

1904-14

Southampton County Chancery - Millar, W.W. (vendee) vs Millar, Lucy et al

partition of land; if this
can't be done, sell and
divide proceeds to those
eligible under law -

White, Maggie d.
Millar, D.W.
" , Nomic I
White, S.C.
Gray, Thomas (husband)
" , Rena ← '08

Minnis { Gray, Rena (wife)
" , Thomas (husband)
Millar, Nellie
" , Lottie
Beale, Eliza
Sebrell, W.J.

entitled in any of the modes prescribed by law.

That your honor will grant all such other and further relief, orders and remedies as to which may seem meet or the justice of the case may require.

Justice is hereby done that the court will be bound to allow reasonable attorney's fees to plaintiff's counsel and to the costs of the case unless the order of the court.

and as in this court \$50.

Now it please the court, do.

J. W. Miller

Miller et als

v. } Bill —

Miller et als

1902 18th Dec. Received
1903 1st. Jan. Received

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

Humbly complaining, showeth unto your honor, your complainants,
W.W. Millar, J.R. Millar, in his own right and as vendee of Maggie I.
White and D.W. Millar, Nomie I. Millar, Maggie I. White and S.C. White, her
husband, and Thomas Gray, husband of Rena Gray, that during the year 1901--
(July 1901)
George Millar died seized and possessed of a certain tract of real
estate, situate in Southampton County, containing $240\frac{1}{2}$ acres, and that
the said George Millar died intestate, leaving as his heirs at law
the following parties, to-wit:- W.W. Millar, J.R. Millar, Nomie I. Millar,
Maggie I. White, who was Millar, Lucy Millar, Rena Gray, who was Mil-
lar, Nellie Millar, ~~and *Estate* *Estate~~ Lettie Millar and Elzie Beale, That
Lucy Millar, Rena Gray, Nellie Millar, Lettie Millar and Elzie Beale,
are infants, under the age of twenty-one.

Your complainants desire a partition of the said real estate,
if the same can be conveniently had in any of the modes prescribed
by law, but they charge and aver that they do not believe the same
can be conveniently divided in kind, and they desire, therefore, if it
can not be so divided, that the entire subject be sold and the proceeds
divided according to law.

In tender consideration whereof, and forasmuch as your
complainants are without remedy save in a court of equity where all
such matters are properly cognizable, to the end, therefore, that jus-
tice may be done, they pray that Lucy Millar, Rena Gray, Nellie Millar,
Lettie Millar and Elzie Beale may be made parties defendants to this
bill, and compelled to answer the same, though answers under oath are
expressly waived, that some fit and proper person be assigned guardian
ad litem to defend the interest of the infant defendants to this suit,
who are all under the age of twenty one years.

That an order may be entered referring this matter to one of the
commissioners of this court to enquire into and report whether the
real estate mentioned can be divided in kind among the several parties

entitled in any of the modes prescribed by law.

That your honor will grant all such other and further relief, general and special as to equity may seem meet or the nature of the case may require.

Notice is hereby give that the court will be asked to allow reasonable attorney's fees to plaintiffs' counsel out of any funds that may come under the control of the court.

And as in duty bound &c.

May it please the court, &c.,

J. P. Mice f.c.

Miller et als.

vs. } Stat. of Rules

Miller et als.

W. W. Millar, J. R. Millar, in his own right
and as vendor of Maggie J. White & S. H. Millar,
Nornie J. Millar Maggie J. White & S. G. White,
her husbands, and Thos. Gray husband of
Rena Gray Plaintiffs

vs.

} In Chancery,

Louise Millar, Rena Gray, wife of Thos. Gray,
Nellie Millar, Lettie Millar, and Elgie Beale,
Defendants, all infants, under 21 years
of age by W. J. Sabrell their Gdn. ad litem.

1902. 2nd. December. Process issued to 2nd. Dec. Rules

1902. 2nd. Dec. Rules. Process returned executed.

Bill not filed.

W. J. Sabrell appointed Gdn.

ad litem to infant defendants.

1903. 1st. January Rules.

Bill filed

Deceit nisi

1903. 2nd. January Rules.

Bill taken for confessed

and cause set for hearing

Miller et al.

vs. Report of Commissioners
of the State of Virginia

Miller et al.

Shelburne et al.

L. A. Hay 44

JOHN D. PARKER.

E. FRANK STORY.

Parker & Story
Attorneys and Counselors at Law
Franklin and Courtland, Virginia

the acknowledgment due and legal
copies of the within notice.

W. J. Sebrell, Esq. ad litem
for infant defendants.

J. B. Ponce -
Attorney for plaintiff and adult
defendants.

E. FRANK STORY,
OFFICE OF ~~JOS. B. PRINCE, JR.~~

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

Franklin, Courtland, Va., May 21st. 1903. 189

To W. W. Millar, J. R. Millar, in his own right and as vendee of Maggie I. White and S. C. White, *A. H. Miller, Thomas Miller* and Thomas Gray, husband of Rena Gray:

PLAINTIFFS:

and

Lucy Millar, Rena Gray, wife of Thomas Gray, Nellie Millar, Little Millar and Elzie Beale, infants under twenty-one years of age, by W. J. Sebrell, their guardian ad litem.

DEFENDANTS:

You are hereby notified that I have fixed upon the 21st day of May 1903, *in Franklin, Virginia* 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 or not the real estate of which George Millar died seised and possessed can be conveniently divided in kind among the several thereto entitled:

2nd.- If the same cannot be so divided, whether any party will take the entire subject matter and pay to the other parties such sums of money as their interest therein may entitle them to.

3rd.- If the same cannot be divided in kind and if no party will take the entire subject matter and pay the other parties entitled such sums of money as their interest therein may entitle them to, whether the interest of all the parties will be promoted by a sale of the entire subject matter, or by allotment of part and sale of the residue.

4th.- The interest of the several parties in the land in the bill and proceedings mentioned.

5th.- Whether or not there are any debts or liens of record against George Millar, deceased, or against the shares of any of the parties entitled in this proceeding, and especially whether there are any liens for delinquent taxes.

6th.- Any other matter specially stated, deemed pertinent by the commissioner, or required to be so stated by any interested party.

required to be taken by a decree of Southampton Circuit Court, rendered at the April 1903 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.

E. Frank Story, Commissioner.

To the Sheriff of Southampton County to execute.

The depositions of C. W. Darden and others, taken by me, E. Frank Story, a commissioner in chancery for the Circuit Court of Southampton County, Virginia, on the 21st. day of May 1903, to assist the said commissioner in making a report in the suit of Millar et als. vs. Millar et als., notice of the time and place of taking of said account having been duly given as will appear from said notice herewith filed.

PRESENT,- J. B. Prince for the Plaintiffs.

Witness, C. C. Ellis, being duly sworn deposes as follows:

- Q. What is your name, age, residence and occupation ?
- A. C. C. Ellis, 30 years old, reside in Southampton County, Virginia, business farmer:
- Q. Are you well acquainted with the land of which George Millar died seized and possessed, and if so please state whether or not it can be divided in kind among those entitled without materially deminishing the value of each share ?
- A. Yes, I know the place: I don't see how it can be divided in kind without prejudicing the interest of the parties.
- Q. Do you think it would be to the best interest of the parties to sell the entire subject matter and divide the proceeds according to their respective interest ?
- A. Yes I do.
- Q. Do you know of any party who is willing to take the entire subject and pay the other parties such sums of money as their interest may entitle them to.
- A. No I do not.
- Q. Please state what you think to be a fair cash valuation of this land, that is its fee-simple value and also its annual value?
- A. Fee-simple Annual value not less than \$1800. Annual value \$175 or \$200. And further this deponant saith not.

C. C. Ellis

Witness, C. W. Darden, being duly sworn deposes as follows:

- Q. What is your name, residence, occupation and age ?
- A. C. W. Darden, Franklin, Virginia, General Freight Claim Agent and Farmer, 36 years old: ~~Head~~ of the parties to the suit.
- Q. Are you familiar with the land of which the late George Miller died seised and possessed?
- A. Yes.
- Q. Please state whether or not you think this land can be divided in kind among the parties entitled without materially diminishing the value of the property and your reasons?
- A. No I don't think it can be divided in kind for the following reason, - It would have to be divided in ten parts and the interest of each after division would be practically worthless for farming purposes.
- Q. Do you think the interest of any party would be violated by a sale of the entire farm and a division of the proceeds?
- A. No I do not, on the contrary I think their interest would be promoted.
- Q. What is its fee-simple and annual value?
- A. Fee-simple \$1800 or \$2000, Annual about \$200.

And further this deponent saith not.

C. W. Darden :

Miller et al.

vs. } copy of Deems

Miller et al.

Entered page 16

Virginia: In the Circuit Court of Southampton County,
April Term 1903.

W. W. Millar, J. R. Millar, in his own right and as
vender of Maggie J. White and D. W. Millar, Annie J.
Millar, Maggie J. White and S. G. White, her husbands,
and Thomas Gray, husband of Rena Gray
vs } Decees.

Lucy Millar, Rena Gray, wife of Thomas Gray, Nellie
Millar, Bettie Millar and Elyzie Beale, infants under
twenty one years of age by W. J. Sebrell, their guardian
ad litem.

By consent of parties entered of record in term it is
hereby decreed that this cause be submitted to the
Judge of this Court to enter such orders or decrees
therein in vacation as might be entered in Term.

And by the like consent this cause came on
this day to be heard on the bill of the Complainants,
the joint and several answers of the infant defen-
dants, by W. J. Sebrell, their guardian ad litem,
duly assigned at rules is defend them in this
suit, with general replication thereto, and was
argued by Counsel.

On consideration whereof the Court doth
adjudge, order and decree that this cause
be submitted to one of the Commissioners of
this Court to enquire and report:-

First: Whether or not the real estate of which
George Millar died seized and possessed can

be conveniently divided in kind among the several parties entitled.

Second:- If the same can not be so divided, whether any party will take the entire subject matter and pay to the other parties such sums of money as their interest therein may entitle them to.

Third:- If the same can not be divided in kind, and if no party will take the entire subject matter and pay to the other parties entitled such sums of money as their interests therein may entitle them to, whether the interest of all the parties will be promoted by a sale of the entire subject matter, or by allotment of part and sale of the residue.

Fourth:- The interest of the several parties in the land in the bill and proceedings mentioned.

Fifth:- Whether or not there are any debts, or liens, or records against George Millar, dead, or against the shares of any of the parties entitled in this proceeding, and especially whether there are any liens or delinquent taxes.

Sixth:- Any other matter specially stated, deemed pertinent by the Commissioner, or required to be so stated by any interested party.

A Copy,

Teste: L. A. Gay Esq.

COMMISSIONER'S OFFICE, Franklin, Virginia.

May 21st. 1903.

TO THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

Pursuant to a decree of the Circuit Court of Southampton County, Virginia, entered ^{at} on the April term 1903, in the chancery cause of Millar et als. vs Millar et als., therein depending, the undersigned, one of the commissioners of the said Court, to whom was referred for settlement the account required to be taken by said decree, would respectfully report to Court, that on the 21st. day of May 1903, he issued notices against the several parties to the suit requiring them to attend the settlement of the said account required by the said decree, at the office of your undersigned commissioner in Franklin, Virginia, on the 21st. day of May 1903, which notices were returned to your commissioner duly acknowledged by the several parties to this cause, or their legal representatives. That at the time so appointed your commissioner took the depositions of C. W. Darden and C. C. Ellis, which depositions are filed herewith as a part of this report, and your commissioner begs to report further,-

FIRST:- The real estate in the bill and proceedings mentioned cannot be conveniently divided in kind:

SECOND:- Your commissioner is informed that no party is willing to take the entire subject matter and pay the other parties interested such sums of money as they may be entitled:

THIRD:- Your commissioner is of the opinion that it will be to the interest of all parties concerned that the entire subject matter be sold and the proceeds of sale divided among the parties according to their several interest:

FOURTH:- INTEREST OF PARTIES:

W. W. Millar..... *Paid to W. W. Webb* one-tenth:
J. R. Millar, in his own right..... *Paid* one-tenth:

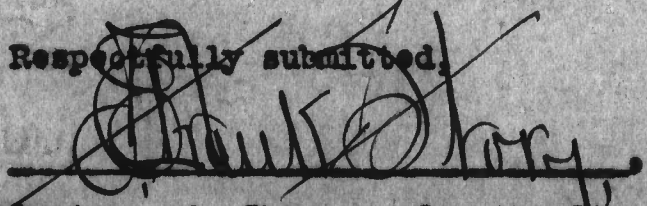
J. R. Millar, as vendee of Maggie I White.....^{Paid}.....one-tenth:
 J. R. Millar, as vendee of D. W. Millar.....^{Paid}.....one-tenth:
 J. R. Millar, as vendee of Nemie I. Millar.....^{Paid}.....one tenth:

Making a total of four-tenths (4/10)
 vested in J. R. Millar.

Lucy Millar.....^{Paid}.....one-tenth:
 Rena Gray.....^{Paid}.....one-tenth:
 Nellie Millar.....one-tenth:
 Little Millar.....one-tenth:
 Elzie Beale, who inherits the interest of her decess-
 mother, who was a Miss Millar, in the
 estate of George W. Millar.....one-tenth:

FIFTH:- Your commissioner finds no liens of record
 against the estate of George W. Millar, deceased, or against
 the interest of any of the parties in interest: EXCEPT,- ^{Paid}
 The interest of W. W. Millar is now involved in a chancery suit
 pending in the Circuit Court of Southampton County, Virginia,
 styled, W. W. Webb vs. W. W. Millar, in which it is sought
 to subject the interest of the said W. W. Millar to the lien
 of an attachment, and a decree was entered in said suit at the
 April term 1903, directing a sale of the said interest.

Respectfully submitted,



Commissioner in Chancery for the Cir-
 cuit Court of Southampton County, Virginia.

Commissioners fee.....\$10.00.
 G. W. Darden, witness... .50.
 G. C. Ellis, witness.... .50.
 \$11.00

Miller et al -

no. { Curator of Wolfenbutel -
Miller et al } Gdn. ad Leticia

The Joint and Several Answer of Lucy Millar, Rena Gray, wife of Thomas Gray, Nellie Millar, Lettie Millar, and Elzie Beale, by W.J. Sebrell, their Guardian ad Litem, Appointed at Rules, to a Bill of Complaint Exhibited against Themselves and Others in the Circuit Court of Southampton County by W.W. Millar, J.R. Millar and Others.

These respondents saving and reserving &c., for answer to the said bill, say, that they are infants under the ~~the~~ age of twenty one years, and being such submit their interest to the protection of this Court.

And having answered they pray hence to be dismissed &c.

W.J. Sebrell, Gdn. ad Litem.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU THAT YOU SUMMON Lucy Millar, Rena Gray
wife of Thos Gray, Nellie Millar, Lettie Millar
and Elgie Bull Defendants, all infants under
21 years of age by W. J. DeBrue their Adm. ad litem

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to
be holden for the said Court on the 3rd Monday in Dec. 1902 next, to answer
a Bill in Chancery exhibited against them in our said Court by W. W. Millar,
J. P. Millar in his own right and as
Guardian of Maggie S. White + D. N. Millar, Bonnie
S. Millar Maggie S. White + S. C. White his
husband, and Thos Gray, husband of Rena Gray

And this shif 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 2nd day of
Dec. 1902, 189, in the 127th year of the Commonwealth.

Teste: L. A. Gay C. C.

ANDREW L. MILLER
1902

THE COMMONWEALTH OF VIRGINIA

As shown by the records of the
County of Loudoun, Virginia
that the said Andrew L. Miller
is the owner of the land
described in the foregoing
notice and that he is
the person who is entitled
to the same.

Miller et als,
vs. J. Spa: In Chancery

Miller et als,
1902, 2nd Dec. Rules
in ch.

Specified here, 10th
1902 by delivering a
copy of this notice to
W. J. Source and at
Lith

W. William
Dec 10 1902

(11)
J. B. Prince
p. 9.

THE COMMONWEALTH OF VIRGINIA
COUNTY OF LOUDOUN
In Chancery
Case No. 100
Miller et als vs. J. Spa
1902, 2nd Dec. Rules in ch.
Specified here, 10th 1902
by delivering a copy of this
notice to W. J. Source and at
Lith

Special Commissioner.

Respectfully submitted,

cash, if he shall so elect.

said purchaser be allowed to pay the entire purchase price in

Your commissioner would respectfully request that the

from date, and payable within twelve months from date.

The said property for the delinquent payment, certain interest

of purchaser to execute this bond secured by the interest of the

is directed to sell same upon the following terms:— One half

by said cash, whereas, by virtue of July 10th, 1903, he

located the property hereby because the purchaser is anxious

to purchase the same. The said commissioner has not yet

received the purchase money. The said commissioner has not yet

received the purchase money. The said commissioner has not yet

received the purchase money. The said commissioner has not yet

received the purchase money. The said commissioner has not yet

Miller et al -

Report of Spl. Comm
Miller et al

Jan. 12 1904

Miller et al.

Report of Joseph D. Prince, Spl. Comm.

Miller et al.

Southampton County, Va.

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

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

Millar et als,

vs. Report of Joseph B. Prince, Spl. Comr.

Millar et als.

In this cause your commissioner begs to report that
on the 31st day of October, 1903, he sold at public auction
the land in the bill and proceedings mentioned, and at the
said sale J.R. Millar became the purchaser by bidding therefor the
sum of \$3075.00, ~~which was more than your commission would~~
~~spend on the land would.~~ The said commissioner has not yet
collected the purchase money because the purchaser is anxious
to pay same in cash, whereas, by decree of July 10th, 1903, he
is directed to sell same upon the following terms:- One half
cash, purchaser to execute his bond secured by first mortgage on
the said property for the deferred payment, carrying interest
from date, and payable ~~within~~ twelve months from date.

Your commissioner would respectfully request that the
said purchaser be allowed to pay the entire purchase price in
cash, if he shall so elect.

Respectfully submitted,

Joseph B. Prince

Special commissioner.

FRANKLIN DISTRICT.

No. 3535

Mr. *Geo. W. Miller et al* Dr.

1903

To L. R. EDWARDS, Treasurer Southampton County, Virginia.

STATE TAXES.

	STATE TAXES.				County Levy, 40c. on \$100.	County School Tax, 5c. on \$100.	District School Tax, 10c. on \$100.	TOTAL TAX.
	State Tax Support Gov. 20c. on \$100 R. E. and P. P. Schedule B.	State Tax Sup. Gov 25c. on \$100. P.P. Sched C.	State School Tax, 10c on \$100. B. E. & P. P. Sched. B.&C.	State Tax, for Pensions 5c. on \$100. R. E. & P. P. Schedule B.				
To <i>290 2/3</i> acres, value \$ <i>1744</i>	<i>349</i>		<i>175</i>	<i>87</i>	<i>698</i>	<i>87</i>	<i>175</i>	<i>1571</i>
" .. acres, value \$..								
" .. acres, value \$..								
" .. acres, value \$..								
Property, schedule B. Val. \$..								
Personal Property, schedule C val. \$..								
Value .. \$..								
Capitation .. <i>150</i>								<i>150</i>
Total ..								<i>79</i>
5 per cent. penalty ..								<i>1630</i>
Total ..								

Received payment *17* day of *Mar* 1904

L. R. Edwards Treasurer.

FRANKLIN DISTRICT.

Mr. *Geo W Miller*

No. *2119*

1902.

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

SUBJECTS OF TAXATION,	State Tax, 80c. on \$100.	State School Tax, 10c. on \$100	County Levy, 40c. on \$100.	County School Tax, 5c. on \$100.	District School Tax, 10c. on \$100.	TOTAL TAX,
To <i>290³/₄</i> acres Land, value \$ <i>1744</i>	<i>529</i>	<i>174</i>	<i>697</i>		<i>87</i>	<i>1635</i>
".....acres Land, value \$.....						
".....acres Land, value \$.....						
".....acres Land, value \$.....						
.....al Property, value.....\$.....						
.....ation Taxes.....\$.....						
Income.....\$.....						
Total.....						
5 per cent. additional.....						<i>83</i>
Fee Bills.....						
Total.....						<i>1738</i>

Received payment *17* day of *Mar* 190*4*,
for the Judge J. R. ...

L. R. Edwards, Treasurer

Miller et al.

Plaintiff...

AGAINST

Miller et al.

Defendant...

IN CHANCERY.

L. A. Gay

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.....*10th*.....day of *January*.....*1903*.....189....., has been executed with security deemed sufficient by me.

Given under my hand this.....*2nd*.....day of.....*January*.....*1903*.....189.....

L. A. Gay

C. C.

Millar et als,

vs. Report of Special Commissioner Joseph B. Prince.

Millar et als.

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

In this cause your commissioner begs to report as follows:-

That he received from the sale of the George Millar land, sold under decree of this court at Franklin, Va., on October 31st, 1903, the sum of Three thousand and seventy-five dollas, and he has disposed of same as will appear from vouchers herewith filed, an account of same being as follows:-

By amount received from sale of land.....	\$3075.00
To amount paid to heirs, refts. filed.....	\$2801.47
" " " in costs of suit, commissions, Crier, advertising sale, order publication, attys. fee.....	273.55
	<hr/>
	\$ 3075.00; \$3075.00

In this cause there is nothing further to be done and your commissioner prays that a decree may be entered dismissing same from the docket.

Respectfully Submitted,

Joseph B. Prince

Special Commissioner.

Memorandum -

The commissioner would report specially that W. L. Beale who has qualified as guardian of estate, Lizzie & Nellie Miller in this Court has given bond in sufficient penalty and with sureties sufficient for the security of the money which he received from this cause

*Joseph B. Prince,
Spl. Comm.*

M

John G B Prince
 IN ACCOUNT WITH

SOUTHAMPTON DEMOCRAT,

1903

W. H. STROUD, PUBLISHER.

Oct	1	20 75 bills	
		rate of Miller	
		farm	11.00
	6	To do	10.00
		postage	1.00
	29	20 75 bills	
		rate of Lykes	
		farm	1.00
		postage	.50
			3.50

Paid

W H Stroud

Nov 16/2003

Miller et als.

U.S. } Statement of Costs

Miller et als.

Serv. 25. / exp. 13, receipt 18, atty, 10, Docket 18 =	84
Rents 150, return 35, fil. fees 15 =	200
Do. ans. of 4th. addition 15, replication 15 =	30
1 Deem copy 80, fil. report of Deem in chg. 25 =	105
Taking 2 special bonds 2.90 =	2.90
Filing 2 reports of Special Bonds 30 =	30
2 other deems 72, Int. costs ca. 40 =	112
Filing away papers 25, final deems 36 =	61

total \$817

Pd - gold shff 50

Pd - JBP 2.00

\$2517

Fine of G. F. Story looms in chg. ~~Story~~ 1000

" " G. W. Darden witness 50

" " G. L. Ellis " 50

\$3617

Inst. L. A. Gay

Balance L. A. Gay 7,567⁰⁰ by J. A. Pinner L. A. Gay

" B. F. M. 61

\$817

Franklin, Va., 189.....

Mrs. J. P. Jones
M.....

To **E. Frank Story Dr.**

Story
* **Attorney at Law.** *

To \$1000 on bond as Special Com.
in part of debts of Mrs. J. P. Jones

debts of Mrs. J. P. Jones
paid Jan. 4th 1908
\$1000
E. Frank Story

Statement of Money received by Joseph B. Prince, Special Commissioner, from the sale of the George W. Millar land, sold under decree of the Circuit Court, showing the share of each heir.

Amount of money received.....	\$3075.00
Attys fee allowed by the court.....	\$100.00
Coms. @5%, \$300.00, @2%, \$2775.....	70.50
Costs of suit.....	36.17
Crier at sale.....	5.00
Deed to purchaser.....	10.00
Tax on Commissioner's bond.....	15.00
" " property for years, 1902 & 1903.....	34.76
Posters advertising sale.....	2.10
	<hr/>
	273.53
	\$2801.47
1/10.....	\$280.14

Received, February 17th, 1904, of Joseph B. Prince, special commissioner, the sum of Two hundred eighty dollars, and fourteen cents in full of my share of the above fund.

D. W. Millor

Witness:-

Paul E. Jenkins

Statement of money received by J.B.Prince, special commissioner from the sale of the George Millar land, sold under decree of the Circuit Court, showing the share of each heir.

Amount of money received,,,,		\$3075.00
Attys fee allowed by court.....	\$100.00	
Coms. @5%,\$300, @2%,2775.....	70.50	
Costs of suit	36.17	
Crier at sale	5.00	
Deed to purchaser	10.00	
Tax on commissioner's bond	15.00	
" " property for 1902 - 1903	34.76	
Posters advertising sale	2.10	273.53
Balance for distribution.....		<u>\$2801.47</u>

1/10 ===== \$280.14

Received, *March 4th* — , 1904, of Joseph B. Prince, spl. Comr. the above sum of Two hundred and eighty and 14/100 Dollars, in full of my share from the above fund.

Witness:

J. J. Gray

Statement of Money received by Joseph B. Prince, Special Commissioner, from the sale of the George W. Millar land, sold under decree of the Circuit Court, showing the share of each heir.

Amount of money received.....	\$3075.00	
Attys fee allowed by the court.....	\$100.00	
Coms. @5%, \$300.00, @2%, \$2775.....	70.50	
Costs of suit.....	36.17	
Crier at sale.....	5.00	
Deed to purchaser.....	10.00	
Tax on Commissioner's bond.....	15.00	
" " property for years 1902 & 1903.....	34.76	
Posters advertising sale.....	2.10	273.53
		<u>\$2801.47</u>

1/10.....\$280.14

Received, February 17th, 1904, of Joseph B. Prince, special commissioner, the sum of Two hundred eighty dollars, and fourteen cents in full of my share of the above fund.

James S. C. White.

Witness:-

William A. White
Chas. E. White

Statement of Money Received by J.B.Prince, Spl.Comr. from the
 Sale of the Geo.Millar Land, Sold under Decree of Court, Showing
 the Share of Each Heir.

Amount of money received.....	\$3075	
Atty's fee allowed by court.....	\$100.00	
Commissions @5, \$300, 2%, \$2775.....	70.50	
Costs of suit.....	36.17	
Crier at sale.....	5.00	
Deed to purchaser.....	10.00	
Tax on bond as commissioner.....	15.00	
" " property for years 1902 & 3.....	34.76	
Posters advertising sale twice.....	2.10	273.53
		<hr/>
		\$2801.47

1/10.....=\$280.14

Received, Jan. 22nd, 1904, of Joseph B.Prince, spl.comr., the
 Sum of Two hundred and eighty and 14/100 Dollars, in full of
 share from the above fund.

Tomie L Millar.

Statement of Money Received by J.B.Prince, Spl. Comr. from the Sale of the Geo.Millar Land, Sold under Decree of Court, Showing the Share of Each Heir.

Amount of money received.....		\$3075.00
Attorney's fee allowed by Court.....	\$100.00	
Commissions @5, \$300, 2%, \$2775.....	70.50	
Costs of suit.....	36.17	
Crier at sale.....	5.00	
Deed to purchaser.....	10.00	
Tax on Commissioner's bond.....	15.00	
" " property for years 1902 & 3.....	34.76	
Posters advertising sale wtice.....	2.10	273.53

Balance for distribution..... \$ 2801.47

1/10.....\$280.14

Received, Jan. 22nd, ~~1904~~, 1904, of Joseph B.Prince, Spl. Comr. the sum of Two hundred and eighty and 14/100 Dollars, in full of my share from the above fund.

J. B. Miller

Statement of money received by J.B.Prince, special commissioner from the sale of the George Millar land, sold under decree of the Circuit Court, showing the share of each heir.

Amount of money received,,,		\$3075.00
Attys fee allowed by court.....	\$100.00	
Coms. @5%.\$300, @2%,2775.....	70.50	
Costs of suit	36.17	
Crier at sale	5.00	
Deed to purchaser	10.00	
Tax on commissioner's bond	15.00	
" " property for 1902 - 1903	34.76	
Posters advertising sale	2.10	273.53
Balance for distribution.....		<u>\$2801.47</u>

1/10 ===== \$280.14

Received, July 23rd, 1904, of Joseph B. Prince, spl. Comr. the above sum of ~~Two~~ hundred and eighty and 14/100 Dollars, in full of my share from the above fund.

Witness:

J. H. Covington

Lucy B. Millar

NORTH CAROLINA,
MOORE COUNTY.

Miss Lucy B. Millar, of Franklin Va., but now residing in
Carthage, Moore County, North Carolina, being duly sworn, says:

That she was twenty-one years of age on the 30th, day of April, 1903.

Lucy B. Millar.

Sworn to and subscribed before me,
this the 18th, day of February, 1904.

A. H. McNeill.
Notary Public.

Statement of Money Received by J.B.Prince, Spl. Comr. from the Sale of the Geo.Millar land, Sold under Decree of Court, Showing the Share of Each Heir.

Amount of money received.....	\$3075.00
Attorney's fee allowed by Court.....	\$100.00
Commissions @5, \$300, 2%, \$2775.....	70.50
Costs of suit.....	36.17
Crier at sale.....	5.00
Deed to purchaser.....	10.00
Tax on Commissioner's bond.....	15.00
" " property for years 1902 & 3.....	34.76
Posters advertising sale wtice.....	2.10
	<u>273.53</u>

Balance for distribution..... \$ 2801.47

1/10.....\$280.14

Received, *Jan. 22nd* — , 1904, of Joseph B.Prince, Spl. Comr. the sum of Two hundred and eighty and 14/100 Dollars, in full of my share from the above fund, *it being the share of Geo. Millar*

W. W. Noble

Statement of Money Received by J.B.Prince, Spl.Comr. from the
 Sale of the Geo.Millar Land, Sold under Decree of Court, Showing
 the Share of Each Heir.

Amount of money received.....	\$3075
Atty's fee allowed by court.....	\$100.00
Commissions @5, \$300, 2%, \$2775.....	70.50
Costs of suit.....	36.17
Crier at sale.....	5.00
Deed to purchaser.....	10.00
Tax on bond as commissioner.....	15.00
" " property for years 1902 & 3.....	34.76
Posters advertising sale twice.....	2.10
	<u>273.53</u>
	\$2801.47

1/10.....=\$280.14

Received, *April* / ,1904, of Joseph B.Prince, spl.comr., the
 sum of Two hundred and eighty and 14/100 Dollars, in full of
 share from the above fund.

W. L. Beale
 Gen. of Essie A. Beale

Statement of Money Received by J.B.Prince, Spl.Comr. from the
 Sale of the Geo.Millar Land, Sold under Decree of Court, Showing
 the Share of Each Heir.

Amount of money received.....	\$3075
Atty's fee allowed by court.....	\$100.00
Commissions @5, \$300, 2%, \$2775.....	70.50
Costs of suit.....	36.17
Crier at sale.....	5.00
Deed to purchaser.....	10.00
Tax on bond as commissioner.....	15.00
" " property for years 1902 & 3.....	34.76
Posters advertising sale twice.....	2.10
	<u>273.53</u>
	\$2801.47

1/10.....=\$280.14

Received, July 18th, 1904, of Joseph B.Prince, spl.comr., the
 sum of Two hundred and eighty and 14/100 Dollars, in full of the
 share from the above fund, of Lettie Miller, and \$280.¹⁴ in
 full of the share of Nellie Miller

W. L. Blair

Their guardian

Miller et als -

vs. { Report of Joseph B.
Prince, Spl. Comm.

Miller et als

July 18th, 1904. File 2

J. B. PRINCE

J. B. PRINCE, JR.

J. B. PRINCE & SON,
Attorneys & Counsellors at Law,
Courtland, Va.

COMMISSIONER'S BOND.

Miller et al. vs Miller et al.

J. B. Priner

to

Commonwealth.

1904. 15th January filed

L. A. Gay 1904.

Recorded page 151

COMMISSIONER'S BOND.

Miller et als. vs. Miller et als

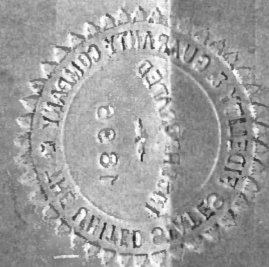
J. B. Prince

to

Commonwealth.

1903. 2^d October filed
L. A. Gay leg.

Entered page 149



Know All Men by These Presents, That we, J. B. Prince
and The United States Fidelity & Guaranty Company
are held and firmly bound unto the Commonwealth of Virginia in the sum of (2500.00)

Twenty Five Thousand and 00/100 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 2nd day of July October one thousand
~~eight hundred and ninety~~ 1903

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

J. B. Prince
shall faithfully perform the duties of his office or trust, as Special
Commissioner

under a decree of the Superior Court of the County of Southampton
pronounced on the 10th day of July, 1903, ~~189~~, in the suit therein depending
under the name and style of "Mellan et als vs Mellan et als" or
any subsequent 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

Joseph B. Prince
The United States Fidelity & Guaranty Co.
By [Signature] its Atty in Fact



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

This day The United States Fidelity & Guaranty Co.
surety on the above bond, made oath before me, _____ Clerk
of the _____ Court of the county of Southampton, and State of Virginia, that
estate, after the payment of all _____ just debts and those for which _____ bound
as security for others and expect to have to pay, _____ worth the sum of _____
dollars.

Given under my hand this 2nd day of October 1903, ~~189~~

Teste: L. A. Gay, Clerk.

Miller et al.
v. { Grant
Miller et al.

Entered April 7, 1900

W. D. Sebrell

Entered,
Page No. 16.

The parent
Balance of
v. Atty. for complainant
W. D. Sebrell,
Guardian ad litem for
Infant Respondent.

1 copy for 40¢

W.W.Millar, J.R.Millar, in his own right and as vendee of Maggie I.White and D.W.Millar, Nomie I.Millar, Maggie I.White and S.C.White, her husband, and Thomas Gray, husband of Rena Gray,

vs. DECREE.

Lucy Millar, Rena Gray, wife of Thomas Gray, Nellie Millar, Lettie Millar and Elzie Beale, infants under twenty one years of age by W.J.Sebrell, their guardian ad litem.

By consent of parties entered of record ^{in term} it is hereby decreed that this cause be submitted to the Judge of this Court to enter such orders or decrees therein in vacation as ^{might} ~~may~~ be entered in term.

And by the like consent this cause came on this day to be heard on the bill of the complainants, the joint and several answers of the infant defendants, by W.J.Sebrell, their guardian ad litem, duly assigned at rules to defend them in this suit, with general replication thereto, and was argued by counsel.

On consideration whereof the court doth adjudge, order and decree that this cause be submitted to one of the commissioners of this court to enquire and report:-

First:-Whether or not the real estate of which George Millar died seized and possessed can be conveniently divided in kind among the several parties thereto entitled.

Second:-If the same can not be so divided whether any party will take the entire subject matter and pay to the other parties such sums of money as their interests therein may entitle them to.

Third:- If the same can not be divided in kind, and if no party will take the entire subject matter and pay to the other parties entitled such sums of money as their interests therein may entitle them to, whether the interest of all the parties will be promoted by a sale of the entire sub-

ject matter, or by allotment of part and sale of the residue.

Fourth:- The interest of the several parties in the land in the bill and proceedings mentioned.

Fifth:- Whether or not there are any debts, or liens, of record against George Millar, decd., or against the shares of any of the parties entitled in this proceeding, and especially whether there are any liens for delinquent taxes.

Sixth
Fifth:- Any other matter specially stated, deemed pertinent by the commissioner, or required to be so stated by any interested party.

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

Handwritten notes in left margin:
Sh. to which
as
power
also to which

Handwritten notes in center:
George Millar
decd.
George Millar
decd.

MILLAR ET ALS.,

VS. } DECREE. NO.2.

MILLAR ET ALS.

JULY 10, 1903,

ENTER THIS,

Robert H. Prince

Entered page 24

J. B. PRINCE

J. B. PRINCE
Attorney & Counsellor at Law,
Courtland, Va.

Fee 40 cts

clerk will attach to the notice of sale a certificate from the
of the Circuit Court of Southampton County, Va., in Vacation, the ^{10th} day of
July, 1903. ~~was sufficient by his.~~

W.W. Millar, J.R. Millar, in his own right and as vendee of Maggie
I. White and ~~and~~ S.C. White, her husband, D.W. Millar, Nemie I. Millar
and Thomas Gray, husband of Rena Gray.

vs. Second Decree.

Lucy Millar, Rena Gray, wife of Thomas Gray, Nellie Millar, Little
Millar and Elzie Beale, last four infants by W.J. Sebrell, guardian
ad litem.

Southampton County, Virginia.

This day this cause came on again ^{by consent} to be heard on the paper
papers formerly read, and upon the report of Commissioner E. Frank Story,
filed June 24th, 1903, to which report there is no exception, and was argued
by counsel.

On consideration whereof, the court doth adjudge, order and decree
that the said report be, and the same is hereby confirmed.

The court doth further ~~order~~ adjudge, order and decree that J.B.
Prince, who is hereby appointed a commissioner for the purpose, ~~is~~ pro-
ceed, after first advertising the time, place and terms of sale by post-
ing notice ~~thereof~~ thereof at the Court House Door of the County of South-
ampton and at five or more conspicuous places in the neighborhood of the
property for thirty days before such sale, ~~passed~~ to sell at public auc-
tion, to the highest bidder, the real estate in the bill and proceedings
in this cause mentioned, of which George Millar died seized and possessed,
consisting of a tract of land situate in Southampton county, containing
292, 2/3, acres, more or less, and upon the following terms, to-wit:-

One half cash, the balance on a credit of twelve months, the
purchaser to execute his bond for such deferred payment, bearing interest
from the date of sale, said bond to be secured by a first lien on the
property conveyed. And the said commissioner is directed to report
his proceedings hereunder to Court. But the said commissioner, before he
shall proceed to act under this decree, shall execute before the Clerk
of this Court, his bond in the penalty of \$2500., with security to be
approved by the said Clerk, conditioned to faithfully perform his duties
under this or any subsequent decree, in this cause. And the said commis-

Circuit Court of Southampton County

sioner will attach to the notice of sale a certificate from the Clerk of this Court that the bond required hereunder has been executed with security deemed sufficient by him.

Robert R. Dennis

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

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

three of his original bond, and

If appearing that the said property sold for more than the amount
Joseph B. Prince, and Commissioner be increased to \$2,000.

If in further ordered and decreed that the bond of the said
shall effect.

The Clerk of the said Court do hereby certify that the same
order to pay the entire purchase price in cash, or according to
be amended so as to allow the said purchaser of the said prop-
erty, July 10th, 1903, delivery the term of sale of the property
hereby adjudged ordered and decreed that the said decree of
order being to pay the entire purchase price in cash. It is
from the report of the said special commissioner that the pur-
on the property conveyed, and if further appearing to the court
from the date of sale, said bond to be secured by a first lien

Miller et al
vs } Third Decree
Miller et al.

In vacation —
Jan. 12, 1904

Enter this

Robert R. Smith

Entered page 48

Third Decree.

Miller et al

12th day of January, 1904.

Circuit Court of Southampton County, Va., in vacation on the

Circuit Court of Southampton County, Va., in vacation on the
13th day of January, 1904.

Millar et als
vs. Third Decree.
Millar et als.

This day this cause, which has been regularly made a vacation
cause, by consent of parties, came on to be further heard, and
on the papers formerly read, and was argued by counsel.

On consideration whereof, and it appearing to the court
from the report of Joseph B. Prince, special commissioner, that
a sale has been made of the real property in the bill and proceed
ings mentioned, for the sum of \$3075.00, by Joseph B. Prince,
spl. Comr. aforesaid, on the following terms to-wit:- One half
cash, the balance on a credit of twelve months, the purchaser
to execute his bond for such deferred payment, bearing interest
from the date of sale, said bond to be secured by a first lien
on the property conveyed, and it further appearing to the court
from the report of the said special commissioner that the pur-
chaser desires to pay the entire purchase price in cash, it is
hereby adjudged ordered and decreed that the said decree of
date, July 10th, 1903, defining the terms of sale of the property
be amended so as to allow the said purchaser of the said prop-
erty to pay the entire purchase price in cash, or according to
the terms of sale of the said decree of July 10th, 1903, as he
shall elect.

It is further ordered and decreed that the bond of the said
Joseph B. Prince, spl. Commissioner be increased to \$3200.,
it appearing that the said property sold for more than the amount
of his original bond, and he is directed to execute the
same before collecting such purchase money.

Robert R. Dennis

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

no objection from Mrs. Taylor
and counsel, and

and the report of J. B. Prince, spl. Comr., filed Jan. 12th, 1904, to which

to J. R. Miller

the said sale be ratified approved

Out of the proceeds of such sale J. B. Prince is allowed a fee of one hundred dollars as counsel for the complainant.

1904

Millar et als

vs. Last Decree.

Millar et als.

In Term.

July 18, 1904.

Enter this:

Robert M. Mervis

Entered
C.O.B. p. 92.

1904

MILLAR ET ALS
VS. LAST DECREE
MILLAR ET ALS

THIS BOOK IS THE PROPERTY OF THE UNIVERSITY OF MICHIGAN LIBRARY

Millar et als

vs. LAST DECREE.

Millar et als.

This day this cause came on to be further heard on the papers formerly read and the report of Joseph B. Prince, *Special Commissioner* filed *this day, 1887*, to which report there is no exception and ~~was~~ was argued by counsel.

On consideration whereof the Court doth confirm the said report, and it appearing from same that the amount of money in the hands of Joseph B. Prince Special Commissioner has been distributed according to law, and there being nothing further to be done in this cause, it is ordered that it be removed from the docket.