1907-04 Southampton County Chancery - Barrett, Annie L. (nee Bradshaw) etals vs Davis, W. J. etals assignee

division of real estate either by partition or by sale - (after the widow's dower is assigned to her.)

Barrett, Pettaway (next friend)

Davis, Sallie L.
Infants (Bradshaw, Mirtie A.
" , Sallie Henry
Bradshaw, Floyd L.
Burges, J. H. (G. A. L.)

Annie L Barrett, who sues by
her next friend &c.
v. Bill -
W. J. Davis et als

McLemore & Corbitt. Sols.

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

Complaining showeth unto the Court, your complainant, Annie L. Barrett nee Bradshaw, an infant who sues by Pettaway Barrett her next friend, and the said Pettaway Barrett in his own right, that the said Annie L. Barrett's father, William H. Bradshaw, was in his lifetime seized and possessed of a certain tract of land lying in Jerusalem District, near Black Creek Church, containing two hundred and three (203) acres, more or less, and adjoining the lands of Benjamin Barrett, the W. T. Griffin farm, Henry Johnson and the Poor House track; and being so seized and possessed of the said real-estate sometime in the year 1895 the said William H. Bradshaw departed this life intestate leaving your oratrix and Floyd L. Bradshaw, Mirtie A. Bradshaw, and Sallie Henry Bradshaw, his only children and heirs at law. The said Annie L. Barrett, Mirtie A. Bradshaw and Sallie H Henry Bradshaw being infants under the age of twenty-one years.

And your complainants represent that Floyd L. Bradshaw sometime within the past few months has sold his undivided interest in the real-estate of which his father died seized, to W. H. Davis of the County of Nansemond, who is now the husband of Sallie L. Davis formerly Sallie L. Bradshaw, widow of William H. Bradshaw; that the said Sallie L. Davis nee Bradshaw is entitled to dower in the said real-estate the same never having been set apart to her.

Your complainants further state that the said real-estate is, as they believe, susceptible of partition among the parties thereto; but if it be not, then your complainants desire the same to be sold, and the proceeds divided among the adult and infant parties, according to their respective

rights; the shares of the infants to be held as directed by the statute in such case made and provided. Should the property not be divisible in kind, your complainants believe, and here state, that the interests of those who are entitled to the said real-estate, or its proceeds, will be promoted by a sale of the whole of said real-estate, or by an allotment of part and sale of the residue.

In tender consideration whereof, and forasmuch as your complainants are remediless in the premises save by the aid of a court of equity, where matters of this kind are alone and properly cognizable, your complainants pray that the said W. J. Davis, assignee of Floyd L. Bradshaw, Sallie L. Davis, Mirtie A. Bradshaw and Sallie Henry Bradshaw, the last two infants, may be made parties defendant to this bill, and required on their oaths to answer the same; that a proper guardian ad litem be assigned the infant defendants to defend their interests in this suit, who shall also answer this bill; that the said real-estate be divided between the several parties entitled thereto, the widow's dower assigned to her, and your complainant's portion thereof be allotted to her and in case the said real-estate cannot be partitioned and divided in kind, that the same be exposed to sale, and the proceeds of such sale be divided among the parties entitled thereto; that all proper orders and decrees may be made, and proper enquiries be directed, and that all such other, farther and general relief may be afforded your complainant as the nature of his case may require, or to equity shall seem meet. ~~And your complainants will ever pray, etc.~~

Notice is hereby given that the Court will be asked to allow reasonable fees to complainants counsel conducting this case. And your complainants will ever pray, etc.

December 1905.

McSmoot & Corbitt
P.Q.

Barrett, by ff- et: al:
(v) } ~~Stat:~~ Rules
Davis et: als:

Annie L. Barrett, Nee Bradshaw -
an infant - who sues by Pettaway
Barrett her next friend. and
the said Pettaway Barrett in his
own right -

"

W. J. Davis assignee of
Floyd L. Bradshaw -, Sallie L. Davis,
Mirtle M. Bradshaw - and Sallie
Henry Bradshaw - the last two
infants.

1905 - Dec. 30" - Process issued to 1" Janry Rules 1906
1906. 1" Janry Rules: Process ret'd. with legal
Service Acknowledged -
Bill not filed.
1906. 2" Janry Rules: Bill & Exhibits filed -
Bill taken for Confessed as to
Adults - and Cause set for
hearing

Barrett et. als.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON ..... Braxton et als

..... 1905 Dec. Rules

.....

.....

.....

.....

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said County on the ..... Monday in .....

next, to answer a Bill in Chancery exhibited against .....

in our said Court by .....

.....

.....

.....

.....

And this ..... 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 ..... day of ....., 1905, in the ..... year of the Commonwealth.

Teste:

..... C. C.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Floyd L. Bradshaw, Sallie L. Davis, Minnie A. Bradshaw and Sallie Henry Bradshaw the last two infants

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the 3rd Monday in December 1905 ~~next~~, to answer a Bill in Chancery exhibited against them in our said Court by Annie L. Barrett, Free Bradshaw, who sues by Pettaway Barrett, her next friend and the said Pettaway Barrett in her own right

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 8th day of Dec, 1905, in the 130th year of the Commonwealth.

Teste:

B. F. McLemore, C. C.

BARRETT &C.,

- - VS.- -(REPORT OF COM'R.
IN CHANCERY:

DAVIS ET ALS.

FILED FEBRUARY 27TH, 1906.

Courtland, Virginia, Feby.I2th, I906.

To- Annie L. Barrett, nee Bradshaw, an infant, who sues by Pettaway Barrett, her next friend, and the said Petaway Barrett, in his own right, W. J. Davis, assignee of Floyd L. Bradshaw, Sallie L. Davis, Mirtie A. Bradshaw and Sallie Henry Bradshaw, the last two infants; and J.M.Burgis guardian ad litem for said infants Mirtie A. & Sallie Henry Bradshaw.

You are hereby notified that I have fixed upon the I7th day of February, I906, to take and settle, at my office in Courtland, Southampton County, Virginia, the following accounts, to-wit:

(I) Whether the real estate mentioned in said bill can be conveniently divided in kind among the parties entitled thereto:

(2) If it cannot be, then, whether the interest of the parties will be promoted by a sale thereof, and division of the proceeds among the parties entitled thereto:

(3) The interest of the several parties in the said property, together with its annual and fee-simple value:

(4) Whether there are any liens for delinquent taxes, or otherwise, upon the said land:

(5) Whether or not the said Sallie L. Davis desires her dower assigned to her in kind, or its present value ascertained and same paid to her in money:

(6) 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, entered on the I5th day of January, I906, in a certain suit in chancery depending in said Court, in which you are parties, plaintiffs and defendants; at which said time and place you are required to attend.

Given under my hand, as Commissioner in Chancery of the said Court, the day and year first aforesaid.

COMMISSIONER.

THE DEPOSITIONS OF G. W. WADE, J. B. JOYNER AND JOSEPH H. JOYNER: Taken before me, the undersigned, E. Frank Story, a Commissioner in Chancery for the Circuit Court of Southampton County, Virginia, at my office in Courtland, in the County and State aforesaid, on the I7th day of February, I906, to be used as a basis for my report , as commissioner, in the suit of Barrett &c. vs. Davis et als., pending in the Circuit Court of Southampton County, Virginia, made by virtue of and in accordance with a decree entered in the said cause on the I5th day of January, I906.

Given under my hand this 17th day of February, I906.

Commissioner in Chancery.

G. W. Wade being first duly sworn deposes and says:

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

A. G. W. Wade, 29years old, reside in Southampton County, Virginia, farmer, and know the parties to the suit.

Q. Do you know the William Henry Bradshaw farm, described in the bill, which has been read in your hearing ?

A. Yes. I know the property, in fact I was raised quite near it.

Q. It appears from the bill that Mrs. Sallie L. Davis, who was the wife of Wm. Henry Bradshaw, has an unassigned dower interest in said farm, and that the said Bradshaw left as his heirs at law, four children, Assuming these to be facts what would you say was a fair cash value for the farm, if sold subject to the dower right ?

A. I would not want to give over $2,600.00, and I think this would be a fair price for it.

Q. Do you think the real estate mentioned could be conveniently divided in kind among the parties entitled thereto, without material injury to the interest of the parties concerned ?

A. No I do not think it could thus divided without injuring the interest of the parties.

Q. What would you consider the fee-simple value of the property just as it stands ?

A. I think about four thousand ($4,000.) dollars.

And further this deponant saith not.

G. W. Wade.

Witness, J. B. Joyner, being first duly sworn, deposes and says.

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

A. J. B. Joyner, am of lawful age, reside in Southampton County, Virginia, farmer and capitalist, and I know the parties to this suit.

Q. How long have you known the land in the proceedings mentioned , and how far do you live from it ?

A. I have known the place for 25 years and live near it.

Q. Could, in your judgement, the property be divided in kind among the parties entitled thereto, without injury to the same.

A. No sir, I don't think it could.

Q. Please state some reason for your opinion.

A. It does not lie so it can be cut up into four parts; one side of the farm has no woods land on it, and to divide it four parts would put each share in bad shape.

Q. What do you consider a fair cash value for the property ?

A. About $4,000.

Q. What do you think it would be worth at this time, subject to the widow's dower interest therein ?

A. I think $2,500. would be as much as it would sell for.

Q. What do you think a fair annual value ?

A. I think $300 is a good rent for it.

Q. How many children now living had Wm. Henry Bradshaw, now deceased.

A. Four now living, namely, Floyd L., Annie L. Barrett (nee Bradshaw) ~~Floyd L~~ Martie A., and Sallie Henry Bradshaw, the last two are under age, and I believe that Annie L. Barrett is not yet twenty-one.

And further this deponant saith not.

J. B. Joyner.

Witness, J. H. Joyner, being duly sworn deposes and says.

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

A. J. H. Joyner, 44 years old; f armer, reside in Southampton County, Virginia, and know the parties to this suit.

Q. Are you familiar with the land in the bill mentioned known as the Wm. Henry Bradshaw place ?

A. Yes, I am quite familiar with the place, and have been living on it for eight years.

Q. Can the same be conveniently divided in knd among the parties entitled thereto, without material injury to the property?

A. No sir, I dont think it can be divided thus without injury to the property. In fact the farm does not lie so it can be cut Qp for division.

Q. What would you consider a fair cash value for the farm at this time ?

A. I think about $3,500. to $4,000.

Q. What would you consider the share of each child worth in this property, subject to the widow's dower therein ?

A. About $600, each , or I would think the whole farm, subject to her dower, is worth about $2,500.

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

A. About $250.00.

And further this deponant saith not.

Joseph H. Joyner.

The foregoing interrogatories propounded to G.W.Wade & J.Joyner & Jos Joseph H Joyner, were agreed upon by me.

S. H. Berry
Guardian ad litem for infant defendants.

COMMISSIONER'S OFFICE:

Courtland, Virginia, February I7th, I906.

TO THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

The undersigned, one of the Commissioners of the Court, to whom was referred the matter of reporting on the matters required by a decree in the suit of Barrett &c. vs. Davis et als., pending in the said Court, entered on the I5th day of January, I906, begs leave to report thereon as follows:

That on the I2th day of February, I906, he issued notices to all of the parties concerned, plaintiffs and defendants, advising them of the fact that he, your said Commissioner, would on the I7th day of February, I906, at his office in Courtland, Southampton County, Virginia, proceed to take and setttle the several accounts required by the said decree of January I5th, I906, which said notices were returned to your Commissioner properly acknowledged according to law; that at the aforesaid time and place your Commissioner proceeded to take the depositions of three disinterested parties who were well acquainted with the real estate in question, which depositions are herewith filed, and having made the other inquiries directed by the said decree he begs to report further:

(I) The real estate in question cannot be conveniently divided in kind among the interested parties:

(2) Your Commissioner is of the opinion that the interest of the parties will be promoted by a sale of the said land and a division of the proceeds as the law contemplates:

(3) THE INTEREST OF THE SEVERAL PARTIES:

(a) Sallie L. Davis: Dower interest in the whole of the said land:

(b) Annie L. Barrett: One-fourth (I/4) interest

, subject to the aforesaid dower interest, her husband, Pettaway Barrett, having a contingent right of courtesy in her said interest:

(c) W. J. Davis, assignee of Floyed L. Bradshaw:

One-fourth (I/4) interest, subject to the aforesaid dower interest, his wife, the said Sallie L. Davis, having a ~~contingent~~ right of dower in his said interest:

(d) Mirtie A. Bradshaw (an infant): One-fourth (I/4) interest, subject to the aforesaid dower interest:

(e) Sallie Henry Bradshaw (an infant): One-fourth (I/4) interest, subject to the aforesaid dower interest.

The fee-simple value of the said real estate is TWENTY-FIVE HUNDRED ($2,500.00) DOLLARS, subject to the dower interest of the widow, and its annual value ~~about~~, including the dower interest, is about $250.00.

(4) Your Commissioner finds no liens of record against the said property for delinquent taxes or otherwise:

(5) Sallie L. Bradshaw is not willing to sell her dower interest in the said farm, and hence he presumes that she desires it assigned to her in kind:

(6) Your Commissioner would report specially that W. J. Davis, so he is informed, is willing to pay $800.00 per share, subject to the widow's dower, for the remaining three interest, and if so your Commissioner would respectfully recommend a sale at that price.

Respectfully submitted,

COMMISSIONER.

$15.00
100.

Barrett for se
v. Deere
Davis, Augusta adv.

1906 March 26,
Entered
Robert Prentis
Entered in
D.O.B. for 244

Annie L. Barrett, who sues by, etc.)
)
v.)
)
W. J. Davis, et als.)

This day this cause came on again to be heard, upon the papers formerly read, and it appearing to the Court that Sallie L. Davis, mother of the infants Myrtie A. and Sallie Henry Bradshaw, is a legally qualified guardian of said infants, the Court doth adjudge, order and decree that the Special Commissioner, Pettaway Barrett, appointed by decree entered in this cause on 21st day of March, 1906, to collect from W. J. Davis, purchaser, Sixteen Hundred Dollars, ($1600.00), for said infants, being and he is hereby authorized and directed to pay over to the said Sallie L. Davis the amount that may come into his hands belonging to the above named infants; but before he shall pay over said amounts, the said Sallie L. Davis shall execute a bond before the Clerk of the Circuit Court of Southampton County, in the penalty of $2,500.00, with ample security, and conditioned for the faithful application of the funds coming into her hands, and for the faithful management and preservation of any properties or securities in which the same may be invested, and for the protection of the rights of all persons interested therein, whether such rights be vested or contingent.

The Court doth further decree, that the said Sallie L. Davis, be ~~and she is~~ authorized to expend the income arising from said funds, in the maintainance, education and support of the infants, until they shall have arrived at the age of 21 years, and she will report to Court.

Statement of Pettaway Barnett.
Spiel Suit.

1906

March 29. By amo. recd. from sale. $2,400

To Louis. on same ✓ $5%
To paid for drawing deed 5.
" " for Spiel Suit bond ✓ 10.
" " Costs of Life suit. ✓ 36.89
Future costs - 2.00
Atty fees 60.
Balance to be distributed.

168.89

Dover Del Nov 15th 06

Statement of Delaware Canal
Special Fund

1906

May 19 By Appn from State $240000

To Pd Chas Ennis on Acct	5700	
" " for Drawing Deed	500	✓
" " Spec Com Book	1000	✓
" " Cost of Suit	3689	✓
" " Atty's Fee	6000	✓
" " Collins & Davis		
Chancellor	148740	✓
" " Appln & Board	74371	✓
	$240000	$240000

Annie L. Barrett, nee Bradshaw, an infant, who sues by Pettaway Barrett, her next friend, and the said Pettaway Barrett, in his own right .

v.

W. J. Davis, assignee of Floyd L. Bradshaw, Sallie L. Davis, Mirtle A. Bradshaw and Sallie Henry Bradshaw, the last two infants.

Summons in Chancery to 1st January Rules, Circuit Court, 1906.

McLemore & Corbitt, P. Q.

W. T. $1.50.

Annie L. Barrett, nee Bradshaw, an infant, who sues by Pettaway Barrett, her next friend, and the said Pettaway Barrett, in his own right,

v.

W. D. Davis assignee of Floyd L. Bradshaw, Sallie L. Davis, Mirtle A. Bradshaw and Sallie Henry Bradshaw, the last two infants.

Summons in Chancery to 1st January Rules, Circuit Court, 1906.

McLemore & Corbitt

W.T. $1.50

Barretts et. als:

v. } Spa in Chy

Brashears et. als

1905 – 2 Deer Rules

Dec. 11. 1905 Subpoena Duces Tecum issued

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Floyd L. Bradshaw, Sallie L. Davis, Myrtle B. Bradshaw and Sallie Henry Bradshaw and the Heirs at Law of

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 December 1905 ~~next~~, to answer a Bill in Chancery exhibited against them in our said Court by Annie L. Barnett, Nee Bradshaw, an infant, who sues by Pettaway Barnett her next friend. And the said Pettaway L. Barnett in his own right.

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 8th day of Dec., 1905, in the 130th year of the Commonwealth.

Teste:

B. F. McLemore, C. C.

Barrett for etc.,

v.

W. J. Davis, Assignee et als.

This day this cause came on again to be heard upon the papers formerly read, and upon report of Special Commissioner Pettaway Barrett, filed the _____ day of _____, 1907, reporting disbursement of funds in his hands as such Special Commissioner, which report is supported by proper vouchers, 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, and the said cause is continued.

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

In re Barrett for etc.,

v.

W. J. Davis, Assignee et als.

The undersigned Special Commissioner appointed to collect the purchase money, and directed by a previous decree entered herein to pay out same as follows:

One-third to Annie L. Barrett, wife of Pettaway Barrett, and two-thirds to Mrs. Sallie L. Davis for her infant children, Myrtle A. and Sallie Henry Bradshaw,

begs to report as follows:

That he has collected from the purchaser purchase price of $2,400.00 in accordance with said decree, and that same has been distributed as follows:

For commissions on same----------	$57.00
Paid for drawing deed----------	5.00
Paid Harper & West for Special Commissioner's bond----------	10.00
Paid cost of Chancery suit----------	36.89
Paid McLemore & Corbitt, Attorney fee--------	60.00
Paid Mrs. Sallie L. Davis for infants, Myrtle A. and Sallie Henry Bradshaw their 2/3s of---	1487.40
Paid Annie L. Barrett, wife of Pettaway Barrett, her 1/3 of ----------	743.71
	$2400.00

All of which disbursements are supported by vouchers.

Respectfully,

_____,

Special Commissioner.

December 1st, 1906.

Barnett Ferris
& Durell
Davis vol.

1906. March 21,

Entered in
C. C. B. p. 243.

Barrett, ~~et als~~ for Etc)
)
v.)
W. J. Davis Assignee and)
Bradshaw Infants, et als.)

This day this cause came on again to be heard, upon the papers formerly read, and the report of E. Frank Story, Commissioner, filed 27th day of February, 1906, to which no exceptions have been taken, and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that the said report be, and the same is, hereby confirmed, and it appearing therefrom, that W. J. Davis, a party in interest, is willing to take the entire property and pay the infants such sums as their interest therein may entitle them to, and it further appearing that it will be to the interest of the infants Annie L. Barrett, and Myrtle A. and Sallie Henry Bradshaw, to accept the sum of $800.00 each, in lieu of their interest in the land in the bill and proceedings mentioned, of which their father, William Henry Bradshaw, died possessed, the Court doth further adjudge, order and decree that the said offer of purchase by W. J. Davis, be, and the same is, approved, and J. L. McLemore and Pattaway Barrett, who are hereby appointed Special Commissioners for the purpose, either or both of whom may act, are directed upon the receipt of the purchase money, to execute to the said W. J. Davis a deed with special warranty, (subject to the widow's dower right therein), for the interest of the said Annie L. Barrett and Myrtle A. and Sallie Henry Bradshaw, and report to Court. But before the said commissioners, or either of them, shall proceed to act hereunder, they, or the one acting, shall enter into bond before the Clerk of this Court, with security to be approved by him, in the penalty of $3,500.00, conditioned for the faithful performance of this, or any further decree that may be entered herein.

Annie L. Barretts for &c

v. Decree

W. J. Davis Assignee &c.

1906 Jany 15th. Enter.

Robert R. Prentis

Entered in

D. O. B. fo. 218

"

We Consent to this Decree

Jany 15th. 1906.

D. H. Peers

Guardian ad Litem

for Infant Defendants

Myrtle & Sallie

Bradshaw —

W. J. Davis Sallie L. Davis Annie L.

Barrett & Husband Mrs. Allen

Annie L. Barrett, nee Bradshaw, an infant, who sues by Pettaway Barrett, her next friend, and the said Pettaway Barrett, in his own right,

v.

W. J. Davis, assignee of Floyd L. Bradshaw, Sallie L. Davis, Mirtie A. Bradshaw and Sallie Henry Bradshaw, the last two infants.

This day this cause came on to be heard upon the bill and exhibits filed, the bill taken for confessed as to the adult defendants, and J. U. Burges is assigned ~~at rules as~~ guardian ad litem, to defend the interests of the infant defendants, Mirtie A. and Sallie Henry Bradshaw, and thereupon the said J. U. Burges filed his answer to the complainants bill, to which complainant replied generally, and was argued by counsel.

On consideration whereof, the court doth adjudge, order and decree that this cause be referred to one of the commissioners of this court to inquire and report;

(1) Whether the real-estate mentioned in said bill can be conveniently divided in kind among the parties entitled thereto,

(2) If it cannot be, then, whether the interest of the parties will be promoted by a sale thereof, and division of the proceeds among the parties entitled thereto,

(3) The interest of the several parties in the said property, together with its annual and fee simple value,

(4) Whether there are any liens for delinquent taxes, or otherwise, upon the said land.

(5) Whether or not the said Sallie L. Davis desires her dower assigned to her in kind, or its present value ascertained and same paid to her in money.

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

And by consent of parties given in open court it is ordered that this cause may be submitted to the Judge of this Court for such decisions and decrees to be entered in vacation as might be made in term.

Barrett for re.

v. Trial Decree

W. J. [illegible] Assignee

Entered January 1904.

Barrett for etc.,

v.

W. J. Davis, Assignee et als.

This day this cause came on again to be heard upon the papers formerly read, and upon report of Special Commissioner Pettaway Barrett, filed the 17th day of December, 1906, reporting disbursement of funds in his hands as such Special Commissioner, which report is supported by proper vouchers, 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, and the said cause is continued.

Barrett Force
v. Report of Special Co.
W. J. Dadio, Assignee.

1906. Dec. 17th. filed

Ivor, Va. May 8" 1906 No. 4

The Bank of Sussex & Surry

IVOR, VA.

Pay to the order of Hopper & West $ 10 00

Ten 100 Dollars

For Board Pettaway Board Spec Com'r

THE FALCONER COMPANY, BALTIMORE.

THE BK. OF SUSSEX & SURRY MAY 7 1906 IVOR, VA.

Barrett for ur
w ~~Stoky~~ Cort
Docs + ab

State muck 7 Cost

Barrett for use
vs
Davis et als.

Summons.	.25
2 Copies.	.25
Rec't	.18
Atty	.10
Docketing	.18
Rules	1.00
Entering Returns	.35
Filing Bill	.15
Filing Answer	.15
Rep.	.15
Fil Dep	.15
3 Deeds, @ 36¢ each	1.08
Typing Copy	.40
Taking & Rec Bonds.	.75
Filing away papers.	.25
Clerk - Paid B.T.M	$5.39
Lawyer	$16.50
Com. & Frank Story -	15.00
	$36.89

J. L. McL.

March 29th 1906.

~~$36.89~~
~~36.30~~

B. F. McLEMORE,
COUNTY CLERK
OF SOUTHAMPTON COUNTY.

COURTLAND, VA., _____ 190__

Filed in the Clerk's Office
this 27th day of March 1906.

B. F. McLemore
Clerk of the Circuit Court
of Southampton County, Va.

SUFFOLK, VA., Apr. 18, 1906.

Mr. Pettaway Barrett,
Ivor, Va.

To McLEMORE & CORBITT, Dr.

ATTORNEYS AND COUNSELORS AT LAW

1905.			
Dec.	8	To writ tax in suit (Paid Clerk of Court)	1.50
1906			
Mar.	24	To drawing Special Com'r's Deed	5.00
"	24	To representing three parties in suit W. J. Davis, Bradshaw, Barrett, etc.	60.00
			$66.50

Paid
Apr 21/06

RECEIVED PAYMENT McLemore & Corbitt.

RECEIVED March 29, 1906, of Pettaway Barrett, Special Commissioner in the Chancery Cause of Barrett for, etc. v. W. J. Davis, Assignee, et als, the sum of Fourteen Hundred and Eighty Seven 40/100 Dollars, this sum being total amount in his hands after paying costs of the suit belonging to the Infants Mirtie A. and Sallie Henry Bradshaw, directed to be paid to me by decree entered in this Cause on the _____ day of March, 1906.

Sallie L. Davis

RECEIVED, December 1st, 1906, of Pettaway Barrett, Special Commissioner in the Chancery cause of Barrett, for, etc. v. Davis et als, the sum of SEVEN HUNDRED, FORTY THREE & 71/100 DOLLARS ($743.71), same being my share of proceeds of sale of real estate sold in said Chancery cause, as per report filed with the papers.

Annie L Barrett

Barrett Jarse
v. Rapoch & Spiel Co.
W. J. Hadio, Assignee.

1906. Dec. 17th. filed

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

In re Barrett for etc.,

v.

W. J. Davis, Assignee et als.

The undersigned Special Commissioner appointed to collect the purchase money, and directed by a previous decree entered herein to pay out same as follows:

One-third to Annie L. Barrett, wife of Pettaway Barrett, and two-thirds to Mrs. Sallie L. Davis for her infant children, Mytie A. and Sallie Henry Bradshaw;

begs to report as follows:

That he has collected from the purchaser purchase price of $2,400.00 in accordance with said decree, and that same has been distributed as follows:

For commissions on same----------	$57.00
Paid for drawing deed----------	5.00
Paid Harper & West for Special Commissioner's bond----------	10.00
Paid cost of Chancery suit----------	36.89
Paid McLemore & Corbitt, Attorney fee---P.d. McL&C.	60.00
Paid Mrs. Sallie L. Davis for infants, Myrtie A. and Sallie Henry Bradshaw their 2/3s of---	1487.40
Paid Annie L. Barrett, wife of Pettaway Barrett, her 1/3 of ----------	743.71
	$2400.00

All of which disbursements are supported by vouchers.

Respectfully,

Pettaway L. Barrett.
Special Commissioner.

December 1st, 1906.

We acknowledge due legal and sufficient service of this summons, this 30th. day of December 1905.

W. J. Davis

Sallie L. Davis

Pettaway Barrett

by J. W. Tomlinson his atty.

McSwean v. Judith p. q.

Annie L. Barnitt by next

vs. | In Chancery.

W. J. Davis Assignee

&c.

1906

Summons Rules.

First Monday.

Equitable
Assessment Circuit Court.

Process Book No.

Page

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON W. J. Davis Assignee of Floyd L. Bradshaw and Sallie L. Davis, Mirtil A. Bradshaw, and Sallie Henry Bradshaw, the last two infants—

to appear at the Clerk's Office of the Circuit Court of ~~Nansemond~~ Southampton County, at the Rules to be held for the said Court, on the first Monday in January 1906, to answer a Bill in Chancery, exhibited against them and others in the said Court by Annie L. Barrett, nee Bradshaw, an infant, who sues by Pettaway Barrett, her next friend, and the said Pettaway Barrett, in his own right,

and have then and there this summons.

Witness, ~~A. P. COMER~~ B. F. McLemore, Clerk of our said Court, at his office, this 30th day of December, 1905, in the 130th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste:

B. F. McLemore, CLERK.

Barrett, for &c.
v
Davis, et. als.
} Costs

1905. Dec 30 Sum: 25. 2 Copies 25. Rec't 18. atty 10. 78
Dock 18. Rules 1.00. Entry return 35. 1.53
Filing Bill 15. Do. Answer 15. Rep. 15. .45
" Comr's Report 15. 3 Decrees @ 36 - 1.08. 1.23
Tax Costs 40. Filing away papers 25. 65
Taking & recording Bond of Spec'l Comr. 80 80
" " " " Guardian. 80 .80
Filing Comr's Bond 15. Guard'n Bond 15 30

$5.50 p. c. 13.7 m 6ck $ 6.54
Law $. 16.50
paid Comr E. F. Sloan 15.00
Costs to Mich 29/06 $ 38.04

IN THE CIRCUIT COURT OF Southampton COUNTY:

The answer of F. U Burgess, guardian ad litem to the infant defendants, Mirtie A Bradshaw and Sallie Henry Bradshaw, and the answer of the said infant defendant by their guardian ad litem, to the bill of complaint exhibited against them and others in the Circuit Court of Southampton County, by Annie L Barrett vs Bradshaw an infant &c.

The defendants for answer to the said bill, or so much thereof as he is advised it is material or necessary for him to answer, answering says, that he does not know whether the statements contained in the complainants' bill are true or not, and he, therefore, demands strict proof of all the material allegations therein, committing the interest of his wards to the protection of this court.

And now having fully answered the complainants' bill, this respondent prays hence to be dismissed with his reasonable costs in this behalf expended. And he will ever pray, &c.

F. U. Burgess

January 15, 1906

Guardian ad litem to the infant defendants, Mirtie A. and Sallie Henry Bradshaw.

1907

Barrett for etc.

v. FINAL DECREE.

W. J. Davis, Assignee et als

Entered January 26th.

1907. BRK.

Entered

Con-O. 368

Barrett for etc.,

v.

W. J. Davis, Assignee et als.

This day this cause came on again to be heard upon the papers formerly read, and upon report of Special Commissioner Pettaway Barrett, filed the 17th day of December, 1906, reporting disbursement of funds in his hands as such Special Commissioner, which ~~support~~ report is supported by proper vouchers, 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, and ~~the said cause is continued.~~ nothing further remaining to be done in this cause it is ordered that same be removed from the docket.