

1908 - 08

Southampton County Chancery

Gardner, Lillie D. vs
et al

Gardner, William et al

a partition of real estate;
if not by partition then sell
& divide proceeds as prescribed
by law.

Edwards, T. R.

by Gardner, Mary A.
Scribner, Wm. J.
(G. A. L.)

Gardner and Edwards,
vs. Bill of Complaint.
Gardner's Infants et als.

1906, Apr. 27th Filed,
B. J. McCreore C. C.

In Chancery

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

Complaining, sheweth unto the court, your complainants, Lillie D. Gardner and J. R. Edwards, that sometime during the year, 1904, James Gardner, who was the husband of your complainant, Lillie D. Gardner, departed this life, intestate, jointly seized and possessed with your complainant, J. R. Edwards, in a tract of land in Southampton county, containing fifty three acres, more or less, though the interests of said parties in said tract of land was not equal, leaving as his heirs at law, William A. Gardner and Mary A. Gardner, both of whom are infants, under the age of twenty one years, and your complainant, Lillie D. Gardner, who is entitled to dower in said tract of real estate.

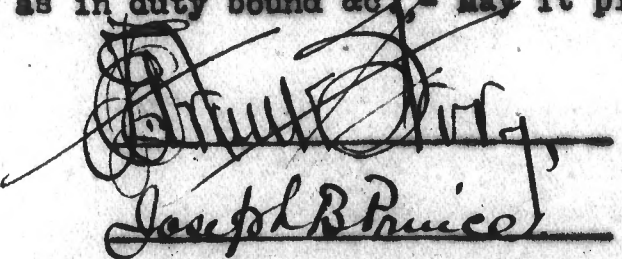
Your complainants desire a partition of the said real estate if the same can be had in any of the modes prescribed by law, conveniently, but they do not believe that this tract of real estate can be conveniently divided in kind, and they desire, therefore, if it can not be so divided that the entire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

In tender consideration whereof, and forasmuch as your complainants are without remedy save in a court of equity where all such matters are alone and properly cognizable, to the end therefore that complete justice may be done, they pray that William A. Gardner and Mary A. Gardner may be made parties defendant to this bill and compelled to answer the same, though answers under oath are expressly waived, and that some fit and proper person be appointed their guardian ad litem to defend their interests in this suit; that an order may be entered referring this matter to one of the commissioners of this

court to enquire into and report whether the real estate mentioned can be conveniently divided in kind among the parties entitled thereto in any of the modes prescribed by law; the interests of the parties, lien debts, if any, &c., and that your Honor will grant all such other and further relief, both general and special, as to equity may seem meet or the nature of the cause may require.

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

And as in duty bound &c. - May it please the Court &c


Joseph B. Ruico } f.c.

Gardner and Edwards;
—vs. Petition of Creditors.

Gardner's Infants.

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

Humbly petitioning, your petitioners, W. T. Pace, J. T. Blow, E. Whitfield & Company, Virginia-Carolina Chemical Company-James G. Tinsley & Company, branch, sheweth unto the Court the following facts:

That there has been instituted and is now pending in the Circuit Court of Southampton County, Virginia, a chancery suit, short styled, Gardner and Edwards vs. Gardner's Infants, involving certain real estate in which the said J. E. Gardner, deceased, has an interest; that the said J. E. Gardner, deceased, at the time of his death was indebted to your petitioners as follows:

(1) W. T. Pace, in the sum of Two & 50/100 (\$2.50) Dollars, due by open account;

(2) J. T. Blow, in the sum of Fifteen & 30/100 (\$15.30) Dollars, due by bond of decedent, with interest thereon from the 2nd day of January, 1899, till paid;

(3) E. Whitfield & Company, in the sum of Forty-four & 03/100 (\$44.03) Dollars, evidenced by note bearing date July 7th, 1902, payable November 1st, 1902, with interest from that date, and

(4) Virginia-Carolina Chemical Company-James G. Tinsley & Company branch, in the sum of Twenty & 90/100 (\$20.90) Dollars, due by bond of the decedent, with interest thereon from the 15th day of December, 1899, till paid:

That no payments have been made on the several debts as aforesaid, but that the same are now due and payable to your said petitioners, all of which will more fully appear from the said evidences of debt herewith filed, marked "Exhibit A", and pray to be taken and read as a part of this bill.

In tender consideration whereof, your said petition-
ers pray that the Court will protect their interest in the
premises, and that they may be granted such relief, both gener-
al and special, as the nature of their cause may demand, or to
equity may seem meet.

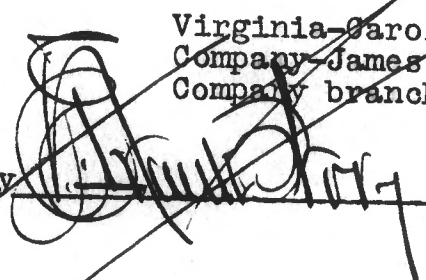
And your petitioners will ever pray, etc.

W. T. Pace,

J. T. Blow,

E. Whitfield & Company,

Virginia-Carolina Chemical
Company-James G. Tinsley &
Company branch.

By  their Attorney.

 * Gardner and Edwards, *
 * vs. { REPORT OF SPEC. COMRS. *
 * Gardner's Infants. *
 * *****

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF THE CIRCUIT
 COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

The undersigned, your Special Commissioners, would re-
 spectfully report to Court:

That in obedience to a decree entered in the above styled
 cause on the 23rd day of January, 1907, ^{they} have executed a deed to the
 purchaser, W. R. L. Cobb, Jr., for the real estate in the bill and
 proceedings in this cause mentioned and described, after first
 collecting of him the purchase price, to-wit, \$712.00, and that
 they have, in accordance with the terms of the decree aforesaid,
 distributed the said funds ~~as follows, to-wit,~~ as shown by a full
 and complete itemized statement herewith filed, marked "Exhibit A"
 and prayed to be read as a part of this report: that all of the
 disbursements of your said Special Commissioners are supported by
 proper vouchers, said vouchers being herewith filed.

Respectfully submitted,

Joseph B. Price
E. M. Hunt
 SPECIAL COMMISSIONERS.

 *
 * Gardner and Edwards, *
 *
 * vs. { Report of Spec. Comrs. *
 *
 * Gardner's Infants. *
 *

"EXHIBIT A."

DISB'MTS:

RECEIPTS:

By amount received of purchaser,.....		\$712.00
To-Paid cost of suit as taxed by Clerk,....	\$33.75	
" " commissions of Spec. Commissioners,	23.24	
" " for writing deed,.....	10.00	
" " News Pub. Co. for posters,.....	1.50	
" " auctioneer,.....	5.00	
" " taxes for 1905-06,.....	6.13	
" " Jos. B. Prince and E. Frank Story,		
" " Attys. fee allowed by Court,.....	50.00	
" " premium on bond,.....	10.00	
" Balance in hands of Special Commissioners,	572.38	
	<u>\$712.00</u>	<u>\$712.00</u>

TO BALANCE IN HANDS OF SPECIAL COMMISSIONERS,.....\$572.38

The above balance of \$572.38, is to be divided into two parts; forty-five per cent. thereof being known as the EDWARDS FUND, making,.....

\$257.57

Disbursed amount of this fund:

To-Paid over to "Gardner fund" for purchase price of land, principal,.....	184.00	
" Interest on same,.....	44.26	
" Paid J. R. Edwards, balance,.....	29.31	
	<u>\$257.57</u>	<u>\$257.57</u>

GARDNER FUND:

By-55% of \$572.38,.....	\$314.81
" Received from "Edwards fund" on account of purchase price, as above shown,.....	228.26

To-Paid Creditors of Jas. E. Gardner as follows:

" W. T. McLeMore,.....	82.33
" Bain & Company,.....	24.60
" J. T. Blow,.....	23.40
" W. T. Pace,.....	2.95
" E. Whitfield & Company,.....	55.03
" Virginia-Carolina Chemical Company,	
" W. J. Sebrell, Jr., Agent,.....	29.88
" Jos. B. Prince, Assignee, the two bonds secured by deeds of trust, reported as liens against the said land, principal and interest,.....	281.77
" Lillie D. Gardner, balance due on account of her dower interest, and the interest of her infant children, Wm. A. Gardner and Mary A. Gardner, as directed by the aforesaid decree of January 23rd, 1907,.....	43.11
	<u>\$543.07</u>

\$543.07

Received of Joseph B. Prince and E. Frank Story,
Special Commissioners in the suit of Gardner and Edwards vs.
Gardner's Infants, Forty-Three & 11/100 (\$43.11) Dollars, in
full of the amount due me as my dower interest, as the widow
of James E. Gardner, deceased, and the amount due the infant
defendants, William A. Gardner and Mary A. Gardner, directed
to be paid to me as their mother, under a decree entered in
the said cause, which is now pending in the Circuit Court of
Southampton County, Virginia, on the 23rd day of January, 1907.

March 13th, 1907.

Lellie J. Gardner

\$500

On Demand with Interest
from date, I owe and promise
to pay unto J. B. Story the just
and full sum of Fifty dollars
for value received and I hereby
waive my homestead exemption
as to this debt. Given under
my hand and seal, This
30th day of April 1898.
Witness,

J. A. Bishop

James E. Gardne Seal

April 30th 1899 Received Three Dollars
at being Interest for one year
D. & Story

Feb 28th 1901- Recd Five Dollars in part of
within note J. B. Story

Prof. 83
69.44
281.77

Dec 1st 1899. For value, recd We hereby
assign the within bond with its
Security to J. B. Story, without recourse
on us.

N. Lee Story } Exors
J B Story }

Oct 7th 1904 For value recd I hereby
assign the within Bond with its
Security to Sarah E. Vick without
recourse to me. J. B. Story

Pay to J. B. Story
or order

Sarah E. Vick
mark

witness
L. J. Drake

James E. Handman.
Note \$50.00

7
\$150.⁰⁰ On demand with
interest from date, we, or either
of us, our and promise to
pay unto ~~V. D. Story~~ the just
and full sum of one hundred
and fifty dollars (\$150.⁰⁰)

for value received, and
we hereby waive the benefit
of all laws as to this debt.
Given under our hand
and seal, this 23rd day
of April 1897.

Witness,
A. Lee Story

Agnes X Gardner Seal
mark
James E. Gardner Seal

Dec 1st 1899. For value recd I
hereby assign the within bond with
its security, to J.B. Story without
recourse to me.

J. Lee Story
J.B. Story } Exors

Feb 28th 1901 Recd Five Dollars in part of
within note J.B. Story.

Oct 7th 1904 For Value recd I hereby
assign the within Bond with its
security to Sarah E. Vick, without
recourse to me.

J.B. Story

Agnes Gardner
James E. Gardner
Note \$100.00

Pay to J.B. Story
order

witness Sarah E. Vick
L.F. Drake mark

April 23rd 1898 Recd Nine Dollars in
full for last one year O.B. Story
April 23rd 1899 Recd Nine Dollars in
being interest for one year O.B. Story



February 12th, 1907.

190

Received from E. Frank Story, Atty.,

LESS
TWENTY-NINE & 88/100..... Dollars.

Less fee of Five (\$5.00) Dollars; same being in full for claim against the estate of James E. Gardner, deceased, in favor of Virginia-Carolina Chemical Company.

\$ 29.88

W. J. Sebruce Jr -
For Va. Carolina Chem Co.



February 12th, 1907.

190

Received from E. Frank Story, Atty.,

TWO & 95/100..... Dollars.

Less fee of One (\$1.00) Dollar; same being in full for claim against the estate of James E. Gardner, deceased.

\$ 2.95

M. T. Pace



February 12th, 1907.

190

Received from E. Frank Story, Atty.,

FIFTY-FIVE & 03/100..... Dollars.

Less fee of Ten (\$10.00) Dollars; same being in full for claim against the estate of James E. Gardner, deceased.

\$ 55.03

E. Whitfield & Co



February 12th, 1907.

190

Received from E. Frank Story, Atty.,

TWENTY-FOUR & 60/100..... Dollars.

Less fee of Five (\$5.00) Dollars; same being in full for claim against the estate of James E. Gardner, deceased.

\$ 24.60:

Davis & Co



Aug. 21st 1907
 Received from E. Frank Story, Atty.
 Thirteen and 40/100 Dollars.

For amount due me from Jas. E.
 Gardner's Estate, less fee and fine
 (\$5.00) Dollars due Bunn's Infants.

\$13. 40/100

J. F. Blow

FRANKY PAPER CO. RICHMOND VA.



February 12th, 1907. 190

Received from E. Frank Story, Atty.,
 EIGHTY-TWO & 33/100..... Dollars.

Less fee of Twelve & 50/100 (\$12.50) Dollars; same being
 in full for claim against estate of James E. Gardner, de-
 ceased.

\$82.33

Thank you W. J. McLeamon

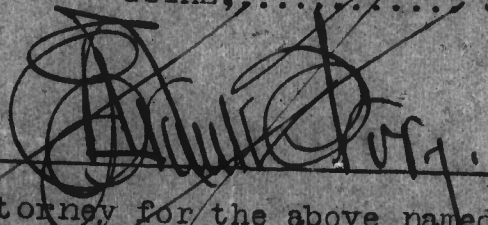
FRANKY PAPER CO. RICHMOND VA.

 * Gardner and Edwards, *
 * vs. *
 * Gardner's Infants. *

Received of Joseph B. Prince and E. Frank Story,
 Special Commissioners, the sum of Two Hundred and Eighteen
 & 19/100 (\$218.19) Dollars, in ~~the~~ payment of the following
 indebtedness against the estate of James E. Gardner, deceased,
 as reported by J. C. Parker, Commissioner in Chancery, in his
 report and filed in the above styled suit, on the 12th day of
 November, 1906, and directed to be paid by a decree entered in
 the said suit on the 23rd day of January, 1907, namely:

W. T. McLenore,.....	\$82.33
Bain & Company,.....	24.60
J. T. Blow,.....	23.40
W. T. Pace,.....	2.95
E. Whitfield & Company.....	55.03
Virginia-Carolina Chemical Company, W. J. Sebrell, Jr., Agent,.....	29.88
TOTAL,.....	<u>\$218.19</u>

February 12th, 1907.


 Attorney for the above named creditors.

Franklin, Va.,

Feb. 12"

1907-

Messrs. J. B. Spence and E. Frank Story, Spec. Comrs.
 for exit of Gardner & Edwards re. Childs's Defaults.
 To Story & Company, Dr.

.....INSURANCE BROKERS.....

DATE	POLICY NO.	COMPANY.	PROPERTY INSURED.	AGENCY.	AMOUNT.	PREMIUMS.
			To. Premiums on bond in National Surety Company.		\$10 00	
May. 12" 1907.			Frank	Story & Co.		

Received Jan. 21st, of
Josh Brown - Spl. Comm. in amt
Edward v. Gardner et al. - Five
Dollars for acting as carrier in
sale of land -

Witness L. Meeston

W. R. Cobb

Franklin, Va., Feb 13 1902

M. E. Frank Story & B. Prince

Courtland Va

TO THE NEWS PUBLISHING CO., DR.

...Publishers of THE TIDEWATER NEWS...

Job Printing and Business Stationery

Printing done in Edward
Gardner Suit

1.50

Received payment

THE NEWS PUBLISHING COMPANY,

By

W. H. L. Co.

Manager.

Please return this bill with your remittance.

\$100

Received Feby 13th 1907. from J.B. Prince and Frank
Stony, Special Bailiffs in the suit of Edwards and
Gordon vs. Gordners infants, the sum of Ten
dollars, in payment of fee due me as Bailiff
in Chancery in said suit.

J.C. Parker,
Bailiff in Chancery

FRANKLIN DISTRICT

No. 158

1906.

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

STATE TAXES, Rate on \$100.

Support Gov.
R. E. and P. P.
Schedule B 20c.
P. P. Sched. C 25cSchool Tax
10c.
R. E. & P. P.
Sched. B & C.For Pensions
5c.
R. E. & P. P.
Schedule B.County
Levy,
40c. on \$100.County
School Tax,
10c. on \$100.District
School Tax,
5c. on \$100.TOTAL
TAX.

Capitation Tax.....1-0-0

To 59 1/2 acres, value \$351

".....acres, value \$

".....acres, value \$

".....acres, value \$

Personal Property, schedule B. val. \$

Personal Property, schedule C. val. \$

Income 1 per cent. \$

Total.....1 50

5 per cent penalty.....13

Fee Bill.....

Total.....322

Interest from Dec. 15, 1906.....

RECEIVED PAYMENT 13 day of Feb

1907

TREASURER.

1-2-'07-3 M.

(Receipt to be given by County or City Treasurer when Delinquent Land Taxes are paid before sale.)

\$ 270

Office of the Treasurer of the County of Seuchampton

RECEIVED OF JR Penn & E Frank Wiley, Special Com., 1907
Two

Two Dollars and eight Cents,
in payment of Delinquent Taxes due on 58 1/2 acres of land for the year 1908, as follows:

State Taxes \$ 86

County Levies for all purposes 136

Interest 14

Proportionate Expense of advertising . . 4

Total 281

JR Edwards

Treasurer.

Gardner & Edwards - } Costs
 Gardner vs. Infants }

Sum 25. Copy 10. Rent 18. Atty 10
 Debt 18. Rules 1.00. Filing 75.
 Filing bill 15. Exp 15. Answer of
 4 in addition 15. Replication 15.
 3 Decrees 1.08. Copy Costs 40.
 Filing away papers 25.
 Filing Costs 72. Filing Coram report
 15. Copy Decree 36 paid to C. B. F. M. 5.75
 J. W. Bryant Rept. Shl 50.
 Laid 16.50
 Comd J. B. Parke 10.00

Thomas J. W. 8.00

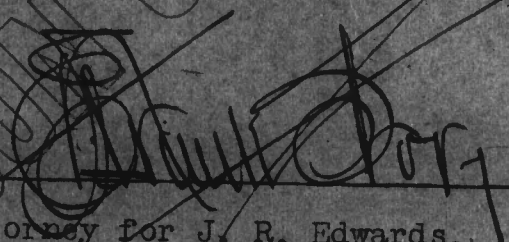
Total

3 2.75
 1.00
 3 3.75

* Gardner and Edwards, *
* vs. *
* Gardner's Infants. *

Received of Joseph B. Prince and E. Frank Story,
Special Commissioners in the above styled suit, the sum of
Twenty-Nine & 31/100 (\$29.31) Dollars, same being in full of
the balance due J. R. Edwards, and directed paid to him by a
decree entered in the said suit, on the 23rd day of January,
1907.

February 12th, 1907.



Attorney for J. R. Edwards.



February 12th, 1907.

190

Received from E. Frank Story, Atty.,

TWENTY-NINE & 31/100.....

Dollars.

Same being the amount in full due me, arising from the
chancery suit of Gardner and Edwards vs. Gardner's
Infants.

\$ 29.31:

J. R. Edwards

Witness H. B. McLennox

Gardner and Edwards,

as 1/2nd report of Spec. Comm.

Gardner's Infants.

Filed July 21st 1908-
J.L.M.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

Gardner and Edwards
Report of sale by Special
Commissioners and re-
quest of purchaser.
Gardner's Infants

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

TO THE HONORABLE ROBERT R. PRENTIS, JUDGE OF THE CIR-
CUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

*
* Gardner and Edwards, *
*
* vs. *
*
* Gardner's Infants. *
*

The undersigned, Special Commissioners, appointed by a decree of this Court, entered on the 12th day of December, 1906, to make sale of the real estate in the bill and proceedings in this cause mentioned and described, beg leave to submit the following report:

That in obedience to the said decree, they, after due advertisement of the time, place and terms of sale, by printed and posted hand-bills, ~~also~~ exposed the said land for sale at Courtland, Virginia, on Saturday, the 29th day of December, 1906; at which said sale H. B. McLemore, became the purchaser by bidding therefor the sum of Seven Hundred and Twelve (\$712.00) Dollars, that being the highest bid made; that the said H. B. McLemore has requested that a deed be made to W. R. L. Cobb, Jr., for the said property, as evidenced by a writing signed by him, attached to and made a part of this report, by which said writing it is evidenced that the transactions between the said H. B. McLemore, the purchaser, and W. R. L. Cobb, Jr., the party to whom he desires a deed made, is without gain or profit to the said purchaser.

Your Commissioners would report further, that the said W. R. L. Cobb, Jr. has advised your said Commissioners that he desires to pay the purchase price in cash, and take a deed for the said property.

Your Commissioners regard this a good sale, and
recommend its confirmation by the Court.

Respectfully submitted.

Joe B. Prince
Wm. D. Dora
SPECIAL COMMISSIONERS.

I hereby certify that the within and foregoing
I have signed and the said sale was made in the said
W. H. A. 1001, and the amount paid or paid over to
me.

W. H. A. 1001

STATE OF VIRGINIA,
Southampton County,

Subscribed and sworn to before me in my family
aforesaid, this 22nd day of January, 1907.

Ruth M. Owens
NOTARY PUBLIC.

TO JOSEPH B. PRINCE AND E. FRANK SROTY, SPECIAL COMMISSIONERS:

I hereby request that you execute a deed to W. R. L. Cobb, Jr., for the tract or parcel of land purchased by me at a Commissioners' sale, had by you, on the 29th day of December, 1906, under a decree of December the 12th, 1906, in the Chancery cause of Gardner and Edwards vs. Gardner's Infants, pending in the Circuit Court of Southampton County, Virginia.

I hereby certify that the transactions whereby I have agreed that the said deed should be made to the said W. R. L. Cobb, Jr., is without gain or profit whatever to me.

W. B. McTernore

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

Subscribed and sworn to before me in my County
aforesaid, this 22nd day of January, 1907.

Ruth M. Owens

NOTARY PUBLIC.

Gardner & Edwards

Spa on Chy.

Gardner

1906. 1st May Rules

may 4-1904

in person

Exhibit May 4th 1904
by delivering a true
copy of the within writ
to Mr. J. Sebrille
Gardner

J. W. Bryant Deft
J. L. Gillen Sheriff

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON *William A. Gardner*
and Mary A. Gardner infants under the age
of twenty one years by *W. J. Sabrell* 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 *first* Monday in *May* 1906.....

next, to answer a Bill in Chancery exhibited against *them*.....
in our said Court by *Lillie D. Gardner and J. R. Edwards* -

And this *thing*...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
..27.. day of *April*....., 1906., in the 13th year of the Commonwealth.

Teste :

B. F. McLemore....., C. C.

Gordon Edward

is }

Gordon's infants

Report of Gordon
in Gloucester

1906 November 12"
Filed -

B. F. M. Keenore, Clerk
By. Julia D. Blou. At.

Commissioner's office,

Franklin, Southampton County, Virginia

Oct. 20th, 1906.

To Lillie D. Gardner, J. B. Edwards, J. L. Gillette, Sheriff and Com. Admr. of James E. Gardner, and Wm. A. Gardner and Mary A. Gardner, infants, by W. J. Sebrell, their guardian ad litem.

You are hereby notified that I have fixed upon the first day of November 1906, at my office, in Franklin, Va., to make the inquiries and take the accounts required to be made and taken by a decree entered on the 22nd day of May 1906, by the Circuit Court of Southampton County, Virginia, in a chancery suit therein pending styled Gardner and Edwards vs. Gardner's infants, wherein you are either plaintiffs or defendants, a copy of which decree is hereto attached for your information. And if the making of said inquiries and taking said accounts be not completed on that day the making and taking of same will be continued from day to day or from time to time until the same be completed.

Yours very truly,



Commissioner in Chancery.

We hereby acknowledge legal service of the above notice.


and J. L. Gillette, Com. Admr. of

James B. Edwards, Attorney

for Lillie D. Gardner

W. J. Sebrell, g'da. ad litem vs.

*
* Lillie D. Gardner and J. R. *
* Edwards, *
* *
* vs. *
* *
* Willie A. Gardner and Mary *
* A. Gardner, infants under *
* the age of twenty-one years, *
* by W. J. Sebrell, their guar- *
* dian ad litem. *

This day this cause came on to be heard on the bill of the complainants, the exhibits therewith filed, the petition of W.T. Pace, J. T. Blow, E. Whitfield & Company and Virginia-Carolina Chemical Company, creditors of J. E. Gardner, deceased, this day filed by leave of Court, and the answer of W. J. Sebrell, guardian ad litem for the infant defendants, Willie A. Gardner and Mary A. Gardner, duly assigned at rules according to law, the answer of J. L. Gillette, Sheriff, Administrator of J. E. Gardner, deceased, to the petition of the said creditors, this day filed by leave of Court, with general replications thereto and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that it be referred to one of the commissioners of this Court to ascertain and report:

FIRST: Whether the real estate mentioned in the said bill can be conveniently divided in kind among the parties entitled thereto;

SECOND: If the same cannot be thus divided, whether either of the parties interested will take the entire property and pay to the others such amounts as their interest may entitle them to;

THIRD: If the same cannot be conveniently divided in kind, and if no party will take the entire property as aforesaid, whether the interest of the parties will be promoted by a sale of the entire property, or an allotment of part and a

sale of the residue;

FOURTH: The annual and fee-simple value of the said land, and the liens thereon, if any, for delinquent taxes or otherwise;

FIFTH: The interest of the several parties of the said land;

SIXTH: The debts out-standing against the estate of J. E. Gardner, deceased, together with their dignities and priorities;

SEVENTH: Any other matter deemed pertinent by the commissioner or required to be stated by any party in interest.

And by consent of all parties to this cause, entered of record in open court, the Court doth further adjudge, order and decree that this cause be submitted to the Judge of this Court for such decisions and decrees herein in vacation as might be entered in term.

And by consent it ordered that J. L. Gillette, Sheriff and Committee Administrator of J. E. Gardner, deceased, be admitted as a party defendant to this suit.

*A Copy
Teste: B. J. McLenore C. C.
By M. B. McLenore D. C.*

Interest from April 30th 1898 signed by James E. Gardner
COMMISSIONER'S OFFICE.

to cover this property, has not been paid. Franklin, Southampton Co. Va.

is informed that the bonds have not been paid: who November 7th, 1906.

To the Hon. B. B. Prentiss, Judge of the Circuit Court of Southampton County, Va.

The undersigned, one of the Commissioners of your court, begs leave to report that he has been requested to make certain inquiries and take certain accounts required to be made and taken by decree of said court entered in the suit of Gardner & Edwards vs. Gardner's infants, entered on May 22nd, 1906, copy of which decree is herewith filed: that in accordance with said decree and request he issued notice to all parties concerned, which notice is hereto attached, duly acknowledged by all said parties, and that in accordance with said notice your Commissioner, at the time indicated, took the depositions of W. B. Edwards and D. P. Story and herewith files the same in support of this report, and further continued said matter until he could make certain investigations necessary to a report: having made same and secured all the information ascertainable, your Commissioner begs to report as follows:

1st. The real estate in question cannot be conveniently divided in kind

2nd. No proposition has been made to your Commissioner by either party to take the whole of the property.

3rd. It is to the interest of all parties concerned that the entire property be sold and the proceeds divided.

4th. The fee-simple value of the property is about \$650. The rental value about \$40. per annum.

LENS.

1(A) From the best information which your Commissioner can obtain this property was sold by J. F. West, Comr. to Agnes Gardner, the mother of James E. Gardner, and by him inherited from her. Your Commissioner finds no delinquent taxes against the said land in the name of James E. Gardner, but finds a delinquent tax account against Agnes Gardner for 1905, amounting to $\frac{2.51}{3.32}$, which he believes is upon this same land.

(B) In Trust deed book 5, page 17, there is recorded a deed of trust, dated April 30th 1898, from James E. Gardner and wife to N. Lee Story to secure two bonds due to P. D. Story, one for \$150. with interest from April 23rd 1897, signed by Agnes Gardner and James E. Gardner, and one for \$50. with

interest from April 30th 1898 signed by James E. Gardner. This deed of trust seems to cover this property, has not been released of record and your Comr. is informed that the bonds have not been paid : whether there are any credits thereon or not your Commissioner is not informed.

pr. 33 (C) Judgment, W.T. McLeamore vs. James E. Gardner, No. 1026 Docket No. 3, \$60.85, Homestead waived, \$1. costs, interest on \$40.50 from Febry. 27th 1901, and on \$20.35 from April 10th 1902, docketed _____, _____th, 190 .

pr. 34 (D) Judgment Bain & Co. vs. James E. Gardner, No. 1086 Docket 3, \$19.00 , homestead waived, \$1. costs, interest from April 7th 1903, docketed April 7th 1903.

Q. What is your name; age; residence; occupation and do you

5th. Before his death James E. Gardner agreed to sell one-half, in area, of this land to J.R. Edwards, and he has an equitable title thereto. That half constitutes, according to the best information that your Commissioner has, about 40% of the entire value of the place. The remaining 60% is subject to the dower interest therein of Lillie D. Gardner, widow of James E. Gardner and balance in fee to William A. Gardner and Mary A. Gardner, infant children of deceased James E. Gardner.

ACCOUNT OF DEBTS.

6th. The only debts proved before your Commissioner, other than those of record above reported, are those set up in petition of creditors filed in this cause, all of the 5th class under the statute, as follows :

pr. 35 (a) W.T. Pace, open acct. Int. from Jan. 1st 1904.	\$2.50
pr. 36 (b) J.T. Blow, homestead waiver bond, Int. from Jan. 2nd, 1899.	15.30
pr. 37 (c) E. Whitfield & Co., homestead waiver bond, Int. from Nov. 1st 1902.	44.03
pr. 38 (d) Virginia-Carolina Chemical Co., Homestead waiver bond, Int. from Dec. 15th 1899.	20.90

Your commissioner has not calculated and added the interest on these several debts, of record or otherwise, because he knows that when distribution is made to said creditors another calculation would then have to be made and it is therefore useless to make it now.

Respectfully submitted,

J. R. Edwards
Clerk in Charge

Fee 10⁰⁰

DEPOSITION OF W. R. EDWARDS TO BE FILED AS EVIDENCE IN SUPPORT
OF REPORT OF COMMISSION IN THE CHANCERY SUIT OF GARDNER & EDWARDS
VS. GARDNER'S INFANTS:

Present: E. Frank Story, attorney for the
plaintiff:

The Witness, W. R. Edwards, 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. Name; W. R. Edwards; age, 33 years; residence, Southampton
County, Virginia; occupation, farmer; and I know the parties
to this suit.

Q. Do you know the tract of land of which James E. Gardner died,
sized and possessed, a part of which he sold to J.R. Edwards ?

A. Yes.

Q. About how many acres is there in it, and what do you consider
it worth on reasonable terms ?

A. About 51 acres, I think; and I think that \$600 is a fair price
for it.

Q. Do you think that this property could very well be divided in
kind between James Gardner's heirs and Mr. J. R. Edwards who
bought about one-half of it ?

A. I do not. Both pieces would be so small that neither one
would be of much good to any one, and for that reason I do not
think the place ought to be divided, but that some one should own
it just as it now is.

Q. What do you think this place would rent for as it now stands ?

A. Well, I should say not over \$30. That would be a good price for it.

Q. Do you know which one-half of it it was understood that J.R.
Edwards was to buy ?

A. Yes, I know the half.

Q. Would that one-half, being the same number of acres, be worth

No.2.-----

more or less than the other ?

A. It would be worth less, I should think, there being no buildings on the place and I don't think the land was as good as the other.

Q. What proportion of the value of the place would you suppose the one-half that Mr. J. R. Edwards bought was worth ?

A. I should think about forty or forty-five per cent.

And further this deponent saith not.

W R Edwards

The witness, D. P. Story, being first duly sworn, deposes as follows :

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

A. D. P. Story, 45, residence, farmer, I know the parties.

Q. Do you know the farm of which James E. Gardner died seised and possessed

A. Yes, I live in about a mile of it.

Q. About how many acres is in it and what is it worth ?

A. ~~Some~~ fifty odd acres, worth \$600. or \$700.

Q. Do you think it could be well divided in kind between J. R. Edwards and the heirs of James E. Gardner, Edwards being entitled to one-half ?

A. No, I do not. It is too small a place to divide, located some distance from a town as it, and if cut into two places neither of them would be worth much, and the two together not worth as much as the place as a whole.

Q. What would it rent for as it stands ?

A. About \$40. per year I should think.

Q. Do you know which half of it J. R. Edwards was to buy ?

A. Yes. It was on the west end of the place.

Q. Would that half of the place be worth as much as the other half ?

A. No. I should say it would not be worth more than one-third of the whole place, as it is poorer land than the other half and what buildings there is are on the other half, none of his half.

And further this deponent saith not.

D. P. Story

Gardner & Edwards
Stat: Rules.

Gardner's Infants

1810

✓

1810

1810

1810

Lillie D. Gardner and
J. R. Edwards—
vs.

William A. Gardner, and Mary A. Gardner.

infants under the age of twenty one years—
by W. J. Sebree their Guardian Ad Litem.

1906 April 27th Process if^d to 1st May Rules.

" 1st May Rules: process ret^d. Executed.

Bill filed. W. J. Sebree
assigned as Gdn ad litem to
infant defendants.

" 2nd May Rules: Cause set for hearing.

Gardner and Edwards
— no. 7 line. Gdn ad Litem.
Gardner's Infants.

Gardner

*
**Gardner and Edwards,
*
* vs.
*
* Gardner's Infants.
*

The answer of W. J. Sebrell, guardian ad litem to the infant defendants, Willie A. Gardner and Mary A. Gardner, to a bill in equity exhibited against them in the Circuit Court of Southampton County, Virginia, by Lillie D. Gardner and J. E. Edwards.

The guardian ad litem answers and says, that he knows nothing of the truth or falsity of the statements contained in the said bill, but prays that the Court will, in all respects fully protect the interest of the said infants.

And now having fully answered the said bill, your respondent prays to be hence dismissed with his costs in this behalf expended.

W. J. Sebrell

GUARDIAN AD LITEM.

(This being a matter of record was not made part of "Exhibit A")

In Southampton ~~Justice~~ Court,

Oct 8

Term, 18 1902

W. J. McLernon

Pltff.

Against

In Debt -

Jas E. Gardner

Def't.

Judgment for the Plaintiff against the Defendant for \$60⁸⁵ with
legal interest ~~thereon~~ ^{\$40.35 part thereof} from 27 day of Feby 1901 ^{on 20.35 residue} till paid,
and costs, \$1.60 ^{fine after 10.1902} ~~Home land waived -~~

Extract.

Teste: B J McLernon C. C.

Gardner and Sons
12 3/4 " Exhibit A "
Gardner's Infts



TERMS—CASH. 1903—

FRANKLIN, VA.,

Dec. 21 1903

M

J. E. Gardner

**Bought of W. T. PACE, Dealer in
Hardware, Cooking and Heating Stoves,
TINWARE, ROOFING AND GUTTERING DONE AT SHORT NOTICE.
Windows, Doors, Blinds and Builders' Hardware.**

June 12 To Cultivator

\$2.50

\$ 16-30 Committed Jan 2nd 1892 promise to pay unto
J. T. Blower his Heirs, Executors, Administrators or Assigns,
the just and full sum of fifteen DOLLARS and 20 CENTS,
current money of the United States, for value received, with interest from date; for the payment of which
we bind myself and my Heirs, Executors and administrators firmly by these presents;
and I hereby waive the benefit of exemption as to this debt, obligation or contract.

As witness my hand and seal this 2nd day of Jan, in the
year of our Lord one thousand eight hundred and ninety nine

WITNESS

James E. Gordon



\$44.03
On the 1st day of Nov 1902

promise to pay to the order of E. Whitfield Co. Forty Four 03 Dollars, negotiable and payable at the Counseland value received, without offset. The maker and endorser hereby waive the benefit of their homestead exemption as to the debt as evidenced by this note.

Witness J. B. Davis x James E Gardner

THIS AGREEMENT, made and entered into this 7 day of July 1902, between J. E. Gardner of the first part, and E. Whitfield Co. of the second part, Witnesseth, That it is hereby mutually agreed that the said Gardner has this day sold to the said E. Whitfield Co. One Cow half 8 years known as millie May and One Bay mare with white face and has delivered to him the possession thereof, but the title thereto is reserved by and remains vested in the said J. E. Gardner, until the payment in full of the sum of Forty Four 03 Dollars, which amount is unpaid on the purchase price of the said Horse and will become due and payable on the 1st day of Nov 1902. And it is further agreed, that in the event of default in the payment of the said sum of \$44.03, or any part thereof, at maturity, the said E. Whitfield Co. may, without process of law, take possession of said Horse and sell the same at public auction, after ten days' notice, and out of the proceeds of sale pay E. Whitfield Co. and the amount due and owing on the purchase price of the said Horse, the balance to be paid to the said J. E. Gardner.

Witness the following signatures and seals:

Witness J. B. Davis x James E Gardner E. Whitfield Co. SEAL SEAL

State of Virginia, County of to-wit: I, a for the county and State aforesaid, do certify that whose name signed to the foregoing writing, bearing date on the day of 19, ha acknowledged the same before me in my county aforesaid. Given under my hand this day of 19.

JAMES G. TINSLEY & CO. BRANCH, RICHMOND, VA.

Courtland Post Office, Southampton County, Va.,

\$ 20.90

Date, May 31st 1899

On or before the 15 day of December 1899, I promise to pay to the order of VIRGINIA-CAROLINA CHEMICAL COMPANY, JAMES G. TINSLEY & CO. BRANCH, Twenty & 90/100 Dollars, for value received, without offset.

The Homestead and all other exemptions are hereby waived as to the debt evidenced by this bond.

Witness my hand and seal.

James E. Gardner [SEAL.]

[SEAL.]



BY THESE PRESENTS, that in pursuance and by virtue of Section 2494 of the Code as amended, VIRGINIA-CAROLINA CHEMICAL COMPANY, JAMES G. TINSLEY & CO. BRANCH, State of Virginia, party of the first part, covenants and agrees to advance to _____ of the County of _____ State of Virginia, party of the second part, _____ bags (200 lbs. each) of Fertilizers, known as _____ of the cash value of _____

_____ Dollars, the same to be used by said party of the second part in making Crops during the current year on the lands cultivated by him in his county aforesaid, known as _____ and owned by _____ containing about _____ acres.

In consideration of the advances so to be made, as specified above, said party of the second part covenants and agrees to give, and doth by these presents give and grant unto the said party of the first part a lien under said section of the Code as amended, for the amount of the said advances as above set out, on all the crops which may be made or seeded by said party of the second part during the current year on the land above described, in or about the cultivation of which said advances or supplies are used or intended to be used as above expressed, hereby securing unto the said party of the first part all the benefits and advantages which in any way are provided for in the law aforesaid; and said party of the second part furthermore covenants to deliver unto the said party of the first part, as promptly as possible after its maturity, a sufficient amount of his said crops to pay said advances, whether the bond given for the same shall have then matured or not; and said party of the second part hereby affirms that he has not received any other advances upon said crops.

It is further agreed that in case suit shall become necessary for the recovery of said debt, or any part thereof, that the said party of the first part shall be entitled to recover, in addition to said debt, with interests and costs, an attorney's fee of ten per cent. on the amount recovered, to be included in the judgment of the court.

It is agreed that the Fertilizer, which is the consideration of this bond, is bought without any guaranty on the part of the party of the first part, or its agents, as to results from its use.

Witness the following signatures and seals the day and year above written.

VIRGINIA-CAROLINA CHEMICAL COMPANY,

JAMES G. TINSLEY & CO. BRANCH,

by _____ Agent. [SEAL.]

[SEAL.]

Have Landlords to join Tenants in above, or waive on back of this bond any priority of claim they may have in crops referred to in this agreement.

Gardner and Edwards

- vs - Heese

Gardner's Infants

Enter this January 23, 1907

Robert R. Huntis

He consents to this
div.

E. Frank Story, Atty. for
J. R. Edwards
vs
John H. Hance, Atty. for
Little O. Gardner

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

Entered in
D. O. B. No. 323.

 *
 * Gardner and Edwards, *
 * *
 * vs. *
 * *
 * Gardner's Infants. *
 * *

This day this cause came on to be further heard on the papers formerly read, and upon the report of Joseph B. Prince and E. Frank Story, Special Commissioners, this day filed by leave of Court, to which report there is no exception, and was argued by counsel:

On consideration whereof, the Court doth approve and confirm the said report, and it appearing that the said Special Commissioners, after due advertisement, offered for sale at public auction, at Courtland, Virginia, on the 29th day of December, 1906, the tract or parcel of land in the bill and proceedings in this cause mentioned and described; at which said sale H. B. McLemore became the purchaser thereof, by bidding therefor the sum of Seven Hundred and Twelve (\$712.00) Dollars, that being the highest bid made; that the said H. B. McLemore, by a writing filed in the papers in this cause, as a part of the report of the said Special Commissioners, has requested that a deed be made to W. R. L. Cobb, Jr., for the land purchased by him, as afore-said, in which writing, statement is made, under oath, by the said H. B. McLemore, that the transaction between him and the said W. R. L. Cobb, Jr. is without gain or profit to him, and that the said W. R. L. Cobb, Jr. desires to pay the entire purchase money and take a deed for the property.

The Court doth further adjudge, order and decree that the said Special Commissioners receive from the said W. R. L. Cobb, Jr. the said sum of Seven Hundred and Twelve

(\$712.00) Dollars, and when the same is fully paid, that they execute to him a deed, with special warranty of title, for the said land.

By consent of parties
And the said Special Commissioners will proceed to pay out the said funds thus received, as follows:

(1) The taxed cost of this suit, including a fee of \$ 50.00, to be paid to Joseph B. Prince and E. Frank Story, Attorneys, for their services in this suit:

(2) The remainder of the funds the said Special Commissioners will divide into two parts on a basis of forty-five per cent. (45%) and fifty-five per cent. (55%); the forty-five per cent. (45%) fund shall be held and treated by the Special Commissioners as the "EDWARDS FUNDS"; the fifty-five per cent. (55%) funds shall be held and treated by the Special Commissioners as the "GARDNER FUNDS":

Out of the "Edwards Funds" the Special Commissioners will pay:

(1) To the "Gardner Fund" the sum of Two Hundred and Seven & 92/100 (\$207.92) Dollars; that being the amount due by J. R. Edwards on account of the purchase of a portion of the real estate in the bill and proceedings in this cause mentioned and described, prior to the death of James E. Gardner:

(2) To J. R. Edwards, or his duly authorized attorney, the remainder of the said Edwards fund:

Out of the "Gardner Fund", which will include the amount evidenced by the division of fifty-five per cent. (55%), and the amount paid over to this fund from the Edwards fund, as above directed, ~~and~~ the said Special Commissioners will pay:

(1) The delinquent taxes reported in Sec. "LIENS, Sub-Sec." A" of the report of Commissioner J. C. Parker, filed in this cause on the 12th day of November, 1906:

(2) The deed of trust reported by Commissioner Parker, in his said report:

(3) The judgment due W. T. McLemore, as reported by Commissioner Parker, in his said report:

(4) The judgment due Bain & Company, as reported by Commissioner Parker, in his said report:

(5) The debts of the fifth class, as reported by Commissioner Parker, in his said report:

And in paying the said several amounts, the said Special Commissioners will compute the interest thereon, the said Commissioner having failed to do so in his said report:

(6) The dower interest of Lillie D. Gardner, in the remainder of the said funds to be computed, according to the annuity table as set forth in the Code of Virginia:

(7) It appearing that the residue of the said funds will be less than One Hundred (\$100.00) Dollars, each, to be paid to the infant children of James E. Gardner, deceased, namely, William A. Gardner and Mary A. Gardner, the said Special Commissioners will pay the said fund to their mother, the said Lillie D. Gardner, to be used by her in the maintenance, education, and ~~and~~ support of the said infants.

And the Commissioners will report to Court.

Gardner + Edwards

vs. Decree.

Gardner's Infants.

Done this Dec. 12, 1906.

Robert R. Denton

vs. current to this decree.

Frank Story, Atty. for Edwards,
and J. B. Bruce, Adm. R.

J. B. Bruce

Atty. for Robert R. Denton

W. S. Bell

E. Frank Story

ATTORNEY AT LAW
COURTLAND, VIRGINIA

Entered in
C. O. B. p. 303.

IN VACATION, IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY,
VIRGINIA, THIS 12th DAY OF DECEMBER, 1906:

* Gardner and Edwards, *
* * * * *
* VS. *
* * * * *
* Gardner's Infants. *

This day this cause, which has been regularly submitted to the Judge of this Court for such decisions and decrees in vacation, as might be made therein in term, came on to be further heard on the papers formerly read and upon the report of Commissioner J. C. Parker, filed on the 12th day of November, 1906, to which report there is no exception, and was argued by counsel:

On consideration whereof, the court ^{by consent} doth approve and confirm the said report, and it appearing that the land in the bill and proceedings mentioned can not be conveniently divided among the parties entitled thereto, in kind, and that it will be to the interest of all parties concerned that the entire property be sold, and the proceeds divided according ^{and that J. R. Edwards desires such a sale} to the rights of the parties, the court doth adjudge, order and decree, that Joseph B. Prince and E. Frank Story be, and they are hereby appointed Special Commissioners, for the purpose of selling the said land by public auction, after first giving reasonable notice; which said sale shall be made by the said Commissioners in front of the Court House at Courtland, Virginia, ~~on the 17th day of December, 1906,~~ and the terms of the said sale shall be ^{one third} for cash, ^{and the residue in two equal installments payable in six and twelve months with interest from the day of sale} But before the said Special Commissioners shall

proceed to act under this decree, they, or one of them, shall execute a bond before the Clerk of this Court, in the penalty of \$ 1000.-, with security deemed sufficient by him, conditioned for the faithful discharge of the duties of the

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said Special Commissioners, under this or any future decree
in this cause.

And the Commissioners will report to Court.

All of which is hereby certified to the Clerk of
the Circuit Court of Southampton County, Virginia, to be en-
tered in the Chancery Order Book.

Robert R. Prentiss

Gardner and Edwards
— no. 3 1st Decree.
Gardner's Infants.

Entered this Day of May,
1906. Robert R. Smith

Entered in
D. O. B. p. 26 f.
He consent to the

Joel Prince } Atty. Gen.
John H. King } Plaintiff's

W. H. Bell
John A. Smith

 * Lillie D. Gardner and J. R. *
 * Edwards, *
 * *
 * vs. *
 * *
 * Willie A. Gardner and Mary *
 * A. Gardner, infants under *
 * the age of twenty-one years, *
 * by W. J. Sebrell, their guar- *
 ** dian ad litem. *
 * *

This day this cause came on to be heard on the bill of the complainants, the exhibits therewith filed, the petition of certain creditors of J. E. Gardner, deceased, and the answer of W. J. Sebrell, guardian ad litem for the infant defendants, Willie A. Gardner and Mary A. Gardner, duly assigned at rules according to law, with general replications thereto, and was argued by counsel.

On consideration whereof, the Court doth adjudgè, order and decree that it be referred to one of the commissioners of this Court to ascertain and report:

FIRST: Whether the real estate mentioned in the said bill can be conveniently divided in kind among the parties entitled thereto;

SECOND: If the same cannot be thus divided, whether either of the parties interested will take the entire property and pay to the others such amounts as their interest may entitle them to;

THIRD: If same cannot be conveniently divided in kind, and if no party will take the entire property as aforesaid, whether the interest of the parties will be promoted by a sale of the entire property, or an allotment of part and a sale of the residue:

FOURTH: The annual and fee-simple value of the said land, and the liens thereon, if any, for delinquent taxes or otherwise;

*W. J. Pace
 J. T. Blair
 E. Whitfield
 Virginia
 Chesapeake*

This day filed by hour of court

FIFTH: The interest of the several parties of the said land;

SIXTH: The debts out-standing against the estate of J. E. Gardner, deceased, together with their dignities and priorities;

SEVENTH: Any other matter deemed pertinent by the commissioner or required to be stated by any party in interest.

And by consent of all parties to this cause, entered of record in open court, ~~and~~ the Court doth further adjudge, order and decree that this cause be submitted to the Judge of this Court for such decisions and decrees herein in vacation as might be entered in term.

And ^{by consent} ~~it~~ ordered that ~~process~~
~~issue against~~ J. L. Gillette
Sheriff and Committed Administrator
of J. E. Gardner
deceased ~~to answer the~~
~~petition of H. J. Paces~~
~~and that this day filed~~
be admitted as a party
defendant to this suit

Gardner Edwards
10. 3 Ans. of Admt.
Gardner's Inpts

* Gardner and Edwards, *
* vs. *
* Gardner's Infants. *

The separate answer of J. L. Gillette, Sheriff, and as such Administrator of the estate of J. E. Gardner, deceased, to a petition of W. T. Pace, J. T. Blow, E. Whitfield & Company, and the Virginia-Carolina Chemical Company, -James G. Tinsley & Company branch, exhibited against him and others in a chancery suit pending in the Circuit Court of Southampton County, Virginia, styled Gardner and Edwards vs. Gardner's Infants.

This respondent reserving to himself the benefit of all just exceptions to the said bill ^{for answer} thereto, answers and says, that he has been informed that the said estate is indebted to the several parties as aforesaid, though personally he knows nothing as to the correctness of the said claim, and prays that the Court will require strict proof thereof in each instance.

In answering your respondent would further state that there is no personal estate whatsoever belonging to the said J. E. Gardner, deceased, and that should the Court find that the aforesaid claims are just and payable, they will necessarily have to be satisfied out of the proceeds of the real estate belonging to the said J. E. Gardner, deceased.

Now having fully answered the said petition, your respondent prays to be hence dismissed with his reasonable costs in this behalf expended.

And he will ever pray, etc.

J. L. Gillette
Sheriff of Southampton County, Virginia, and as such Administrator of the estate of J. E. Gardner, deceased.

Gardner Ed Edwards
- vs. -
Reece
Gardner's Infants.

Enter this July 21st. 1908.

James L. McElmore

Entered - C. O. B.

Page - 465.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

*
* Gardner and Edwards, *
* *
* vs. *
* *
* Gardner's Infants. *
*

This day this cause came on to be further heard on the papers formerly read, and on the final report of Jos. B. Prince and E. Frank Story, Special Commissioners, this day filed by leave of Court, to which report there is no exception, and was argued by counsel:

On consideration whereof, the disbursements shown by the report of the said Special Commissioners being fully and accurately supported by proper vouchers, the same is hereby ratified and confirmed, and it appearing that nothing further remains to be done in this cause, it is ordered that same be removed from the docket.