1907_02 Southampton County Chancery Allmon, Rattie vs. Harrell, Lucy J. et als

"To sell Real Estate
and divide proceeds"

Harrell, J. W.
Allmon, Robert H.
Whitfield, Thomas J
Cutchin, Alice M.
Cutchin J. W

Allman

Bill & Ex.

Harrell et. als.

1907. 1. May Rules - Files

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

Pattie Allman----------Plaintiff,

v.

Lucy J. Harrell, nee Allman, J. W. Harrell, her husband, Robert H. Allman, Thomas J. Whitfield, Alice M. Cutchin and J. W. Cutchin, her husband----------Defendants.

Your complainant, Pattie Allman, respectfully represents that she is seized of a life estate in a cer tain tract of land lying in the County of Southampton known as the "Patience" or "Brewer Place", containing 50 acres, more or less, situated in Newsoms Magisterial District in said County, adjoining the lands of

and being the same tract of land devised to your complainant by the second clause of the will of Cordy C. Whitfield, deceased, which will is duly recorded in the Clerk's Office of Southampton County as of November Term 1889,and is herewith filed as exhibit "A"; that said last mentioned clause is in the words and figures following:

> "I give and devise unto my daughter Pattie, widow of R. P. Allman, to her for life and remainder to her issue, and if none of her issue should attain the age of 21 years, or should all of them die without issue living, I then give said property named below to my sons Thos. J., Davis A., and Charles C. and to my daughter Alice M. to them and to their issue I devise as above the following property. The tract of land described in the latter part of the first clause and knownas the "Patience" or Brewer Place" containing about 50 acres, [illegible] also my house and lot in the town of Franklin on Clay Street, I also empower my executors, if my daughter Pattie so desires it to sell said house and lot and with the proceeds to purchase a house and lot in the town of Suffolk, and said executors shall make her a deed to said property so purchased, and to her issue, subject to the limitations as to issue mentioned above as to Franklin property, and be it understood that she and her issue shall have the same interest in said property so purchased as she had in the Franklin property and no other interest."

From the above extract from said will it will be seen that the children of Rattie Allman, namely, Lucy J. Harrell, nee Allman, and Robert H. Allman have defeasible fee in the said tract of land, the remainder going over in the event thefee is defeated, to Thomas J., Davis A. & Charles C. Whitfield and Alice M. Cutchin; that Davis A. and Charles C. Whitfield have departed this life leaving no issue, the entire interest, therefore, devised to them upon the contingent above named, is now in the said Thomas J. Whitfield and Alice M. Cutchin, wife of J. W. Cutchin.

Your complainant further represents that she is a resident of the Town of Suffolk where her children, both of whom are 21 years of age, reside; and that the farm situated in Southampton County is therefore very difficult to manage or successfully handle from this distance, as the same is continually being worked by tenants who are indifferent as to the manner in which same is kept in repair; that the buildings are old and much decayed and decaying, and therental value of the farm continually diminishing and becoming more difficult to collect; that by reason of the general demand for farms in the County she believes the land will at this time bring a very satisfactory price and she further believes that the property can now be sold and the proceeds invested in property in Suffolk, to be held subject to the provisions of the will of her father, aforesaid, & the interests of all parties will be promoted thereby.

In tender consideration whereof, and forasmuch as your complainant is remediless in the premises save by the aid of a court of equity where matters of this kind are alone and properly cognizable, she prays that Lucy J. Harrell, nee Allman, and J. W. Harrell, her husband, Robert H. Allman, Thomas J. Whitfield, Alice M. Cutchin and J. W. Cutchin, her husband, may be made parties defendant to this bill and required to

answer same, but not under oath, answers under oath being hereby expressly waived; that the land in the bill and proceedings mentioned may be sold at the most advantageous pice attainable, and the proceeds invested in property in or near Suffolk in the County of Nansemond under the direction of this Court, and in accordance with such limitations and conditions as were placed upon the original property by the will of the said Cordy C. Whitfield, deceased, that all such enquiries may be made, orders and decrees entered and such other and further general and special relief granted to your complainant as the nature of her case may require, or to equity shall seem meet.

Notice is hereby giventhat the Court will be asked to allow reasonable fee for plaintiff's counsel conducting this case.

And she will ever pray, etc.

(Pattie H allman)

Pattie allman

W D Smore & Corbitt p.q.

In the Name of God, Amen: I, Cordy C. Whitfield, being of sound mind do make this my last Will and Testament, as follows:

I direct that my body be decently buried, in a manner corresponding with my estate and situation in life, but with as little expense as may be consistent therewith; and as to such of my worldly estate as I may die seized or possessed of, I dispose of the same as follows:

1st, I give and devise my " Old Homestead ", known as the " Whitfield Place " to my daughter Susanna, wife of G. W. Bradshaw, the same being the place upon which she now resides; I devise the same to her for life, and remainder to her issue, and if none of her issue should attain the age of 21 years, or should all of her issue die without issue living, I then devise the said property to the other devisees, mentioned under the different clauses of this Will, and to their issue- all of my children who are made devisees under this will taking equal parts, and my two grand-children Jas. B. & Mollie Saunders together, taking one childs part, and it is my intention that upon the death of any of my children nor grand- children made devisees under this will, that their issue shall take the part that their parent would have taken- but be it understood that the property above devised to my daughter Susanna shall not include that part of said farm known as the " Patience or Brewer " place- this part is estimated to contain about fifty acres, and is bounded as follows; The line beginning near the south gate of this farm above mentioned and to follow a branch or stream of water commencing near my old hog feeding place and to follow said branch (which is a southeasterly direction) down to the run of the big swamp- thence along the run of said swamp in an easterly and northeasterly direction to where my land joins the old " Bishop Place "- thence up along the line of said Bishop Tract (said Bishop Tract now being owned by E. Glover) running west to corner, the corner line which is a small pine, if not destroyed,

thence almost due west as the path runs by the Geo. Bradshaw place leaving said place on Susannas side, then down the lane running west between the places to where the new line before mentioned first started, near my old hog feeding place-

his
Cordy C. x Whitfield.
mark.

Be it further understood that a right of way out to the road from the old Whitfield place devised to my daughter Susanna, is granted to her and the owners of said place forever.

2 nd. I give and devise unto my daughter, Pattie, widow of R. P. Allman, to her for life, and remainder to her issue, and if none of her issue should attain the age of 21 years, or should all of them die without issue living, I then give said property named below to my sons Thos. J., Davis A., & Charles C. Whitfield, and to my daughter Alice M. to them and to their issue I devise as above the following property; the tract of land described in the latter part of the first clause and known as the "Patience or Brewer place," containing about 50 acres, also my house and lot in the town of Franklin on Clay street, I also empower my Executors if my daughter Pattie so desires it, to sell said house and lot and with the proceeds to purchase a house and lot in the town of Suffolk, and said Executors shall make her a deed to said property so purchased and to her issue, subject to the limitations as to issue named above; - As to Franklin property- and be it understood that she and her issue shall have the same interest in said property so purchased as she had in the Franklin property and no other interest.

3rd. It is my diear intention to give my two grand-children, Jas. B. & Mollie Saunders to-gether, one child's part from the fact that they have been dutiful and have stayed with me all their lives, helping me to accumulate my property - therefore I devise unto them as joint tenants- the tract of land known as the " Horse Shoe " situated on the east side of the Nottoway River and containing 147 acres with it understood that Jas B. has the Horse shoe

seine beach as his undivided property and further it is my intention to buy for them a small farm in the near future, besided the property given above, and should I die failing to hame bought them a farm within this year then I authorize and empower my Executors to sell my monied crops, ie, cotton and peanuts, and with the proceeds of which together with the rents and money due me by bonds, notes etc, buy for them a farm ~~costing~~ not more than Fifteen Hundred dollars.

his
Cordy C. x Whitfield.
mark

And the Executors shall have power to make a deed to the said devidees and shall make it to them and their issue, and in the event of their dieing without issue living then the part of the one so dieing without issue living to Thos. J., Davis A., Charles C. & Alice M. Whitfield, and their issue,. The 147 acres above name named and demised shall be to the said Jas. B. Saunders & Mollie S Saunders, and to their issue, and if they die without issue living then the part of the one s dieing I devise to Davis A., Thos J., Ch Charles C., & Alice M. Whitfield and their issue. And if the said J Jas B. & Mollie Saunders desire to sell the said tract of land and purchase real estate elsewhere, they shall have power to do so with the consent of the devisees of the " My Monroe Farm " and of my Executors, and by said devisees and Executors and the Devisees of said " Monroe Farm " by uniting in a deed , shall have full power to convey said tract of land and give complete title thereto, and it is my request and will that the proceeds of said s sale shall be invested in real estate and such real estate shall be subject to all of the limitations existing in regard to the land devised to them. And further I bequeath to Jas B. my fishing seine for Horseshoe beach , with the understanding that Sam Pope, colored, shall never help to fish the beach.

4th. I give and devise my Suffolk Farm together with all the aapurt appurtenances thereto belonging to my son Thos J. Whitfield, to have and to hold as his property, and should he desire or decide

at any time to sell said farm or any part thereof, then it is my will and last request that he shall with the entire proceeds arising therefrom purchase real estate, and nothing else.

5th. I give and devise my farm in Nansemond County, known as my " Eley Farm " together with all the appurtenances thereto belonging to my son Charles C. Whitfield, to have and to hold as his property, and should he at any time decide or desire to sell said farm or any part thereof, it is my desire and last request that the entire proceeds arising therefrom shall be invested in real estate, and nothing else.

his
Cordy C. x Whitfield.
mark.

6th. I give and devise my homestead known as the Monroe Farm together with all the appurtenances thereto belonging to my son Davis A. and my daughter Alice M. Whitfield, to have and to hold the same as their property as tenants in common, upon this condition; that my dear and beloved wife Lucy J. Whitfield, shall hold possession of the dwelling and household so long as she shall live. And that the said devisees shall maintain her and shall keep her in ~~afficient~~ affluent circumstances, so long as she shall live in every regard- so that want shall be a stranger to her; but the aforesaid devisees Davis A. and Alice M. may at any time sell the said Monroe Farm or any part thereof, should my dear wife be willing, and it is my will and last request that the entir entire proceeds arising from said sale shall be by them invested i in other real estate and nothing else. And further it is my clear intention and will, not to have any sale, but want my chattels to remain just as they are, & I do now give and bequeath, all my chattel property, on "Monroe Farm " exclusive of notes, bonds and m money to my son Davis A. and I make the request that he shall take my old Nellie mule, care for, and feed her with such food as she can eat so long as she shall live and that he shall not dispose of her or allow her to be illtreated.

7th. I give and bequeath all surplud monies, notes and debts, which may be collected by my Executors after paying all my just debts, which are but few, and of very small amounts, including my burial expenses and also after paying for the small farm directed to be bought by my Executors for my grand-children Jas. B. & Mollie Saunders, mentioned in clause No three of this will, to my son Thos. J., Davis A., Charles C.,

8th. Be it understood that with the Monroe Farm proper devised in section or clause number six, is included and devised to same

his
devisees Cordy C. x Whitfield.
mark.

Davis A., and Alice M. two small tracts of land one known as the Darden land, situated at Monroe Ferry, and containing 8 acres, more or less, purchased by me from J. J. Darden, the other a tract containing 18 3/4 acres purchased by me from A. Crumpler; it being a part of Crumpler's tract; to have and to hold as their property; and should they decide to sell the same then it is my la last will and request that with the entire proceedings arising therefrom they shall purchase other real estate. And further be it understood that the reason why I give the surplus of monies, notes etc, mentioned in clause number seven to my son exclusive of my other children, was caused by the fact that they have been very dutiful, stayed with me and helped & aided me to accumulate the property which I now possess, and which I am now devising and bequeathing.

9th. It is my clear will and intention not to give to my two children by my first wife viz, Wm H. and Argail C. Whitfield who are both now dead nothing more than that I have already given

his
them, nor is it my intention to Cordy C. x Whitfield.
mark.

give th their issue or heirs anything at all caused by the fact that I give to Wm H. a home for a number of years and also advanced money to finish paying for the place on which his widow now resides, and also caused by the fact that notwithstanding

my kindness towards him he refused to obey me and married postive-
ly against my wishes ,And I provided for Argail C. a home, but
he then proved undutiful as he has from his earliest childhood,
and chose rather to leave me and cast his lot with others,
therefore I. give to them their issue and heirs, nothing at all.
10th. It is also my will and last request that my son Davis A,
Thos. J., and Charles C. and also my grand son Jas. B. Saunders sha
shall never become security for any one, let them be ever such da
dear friends, but imitate their father in that respect who loves
them so well.

11th. I appoint and nominate as my Executors

his
Cordy C. x Whitfield.
mark.

of this last will and testament my two sons Thos. J., and
Davis A. Whitfield, and it is my clear and express will and inten-
tion that they shall both qualify and shall not be required to giv
give any bond nor security, as I have unlimited confidence in
them, and as no one can be injured or prejudiced thereby, as I owe
but very little- and again the principal part of my money is
bequeathed to them including a share to my son Charlie.
This is my last Will and Testament, and all other wills and codi-
cils are hereby revoked.

In Witness ~~whereof~~ I have to this my will consisting of 11 pages
containing 11 clauses, and three sheets of legal cap paper
of legal cap ~~paper~~, have to each sheet caused to be set my
signature and have my mark this 27th, day of September in the year
of our Lord 1888, one thousand eight hundred and eighty eight,

his
Cordy C.X Whitfield.
mark.

Signed by W. F. Boggess in the presence and by the request of
Cordy C. Whitfield, the said Cordy C. Whitfield making his mark
and published and delivered by him as and for his last will and
Testament in the presence of us, who, in his presence, and at his
request and in the presence of one another have hereunto signed ou
our names as witnesses thereto. this 27th, of September, 1888.

Attesting Witnesses. W. F. Boggess.

M. C. Benton.

Southampton County Court. November Term 1888.

A writing purporting to be the last will and testament of Cordy C. Whitfield Dec'd, was produced in court and proved by the oaths of W. F. Boggess and M. C. Benton, the subscribing witnesses thereto, and ordered to be recorded as the true last will and testament of the said C. C. Whitfield dec'd.. And on motion of Thos J. Whitfield and Davis A. Whitfield the Executors named in the will who made oath according to law, entered into and acknowledged a bond in the penalty of ten thousand dollars, conditioned according to law (but without security the will directing that none be required, and the Court requiring none) which bond is ordered to be recorded. Certificate is granted the said Thos. J. and Davis A. Whitfield for obtaining a probate of the said will in due form. And on the further motion of said Executors, P. D. Story, E. R. Fiers, R. T. Fiers and C.C. Ferguson, are hereby appointed appraisers, who being duly qualified will appraise the chattel estate of said decedent, and return the same under their hands as the law directs..

A Copy Teste. Teste. B. F. McLemore. C.C.

A Copy Teste. B. F. McLemore C. C.

By Eula D. Blow D.C.

To Jas. L. McLemore and Jas. H. Corbitt,

Suffolk, Va.

Gentlemen:

We hereby authorize you, or either of you, to advertise and sell at public auction, for cash, after advertising the same for at least fifteen days by hand bills posted in three or more public places, that certain tract of land known as the Patience or Brewer tract, in Southampton County; and do further agree between us that after you shall have paid the costs of the Chancery suit and the proceedings necessary to the sale, and reasonable attorneys fees for your services, that the remainder of the money coming from said sale shall be divided equally as follows:

One-third to Mrs. Pattie Allman,
One-third to Mrs. Lucy J. Harrell,
One-third to Robert H. Allman,

as their fee simple estate.

This division is now possible by reason of Thomas J. Whitfield and Alice M. Cutchin having relinquished any contingent right which they may have in the land, or proceeds arising from the sale thereof.

Given under our hands and seals this 23rd day of September, 1907.

Pattie Allman (SEAL)

Mrs. Lucy J. Harrell (SEAL)

R. H. Allman (SEAL)

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

This is to say that in so far as any possible interest which I may have in the property known as the "Patience" or "Brewer Place" devised by the will of Cordy C. Whitfield, deceased, to Pattie Allman, and to sell which she has brought a bill in Chancery, I am entirely willing that she and her children be allowed to spend the proceeds from this farm in the improvement of her property in Suffolk, without restrictions or limitations, and that she be further allowed to ~~xxxxx~~ expend any portion remaining for he and her children's support and maintenance as she may see fit.

Given under our hands and seals this 3d day of May, 1907.

Thos. J. Whitfield (SEAL)

_____ (SEAL)

Allenan

vs. Southern Ry

Harrell et als.

1907. 1st. May Rules

I hereby acknowledge due legal and sufficient service of thi s summons, April 25th, 1907.

Robt H. Allenan

Potter Allenan

Atty for Pltff

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ~~SOUTHAMPTON~~ Nansemond COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Thomas J. Whitfield

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 May 1907 ~~next~~, to answer a Bill in Chancery exhibited against Thomas & others in our said Court by Lattie Allsbrook

And this he shall in nowise omit under penalty of law. And have then there this writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 24th day of April, 1907, in the 131st year of the Commonwealth.

Teste:

B. F. McLemore, C. C.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ~~SOUTHAMPTON~~ Nansemond COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Lucy J. Darnell, nee Allen and J. W. Allen her husband, Robert H. Allen and Thomas J. Whitfield, Alice McDuncan, and J. W. Duncan her husband,

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 First Monday in May 1907 ~~next~~, to answer a Bill in Chancery exhibited against them in our said Court by Pattie A. Allen

And this they shall in nowise omit under penalty of law. And have then there this writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 24th day of April, 1907, in the 131st year of the Commonwealth.

Teste:

B. F. McLemore, C. C.

Cutchin has no interest -

OFFICE OF E. FRANK STORY,

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

Courtland, Va., June 28th, 1907.

TO:

Pattie Allman,
and
Lucy J. Harrell, nee Allman, J. W. Harrell, her husband, Robert H. Allman, Thomas J. Whitfield, Alice M. Cutchin and J. W. Cutchin, her husband.

You are hereby notified that I have fixed upon the 28th day of June, 1907, to take and settle, at my office, the following accounts, to-wit:

(1) The annual and fee-simple value of the tract of land described in complainant's bill:

(2) To whom the said real estate belongs, together with the nature of the interests possessed by the parties:

(3) Whether or not it would be to the interest of all parties to sell the real estate and invest the proceeds under the direction of the Court, in real estate in Nansemond ~~County, or in the Town of Suffolk:~~

(4) Whether or not the interests of any party would be injured by such investment:

(5) Any other matter deemed pertinent by the Commissioner or required to be stated by any party in interest.

Required to be taken by a decree of the Circuit Court of Southampton County, Virginia, rendered on the 20th day of May, 1907, 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.

Allware,

— vs —

Comm'rs's Report

Worrell, et als.

Filed July 2nd 1907.

13
6
78

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

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

This is to say that in so far as any possible interest which I may have in the property known as the "Patience" or "Brewer Place" devised by the will of Cordy C. Whitfield, deceased, to Pattie Allman, and to sell which she has brought a bill in Chancery, I am entirely willing that she be allowed to spend the proceeds from this farm in the improvement of her property in Suffolk, without restrictions or limitations, and that she be further allowed to expend any portion remaining for her support and maintenance as she may see fit.

Given under our hands and seals this 3rd day of May, 1907.

Alice M. Cutchins (SEAL)

J. W. Cutchins (SEAL)

Pattie Allman,..... .....Plaintiff.

vs. } DECREE.

Lucy J. Harrell, nee Allman, J. W. Harrell, her husband, Robert H. Allman, Thomas J. Whitfield, Alice M. Cutchin and J. W. Cutchin, her husband,.....Defendants.

This day this cause, which is regularly matured at Rules, by the servie of process, came on to be heard upon the bill and exhibits filed, the bill taken for confessed by all of the defendants, and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that the papers in this cause be referred to one of the Commissioners of this Court, who is directed to inquire and report:

(1) The annual and fee-simple value of the tract of land described in complainant's bill.

(2) To whom the said real estate belongs, together with the nature of the interests possessed by the parties.

(3) Whether or not it would be to the interests of parties to sell the real estate and invest the proceeds under the direction of the Court, in real estate in Nansemond County or in the town of Suffolk.

(4) Whether or not, the interests of any party would be injured by such investment.

(5) Any other matter deemed pertinent by the Commissioner or required to the stated by any party in interest.

A Copy. Teste: B. F. McLemore Clk

Commissioner's Office,

Courtland, Va., June 28th, 1907.

TO THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

The undersigned, a Commissioner in Chancery for the Circuit Court of Southampton County, Virginia, begs leave to report to Court:

That on the 25th day of June, 1907, he issued notices against the parties, plaintiffs and defendants, that he would on the 28th day of June, 1907, at his office in Courtland, Virginia, proceed to take and settle the accounts directed to be taken by a decree entered in the chancery suit of Allman vs. Harrell et als., now pending in the Circuit Court of Southampton County, Virginia, on the 20th day of May, 1907, which said notices were duly returned to your said Commissioner, acknowledged by all of the parties in interest; that in order to arrive at a fair estimate of the real estate set forth and described in the bill of the complainant, your said Commissioner took the depositions of two competent witnesses, who are familiar with the property in question, which said depositions are herewith filed as a part of this report.

Your Commissioner would report further:

(1) Your Commissioner reports the fee-simple value of the real estate in question to be Six Hundred ($600.00) Dollars; the annual value thereof Fifty ($50.00) Dollars:

(2) INTEREST OF THE PARTIES:

(a) Pattie Allman, a life estate:

(b) Lucy J. Harrell, nee Allman, and Robert H Allman have an equal defeasible fee in the said real estate, subject to the aforesaid life interest of Pattie Allman, subject to be defeated by their dying without issue living:

(c) Thos. J. Whitfield and Alice M. Cutchin have a contingent fee-simple interest in the above property, subject entirely to the contingencies above stated:

(3) Your Commissioner is of the opinion that it would be to the interest of all of the parties in interest that the real estate in question should be sold, and the proceeds of said sale invested in real estate in Nansemond County, or in the town of Suffolk, provided the said investment is made judiciously. Your Commissioner recommends this especially because of the fact that it is impossible for the parties living in Suffolk to supervise and properly control the farm in Southampton County, and an investment in property nearer their home, if judicially made, as aforesaid, will be decidedly to their interest in your Commissioner's opinion:

(4) Your Commissioner is of the opinion that the interest of no party will be injured or prejudiced by such investment, but rather, will be promoted thereby:

(5) Your Commissioner does not find any liens of record in the Clerk's Office binding the said real estate.

Respectfully submitted.

COMMISSIONER'S FEE $10.00:

****
*
* Allman,
*
* vs.
*
* Harrell, et als.
*
****

The depostitions of John D. Abbitt and W. H. Barnes, taken before me, a Commissioner in Chancery for the County of Southampton, in the State of Virginia, pursuant to notice hereto annexed, at the time and place therein indicated, to be read as a part of the said Commissioner's report, in a certain suit in equity, depending in the Circuit Court of Southampton County, Virginia, short styled as above.

Witness John D. Abbitt beingffirst duly sworn, deposes and says:

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

A. John D. Abbitt, am of lawful age, reside in Franklin, Virginia, am cashier of the Merchants & Farmers Bank, and know some of the parties to this suit.

Q. Are you familiar with the real estate in the bill and proceedings in this cause mentioned and described?

A. Yes, I am familiar with the property, having lived in that section for a number of years.

Q. What do you think is a fair fee-simple value for this farm?

A. I should say about $600.00.

Q. What do you think a fair annual value for it?

A. About $50.00.

And further this deponent sayeth not.

Jno. D. Abbitt.

"

Witness W. H. Barnes, being first duly sworn, deposes as follows:

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

A. W. H. Barnes, 34 years old, reside in Franklin, Virginia, am in the livery and exchange business, and know some of the parties to the suit.

Q. Are you familiar with the real estat involved in this suit?

A. Yes, I know the property.

Q. What do you think is a fair fee-simple value for this farm?

A. About $500.00.

Q. What do you think it would rent for per annum?

A. From $40.00 to $50.00:

And further this deponent sayeth not.

W H Barnes

STATE OF VIRGINIA, (
(to-wit:
Southampton County, (

I, E. Frank Story, a Commissioner in Chancery in and for the county aforesaid, in the State of Virginia, do hereby certify that the foregoing depositions were duly taken, reduced to writing, and signed by the witnesses, respectively, before me, at the time and place therein mentioned, pursuant to the annexed notice.

Given under my hand this 28th day of June, 1907.

E. Frank Story

COMMISSIONER IN CHANCERY.

Summ 25- Copy 13	.38
" 25- 6/11 78	1.03
Rest 18- Atty 10- Dock 18- Rules 1.00	1.46
Ent Return 35- Filing bill 15- Do	.50
Exhibit 15- Copy Ex 2.00	2.15
Filing Comm rep't .15	.15
2 Decrees .72- Cap Cost 40-	1.12
Copy Decree	.36
Filing away papers .25	.25
Paid D F McLendon Jr.	7.40
Shff	1.00
Louis F	16.50
Comm E T Slaty	10.00
	$34.90

OFFICE OF E. FRANK STORY,

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

Courtland, Va., June 28th, 1907.

TO:

Pattie Allman,
and
Lucy J. Harrell, nee Allman, J. W. Harrell, her husband, Robert H. Allman, Thomas J. Whitfield, Alice M. Cutchin, and J. W. Cutchin, her husband.

You are hereby notified that I have fixed upon the 2nd day of July, 1907, to take and settle, at my office, the following accounts, to-wit:

(1) The annual and fee-simple value of the tract of land described in complainant's bill:

(2) To whom the said real estate belongs, together with the nature of the interests possessed by the parties:

(3) Whether or not it would be to the interest of all parties to sell the real estate and invest the proceeds under the direction of the Court, in real estate in Nansemond County, or in the Town of Suffolk:

(4) Whether or not the interests of any party would be injured by such investment:

(5) Any other matter deemed pertinent by the Commissioner or required to be stated by any party in interest.

Required to be taken by a decree of the Circuit Court of Southampton County, Virginia, rendered on the 20th day of May, 1907, 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.

We hereby acknowledge due, legal and sufficient service of the within Summons.

Thos. J. Whitfield

Pollie Allsbar

Allman

v.

Stat: Rules:

Harrell et: als:

Pattie Allman — Bill R

" v

Lucy J. Harrell, nee Allman, and J. H. Harrell, her husband. Robert H. Allman. Thomas J. Whitfield, Alice M. Cutchen and J. W. Cutchen her husband — Defts.

1907. April 24". Proc. issued to 1" May Rules.

" 1" May Rules: Process returned Executed.
Bill & Exhibits filed.
Decree nisi —

1907 — 7" May Rules: Bill taken for Confessed
and Cause set for hearing

Allan and

Vs Spain Coby

Harrell et ale

1907 - 1st May Rules

Executed April 27th 1907

by serving a true copy

of the within writ on

persons, on each of the

within name persons.

J. L. Gillette Sheriff

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Alice Ma... Deutchland... and J. W. Deutchland, her husband...

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 May... 1907... next, to answer a Bill in Chancery exhibited against... them and others... in our said Court by... Samuel Allen and...

And this they... shall in nowise omit under penalty of law. And have then there this writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 24th day of April..., 1907..., in the 131st year of the Commonwealth.

Teste :

B. F. McLemore, C. C.

Pattie Allman

v. } Decree

Lucy J. Harrell et ala

Filed May 20, 1907

Robert R. Mantis

Clerk

Entered

P. 339

Pattie Allman,----------Plaintiff,

v.) DECREE.

Lucy J. Harrell, nee Allman, J. W. Harrell, her husband, Robert H. Allman, Thomas J. Whitfield, Alice M. Cutchin and J. W. Cutchin, her husband,----------Defendants.

This day this cause, which is regularly matured at Rules, by the service of process, came on to be heard upon the bill and exhibits filed, the bill taken for confessed by all the defendants, and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that the papers in this cause be referred to one of the Commissioners of this Court, who is directed to inquire and report---

(1) The annual and fee simple value of the tract of land described in complainant's bill.

(2) To whom the said real estate belongs, together with the nature of the interests possessed by the parties.

(3) Whether or not it would be to the interests of all parties to sell the real estate and invest the proceeds under the direction of the Court, in real estate in Nansemond County or in the Town of Suffolk.

(4) Whether or not the interests of any party would be injured by such investment.

(5) Any other matter deemed pertinent by the Commissioner or required to be stated by any party in interest.

IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY.

Pattie J. Allman,

v. DECREE.

Lucy J. Harrell, et als.

This day this cause came on again to be heard upon the papers formerly read, and was argued by counsel.

On consideration whereof, and it appearing to the Court from the statement of counsel in the cause, that all matters of controversy herein have been settled between the parties, it is ordered that said cause be removed from the docket.

-1907-

Pattie J. Allman,

v. DECREE.

Lucy J. Harrell, et als.

Enter this 24th day of October, 1907

Allan B. Hendrick
Judge.

Entered C. D. B.
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Oct 1907.