in recommending that it be accepted and the sale completed.
to which, and feeling that it is more to said land, I think a good one
and will, insofar as your Commissioner knows, be left in every way
subject to the sum of twenty two hundred and fifty dollars.

*Report of
V. J. H. Conn.
William H. H.*

James C. Smith is hereby notified that the terms of the sale are such as
your Commissioner will state that he is informed that the said
in recommending that it be accepted and the sale completed.
to which, and feeling that it is more to said land, I think a good one
and will, insofar as your Commissioner knows, be left in every way
subject to the sum of twenty two hundred and fifty dollars.

As the above is submitted.

Report of H. H.

Pope et al.

vs. Gillette, et als.

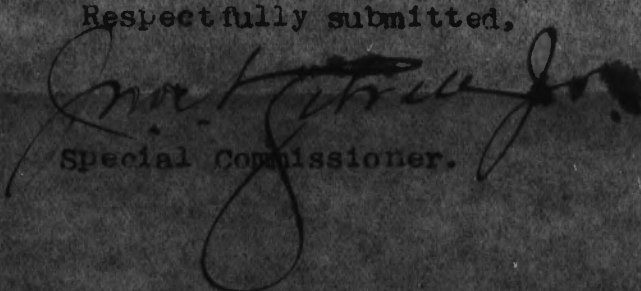
To Honorable Robert R. Prentiss, Judge of the Circuit Court of Southampton County, Virginia.

The undersigned, your special commissioner in the above style cause, appointed by a decree entered therein on the 20th day of November 1897 to perform certain duties mentioned in the said decree would most respectfully report that in pursuance of the said decree he has proceeded to sell by public auction to the highest bidder, for cash, on the 20th day of December 1897, after reasonable advertisement of time and place of sale (a copy of advertisement being filed herewith as a part hereof) the said tract of land in the bill and proceedings mentioned, exclusive of the timber as sold to the Courtland Lumber Company, reserving however one-half acre as a burial ground with free ingress and egress thereto and therefrom; at which said sale Jas. T. Knight was the highest bidder at the sum of twenty two hundred and fifty dollars.

The sale insofar as your commissioner knows was fair in every particular, and deeming the bid made by said Jas. T. Knight a good one he recommends that it be accepted and the sale confirmed.

Your commissioner would state that he is informed that the said James T. Knight is ready to comply with the terms of the sale as soon as the same shall be confirmed.

Respectfully submitted,


Special Commissioner.

Pope et al.
vs. 3 Dierum
Gillitt et al.

Enter this Nov. 20th 1897.

Robert H. Hunt.

Ent'd page 185

To the Clerk of the Circuit
under.

And the said commissioner will refer to Court his proceedings herein
in this cause.

faithful performance of his duties under this or any subsequent decree
with approved security. in the penalty of \$3000. conditioned for the

In Vacation: Circuit Court of Southampton County, on the 20th day of November 1897.

with approved security, in the penalty of \$5000, conditioned for the faithful performance of his duties under this or any subsequent decree

Pope et al.

vs.

Gillette et als.

And the said commissioner will report to Court his proceedings heren

This day this cause came on to be further heard on the papers for-

merly read and on the report of Commissioner J.C. Parker, filed on the

9th day of November 1897, reporting the land mentioned in the ~~bill~~ ~~and~~ ~~proceedings~~ as not divisible in kind and that a sale of the same

would promote the interests of the parties, to which report there is no

exception, and was argued by counsel. On consideration whereof, and it

appearing to the Court that the interest of the parties would be promoted

by a sale of the timber separate from the land, and that the offer of

the Courtland Lumber Company of six hundred dollars for the timber for

the said land as mentioned in the said bill is a good one and that it

would be to the interest of the parties that the same should be accepted

~~and it appearing further to the Court that the adult parties have already~~

~~conveyed their interest in the timber to the said Courtland ^{Lumber} Company and~~

~~that proper deed has been executed to the said Company for the same and~~

~~that the interests of the infants alone remains to be ~~settled~~ ~~settled~~~~

~~and that the offer of said Company (the part of the infants being \$100.)~~

~~is a good one,~~ the Court doth adjudge order and decree, that the said

offer of the said Courtland Lumber Company be and the same is hereby ac-

on the terms and conditions set out in the bill
cepted and the sale is made firm and binding between the parties. And

the Court doth further adjudge, order and decree that John N. Sebrell Jr.

who is hereby appointed a special commissioner for the purpose, do pro-

ceed to sell, by public auction to the highest bidder, for cash, after

reasonable advertisement of time and place of sale, the said tract of

land in the bill and proceedings mentioned exclusive of the timber as

reserving however one half
sold to the Courtland Lumber Company, *as a burial ground with free ingress and egress thereto*
and therefrom

But before the said commissioner shall proceed to perform his du-

ties hereunder, he shall enter into bond before the Clerk of this Court

with approved security, in the penalty of \$3000., conditioned for the faithful performance of his duties under this or any subsequent decree in this cause.

and the said commissioner will report to Court his proceedings hereunder.

To the Clerk of the Circuit
Court of Southampton County, Va.

Robert V. Dennis.

[illegible]

sold to the Portland Lumber Company, ~~the same~~ ^{whereof} ~~one hundred and fifty cords~~ ^{were sold at auction}, ~~and the proceeds thereof were paid over to said company.~~

But before the said commissioner shall proceed to perform his duty,

thea Alexander, do shall enter into bond before the clerk of this court

Pope et als.

W } Decree.

Hillside et als.

Enter Jan. 3. 1898

Robert R. Proutis

End of page 193

In vacation: Circuit Court of Southampton County,
on the 3rd. day of January 1898.

Pope et als.

vs.

Gillette et als.

This day this cause came on, in vacation, to be further heard after legal notice to all parties, upon the papers formerly read, and on the report of Special Commissioner John N. Sebrue Jr. This day filed, to which report there is no exception, and was argued by Counsel. On consideration whereof, the Court confirming the said report, doth adjudge, order and decree that the sale of the land in the bill and proceedings mentioned, as reported in the said report, be and the same is hereby confirmed and made firm and binding between the parties.

It appearing to the Court that the adult parties have already received of the Southland Lumber Company, their part of the purchase price of the timber sold to said Company, and have executed to said Company their deed for their interest in the said timber, and that now the interests of the infants only remain to be conveyed, the Court doth further adjudge, order and decree that John N. Sebrue Jr., special commissioner, collect from the Southland Lumber

Company the sum of one Hundred and Twenty dollars, the infants' part of the purchase price of the timber sold, the said Courtland Lumber Company, to-wit: Six Hundred Dollars, and pay same to the legal guardian of the said infants, and execute to the said Courtland Lumber Company a deed, with special warranty, conveying the interests of the said infants in the said timber as set out in the bill.

The Court doth further adjudge, order and decree that John N. Sebruce Jr., Special Commissioner, collect from Jas. T. Knight the sum of Twenty two hundred and fifty dollars, the purchase price of ^{the} land in the bill mentioned, and pay out of same the legal cost attending this said sale, including the Commissions of said Commissioner, and pay three fifths of the balance to R. N. Pope, one fifth of said balance to Benjamin A. Pope, and the remaining one fifth of said balance to the lawful guardian of Amos W. Gillette, Lizzie E. Gillette, Katie E. Gillette, James T. Gillette, Mrs P. Gillette Jr. and Mary E. Gillette. (But before the said Commissioner shall pay any of the proceeds to the said guardian, the said guardian shall enter into bond in the penalty of \$1000.- with approved security, before the Clerk of this Court,

conditional for the faithful application of the funds, and for the management and preservation of any property or securities in which the same may be invested, and for the protection of the rights of all persons interested therein, whether such rights be vested or contingent. After collecting the said sum of twenty two hundred and fifty dollars, the purchase price of the said land, the said Commissioner shall execute to the said Jas. T. Knight, a good and sufficient deed, with special warranty, conveying the said land in the bill and proceedings mentioned, exclusive of the timber sold to the Cumberland Lumber Company, as set out and described in the said bill, reserving, however, one half acre for a burial ground with free ingress and egress thereto and therefrom to the parties to this suit.

And the said Commissioner will report to court.

A copy.

Teste: L. A. Gay C. C.

To Wm.P.Gillette, Amos W Gillette, Lizzie E.Gillette, Katie E.Gillette,
James T.Gillette, Wm.P.Gillette Jr., and Mary E.Gillette, last six infant
by Wm.Shands their guardian ad litem.

Take notice that on the *3d* day of January 1898 at the office of
Judge R.R.Prentis in the town of Suffolk, Va., We shall move the Judge
of the Circuit Court of Southampton County, Va., for a decree in the
chancery cause of Pope et als. vs. Gillette et als. pending in the said
Court wherein you are defendants and ~~W~~am plaintiffs, confirming the ~~the~~
sale of the land in the bill and proceedings mentioned as made under de-
~~cre~~ree entered in the said cause on the 20th day of November 1897.

Very respectfully,

R. A. Pope & Benj. A. Pope, Pltffs.

By *Joel Schuch*, Counsel.

Paper it also.

17.3 Notice
Billute it also.

We accept service of
this notice

Wm. Sh and G. d. rae
a d. l. t. m. for imports
J. M. Sh and G. d. rae
Com. for W. M. Sh and G. d. rae

These notices are on the 17th day of November 1898 at the office of
J. M. Sh and G. d. rae at 1111 1/2 St. N. W. D. C.

to J. M. Sh and G. d. rae at 1111 1/2 St. N. W. D. C.

Pope et al.
vs. Notices
Gillotti et al.

We acknowledge legal
service of this notice
J. W. F. [Signature]
Counsel for [Signature]

Wm. Shand & Son ad Litem

W. A. Pope and T. A. Gillotti, Plaintiffs

vs. [Signature] Defendants

Complaining further jointly for the purpose

of obtaining a counter-judgment for said purpose and accepting the offer of the

defendants a sale of the land in the bill and proceeding in bankruptcy of

the said Pope et al. as assignees of said land in the said Court

of the District Court of the Southern District of New York for a decree in the said

case. The notice that on the 15th day of November 1891 at the office of

James T. Gillotti, W. A. Pope et al. assignees and William Shand

to W. A. Gillotti and assignees please [Signature] [Signature]

To W.P. Gillette, Amos W. Gillette, Lizzie E. Gillette, Katie E. Gillette,
James T. Gillette, Wm. P. Gillette ~~33~~, Mary E. Gillette and William Shands
guardian ad litem.

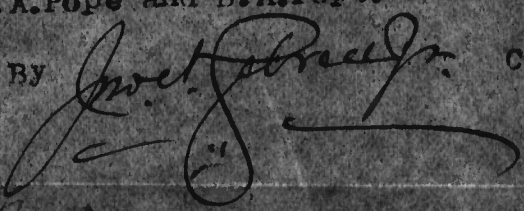
Take notice that on the day of November 1897 at the office of
Judge R.R. Prentiss, in the town of Suffolk, Va., I shall move the Judge
of the Circuit Court of Southampton County for a decree in the chancery
cause of Pope et al. vs. Gillette et als, pending in the said Court,
ordering a sale of the land in the bill and proceedings mentioned, ap-
pointing a commissioner for that purpose and accepting the offer of the
Courtland Lumber Company for the timber

Very respectfully,

R.A. Pope and B.A. Pope. Plaintiffs

By

Counsel



[Handwritten notes and signatures in the left margin]

[Handwritten notes and signatures in the center margin]

Pape & als.
W. } Decree
Billotte & als.

Enter this Nov. 25th / 1897

Robert R. Prentiss

Ent'd page 187

In Vacation: Circuit Court of Southampton
County, on the 20th. day of November 1897.
Pope et als.

vs.

Gillette et als.

This day this cause came on to be
further heard on the papers formerly read ⁱⁿ
on the report of Commissioner J. L. Parker,
filed on the 9th. day of November 1897, repor-
ting the land mentioned in the bill and
proceedings as not divisible in kind and that a
sale of the same would promote the interest of
the parties, to which report there is no exception,
and was argued by Counsel. On consideration
whereof, and it appearing to the Court that the
interest of the parties would be promoted by
a sale of the timber separate from the land,
and that the offer of the Courtland Lumber
Company of Six hundred dollars for the
timber for ^{said} the land as mentioned in the said
bill is a good one and that it would be to the
interest of the parties that the same should
be accepted. The Court doth adjudge order
and decree, that the said offer of the said
Courtland Lumber Company be and the same
is hereby accepted and the sale on the terms and
conditions set out in the bill is made firm
and binding between the parties. And the

Court doth further adjudge, order and decree that John N. Schull Jr. who is hereby appointed a special Commissioner for the purpose, do proceed to sell, by public auction, to the highest bidder, for cash, after reasonable advertisement of time and place of sale, the said tract of land in the bill and proceedings mentioned exclusive of the timber as sold to the Cantland Lumber Company, reserving however one half acre as a burial ground with free ingress and egress thereto and therefrom.

But before the Commissioner shall proceed to perform his duties hereunder, he shall enter into bond before the Clerk of this Court with approved security, in the penalty of \$3000. Conditioned for the faithful performance of his duties under this or any subsequent decree in this Cause.

And the said Commissioner will report to Court his proceedings hereunder.

A Copy.

Teste: L. A. Gay Jr., C.

R.A.Pope and Benjamin A.Pope..... Plaintiffs

vs.

W.P.Gillette, Amos W.Gillette, Lizzie E.Gillette

Katie E.Gillette, James T.Gillette, Wm.P.Gillette

Jr. and Mary E.Gillette, last six infants Defendants

This day this cause came on to be heard on the bill of complainants and exhibits therewith filed, taken for confessed as to the defendant W.P.Gillette on whom process has been duly served, he still failing to appear and plead, answer or demur to the said bill; on the answer of the infant defendants by their guardian, ad litem, William Shands, duly assigned at rules to defend them in this suit, and was argued by counsel. On consideration whereof, the Court doth adjudge, order and decree that it be referred to one of the commissioners of this Court to enquire into and report to Court.

First,--Whether the real property in the bill mentioned can be conveniently divided in kind among the parties entitled thereto.

Second,--~~First~~ If the same cannot be conveniently divided in kind, whether any party will take the entire property and pay the other parties such sums of money as their interest therein may entitle them to.

Third,-- And if the same cannot be conveniently divided in kind and if no party will take the entire property and pay the others for their shares, whether the interests of those who are entitled to the said property or its proceeds will be promoted by a sale of the entire property or by the allotment of part and sale of the residue

Fourth,--The fee simple value of the said land, and the interests of the several parties therein, *and the liens thereon, if any* -- Which several inquiries the said commissioner will make and report, together with any such matter specially stated deemed pertinent by himself or required by any interested party to be so stated.

Papa et als.

*vs.
Givette et als.*

John W. Sebrall Jr.

to } COMMISSIONER'S
BOND.

Commonwealth.

*1897. 20" Nov. File of
L. A. Gay L. G.*

Know all men by these Presents, That we, John N. Sebruce Jr.
and James L. Sebruce

are held and firmly bound unto the Commonwealth of Virginia, in the sum of (3000.00)

Three 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 obligation,
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 20th day of November one thousand
eight hundred and ninety seven.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound

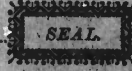
John N. Sebruce Jr.
shall faithfully perform the duties of his office or trust, as Special
Commissioner

under a decree of the Circuit Court of the County of Southampton
pronounced on the 20th day of November, 1897, in the suit therein
depending under the name and style of Pope et als. vs. Gicente et als. or any
subsequent decree in this cause

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

Signed, sealed and acknowledged in
the presence of

John N. Sebruce Jr.
James L. Sebruce



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

This day James L. Sebruce

surety on the above bond, made oath before me, L. A. Gay 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 3000.00
dollars.

Given under my hand this 20th day of November, 1897.

Teste:

L. A. Gay

Clerk.

Pope R. A. et als.

THE COMMONWEALTH OF VIRGINIA

vs. J. S. Smith, Jr. et als.

1897. 1st Sept Rules.
Cir. Ct.

I hereby acknowledge
legal service of the within
process.
(Sign here) W. P. Gillette.

Jno. N. Seibert Jr. p. v.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon Amos W. Gillette, Lizzie E. Gillette,
Katie E. Gillette, James T. Gillette, Wm P. Gillette Jr. and
Mary E. Gillette last and infants and Wm P. Gillette Sr.
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 September next, to answer a bill in Chancery
exhibited against them in our said Court by R. A. Pope and Benjamin
A. Pope.

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

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this 25th day of
August, 1897, in the 12th year of the Commonwealth.

Teste: L. A. Gay C. C.

Pope et als.

vs. } Statement of Rules

Willetts et als.

R. A. Pope & Benjamin A. Pope, Plaintiffs,
vs.

Samuel M. Gillette, Lizzie E. Gillette, Katie E. -
Gillette, James J. Gillette, Mrs. P. Gillette Jr. and
Mary E. Gillette, last six infants and Mrs. P. -
Gillette Sr. Defendants.

1897. 25th. August. Process issued to 1st. Sept. Rules

1897. 1st. Sept. Rules. Process returned executed

Bill filed.

Wm Shands appointed 4th.

addition to infant defendants

Deaver nisi re adult defendant

1897. 2nd. Sept. Rules. Bill taken for confessed
as to adult defendant and
Cause set for hearing as
to him.

Pope et als.

vs } Vacation Order

Gilletts et als.

We Concur to this
order

Jos. W. Seabell Com-
sel. for R. A. Pope B. A. Pope
& W. P. Gillette,

Wm. Shands, Jdn.
addition for infant
defendants;

Enter Oct. 2, 1897
Robert R. Prentiss

Enter Page 186-

Circuit Court of Southampton County in
Vacation, on the 2nd day of October 1897.

Fape et als.

vs

Gicelle et als.

By the Consent of the parties in term
entered of record, it is ordered that this cause
be submitted to the Judge of this Court for
such decision and decree therein in Vacation
as might be made in term.

A Copy.

Teste: L. R. Gay C. J.

Pope et als.....Plaintiff...
AGAINST
Gisette et als.....Defendant...
L. A. Gay

IN CHANCERY.

I, ~~T. M. HOWARD~~, 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...*20th*...day of *November*.....189*7*..., has been executed with security deemed sufficient by me.

Given under my hand this...*20th*...day of...*November*.....189*7*...

.....*L. A. Gay*.....C. C.

To Hon. Robert R. Prentiss, Judge of the Circuit Court of Southampton County

The answer of William Shands guardian ad litem for the infants Amos W. Gillette, Lizzie E. Gillette, Katie E. Gillette, James T. Gillette, Wm. P. Gillette Jr., and Mary E. Gillette to a bill in equity exhibited against them and others in the Circuit Court of Southampton County by R. A. Pope and Benjamin A. Pope.

This respondent saving and reserving &c. for answer to the said bill or to so much thereof as he is advised it is material that he should answer, answers and says:- that he knows something of the matters alleged in the said bill and believes them to be true; that the sale of the timber on the said land is as he verily believes a very good one, and proper motive of the interest of the said infants, and he hopes that the same may be confirmed.

And now having answered he prays hence to be dismissed &c.

Wm. Shands
guardian ad litem

Pope et als.
vs. Vacation order
Gillotti et als.

We consent to this order
Jmes. F. Bruce Jr. Counsel
for P. & P. H. Pope &
W. P. Gillotti,

Wm. S. hands
Gdn ad lelem for info
defendants

Enter Oct 2, 1897
Robert H. Hunt

Circuit Court of Southampton
County, in vacation, on the 2nd
day of October 1894.

Pope et al.

vs. 3

Gillette et al.

By the consent of the parties
in term entered of record, it is
ordered that this cause be sub-
mitted to the Judge of this Court
for such decision and deter-
mination in vacation as might be
made in term.

Robert R. Hunt.

To the Clerk of the
Circuit Court of
Southampton County. —

Pope et al.
Sfl. Comm.
against } Report
Gillitt et al.

To _____ Rules, 189 _____

JOHN N. SEBRELL, JR.,
ATTORNEY AT LAW,
COURTLAND, VA.



Jan'y 18 1898
Received of Geo. H. Hull Jr. the Com.
Two & 50/100 Dollars

in payment of fee for taking deposition in
suit of Pope et al. v. Gillette

\$2.50

R. F. M. Lenné



Jan'y. 17 1898
Received of Geo. H. Hull Jr.
Five & no/100 Dollars

fee for auctioneering land in suit
Pope et al. v. Gillette et als.

\$5.00

J. L. Gillette

~~\$549.⁸⁶~~

Received Jan^y. 19th 1897 of
Wm. J. Gillett Jr. Special Commissioner
in the Chancery cause of Pope et
al. vs. Gillett et al. Pending in the
Circuit Court of Southampton County
Virginia, the sum of Five Hundred and
Forty-Nine & ⁸⁶/₁₀₀ Dollars, it being the
amount decreed by decree entered in
said cause on the 3rd day of January
1896 to be paid to me as guardian of
Amos W., Lizzie E., Katie E., Jas. T., Lemuel J.
and Mary E. Gillett.

W. J. Gillett, Adm.

Richmond Va,

Jan. 10th. 1898.

Mr. Jas. W. Schrell Jr, (Spec. Commissioner)
Courtland Va,

Sir

Please deliver to R. A. Pope
my portion of money derived
from sale of our farm
sold Dec. 20-1897 at Courtland
Va, & his receipt shall be your
receipt for same, & this shall
be your authority for so doing.

(witness)

Respectfully

W. B. Drewry M.D.

R. A. Pope

1289. ⁵⁸

Received Jan. 10th 1898 of
Geo. E. Lee Jr., Spanish Commission
in the Chancery cause of Pope et al.
vs. Galt et al. the sum of
Seven Hundred and Eighty nine
* ⁵⁸/100 Dollars, it being amount
owed to be paid me by decree
entered in said cause on
the 3rd day of January 1898.
R. K. Pope

86
\$429.

Received January 12th 1898 of
Geo. C. Brill, special commissioner in
the chancery cause of Pope it al. vs.
Gillum it al., the sum of Four
Hundred and Twenty nine & $\frac{86}{100}$ Dollars,
it being the amount ordered to
be paid to B. A. Pope, by decree entered
in said cause on the 3rd day of
January 1895. Said B. A. Pope having
by his written order directed that the
same be paid to me.

witness

J. B. Thomas.

R. A. Pope

Franklin, Va., Jan 7 1892
 Mr. J. M. Lebrun Special Courier Paper in. Gilman

TO SOUTHAMPTON DEMOCRAT, Dr.

W. H. Strong, Publisher.

9 JOB PRINTING IN ALL ITS BRANCHES DONE NEAT & CHEAP.

Nov	23	To 100 1/6 bills recd. of Phillips farm	1	00				
		postage		4				
Dec	2	To 3 1/2 in ad recd. of above farm	5	24				
		Paid per 1/48	6	28				
		W. H. Strong						

Statement showing receipts and disbursements of John N. Sebre
 special commissioner in the suit of Pope et al vs. Gillette et
 als. in the Circuit Court of Southampton County-Virginia.

-0-0-0-0-0-0 0-1-0-

To amount received from sale of land----- \$2250.00

" " " " " Timber 120.00

By cost as per Clerk's statement.....\$34.52

" Printers charges..... 6.28

" amount paid auctioneer..... 5.00

" Commissions on \$2250.00 54.00

" *Postage &c* 70
 " balance..... 2269.30

2370.00 2370.00

To balance brought down..... 2269.30

By amount paid R.A. Pope \$1289.58

" " " R.A. Pope 429.86

" " " W.P. Gillette guardian &c. 549.86

2269.30 2269.30

Pope et al.

Vs.

Gillette et als.

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

The undersigned, your commissioner appointed by a decree entered in the above style cause on the 3rd day of January 1898 to perform certain duties therein mentioned, would most respectfully report that in obedience thereto he has collected from the Courtland Lumber Company the sum of one hundred and twenty dollars, and has paid same over to the legal guardian of the infants defendants, taking his receipt therefor which is returned along herewith as a part hereof; that he has executed to the said Courtland Lumber Company a deed, with special warranty, conveying the interests of the said infants in the timber as set out in the bill.

Your commissioner would further report that he has collected from James T. Knight the sum of twenty two hundred and fifty dollars, the purchase price of the land in the bill mentioned, and out of the same has paid the legal costs attending this suit and sale, including the commissions of your commissioner, and has paid three *fourths* of the balance to R.A. Pope, one-fifth of said balance to Benjamin A. Pope, and the remaining one-fifth to W.P. Gillette, the lawful guardian of Amos W. Gillette, Lizzie E. Gillette, Katie E. Gillette, James T. Gillette, Wm. P. Gillette Jr., and Mary E. Gillette, the said guardian having previously given bond in the penalty of \$1000.00 with approved security before the Clerk of this court, conditioned as directed by the said decree

Your commissioner would further most respectfully report that after collecting the said amount, he executed to the said James T. Knight, a deed, with special warranty, conveying the said land in the bill and proceedings mentioned, exclusive of the timber sold to the Courtland Lumber Company, as described and set out in the said bill, reserving one-half acre for a burial ground with free ingress and egress thereto and therefrom to the parties to this suit.

Respectfully submitted,

Invest. J. H. J.
Special commissioner