1899-02 Southampton County Chancery- Barden, V.C. etals vs Barden, C.L. (dec.)

Sues for partition of real estate. if not partitioned, then sell and proceeds divided according to rights.

Barden, T. T.
" , C. C. } 1/3 ants
" , J. J. }
Davidsm, B. B.
" , Crowder (Husband.

McLemore, T.L. (Exor.)
1/3 ants { Barden, Nonie
Vick, Laura
Sebrell, T. N. Jr. (G.A.L.)

BARDEN'S HEIRS

vs BILL AND EXHIBITS.

BARDEN'S EXECUTOR et als.

1899. 2nd Mch. Rules Filed

L. A. Gay C.C.

PRINCE & McLEMORE, P. Q.

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

In Chancery.

Complaining showeth unto the court your complaints, T.T.Barden, B.B.Davidson and Crowder Davidson her husband, C.C.Barden and J.J. Barden, the last named being an infant, who sues by V.C.Barden his next friend that your complainants are jointly seized and possessed with the estate of C.L.Barden deceased in a certain tract of land near Piney Grove in the County of Southampton containing about 289 acres, and known as the N.V.Cutler place, which interests were derived by and through the will of said N.V.Cutler deceased, as will appear by reference to copy of said will, filed herewith as part of this bill marked exhibit "B". That C.L.Barden by his will devised his interest in said farm to Nonie Barden, and if she should die without legal issue, then to Lena Vick, both of whom are now infants.

Your orators would further state that said real estate is not in their judgment susceptible of partition in kind among the parties entitled thereto, but if it is they desire same so partitioned, and if it be not, then your complainants desire the same to be sold and the proceeds divided among the adults and infants, parties according to their respective rights/ Should not the property be divisable in kind, your complainants believe and here state that the interests of those who are entitled to said real estate or proceeds will be promoted by sale of the said real estate or by allotment of part of sale of the residue.

In tender consideration whereof, and for as much as your complainants are remediless in the premises save by the aid of a court of equity, where matters of this kind are alone and properly coginizable, your complainants pray that James L.McLemore Executor of C.L.Barden Deceased, Nonie Barden and Lena Vick, the last two infants, be made parties defendants to this bill and required to

answer same. Answers under oath being expressly waived; that a proper guardian ad litem be assigned the infant defendants to defend their interests in this suit, who shall also answer this bill; that the said real estate be divided between the several patties entitled thereto, and your complainants' portion thereof be allotted to him, and in case the said real estate cannot be partitioned and divided in kind, that the same be exposed to sale, and the proceeds of such sale be divided among the parties entitled thereto; that all proper orders and decrees may be made, and proper inquiries be directed, and that all such other, farther and general relief may be afforded your complainants as the nature of their case may require, or to equity shall seem meet.

Notice is hereby ~~asked~~ given that the court will be asked to allow reasonable fees to plaintiffs counsel conducting this cause and your orators will ever pray, &c.

Price and McKenzie
P.Q.

Barden's Heirs

vs. } Statement of Rules

Barden's Executors.

F. F. Bardon, B. B. Davidson and Lavender Davidson her husband, L. L. Bardon and J. J. Bardon, last named an infant who sues by V. L. Bardon his next friend } Plaintiffs

vs.

J. L. McLemore Exor L. L. Bardon dec'd, Nonie Bardon and Lena Vick last two infants } Defendants

1899. 8th. March. Process issued to 2nd. Mch. Rules.

1899. 2nd. March Rules. Process returned executed.

J. N. Debruce Jr. appointed Gdn. ad litem to infant defendants.

Bill and exhibits filed

Decree nisi vs adult defendant

1899. 3rd. March Rules, Bill taken for confessed as to adult defendant and Cause set for hearing as to him

COMMISSIONER'S BOND.

Barden's Heirs
vs
Barden's Exr et als

Jas. L. McLemore

to

Commonwealth.

1899. 17. Nov. Filed
L. A. Gay C.C.

Recorded page 112

Know All Men by These Presents, That we, Jas. L. McLemore

and B. F. McLemore

are held and firmly bound unto the Commonwealth of Virginia in the sum of ($1500.00)

Fifteen Hundred & ——/100 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 17th day of November one thousand eight hundred and ninety-nine

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound Jas. L. McLemore

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 October, 1899, in the suit therein depending

under the name and style of Barden et als, vs Barden's Executor et als.

or any other future decree that may be entered herein

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

Signed, sealed and acknowledged in the presence of

Jas. L. McLemore SEAL

B. F. McLemore SEAL

SEAL

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

This day B. F. McLemore

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

of the Circuit Court of the county of Southampton, and State of Virginia, 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.

Given under my hand this 17th day of November, 1899.

Teste: L. A. Gay, Clerk.

order.

case of this character before the Court, and
petent and sufficient evidence having been
with the requirements of the statute in such
-mentioned lands, situate, lying and being
the City and County of San Francisco, State
.....; and it appearing to the Court that
proceed to sell the same at private sale,
Court before the first Monday of June, A. D.
ceeds thereof to the Court, and that
-ment of the purchase money in cash and take a deed upon the con-
firmation of the sale by the Court.

But before said Commissioner executes either of the said
deeds or delivers the property to the purchaser, he shall
deposit into the Court the amount of the purchase money
and the fees of the Clerk and Commissioner for issuing the
order, and the Commissioner shall not execute a deed to the
purchaser until the order confirming the sale has become
final.

It is further ordered that the Commissioner is authorized
and directed to make sale of the real estate aforesaid
after due and legal advertisement of same for at least fif-
teen days, selling the same upon the following terms: One-third
cash, remainder upon two equal installments payable in one
and two years from day of sale; the deferred payments to be
secured by the promissory notes of the purchaser, bearing
interest at the rate of seven per cent per annum, payable
semi-annually, with the option to the purchaser to pay all
of the purchase money in cash and take a deed upon the con-
firmation of the sale by the Court.

Dated October 18th 1899

Robert Ferris

Judge.

Bardenis Heirs
vs
Decree
Bardenis Exrx et als.

Filed October 18th 1899
Geo. Knight Clerk
By Deputy Clerk

Special Commissioners for the purpose (either of whom may act)

to which report no exceptions have been taken and was argued
by the respective counsel for the parties, and the Court both pleadings, on or
before the first Monday of June, A. D. 1899, and
the said Commissioner not in any other manner dispose of the said property
but before said sale shall have been approved by the Court.

And it appearing to the Court that said report
and sale are in all things regular and according to the practice of this Court,

It is ordered that the said report be and the same is hereby con-
firmed, and the Commissioner is hereby directed to execute and deliver
to the purchaser a deed of conveyance for the premises described in said
report upon the payment of the purchase money and the fees of the Clerk
and Commissioner for issuing the order of confirmation.

Dated this day. this cause came on again to be heard upon the
papers formerly read upon the report of Commissioner.....

.....day of September, 1899

Barden et ux.
vs.
Barden's Executor et al.

Virginia: In Vacation, in the Circuit Court of Southampton County October 28th. 1899.

Barden et als.
vs.
Barden's Executor et als.

This day, this cause came on again to be heard in vacation upon the papers formerly read upon the report of Commissioner..... J.B. Prince Jr.....filed 16th day of ~~September~~ October, 1899 to which report no acceptions have been taken ~~and was argued by Counsel~~ upon due legal sufficient notice given to the defendants, of plaintiffs intention to apply for this decree.

On consideration whereof, the Court doth adjudge, order and decree that said report be and the same is hereby confirmed, and it appearing to the Court from said report that the land in the bill and proceedings mentioned cannot conveniently be partitioned ~~nor can~~ in any other modes prescribed by the statute, doth adjudge, order and decree that J. B. Prince Jr, and J. L. McLemore be and they are hereby appointed Special Commissioners for the purpose (either of whom may act) and are directed to make sale of the real estate aforesaid after due and legal advertisement of same for at least fifteen days, selling same upon the following terms: One-third cash, remainder upon two equal installments payable in one and two years from day of sale; the deferred payments to be secured by the first deed of trust on the property herein directed to be sold, with option to the purchaser to pay all of the purchase money in cash and take a deed upon the confirmation of the sale by the Court.

But before said Commissioners or either of them shall proceed to act hereunder, they shall enter into bond before the Clerk of this Court in the penalty of $1500.00 and with approved security conditioned for the faithful performance of this or any other future decree that may be entered herein.

Robt R. Travis

Teste Clerk of the Circuit Court of Southampton County.

Barden's Heirs	
vs.	
Barden's Executor et als.	

This day this cause came on again to be heard upon the papers formerly read upon the report of Special Commissioner James L. McLemore, filed on the 3d day of April, 1900, reporting execution of deed, collection of purchase money and the distribution of same in accordance with a prior decree entered herein supported by proper vouchers, to which report no exceptions have been taken, and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that the said report be confirmed and the deed made by said Special Commissioner be held firm and binding upon the parties, and nothing further remaining to be done in this cause it is ordered that the same be removed from docket.

Bordens Heirs

v. { Mahoir

Bordens Executor Et-Als

We acknowledge legal service of this writ to plaintiffs

Jones Spelman
Attys for Pltffs.

Jas. L. McLemore
Clerk

Jno. Pettigrew Jr.
Clerk and Master

OFFICE OF JOS. B. PRINCE, JR.,

Commissioner in Chancery for the Circuit Court of Southampton County, Virginia.

Courtland, Va., October 9th, 1899

To

T.T.Barden,B.B.Davedsonand Crowder Davedson,her husband,C.C.Barden and J.J.Barden,last name an infant who sues by V.C.Barden,his next friend. J.L.McLemore Executor of C.L.Barden,dec'd, Nonie Barden andLena Vick,last two infants, and Jno.N.Sebrell,Jr their guardian a ad litem.

You are hereby notified that I have fixed upon the 14th day of October,1899 if fair, if not the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to-wit:

1st,-Whether the real property mentioned in complainants Bill in the suit of Barden's Heirs v. Bardens Executor et als.can be conveniently divided in kind between the several parties entitled to share therein.

2nd,-If the same cannot be conveniently divided in kind whether any party will take the entire property and pay therefor tothe other parties such sums of money as their interests may entitle them to.

3rd,-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 allotment of part and sale of residue.

4th,-The fee simple value of said real estate,and whether there are any delinquent taxes against the same.

5th,-Any other matter specially stated ,deemed pertinent by the commissioner,or required to be so stated by any interesred party.

required to be taken by a decree of Southampton Circuit Court, rendered at the April term, 189__, 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. B. Prince, Jr., Commissioner.

To the Sheriff of Southampton County to execute.

Bordeaux Heirs —

v. { "Spas"

Bordeaux Executor et als

Specially

J. H. Bishop Reporter

for Defendant

Staff

(2)

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON Thomas Harper, B. Everett -

J. B. Privis Jr Comm. in Ch. for Ci. Ct. of

to appear before the ~~Judge of our County Court of~~ Southampton County, at the Courthouse thereof, on the 14th day of October, 1899, to testify and the truth to speak on behalf of Bardus Heirs in a certain matter of controversy in our said Court depending and undetermined between Bardus Heirs, plaintiff, and Bardus Executor et als -, defendant. And this they shall in no wise omit, under the penalty of the law. And have then there this writ.

J. B. Privis, Jr Comm. in Ch. for the Ci. and Ct. of Southampton Co.

Witness, ~~B. F. McLEMORE, Clerk of our said Court~~, at the Courthouse, this 9th day of October, 1899, in the 123d year of the Commonwealth.

TESTE:

J. B. Privis Jr -, C. C.

Comm. in Ch.

Barden's Heirs

vs. } Decree

Barden's Executor et als.

Entered April 4. 1899

Robert R. Prentiss

Entered Page 255

Virginia:

In the Circuit Court of Southampton County, April Term 1899.

T. T. Barden, B. B. Davidson and Browder Davidson her husband, L. L. Barden and J. J. Barden, the last named an infant who sues by V. L. Barden his next friend.

Vs.

James L. McLemore Executor of L. L. Barden deceased, Nonie Barden and Lena Vick, the last two infants.

This day this cause which has been regularly matured at rules Came on to be heard upon the Complainants bill and exhibits filed, and John N. Sebrell Jr. is assigned Guardian ad litem to the infant defendants, Nonie Barden and Lena Vick, to defend their interest in this suit, and the said John N. Sebrell Jr. as such Guardian ad litem files the answer of the infant defendants to this bill of the plaintiffs, the bill being taken for confessed as to James L. McLemore Executor, to which answer the plaintiffs by Counsel replied generally, and was argued by Counsel.

On Consideration whereof, the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this Court, who is directed to inquire into and report to the Court.

1st. Whether the real property in the bill mentioned

can be conveniently divided in kind between the several parties entitled to share therein.

2nd. If the same cannot be conveniently divided in kind whether any party will take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to.

3rd. 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 interest 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.

4th. The fee simple value of said real estate and whether there are any delinquent taxes is against same. Which several inquiries the said Commissioner shall make and to the Court report together with any matter specially stated deemed pertinent by him or required by any party to be so stated.

A copy.

Teste: L. A. Gay C.C.

The witness C. Everett being first duly sworn deposes and says:

Q.1 What is your name, age, residence and do you know the parties to this suit?

A. C. Everett, 51 years of age, Southampton county and know the parties to this suit.

Q. State if you please if you are acquainted with the land in the bill and proceedings mentioned known as the N. B. Cutler tract, and if so, about how much does the same contain?

A. Yes, I know the Cutler tract, living within a short distance of same and think that it contains about 289 acres.

Q.3 In your judgement could this property be divided in kind among the several parties entitled thereto or would their interest be promoted by a sale and division of the property?

A. I do not think the property could well be divided among the parties entitled thereto without materially injuring the value of same. The farm is poor and is not well located for cutting up into as many as three or four farms. It would be practicably impossible to so cut it up and give to each tract sufficient rail timber to fence same, and in my judgement the farm as a whole would bring decidedly more than the separate parcels would bring if it were divided, and therefore I believe it would be to the interest of all parties to have sale of same.

C. Everett

--And further this deponent saith not.--

Witness fee .50
Mileage .48
.98

The witness Thomas Thorp being first duly sworn deposes and says:

Q.1 What is your name, age, residence and do you know the parties to this suit?

A. Thomas Thorp 45 years of age, Southampton county and know the parties to this suit.

Q. State if you please if you are acquainted with the land in the bill and proceedings mentioned known as the N. B. Cutler tract, and if so, about how much does the same contain?

A. Yes, I know the Cutler tract, living within a short distance of same and think that it contains about 289 acres.

Q.3 In your judgement could this property be divided in kind among the several parties entitled thereto or would their interest be promoted by a sale and division of the property?

A. I do not think the property could well be divided among the parties entitled thereto without materially injuring the value of same. The farm is poor and is not well located for cutting up into as many as three or four farms. It would be practicably impossible to so cut it up and give to each tract sufficient rail timber to fence same, and in my judgement the farm as a whole would bring decidedly more than the separate parcels would bring if it were divided, and therefore I believe it would be to the interest of all parties to have sale of same.

--And further this deponent saith not.--

Thos. Thorp.

witness fee - .50
mileage .48
.98

Bordeis Heirs

v. Report of Com

Bordeis Exor et als-

Octo. 16th. 1899. filed

L. A. Gray & G.

Gdr as Heine & Sgn

Commissioner's Office -
Courtland, Va
October 16th, 1899.

To the Circuit Court of Southampton County:

Pursuant to a decree of the Circuit Court of Southampton County rendered at the April Term, 1899 in a suit in chancery depending therein between Barden's Heirs and Barden's Executor et als., the undersigned one of the Commissioners of said court to whom was referred for settlement the said decree reports to Court that on the 9th of October, 1899 he issued notices against the several parties aforesaid requiring them to attend the settlement of said account, before him at his office on the 14th day of October 1899, which were returned to your Commissioner duly executed. Your commissioner also issued "fpas" against Thames Thorpe and C. Everett, two men well acquainted with the land and in the presence of the parties and of the guardian ad litem examined them as to whether or not the land was susceptible of division in kind -

Your Commissioner would further report that the land is not susceptible of division in kind without materially diminishing its value.

That a sale of the entire property will best promote the interest of all parties interested.

That none of the parties are willing to buy the land, or any part thereof.

That the fee simple value of the land is about $869.00

That there are no delinquent taxes charged against the same.

Respectfully Submitted
Jos. B. Prince, Jr.

Court's fee - $10.00 Paid J.B.P. Jr
Evidence of witnesses is herewith returned -

Will of

N. B. Lawler

Esq. D.

1849. 2nd. Mch. Rec'd Ziegs

L. A. Gay & L.

In the name of God. Amen. I Stonyfield B. Carter being of sound mind and memory do make and publish this to be my last Will and Testament in manner and form following. That is to say.

Item 1st. I desire my Executrix who I will hereafter name to pay all my just debts funeral expenses &c. out of my chattel estate as soon as possible after my death.

Item 2nd. I give to my Wife Missouri Ann Carter all my chattle Estate of every kind to her and her heirs forever and I loan to her my Farm and fixtures to my wife as long as she lives.

Item 3 I give to my Brother Goodwin B. Carter my Farm where I now live at the death of my wife. if he outlives her, but should he die before she does then in that case I give one half of my Farm to my Nephew G. L. Barden, at my wifes death, and the other half of said Farm at her death I give to my Nephew Jas. H. Barden's children that may be living at my wifes death

Item 4 And Lastly I hereby nominate and appoint my wife Missouri Ann Carter my Executrix to this my last Will and Testament and request the Court to accept her to qualify on my estate without giving security. Revoking and

annulling all other Wills heretofore made by me.
In Witness Whereof I have hereunto set my hand and
affixed my seal this 4th. Day of August 1888.
Signed Sealed and Norfleet B. Butler {seal}
acknowledged in the
presence of us.
P. E. Darden
Jas. A. Leigh

Virginia:

At a Court held for Southampton County
on Monday the 16th day of June 1890. a Writing
purporting to be the Last Will and Testament of
Norfleet B. Butler dec'd. was produced in Court
and proved by the oaths of P. E. Darden and Jas. A.
Leigh. the Subscribing Witnesses thereto. and
ordered to be recorded as the true Last Will and
Testament of the said Norfleet B. Butler dec'd.
and on motion of Missouri A. Butler. the
Executrix therein named. who made oath accor-
ding to Law - entered into and acknowledged
a bond in the penalty of Fifteen hundred dollars -
Conditioned according to Law - (but without securing
the Will requiring that no security be required
and the Court requiring none) which bond is
ordered to be recorded - Certificate is granted the
said Missouri A. Butler for obtaining a

probate of the said Will in due form, and on the further motion of said Executrix, B. F. Gray Jos. T. Barnes and Wm A. Myrick are hereby appointed appraisers, who being duly qualified, will appraise the Personal Estate of said decedent, and return the same under their hands as the Law directs.

Teste: B. F. McLemore C.C.

A Copy.

Teste: L. A. Gay D.C.

Bardeu's Heirs
3 Annos Infants
v. 3 by Gdn ad litem.
Bardeu's Exr et al.

In the circuit court Southampton county, Virginia.

The answer of Jas. A. Ashwell Jr. Guardian ad litem to the infant defendants, Nannie Barden and Lena Vick,

and the answer of the said infant defendants by their said Guardian ad litem to the bill of complaint exhibited against them and others in the circuit court of Southampton county, by J. J. Barden, B. B. Davidson & Crawder Davidson her husband, & C. Barden and J. J. Barden the last named an infant whosues by V. C. Barden her next friend -

For answer to the said bill the said infants defendants by their said Guardian ad litem answer and say; that being of tender years they do not know what their true interest is in relation to the subject matter of the said bill, nor do they know whether the statements contained therein are true or not. They confide the protection of their interest to the care of the court. And the said guardian ad litem to the said infants defendants for answer to the said bill answers and says, that he knows nothing as to the truth of falsity of the statements in the bill contained. He prays full protection for the said infants defendants. And now having fully answered, these defendants pray hence to be dismissed with their cost.

Mott Gibbs Jr.

Guardian ad litem for infants.

BARDEN'S HEIRS

vs DECREE

BARDEN'S EXECUTOR et als.

Entered, April 4 1899.

Robert D. Dennis.

Entered page 255

1 copy

T.T.Barden, B.B.Davidson and Crowder Davidson her husband, C.C.Barden and J.J. Barden, the last named an infant who sues by V.C.Barden his next friend.

vs

James L. McLemore Executor of C.L.Barden deceased, Nonie Barden and Lena Vick, the last two infants.

This day this cause which has been regularly matured at rules came on to be heard upon the complainants bill and exhibits filed, and John N.Sebrell Jr. is assigned Guardian ad litem to the infant defendants, Nonie Barden and Lena Vick, to defend their interest in this suit, and the said John N. Sebrell Jr. as such Guardian ad litem filed the answer of the infant defendants to the bill of the plaintiffs, the bill being taken for confessed as to James L. McLemore Executor, to which answer the plaintiffs by counsel replied generally, and was argued by counsel.

On consideration whereof, the court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this court, who is directed to inquire into and report to the court.

1st. Whether the real property in the bill mentioned can be conveniently divided in kind betweel the several parties entitled to share therein.

2nd. If the same cannot be conveniently divided in kind whether any party will take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to.

3rd. 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 interest 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.

4th. The fee simple value of said real estate and whether there are any delinquent taxes is against same, which several inquiries the said Commissioner shall make and to the Court report together with any matter especially stated deemed pertinent by himself or required by any party to be so stated.

Barden's Heirs

vs. } Statement of Facts

Barden's Executor

Bardin's Heirs

vs } Statement of costs

Bardin's Executor et als

1877 Mar. 8th. Sum. 25 / Exp. 13. Receipt 18. atty. to Book 18= .84

Rules 1st to entering return 35. Fil. bill 15= 1.50

Do. Ex. 15. Do answer of Gdn. ad litem 15. replication 15= .45

Copy Ex. 70. / Decree & copy 72. Taxed bill &c. 40= 1.87

Taking bond of Spl. Comr 1.40. Fil. Spl. Comrs report 15= 1.55

Do Comr in chy. 25. Do notice 15. 2 decrees 72 = 1.12

Fil. away papers 25. Entering costs 2.50 = 2.75

1900. Jany. 5th. Paid by J. L. McLemore L. A. Gay & Clerk $10.03

Shff. 1.90

Sandre. 16.50

$28.43

Fee of Comr. J. B. Prince Jr. 10.00

$38.43

Teste: L. A. Gay & C.

Witness. L. Ewell 98

" Thomas Thorp 98 — 1.96

$40.39

In T. J. Barden, B. B. Davidson, Crawder Davidson her husband, C. C. Barden (J. J. Barden having died since the institution of this suit under age) J. L. McLemore Exor. of C. L. Barden dec'd. Ronie Barden & Lena Vick, last two infants by Jno. L. Bell Jr. their ad litem -

Take notice that we shall through our Counsel apply to the Judge of the Circuit Court of Southampton County at his office in Suffolk, Va., on 28th. the day of October 1899, for a decree to be entered in vacation in the chancery cause of

Barden & als. vs. Barden Exor &c.

Your obedient servant,

T. J. Barden
C. C. Barden
B. B. Davidson
Crawder Davidson
J. L. McLemore Exor.
of C. L. Barden -

by J. L. McLemore their atty

Barden et als.

vs. } Spa: In chy.

Bardin's Exr et als.

1899. 2nd. Mch. Rules

Sir. Sct

Execution Mch 20th
1899 by delivering a copy
of the notice to J. L.
McLemore Exr

J. M. Williams
Shff.

(1)

Powell & McLemore p.q.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon J. L. McLemore, Exr of L. L. Barden dec'd. Nonie Barden and Lena Vick, last two infants

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 3rd Monday in March 1899 next, to answer a bill in Chancery exhibited against them in our said Court by J. J. Barden, B. B. Davidson and Lowndes Davidson her husband, L. L. Barden and J. J. Barden last named an infant who sues by T. L. Barden his next friend

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 8th day of March, 1899, in the 123rd year of the Commonwealth.

Teste: L. A. Gay C. C.

Legal service of this notice
is hereby acknowledged

Jno. Pettigrew,
Exr &c

Jas. L. McLemore Exr
C. L. Borden

Take notice that we shall through our Counsel, apply to the Judge of the Circuit Court of Southampton County at his office in Suffolk Va., on the 30th day of December 1899, for a decree to be entered in vacation in the chancery cause of

Bardin's Heirs vs. Bardin's Exors & als

Your obedient servant,

Dec. 22. 1899

C. C. Bardin & als.
by Counsel

Bardwell Heirs

v. Notice

Bardwell Executor

1880 July 12

To Jno. N. Sibrell Jr. Gdn. ad litem of
Nonie Barden & Lena Nick Infants
and J. L. McLemore, Exor. of C. L. Barden died.

Take notice that we shall through our Counsel apply to the Judge of the Circuit Court of Southampton County at his office in Suffolk, Va., on the 2nd. day of January 1900, for a decree to be entered in vacation in the chancery cause of

Bardens heirs vs. Bardens Exor. etals.

Your obedient servant,

J. J. Barden & others,
Plaintiffs by
J. L. McLemore, Atty.

December 8th 1888

Special Commissioners

Respectfully submitted.

Your Commissioner thinks this an excellent sale and respectfully recommends that it be confirmed.

that being the highest bid.

Therefor the sum of fifteen hundred and ten ($1510.00) dollars,

at the sale so had, 2. F. Vick became the purchaser by bidding

County of Southampton, at Newsoms, Va., on December 7th. 1888, and

time, place and terms of sale, he exposed to public sale, the farm

known as the "W. Cutler" place, situated near Piney Grove, in the

Pursuant to the decree of the Circuit Court of Southampton County, on the 28th. day of

October, 1888 in the suit and proceedings mentioned, containing

One hundred and eighty nine (189) acres, more or less, bee res-

pectfully to report, that after due and legal advertisement of the

two hundred and eighty nine (289) acres, more or less, by a decree

Bardin's Heirs

vs

Bardin's Exr

et als.

Filed Dec. 1888

SOUTHAMPTON COUNTY.

TO THE HONORABLE ROBERT B. PRENTIS, JUDGE OF THE CIRCUIT COURT OF

VIRGINIA, IN VACATION, IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY,
30th...day of December 1899.....,.....

BARDEN'S HEIRS

vs.

BARDEN'S EXECUTOR et als.

THIS DAY, this cause came on again to be heard upon the papers formerly read and upon the report of Special Commissioner, James L. McLemore, filed this day, reporting sale of the land in the bill and proceedings mentioned, to S. F. Vick for $1510.00, to which report no exceptions have been taken, upon reasonable notice to the parties plaintiffs and defendants, including S.F. Vick the purchaser, of plaintiff's intention to apply for this decree in vacation, and was argued by Counsel.

On consideration whereof, the Court doth adjudge, order and decree that said report be and the same is hereby confirmed and made firm and binding. And the said Commissioner is directed, upon receipt of the purchase money, to make to the purchaser a deed with special warranty for the property purchased by him, and out of the funds in his hands, after paying the cost of this suit including a fee of $.....to Messrs. Prince & McLemore, Attorneys for plaintiffs, to pay the balance in his hands as follows: six-tenths of said amount to J. L. McLemore, Executor of C.L.Barden, deceased, and four-tenths to T.T.Barden and C.C.Barden or their assigns, taking their receipts therefor and report to Court.

To the Clerk of the Circuit Court of Southampton County

Robt R. Prentis.

TO THE HONORABLE ROBERT R. PRENTIS, JUDGE OF THE CIRCUIT COURT OF SOUTHAMPTON COUNTY.

BARDEN'S HEIRS

vs.

BARDEN'S EXECUTOR et als.

The undersigned Special Commissioner, appointed by a decree of the Circuit Court of Southampton County, on the 28th. day of October, 1899 in the above entitled cause, to make sale of the tract of land in the bill and proceedings mentioned, containing two hundred and eighty nine (289) acres, more or less, begs respectfully to report, that after due and legal advertisemnat of the time, place and terms of sale, he exposed to public sale, the farm known as the "N.B.Cutler" place, situated near Piney Grove, in the County of Southampton, at Newsoms, Va., on December 7th. 1899, and at the sale so had, S. F. Vick became the purchaser by bidding therefor the sum of fifteen hundred and ten ($1510.00) dollars, that being the highest bid.

Your Commissioner thinks this an excellent sale and respectfully recommends that it be confirmed.

Respectfully submitted,

Jas. L. McElmore

Special Commissioner,

December 8th. 1899.

This deed made, October 25th. 1899. by and between J. J. Barden of Suffolk, Va. of the first part grantor and Mrs I. B. Barden of the County of Nansemond, Virginia and N. N. Barden of the County of Southampton, Virginia of the first part also grantors, and Jas L. McLemore, of the County of Nansemond Va. of the second part grantee, Witnesseth; That said parties of the first part in consideration of the sum of One Hundred Dollars, cash in hand paid receipt of which is hereby acknowledged, said parties of the first part do hereby bargain and sell and convey with general warranty unto said McLemore two tenths (2/10) undivided interest in that certain tract of land known as the N.B. Cutler place, lying about three miles South Eastern from New some in Southampton Co. Va. containing as a whole 289 acres, be the same more or less and lying near Piney Grove Va. It being the same property devised to us by the will of Norfleet B. Cutler, dec'd.

Witness the following signatures and seals. this 25th. day of October 1899.

J. J. Barden (Seal)

mark N. N. Barden (Seal)

witness A. N. Barden (Seal)

State of Virginia,
County of Nansemond. to wit:

I, , a Justice of the Peace for the County of Nansemond in the State of Virginia do certify that . Barden whose name is signed to the writing above bearing date Octo. 25th. 1899, has acknowledged the same before me in my County aforesaid. Given under my hand, this day of October 1899.

Sign.

State of Virginia
County of Southampton to wit;

J.P.

I, J. C. Parker, a Notary Public in and for the County of Southampton aforesaid, do hereby certify that J. J. Barden whose name is signed to the writing above bearing date October 25th. 1899 has acknowledged the same before me in my County aforesaid. Given under my hand this 24 day of November 1899.

Sign.

J. C. Parker
Notary Public

JAS. L. McLEMORE, President. ROBERT A. PRETLOW, Vice-Pres. ARTHUR WOOLFORD, Cashier.

BANK OF SUFFOLK

OFFICE OF PRESIDENT.

SUFFOLK, VA.,

ESTABLISHED 1876.

Suffolk, Va., JAN 2 1900 1900.

Messrs. Price & McLemore Sheriff's Court

To SUFFOLK HERALD, Dr.

Newspaper and Job Printing Establishment,

No. 9 WASHINGTON SQUARE.

☞ TERMS OF THIS BILL, NET CASH.

Nov	18	50 Bills Sale of N V Cullen Place Posting.			7.50
Jan	18	Rec'd payment			2.40
					5.10

A. J. E. Booker
per D. W. L.

Dec. 7. 1899. 18

Received from J. L. McLemore Special Com.

Barsenstein v. Borden Five Dollars per

copying paper Dec. 7. 1894 Dobbass

$ J R Dobbass

This deed made November 23th 1899 be and between
C. C. Barden of Nansemond county Va of second part
grantor and Mrs. V. C. Barden of the County of Nansemond
Va and J. J. Barden of Southampton county Va
of the second part also grantors and J. J Barden
of the county of Nansemond Va of the second part
garantee witnesses: that said parties of the
second part in consideration of the ~~sum~~ of one
Hundred dollars cash in hand paid receipt of which
is hereby acknowledged said parties of the second
part do hereby ~~deny~~ ~~and~~ sell and carry with general
warranty unto said J. J. Barden two tents 2/10
undivided interest in that certain track of land
known as the H. B Cutler place lying about three
miles south East from Newsoms in Southampton Co. Va
containing as a whole 289 acres be the same more
or less and lying near Piney Grove Va it bearing the
same portion ~~of~~ devised to us by the will of Harbert-
B. Cutler died witness the following signatures
& seals this 23th day of November 1899

C

C C Barden (Seal)
V C Barden (Seal)
H. H. Barden (Seal)

Virginia. Southampton County - to wit:
I, J. C. Parker, a Notary Public in and for
the County aforesaid in the State of Virginia
do certify that C. C. Barden, whose name

is signed to the writing aboae. bearing
date the 23rd day of November 1899,
has acknowledged the same before me
in my county aforesaid-
Given under my hand this 24th
day of November 1899

J. C. Parker
Notary Public

Rec'd. November 27th 1899. of Jas. McLemore
special Comr. the sum of Two Hundred & Ninety
five Dollars, in full satisfaction & payment for
the interests I hold in the Estate of N. D. Cutler
decd. same being 1/10 of the entire farm
T. J. Barden

Bardua Heirs
vs
Report
Bardua Estate.

1900 April 3rd.

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

The undersigned special commisioner appointed in the Chancery cause of Barden's heirs v. Bardens Exec utor et als. on October 28th. 1899, to make sale of the real estate and later to collect the funds from sale of same a distribute in accordance with a decree entered December 30th. 1899, begs to report that he has collected the said sum of $1510.00 and executed to said purchaser, S.F.Vick a deed with special warranty for the farm as mentioned and described in said bill, that out of the proceeds he has paid the cost and distributed remainder as follows:

Feb 20 1900

Amount received from S.F.Vick purchaser, $1510.00

To Commissions on same,	$ 39.20	
" paid R.D.Moore Cryer,	5.	
" paid for posters andposting,	1.	
Cost of suit	38.43	
Writing deed for purchaser,	10.00	
" Paid U.S.Tax on deed.	2.00	145.63
" paid Prince & McLemore Fee allowed by Court,	50.00	
Total in my hands to be distributed,		$1364.37

To paid to Jas.L.McLemore, Executor of C.L.Barden, deceased, as per order of Court 6/10 of $1364.37 $818.61

To paid the Assignee of T.T.Barden and C.C.Barden as per orders filed herewith, 4/10 of $1364.37 545.76

$1364.37

$1364.37

Jas. L. McLemore Special Com'r.

Received March 1st.1900 of Jas.L.McLemore special Commissioner in the above mentioned case, the sum of $818.61 in full of the share coming to C.L.Barden's estate as shown by the annexed report.

Jas L McLemore
Exr. of C. L. Barden dec'd.

Received March 1st. 1900 of Jas.L.McLemore, special Commissioner in the above mentioned cause the sum of $545.76, in full of our shares in the estate of sale of the N.B.Cutler place as shown by the above report.

T. T. Barden and
C. C. Barden by
J. L. McLemore assignee the
assignments being herewith
attached -