1904-21 Southampton County Chancery - Surry Lumber Co- vs Davis, Alice S. et als

partition if possible;
if not sell and divide
proceeds according to
rights of the parties entitled.

Bishop - Ora P.
McCoy - Emma J.
Davis, William L.
Ayer, Lucie S.
Smith, Sallie D.
Davis, J. E.C.
" , Aggie L.
" , Mary A.
" , Ida M.
" , D Key
} Heirs

Sebrell, W. J. (G. A. L.)

To the Hon Robt: R. Reuter, Judge of the Circuit Court of Southampton County. In Chancery.

Complaining sheweth unto your Honor your Complainant The Davis Lumber Co, a corporation duly chartered under the laws of Va, that H.C. Moore & Mary A. his wife, J. P. Davis & Lucinda B. Eley in the year 1899 made a deed of bargain & sale to your Complainant for a certain piece of land in Southampton County, containing 100 acres, be the same more or less, as will more fully appear from a certified Copy of said deed herewith filed marked A and prayed to be taken as a part of this bill. That the parties who made this deed represent ~~three~~ two (2) shares in this land. viz Jno Moore 1 share. J.P. Davis, 1 share. & Lucinda B. Eley, widow of Jno Thomas Davis, her dower right. This was a tract of land formerly belonging to Jno Thos Davis Sen of Eli W. Davis dec'd. and your Complainants own all the right & all the right of the widow & children of Richd Davis dec'd. who are Alice S. Davis, his widow. Ora P. Bishop, Emma J. McCoy. Wm L. Davis Lucie S. Ayer. Sallie D. Smith. J.E.B. Davis, Effie L. Davis, Mary A Davis, Ida M. Davis and Sidney Davis, the last four of whom are minors. Your Complainant does not believe this piece of land is susceptible of partition among the parties, but if it is he wishes it to be divided, and if not susceptible of partition in any of the modes prescribed by law then

Bill

herewith & oath and the proceeds divided according to the rights of the parties.
In consideration whereof and forasmuch as your Complainant is without remedy except in a Court of Equity, where such matters are properly cognizable, to the end therefore that justice may be done, he prays that Alice S. Davis widow of Richd Davis, Ora P. Bishop, Emma J. McCoy Wm L. Davis - Lucy S. Ayer, Sally D Smith, J.E.C. Davis, Aggie L. Davis, Mamie Davis, Ida May Davis & Obey Davis, the last four minors, be made parties defendant to this bill & compelled to answer the same, but answers under oath are waived. That some fit and proper person be assigned guardian ad litem to the infant defendants. That the said land may be divided in kind, if practicable, but if not, that a decree may be entered directing a sale thereof, and providing for the proper distribution of the proceeds among the parties entitled. and that your Honor will grant such other, further, special and general relief as to Equity may seem meet & the nature of the case may require. And as in duty bound &c. May it please the Court &c.

J. B. Lewis & Son p.q.

This deed made and intered into this 27th day of November A.D. 1899 between Mary R Moore and Henry L. Moore her husband, James P. Davis and Lucinda B. Eley, said Mary R. & Henry L. Moore of Louisa Co. Va. and Davis and Eley of the County of Southampton in the State of Virginia of the first part, and the Surry Lumber Company a Corporation duly chartered under the Laws of the State of Virginia, of the second part. Witnesseth: That the said parties of the first part, for and in Consideration of the sum of ($500.00) Five Hundred Dollars - $200.00 to Mary R. Moore & husband, $200.00 to James P. Davis, and $100.00 to Lucinda B. Eley to them in hand paid, the receipt of which is hereby acknowledged, do hereby grant, bargain and sell with special warranty, unto the said Surry Lumber Company, their Successors or assigns, the following property or interests therein to wit: all the rights Titles and undivided real interest of the said Mary R. Moore & husband husband and James P. Davis, in the tract of land known as the Tom Davis tract, on the part of them, the said Moore & Davis, and the life interest of the said Lucinda B. Eley, Relict of Thomas Davis in the Timber on the tract of land aforesaid, with all the franchises and privileges hereinafter named, with quiet claim to said timber, but still reserving her Dowry

Right in the Glebe, soil, or naked soil, aforesaid, on her the said Lucinda Elys part, said tract of land adjoining Robert L. Hancocks land and others and containing by Capt Wills Survey 100 acres be the same more or less, But nothing in this instrument of writing must be construed as waiving, on the part of said Lucinda B. Ely, the usual privilege accorded by said Surry Lumber Lumber Company to use any of the Timber on the tract of land aforesaid for strictly plantation purposes, by said Lucinda B. Ely, until the same is cut. And it is hereby agreed and understood that should the timber aforesaid be cut within in the natural lifetime of said Lucinda B. Ely no trees shall be cut under (12) inches in diameter at the stump at the time of cutting the same by said Surry Lumber Company, and the said Lucinda B. Ely hereby makes the aforesaid conveyance so far as the right and power may extend on her part. Together with a right of way across the said tract of land above described for the purpose of removing the timber cut from said tract of land, and the timber cut from any other tract of land by the said parties of the second part, and also for the purpose of ~~running~~ and operating a Railway. And it is further Covenanted and agreed by the said Lucinda Ely, so far as the

right and power may extend on her part that the said Surry Lumber Company shall have five years in which to cut and remove said timber. From the time they commence to manufacture said timber into wood or lumber, but that they shall not be limited as to the time in which they shall commence to cut or remove the same.

Witness the hands and seals of the parties hereto this 4th day of December 1899.

Mary R. Moore (Seal)

Henry C. Moore (Seal)

James P. Davis (Seal)

Lucinda B. X Ellis (Seal)
her
mark

State of Virginia
County of Southampton } to wit:

I, John G. May a Commissioner in Chancery of Sussex Circuit Court in and for the State and County aforesaid do certify that Mary R. Moore and Henry C. Moore her husband whose names are signed to the foregoing writing bearing date on the 27th day of November 1899, have acknowledged the same before me in my County aforesaid.

Given under my hand this 4th day of December 1899.

John G. May.
Commissioner in Chy.
Sussex Circuit Court.

State of Virginia
County of Southampton } S.S.

I. R. A. Bristow a Notary Public in and for the County aforesaid, in the State of Virginia do hereby certify that James P. Davis and Lucinda B. Elmy whose names are signed to the foregoing writing bearing date on the 27th. day of November 1899 has acknowledged the same before me in my County aforesaid,

Given under my hand this 18th day of December 1899.

R A. Bristow N. P.

Virginia.

In the Clerk's office of Southampton County Court December 29th 1899. This Deed was presented, and with Stamps of Internal Revenue amounting to fifty cents, and certificate annexed admitted to record.

Teste: B. F. McLemore C.C.

A Copy.

Teste: L. A. Gay D.C.

Surry Lumber Co.
vs
Copy Bristow from
Mrs. Elmy et als
Davis et als

Ex. "A"

Recorded D.B. 46-
Page 178-

Surry Lumber Company a Corporation chartered under the laws of Virginia } Plaintiff

vs.

Alice S. Davis, Ora F. Bishop, Emma F. McKay, William L. Davis, Lucie S. Ayer, Sallie D. Smith, J.E.B. Davis, Aggie L. Davis, Mary A. Davis, Ida M. Davis, and Okey Davis, the last four infants under 21 years of age, by ~~W. H. Parker~~ Wm Shands their Guardian ad litem } Defendants

1900. 12. March. Process issued to 2nd March Rules

1900 2nd March Rules. Process returned executed except as to Ora F. Bishop, Sallie D. Smith, and J.E.B. Davis.

Bill not filed.

Wm Shands appointed G.M. ad litem to infant defendants.

1900. 3rd. March Rules. Alias issued as to Ora F. Bishop, Sallie D. Smith & J.E.B. Davis to 2nd. April Rules.

Bill and exhibits filed.

Decree nisi vs. defendants upon whom process served.

1900. 2nd April Rules. Alias not executed

Bill taken for confessed and cause set for hearing as to defendants upon whom process served

1900. 20th Sept. Plurries Sum. issued as to Bishop, Smith & Davis to 1st. Sept. Rules.

over

1900. 1st Sept Rules. Pltffs Sum. Executed as to Ora P. Bishop Sallie D. Smith and J. E. B. Davis and decree nisi vs them.

1900. 2nd Sept. Rules. Bill Taken for confessed as to Bishop, Smith and Davis and cause set for hearing as to them.

Sunny Land Company
vs.
Statement of Rules
Davis et als.

Forrest & Waddey Co.,
Stationers and Printers,
Richmond, Va.

Form No 17

Surry Lumber Co.

against Comm's Report

Davis et als.

To ..... Rules, 189.

1901. 22nd March filed

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

In the Circuit Court of Southampton County. October Term 1900.

Surry Lumber Company, a Corporation chartered under the laws of Virginia Plaintiff

vs.

Alice S. Davis, Ora P. Bishop, Emma J. McKay, William L. Davis, Lucy S. Ayer, Sallie D. Smith, J. E. B. Davis, Aggie L. Davis, (Mary A. Davis) (Ida M. Davis), the last four infants under 21 years of age by Wm Shands their Guardian ad litem, Defendants

~~This day this cause came on to be~~ heard on the bill of the Complainants taken for confessed as to the adult defendants, the answer of the infant defendants by William Shands their guardian ad litem, the exhibits filed, and was argued by Counsel.

On consideration whereof, the Court doth adjudge, order and decree that one of the Commissioners of this Court enquire and report to Court as follows:

1st:- Whether partition of the real estate in the bill mentioned can be conveniently made among the parties thereto entitled and if the same can not be done, whether the entire subject matter can be

allotted to any party who will accept it and pay therefor to the other parties such sums of money as their interests therein may entitle them to; and in case such can not be done if the interests of those who are entitled to the subject or its proceeds will be promoted by a sale of the entire subject, or allotment of part and sale of the residue.

The said Commissioner will also report whether there are any delinquent taxes on said land or not, and if so the amount of amounts of the same, which reports the said Commissioner will return to Court, with the evidence upon which he bases his opinion, together with any other matter specially stated or which may be required to be so stated by any party interested.

A copy.

Teste: L. A. Gayle, C.C.

OFFICE OF JOHN N. SEBRELL, JR.,

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

COURTLAND, VA., March 9th 1901

To Surry Lumber Company, Alice S. Davis, Ora P. Bishop, Emma J. McCoy, William L. Davis, Lucy S. Ayer, Sallie D. Smith, J. E. C. Davis, Aggie L. Davis, Mary A. Davis, Ida M. Davis, and Okey Davis the last four infants by William Shands, their guardian ad litem.

You are hereby notified that I have fixed upon the 15th day of March 1901 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 partition of the real estate in the bill mentioned can be conveniently made among the parties thereto entitled, and if the same can not be done, whether the entire subject matter can be allotted to any party who will accept it and pay therefor to the other parties such sums of money as their interests therein may entitle them to; and in case such cannot be done, if the interests of those who are entitled to the subject or its proceeds will be promoted by a sale of the entire subject, or allotment of part and sale of residue.

2nd:- Whether there are any delinquent taxes on said land or not, and if so the amount of same.

3rd:- And other matter deemed pertinent by the Commissioner or required to be specially stated by any party interested.

required to be taken by a decree of Southampton Circuit Court, rendered on the 3rd day of October 19 00, 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.

Jno. N. Sebrell Jr. Commissioner.

To the Sheriff of Southampton County to execute.

The evidence of R.A.Bristow et als.,taken before me this 15th day of March 1901 to be returned as a basis for report directed by decree entered on the 3rd day of October 1900 in the Chancery suit pending in theCircuit Court of Southampton County styled Surry Lumber Company Vs.Davis et als.

Present:

Judge J.B.Prince for plaintiff.

E.F.Story Esq. for defandants.

The witness A.F.Gardner being first duly sworn deposes as follows:

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

A. 57,Southampton County,Farmer,and know the parties.

Q. Do you know the tract of land known as the John Thomas Davis tract?

A. Yes sir.

Q. It is alleged in the bill of complainant that this tract of land contains 100 acres more or less,and that it belongs to Mrs.Mary R.Moore,J.P.Davis,and Alice S.Davis' children,who are ten in number,with a certain interest belonging to Lucinda B. Eley,who is the widow of John Thom as Davis,which interest wil more fully appear from a copy of deed made to Surry Lumber Co. by J.P.Davis,Mary R.Moore amd Lucinda Eley,a copy of which id filed with these depositions,now tell me whether you think that that piece of land can be divided among the parties entitled thereto in kind?

A. —It is so arranged,the very shape of it,that I don't see how it could be divided to be of benefit to all.

Q.— Do you think that the interest of those who are entitled to th subject matter would be promoted by a sale of the entire land and a division of the money?

A. I think it would be the best way for theparties.

Q. State some reasons why you think so.

A. The tract is naturally small and it being such long slipe of

land that I dont think it would be of benefit to either of the part es if it were dividdd in kind.

Q. Ifit would be divided in kind $$$$$$$$$ neither of the shares could contain more than 33 acres could it?

A. Neither of the shares could contain more than 33 acres.

Q. And one of those shares would have to be divided in how many parts?

A. Into ten parts and that would practically destroy the value of either share.

Q. Do you know whether the entire subject matter can be allotted to any party who will accept it and pay therefor to the other parties such sums of money as their interest therein may entitle them to.

A. I do not at this time.

Q. What do you think the interests of $$$$$ each party (I mean each share) worth?

A I think each share is worth $250.00

Q. Do you think that the interest of the parties will be promoted by an allotment of part and sale of the residue?

A. I dont hardly think it would injure it. I think it would sell best in the whole body.

Q. How much of this 100 acres is cleared land.

A. About 35 acres

Q. Is the remainder well timbered?

A. Yes,I think it is.

Q. Is the most of that 65 acres timbered in original growth timber and if not what portion is?

A. I reckon 4/5 of it is original timber.

Q. ### If the whole tract was sold do you think it would be to ## the interests of the parties to sell the timber and the land separately.

A. I think it would.

Q. Has not a part of this timber been cut over?

A. Yes sir,it has. About two acres.

And further this deponent saith not.

all sold Amos,F,Gardner

The witness E.W.Davis,being duly sworn deposes as follows:

Q. State your age,residence,occupation and do you know the parties to this suit.

A. 40,Courtland,Va.,Farming,and know the parties.

Q. It is alleged in the bill of complainant that this tract of land contains 100 acres,more or less,and that it belongs to Mrs.Mary R.Moore,J.P.Davis and the children of Alice S.Davis, who are ten in number,with a certain interest belonging to Lucinda B.Eley,who is the widow of John Thomas ~~Davis~~ Davis,which interest # will more fully appear from a copy of deed made to Surry Lumber Co by J.P.Davis,Mary R.Moore and Lucinda Eley,a copy of which is file with the bill in this cause,now tell me whether you think that piece of land can be conveniently divided in kind among the parties entitled thereto?

A. No,it cannot.

Q. Do younthink that the interests of those who are entitled to the subject matter would be promoted by a sale of the entire land and a division of the money?

A. Yes,I think they would.

Q. State some reason why you think so.

A. It is a small place and the parties live remote. To cut it in such small parcels would make it almost valueless.

Q. Do you know whether the entire subject matter can be allotted to any party who will accept it and pay therefor to the other parties entitled such sums of money as their interest may entitle them?

A. I do not.

Q. What do you think each share worth?

A. $200 or $225 a share

Q. Do you think the interest of the parties would be promoted by # $$$$$$$ an allotment of part and sale of residue?

A. No, I think it would be better to sell the whole thing.

Q. How much of this 100 acres is cleared land?

A. About 35 acres.

Q. Is the remainder well timbered.

A. I do not know but suppose it is, it is pocosin land.

Q. If the whole tract was sold do you think it would be to the interest of the parties to sell the land and timber separately.

A. Yes I think it would bring more

Q. Has not a part of this timber been cut over.

A. I don't know.

And further this deponent saith not.

Written fee 50 ct

E. W. Davis

Commissioner's Office

Courtland,Va.,March 15th 1901

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

Surry Lumber Co
Vs.
Davis et als.

The undersigned your commissioner,to whom was referred certain inquiries diected to be made by decree entered in the above cause on the 3rd day of October # 1900,would most respectfully report to Court that pursuant to the said decree he issued his notices to the parties,plaintiff and defendants,requiring them to appear before him on the 15th day of March 1901, service of said notice being duly acknowledged,as will appear from said notice filed herewith as a part hereof.

That at the time for which notice had been given and at the place named in said notice he proceeded to make the several inquiries and would report thereon as follows:

1st,- Partition of the land in the bill mentioned cannot be conveniently made among the parties entitled thereto;

2nd, the plaintiff,the Surry Lumber Company,offers to take the entire subject matter and the others parties the sum of two hundred and fifty dollars for their interests,the other parties being entitled to one share. From the evidence before your Commissioner,which he deems reliable,he is of opinion that said sum of $250 is a fair price for same.

3rd,- It would be to the interests of the parties entitled to have a sale of the entire subject rather than partition in kind,in case the Court should deem it inexpedient to permit the Surry Lumber Company to take the entire subject and pay the sum of $250 to other parties interested.

4th,- There are no delinquent taxes on said land.

All of which, together with the evidence taken by ~~him~~ your commissioner returned herewith, is most respectfully submitted

Commissioner in chancery.

Com'r's fee $5.00)
)
Chd. to plaintiff.)

Witness:-
A.F. Gordon. .50
E.W. Davis .50
$1.00

Sunny Lumber Co.
(a) Corporation
vs } Sfia in Chy
Bishop + als:

1900. 1st Sept. Recvd.
Lis. Pet.

Ps- Smithampton Co Court.
Personally appeared before the undersigned
whose clerk of the Circuit Court of
Smithampton Co. Va. Raphiel Coles
made affidavit that he executed this
summons on Ora P. Bishop + Sallie D. Smith
on the 23rd day of Aug 1900 by delivering
to each of them a true copy hereof - and that
he went to the usual place of abode of J. E. C.
Davis, and not finding him there, I executed
the same on him by delivering a copy hereof
giving information of its purport to Sallie
D. Smith, his sister, who was found there,
she is a member of his family and above the
age of sixteen years. Given under my hand
Aug 29-1900.

L. A. Gay D.C.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU THAT YOU SUMMON as at another time we have commanded you E. a. T. Bishop

Sallie D. Smith and J. E. B. Davis

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

Surry Lumber Company a Corporation

And this thing 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 20 day of August, 1900, in the 125th year of the Commonwealth.

Teste: D. F. McLemore D. C.

for L. A. Gay, Clerk

Everett Waldey Co., Stationers and Printers, Richmond, Va. } Form No. 309.

Know all men by these Presents, That we, J. B. Priner Jr. and J. B. Priner are held and firmly bound unto the Commonwealth of Virginia, in the sum of $400.00 Four Hundred 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 6th day of April one thousand ~~eight hundred and ninety~~ 901.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound J. B. Priner 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 2nd day of Apl. 1901, ~~189~~, in the suit therein depending under the name and style of Lumsy Lumber Co. vs Davis etals or any future decree that may be entered 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

J. B. Priner 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.

Surry Lumber Company

v. Decree.

Davis et als.

October 8th, 1901.

Enter this

Robert Ellis

Entered

#17

389

Surry Lumber Co.,

v. Decree.

Davis et als.

This day this cause came on again to be to be further heard on the papers formerly read and the report of J.B.Prince, jr., special commissioner, filed August 29th, 1901, showing collection of $250 from the Surry Lumber Company in full for the purchase price for the interest of the children of Richard Davis, decd., in the tract of land in the proceedings mentioned, and also the furtner sum of $41.22 in full of the costs of this suit and the disbursement of all of said purchase price and costs, except the sum of $22.50, which disbursements are supported by proper vouchers, to which report there is no exception and was argued by counsel.

On consideration whereof the court doth confirm the said report and doth furtner decree that J.B.Prince, jr., special commissioner deposit with the Bank of Suffolk the sum of $22.50, which belongs to Aggie L.Davis, take a certificate of deposit therefor to the credit of this cause and return the same with his report to Court.

Lumber Co.

Dan'l Ch Dy

1901. March 15,

(3)

Sussex Lumber Co.

vs. Report of Spec. Comm.

Davis et. als -

1901. 29th Aug. Filed

L. A. Gray Cl'k

Surry Lumber Company,

vs. Report of Commissioner J.B.Prince, jr.

Davis et als.

In this cause your commissioner submits the following report:- That pursuant to a decree entered in this cause April 2nd, 1901, he has collected from the Surry Lumber Company the sum of two hundred and fity dollars in full for the purchase price for the interest of the childred of Richard Davis, decd., in the tract of land in the proceedings mentioned, and also the further sum of $41.22 in full of the costs of this suit, and has made to the said Surry Lumber Company a deed for the interest of the children of Richard Davis, decd., in the tract of land in the proceedings mentioned.

By amount received from the Surry Lumber
for interests of said children..... $250.00
By amount received for costs..... 41.22
$291.22

Charges:-

To paid costs as per vouchers filed $41.22
" " Parker & Story fee as per
decree..... 25.00
" " Parker & Story, attys. for
all children but one..... 202.50
$268.72 268.72
22.50

Balance in hands of commissioner..$22.50

The above balance of $22.50 belongs to Aggie L. Davis, who is a minor and has intermarried with some party not known to your commissioner. Your commissioner would respectfully ask the court what disposition to make of this balance.

Aug. 29th, 1901. Respectfully submitted,

Jos. B. Prince, Jr. Spec. Comr.

To the Judge of the Circuit Court of Southampton County.

Swamp Lumber Co.

vs. } State of Ark.

Davis et als.

Denny Lumber Co.

vs. } Statement of Costs

1900 Davis et als.

March 12th	Summ. 25¢ 1 cop 10, another Summ 25¢ 4 cop 40¢	1.15
	2 writs Summ. 50. 6 cop. 78, receipt for 2 sums 7½	2.00
	alty. 10. Docket 18. 6 rules 3.00. Return 35¢	3.63
	Fil. bill 15¢, D. Ex. 15¢, D. and 4 Sr. subpoena 15¢	45¢
	Copy Ex. 1.00, replication 15¢. Decree & Copy 72¢	1.87
	Filing report of Comr in chy. 25¢. Spel. Comr's fee 1.40	1.65¢
	Decree & Copy 72. Taxing costs 40¢	1,12
	Filing away papers 25¢. Entering costs 2,00	2.25¢
1901 Sept. 11th	Paid by J.B. Prince L.A. Gay Solicitor	$14.12
	pd. J.H. Williams Sheff	1.10
	I paid this fee in advance I.B.P Sergt of Norfolk	2.00
	" " " " I.B.P " " Newport News	1.50
	Paid I.B.P Sum Law Fee	16.50
		$35.22
pd. Jno. H. Glennan Jr.	Fee of Jno. H. Glennan Jr. Comr in Chancery	5.00
Paid A.F. Gardner	Witness A.F. Gardner 50	
Paid E.W. Davis	" E.W. Davis 50	1.00
		$41.22

A copy.

Teste: L.A. Gay e.c.

Received of J. B. Prince Jr., Special Commissioner, Twenty-five($25.00) Dollars. It being the legal fee ordered to be paid us as per decree entered April 2 end. 1901, in the suit of Surry Lumber Co. vs Davis et. als.

July 26 th. 1901. Parker Story Attys.

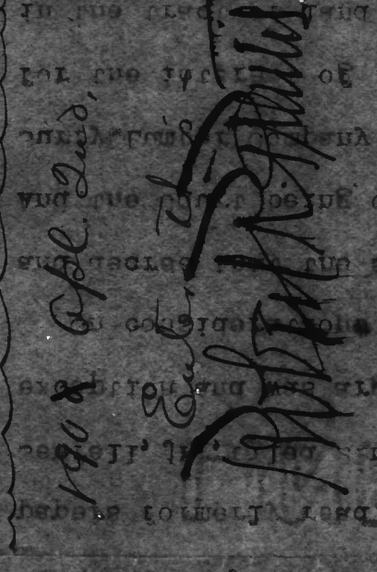
Received of J. B. Prince Jr. Spc. Com. Two Hundred and Two &50/100 ($202.50) Dollars; it being the prepertional part of the funds in the hands of said Commissioner arising out of the suit of Surry Lumber Co. vs Davis et. als. (See decree entered April 2 end 1901) for the following parties, namely, Mamie Davis, Ida Davis, Pekie Davis, all infants under the age of twenty-one years: Also Ora P. Bishop, Emma J. ~~McKenney~~ Mc. Clay, William L. Davis, Lucy S. Ayer, Sallie D. Smith, J. E. C. Davis, all of the last named adults.

July 26 th. 1901. Parker Story Attys.

For the over named adult parties.

and for Mrs. Ida D. Davis Guardian for the infant defendants.

dollars for their legal services in
their cause.



UNREADABLE

Surry Lumber Company,

v.

Davis et als.

This day this cause came on to be again heard upon the papers formerly read and the report of commissioner, J.N. Sebrell, jr., filed 2nd of March, 1901, to which report there is no exception and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that the same be, and is, hereby confirmed. And the Court being of opinion that the offer of the Surry Lumber Company to give two hundred and fifty dollars for the interest of the children of Richard Davis, decd., in the tract of land in the proceedings mentioned is a fair and good one, and by consent of parties given in Court, doth adjudge, order and decree that J.B.Prince, jr., be, and he is, hereby appointed a special commissioner to receive from the said Surry Lumber Company the sum of two hundred and fifty dollars, and when the same is fully paid, that he execute to the said Surry Lumber Company a deed with special warranty for the interest of the children as aforesaid, and when he shall have received the same, that he pay to the said children or their legally qualified guardian their respective interst in the same, and take receipts for the same and file with his report. But before the said J.B.Prince, jr., shall proceed to act under this decree he will execute a bond before the clerk of this Court with security to be approved by him in the penalty of $400, conditioned to execute this or any further decrees in this cause.

And the Court doth further decree that the costs of this suit be paid by the said Surry Lumber Company.

Surry Lumber Co

vs

Davis

Oct 3. 1900

Enter this

Robert Davis

Ref- Enrico 326

Surry Lumber Company, a Corporation chartered under the laws of Virginia, Plaintiff.

V.

Alice S. Davis, Ora P. Bishop, Emma J. McCoy, William L. Davis, Lucy S. Ayer, Sallie D. Smith, J.E.C. Davis, Aggie L. Davis, Mary A. Davis, Ida M. Davis, the last four infants under 21 years of age by William Shands their guardian ad litem, Defendants.

This day this cause came on to be heard on the bill of the complainants taken for confessed as to the adult defendants, the answer of the infant defendants by William Shands their guardian ad litem, the exhibits filed, and was argued by counsel. On consideration whereof, the Court doth adjudge, order and decree that one of the commissioners of this Court enquire and report to Court as follows:

1st:-Whether partition of the real estate in the bill mentioned can be conveniently made among the parties thereto entitled, and if the same can not be done, whether the entire subject matter can be allotted to any party who will accept it and pay therefor to the other parties such sums of money as their interests therein may entitle them to; and in case such can not be done if the interests of those who are entitled to the subject or its proceeds will be promoted by a sale of the entire subject, or allotment of part and sale of the residue.

The said commissioner will also report whether there are any delinquent taxes on said land or not, and if so the amount of the same, which reports the said commissioner will return to Court, with the evidence upon which he bases his opinion, together with any other matter specially stated or which may be required to be so stated by any party interested.

Swayne Lumber Co.,

v. Receiver of

Idaho, ad litem,

Davis et als

The joint and several answer of Aggie L. Davis, Mamie Davis, Ida May Davis, Okey Davis, minors, by William Shands their guardian ad litem to a bill of complaint exhibited in the Circuit Court of Southampton county against them and others by the Surry Lumber Company.

These respondents saving and reserving &c. for answer to the said bill, answer and say. That they are minors and being such submit their rights to the protection of this Court, And having answered pray hence to be dismissed &c.

...Wm. Shands.....Gdn. ad litem.

Savoy Lumber Co.

vs. } Sp. Pa. In chy.

Davis et als

1900. 2nd March Rules

Cir. Ct.

Executed in the City of Norfolk on the 13th day of March 1900. by delivering copies herein to Alice S. Davis, Emma J. McCoy and Lucy S. Ayers, Administratrix of William L. Davis at his usual place of abode this 13th day of March 1900. I delivered a copy hereof to Emma Davis his wife she being there and a member of his family above the age of fifteen years, and gave the information of its purport to her.

J.T. Lawler Sergt
City of Norfolk
by L.L. Quinn Deputy
Sergts fee 2.00 Paid
L.L. Quinn D.

J.B. Princeton

P.Q.

Alias Sum. issued back
not returned

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Alice S. Davis, Ora P. Bishop, Emma J. McEvoy, William L. Davis, Lucie S. Ayer, Sallie D. Smith, J. E. B. Davis, Aggie L. Davis, Mary A. Davis, Ida M. Davis and Oakey Davis, the last four infants under 21 years of age, by W. J. Debnell their guardian ad litem,

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the 3rd Monday in March 1900 ~~next~~, to answer a Bill in Chancery exhibited against them in our said Court by Sunray Lumber Company, a corporation duly chartered under the laws of Virginia,

And this 3rd shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, ~~T. M. HOWARD~~ L. A. Gay, Clerk of our said Court, at the Courthouse, this 12th day of March 1900, ~~189~~.., in the 11th year of the Commonwealth.

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

THE COMMONWEALTH OF VIRGINIA,

TO THE ~~SHERIFF OF SOUTHAMPTON COUNTY~~ Sergeant of the City of Norfolk, GREETING:

WE COMMAND YOU TO SUMMON Alice S. Davis, Orah Bishop, Emma J. McLemore, William L. Davis, Lucie S. Ayer, Sallie D. Smith, J. E. B. Davis, Aggie L. Davis, Mary A. Davis, Ida M. Davis, and Daisy Davis, the last four infants under 21 years of age, by W. J. Sebrell their guardian ad litem

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the 3rd Monday in March 1900 ~~next~~, to answer a Bill in Chancery exhibited against them in our said Court by Survey Lumber Company, a Corporation duly chartered under the laws of Virginia

And this 1st shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, ~~T. M. HOWARD~~ L. A. Gay, Clerk of our said Court, at the Courthouse, this 17th day of March 1900, ~~180~~.., in the 124th year of the Commonwealth.

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

RECEIVED of J. B. Prince Jr. Special Commissioner in the suit of Surry Lumber Company vs Davis et als. Twenty-two & 50/100 Dollars ($22.50) same being the amount in his hands due Aggie L. Sullivan outof the funds arising from the proceeds of sale of land in the bill and proceedings mentioned.

October 14th, 1902.

Aggie L. Sullervan,

By [signature] Counsel.

Avery Lumber Co.

vs. } Report of Special Commr.

Davis et als.

July 1882. Rec'd & Filed.

Surry Lumber Company,

vs. Report of Special Commissioner.

Davis et als.

In this cause your commissioner begs to report that as shown by a preceding report, filed the 29th day of August,1901, he had paid out all the funds in his hands to the parties entitled, except to Aggie L.Davis, whom your commissioner could not find at that time, but since that time your commissioner has ascertained that she had intermarried with one Sullivan, and he has paid her distributive share to her attorneys, Mess. Parker and Story, whose receipt is herewith filed.

Your commissioner would further report that the object of this suit has now been fully accomplished, and all the funds having been distributed according to law, he asks that it be dismissed from the docket.

Respectfully submitted,

Joseph B Prince Jr.

Special Commissioner.

Surry Lumber Co. 1904

vs. } Last Decree

Davis et ale

July 18, 1904.

Enter this

Robert Lewis

Entered

C. O. B. f. 93

Surry Lumber Company

vs. Last decree.

Davis 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 the 18th day of July,1904, and was argued by counsel.

On consideration whereof, it appearing to the Court that the full amount of money which came into the hands of said commissioner has been distributed, and the object of this suit having been fully accomplished it is ordered that it be removed from the docket.