1908-24 Southampton County Chancery - Whitfield & Co. etals vs Sebrell, B. W. (adm.) etals

Creditors suit

E. Whitfield & Co. { Whitfield, E.
Bain, T. L.
", R. D.
Knight, J. T.
Sebrell, W. J. Jr.
Gray, W. H.

Turner, Mannie (dead)
", Gertie (widow)
Sebrell, John N. (Trustee)
", C. H. (assignee)
Reese, E. F.
Infants { Turner, Eugene
", Bud
Story - E. Frank (G. A. L.)

C. Whitfield & Co. et als, &c.

vs. { Bill & Exhibits.

Turner's Admr. et als.

1907. 1st May Rules. Filed.

W. J. SEBRELL,
ATTORNEY-AT-LAW,
COURTLAND, VA.

Everett Waddey Co., Stationers and Printers, Richmond, Va.

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

Humbly complaining shew unto Your Honor your Complainants E. Whitfield, J.L. Bain, and P.D. Bain, partners in business under the firm-name of E. Whitfield & Co., J.J. Knight, W.J. Sebrell, Jr., and W.H. Gray, who sue for themselves and all other creditors of Mamie Turner, (sometimes called Emanuel Turner) deceased, who will come in and bear their share of the costs of this suit, That during the latter part of the year 1906 the said Mamie Turner, (sometimes called Emanuel Turner) died intestate, leaving a widow, Gertie Turner, and two children, to-wit, Eugene Turner and Bud Turner, both infants under twelve one years of age, as his heirs-at-law; That since the death of the said Mamie Turner (sometimes called Emanuel Turner), to-wit, on or about the day of 1907, B.W. Sebrell was appointed, and duly qualified as administrator of the said Mamie Turner (sometimes called Emanuel Turner), and, as will appear from a certified copy of his appointment and qualification as such administrator, herewith filed as Exhibit A, and prayed to be read as a part of this bill; That at the time of his death, the said Mamie Turner, (sometimes called Emanuel Turner) owed your com-

plaintiffs a considerable amount of indebtedness, to-wit, to E. Whitfield & Co. the sum of $142.53, with interest, the homestead being waived as to $, parcel thereof; to J. J. Knight the sum of $219.66, with interest; to W. J. Sebrell, Jr., the sum of $58.98, with interest, the homestead being waived as to this debt; and to W. H. Gray the sum of $91.35, the homestead being waived as to $, parcel thereof;

Your complainants are advised that there are some personal assets in the hands of the said B. W. Sebrell, Administrator as aforesaid, but that they are insufficient to satisfy the debts of your complainants and the other creditors of the decedent. That the said Mamie Turner (sometimes called Emanuel Turner) died seized and possessed of a tract of land lying in Southampton County, containing about 345 acres, and bounded by the lands of W. B. Simmons, Jno. D. Turner, and others, which said tract of land the said Mamie Turner, (sometimes called Emanuel Turner) and his wife, Hettie Turner, prior to the death of said Mamie Turner (sometimes called Emanuel Turner), to-wit, on the 27th day of March 1906, had conveyed in trust to Jno. N. Sebrell, Sr., trustee, to secure a bond for $400.00, executed by said Mamie Turner (sometimes called Emanuel Turner) to Emmett F. Reese,

which said bond was afterwards assigned by said Emmett F. Reese to C. H. Sibrell, as will more fully appear by a certified copy of the said deed of trust, herewith filed as Exhibit "B", and prayed to be read as a part of this bill. That since the death of the said Mamie Duma, (sometimes called Emanuel Duma), the said Jno. N. Sibrell, Sr., trustee, acting under and by virtue of the said deed of trust, at the request of the beneficiary thereunder, has made public sale of the said tract of land in the sum of $1100.00. Your complainants are advised that, out of the said sum of $1100.00, the proceeds from the sale of the said tract of land under the said deed of trust, the said Jno. N. Sibrell, Sr., trustee, has paid the costs & expenses attending the execution of the trust and also the debt secured by the said deed of trust, and your complainants are, also, informed by the said trustee that he has the balance of the proceeds now in hand and that he is ready and willing to distribute and pay out the same according to the direction of this Honorable Court. Your complainants are advised that, after the widow shall have been paid such parcel of the said balance as she may be entitled to as

her dower-interest therein, they are entitled to have the residue subjected to the payment of their claims and the other outstanding debts against the estate of the said decedent. — In consideration whereof, and inasmuch as your complainants are without remedy, save in a Court of Equity, your Complainants pray that the said B.W. Sebrell, Administrator of Mamie Turner, (sometimes called Emanuel Turner), deceased, Gertie Turner, widow of said Mamie Turner (sometimes called Emanuel Turner) dec'd., Jno. N. Sebrell, Sr., trustee, C.H. Sebrell, assignee of Emmett F. Reese, Eugene Turner, and Bud Turner, the last two infants under twenty one years of age, may be made parties defendants to this bill and required to answer the same, though answer under oath is hereby waived; that a proper guardian ad litem may be assigned to the infant defendants to defend them in this suit. that an account of the transactions of B.W. Sebrell, as administrator of Mamie Turner (sometimes called Emanuel Turner) dec'd., and, also, an account of the transactions of Jno. N. Sebrell, Sr., trustee, under the said deed of trust from the said Mamie Turner, (sometimes called Emanuel Turner) and Gertie Turner, his wife, may be settled before one of the Commissioners of this Court, and that such balances as may be in their hands belonging to the

Estate of the said Mamie Turner (sometimes called Emanuel Turner) deceased, may be subjected to the satisfaction of your complainants' debts and the other outstanding debts against the said estate; that an account of all debts and liabilities of the said Mamie Turner (sometimes called Emanuel Turner), deceased, may be taken by one of the Commissioners of this Court, and their priorities and dignities stated and reported; that proper process issue, and all proper orders, inquiries, and accounts may be entered, made, and stated; that a reasonable attorney's fee may be allowed to W.J. Sebrell, attorney for the plaintiffs for his services in this cause; and that all such other, further, general and special relief may be granted your complainants, as the nature of the case may require or to Equity shall seem meet.

And your complainants will ever pray &c.

W.J. Sebrell, p.q.

E. Whitfield & Co.,
J. T. Knight,
W.J. Sebrell, Jr.,
W.H. Gray.

By W.J. Sebrell, their atty.

do so by the Beneficiary , shall after advertising same for not less than thirty days as to time, place and terms of sale, proceed to sell the same for cash, and after deducting so much of t the proceeds as shall be necessary to pay all the costs of this trust, and the whole of the said bond with accrued interest, thereon, pay over any balance to the said parties of the first part, their heirs, executors or assigns.

Witness the following signatures and seals.

his
Mannie x Turner. (Seal.)
mark.

Gertie Turner. (Seal.)

State of Virginia.

County of Southampton, To-wit:

I, James E. Sebrell a Notary Public in and for the county aforesaid, do certify that Mannie Turner and Gertie Turner, whose names are signed to the writing above bearing date March 27th, 1906 this day personally appeared before me in my said ccounty and acknowledged the same. Given under my hand this 27th, day of March 1906.

Jas. E. Sebrell, N. P.

My commission expires Feb 2 1908.

Virginia:

In theClerks Office of the Circuit Court for Southampton County March 27th, 1906. This ddeed was presented, and with the certificate annexed, admitted to record.

Teste. B. F. McLemore. C.C.

By Eula D. Blow. D.C.

A Copy.

Teste. B. F. McLemore C.C.

By Eula D. Blow D.C

This Deed, Made this 27th, day of March A. D. 1906. between Mannie Turner and Gertie Turner, his wife, parties of the first part, and Jno. N. Sebrell, Sr. Trustee, party of the second part, all of Southampton County, Virginia, Witnesseth: that for and in consideration of the sum of Five & no/100 Dollars, in hand paid and the receipt of which is hereby acknowledged, the said parties of the first part do grant and convey with general warranty, unto the said party of the second part, Trustee as aforesaid, the following property, to-wit: That ceratin tract or parcel of land lying and situate in Jerusalem Magisterial District, County aforesaid, containing two subdivisions of One hundred and forty five acres and Two hundred acres respectively, in gross amounting to Three hundred and forty five acres, more or less, and bounded by the land land of W. B. Simmons, John I. Turner, the Rollings Estate, and others, it being the identical tract purchased by said Mannie Turner and others from Annie L. Sebrell and Benj. W. Sebrell as will be seen by reference to a deed of bargain and sale duly recorded in the Clerks Office of said County in Deed Book number 48, page 598, the shares or interests of the co-purchasers James Hill and Sterling Hill, having been since acquired by the said Mannie Turner by deed of Bargain and Sale also duly recordee in said Clerks Office . Reference is hereby made to the said deed for a more specific description as to the location and boundaries of said tract or parcel of land. The parties of the first part however reserve from the lien herein conveyed all the standing or fallen timber upon said lands the same having been conveyed to B. W. Sebrell, by deed of even date with this deed and of record in the Clerks Office of said County.

In Trust, however to secure the payment of a certain bond for Four Hundred & no/100 Dollars ($400.) executed by said Mannie Turner and payable on demand to Emmett F. Reese, dated March 27th, 1906, and carrying interest from date. It is further agreed by said parties of the first part that in case of default in the payment of said bond the Trustee when required to

Whitfield & Co. ch. ah.

v.

Turner's adm. ch. ah.

Answer of infant defendants by guard. ad litem

The answer of Eugene James and Bud James, infants under the age of twenty one years, by E. Frank Story, their guardian ad litem, to a bill of complaint exhibited against them and others in the Circuit Court for Southampton County, by E. Whitfield & Co., J. T. Knight, W. J. Sebrell, Jr., and W. H. Gray, who sue &c.

The respondents, reserving to themselves the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as they are advised that it is material they should answer, answer by their guardian ad litem and say:

That they are infants of tender years, and are therefore, incapable of understanding or protecting their rights and interest. They, therefore, by their Guardian ad litem, commit their rights and interests to the protection of the Court.

And having fully answered, the said respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray &c.

E. Frank Story
Guardian ad litem for infant defendants.

Whitfield & Co, et: als:
vs } Stat: Rules
Turner's Admr et: als:

E. Whitfield, T.L. Bain and P.D. Bain
Partners in business under the firm
name of E. Whitfield & Co. - J.T. Knight,
W.J. Sebrell Jr. and W.H. Gray - who sue
for the benefit of themselves and all other
creditors of Mannie Turner, (sometimes
called Emanuel Turner) deceased - who will
come in and bear their share of the costs
of this suit.

"

D.W. Sebrell Administrator of Mannie Turner,
(sometimes called Emanuel Turner) deceased,
Gertie Turner, widow of said Mannie Turner (sometimes
John N. Sebrell Sr. Trustee - C.H. Sebrell
called Emanuel Turner, ~~dec'd~~)
Assignee of Emmett J. Reed, Eugene Turner,
and Bud Turner - The last two infants under
the age of twenty one years.

1907. May 3rd. Process issued to 1st May Rules.

" - 1st May Rules: Process returned Executed on
all defendants, Except the Minors,
Bill and Exhibits filed.

1907. 2nd May Rules: Bill taken for Confessed
as to Adults. E. Frank Story
appointed Guardian ad litem
to infant Defendants -
and Cause set for hearing.

COMMISSIONER'S BOND.

W. J. Sebrell

to

Commonwealth.

1907. Augt 6. Filed

Know All Men by These Presents, That we, H. J. Sebrell and James E. Sebrell are held and firmly bound unto the Commonwealth of Virginia in the sum of Twelve Hundred Dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation, and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from bonds of this State.

Sealed with our seals, and dated this 6th day of August one thousand nine hundred and ~~sixty~~ seven.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound H. J. Sebrell shall faithfully perform the duties of his office or trust, as Special Commissioner under a decree of the Circuit Court of the County of Southampton pronounced on the 17th day of July 1907, in the suit therein depending under the name and style of Whitfield's Ex's, &c. vs. Turner's Admr. &c. &c. or any future decree in this cause, according to law;

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

H. J. Sebrell SEAL

Jas. E. Sebrell SEAL

SEAL

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

This day

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

Given under my hand this day of , 189

Teste: , Clerk.

C. H. Sebrell.

I hereby acknowledge
legal service of this
summons.
C. H. Sebrell
Assignee &c.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON W. H. Sebrell, Assignee of Emmett F. Reese

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 Sam & others in our said Court by E. Whitfield, T. L. Bain and P. D. Bain, partners in business under the firm name of E. Whitfield & Co; J. T. Knight; W. J. Sebrell, Jr, and W. H. Gray, who sue for themselves and all other creditors of Mamie Turner, (sometimes called Emanuel Turner) deceased, who will come in and bear their share of the cost of this suit.

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 3rd day of May, 1907, in the 131st year of the Commonwealth.

Teste: B. F. McLemore, C. C.

Commissioner's Report.

Whitfield & Co., et als
vs.
Turner's Admr. et als.

Filed June 27th, 1907.

JOSEPH B. PRINCE
Courtland, Va.

Whitfield Co., et als.

vs. } Comrs. Notice

Turner's Admr. et als

Executed by delivering a true copy of the within notice in person to B.W. Sibrell, Admr. of Minnie Turner, dec'd., Bertie Turner, widow of said Minnie Turner, John N. Sibrell, Sr, Trustee and E. Frank Flory, Guardian ad litem June 25, 1907

J.W. Bryant.

Depy. Sheriff for
J.L. Gillette, Sheriff

I hereby acknowledge service for all the plaintiffs, and for the defendant, Chas. H. Sibrell, Assignee of Emmett F. Reese -

W.D. Sibrell
Attf.

OFFICE OF JOS. B. PRINCE, JR.,

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

Courtland, Va., June 20th, 1907. 189

To

E.Whitfield, T.L.Bain and P.D.Bain, partners in business under the firm name of E.Whitfield and Company, J.T.Knight, W.J. Sebrell, jr., W.H.Gray who sue for themselves and all other creditors of Mannie Turner (sometimes called Emanuel Turner) deceased, who will come in and bear their share of the costs of this suit

and

B.W.Sebrell,Admr. of Mannie Turner(sometimes called Emanuel Turner)deceased, Gertie Turner, widow of said Mannie Turner(sometimes called Emanuel Turner) deceased, John N.Sebrell, Sr.,trustee, C.H.Sebrell, assignee of Emmett F.Reese, Eugine Turner and Bud Turner, the last two infants under twenty one years of ageby E.Frank Story, their Guardian ad litem.

You are hereby notified that I have fixed upon the 27th day of June, 1907, if fair, if not the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to-wit:

1st:-An account of the debts outstanding against the estate of the said Mannie Turner,(sometimes called Emanuel Turner),deceased, with their priorities and dignities:

2nd:-An account of the transactions of B.W.Sebrell, as administrator of the said Mannie Turner(sometimes called Emanuel Turner) Deceased.

3rd:- An account of the transactions of John N.Sebrell, Sr., as trustee in the deed of trust from Mannie Turner(sometimes called Emanuel Turner), and his wife, Gertie Turner, dated on the 27th day of March 1906, and referred to in complainants bill.

4th:- An account of the Real estate, of which the said Mannie Turner (sometimes called Emanuel Turner) died seized and possed, the annual and the fee-simple value of the same, and whether there are any liens thereon for delinquent taxes or otherwise.

5th:- Together with any other matter specially stated, deemed pertinent by the commissioner or requested to be stated by any interested party.

required to be taken by a decree of Southampton Circuit Court, rendered on the May 20th, 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.

Jos B Prince, Commissioner.

To the Sheriff of Southampton County to execute.

E.Whitfield, T.L.Bain and P.D.Bain, partners in business under the firm name of E.Whitfield & Co., J.T.Knight, W.J.Sebrell, Jr., and W.H.Gray, who sue for themselves and all other creditors of Mannie Turner (sometimes called Emanuel Turner), Deceased, who will come in and bear their share of the costs of this suit,

vs.) DECREE

B.W.Sebrell, Admr., of Mannie Turner (sometimes called Emanuel Turner) deceased, Gertie Turner, widow of said Mannie Turner (sometimes called Emanuel Turner) deceased, John W.Sebrell, Sr., Trustee, C.H.Sebrell, Assignee of Emmett F.Reese, Eugine Turner and Bud Turner, the last two infants under twenty one years of age.

This day this cause came on to be heard on the bill of complainants, and exhibits therewith filed, taken for confessed as to the adult defendants, on whom process has been duly served, they still failing to appear and plead, answer or demur to the said bill, on the answer of the infant defendants by E.Frank Story, their guardian ad litem, duly assigned at rules to defend them in this suit, with general application 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 take, state, and report to this Court the following inquiries and accounts:

1st: An account of the debts outstanding against the estate of the said Mannie Turner (sometimes called Emanuel Turner) deceased, with their priorities and dignities.

2nd: An account of the transactions of B.W.Sebrell, as administrator of the said Mannie Turner (sometimes called Emanuel Turner) deceased.

3rd: An account of the transactions of John W.Sebrell, Sr., as trustee in the deed of trust from Mannie Turner (sometimes called Emanuel Turner), and his wife, Gertie Turner, dated on the 27th day of March 1906, and referred to in complainants bill.

4th: An account of the rael estate, of which the said Mannie Turner (sometimes called Emanuel Turner) died, seized and possessed, the annual and the fee-simple value of the same, and whether there are any liens thereon for delinquent taxes or ptherwise.

All which said inquiries and accounts the commissioner will make, state, and report to this Court, together with any other matter specially stated, deemed pertinent by himself or requested to be so stated by any interested party.

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

pursuant to a decree of the Circuit Court for the County of Southampton entered on the 20th day of May, 1907, in the Chancery cause therein pending, styled Whitfield & Co., et als, vs. Turner's Adm'r., et als, the undersigned, one of the Commissioners of the said Court to whom was referred for settlement the several accounts of the said cause, begs to report: that on the 20th day of June, 1907, he issued notices against the several parties thereto requiring them to be present at his office on the 27th day of June, 1907, at which time and place he would proceed to take and settle the several accounts called for in the said decree, which notices were duly served upon all the interested parties, or acknowledged by their legal representatives, as will appear from the notice herewith filed as a part of this report.

In pursuance of said notices, on the day named, the Commissioner proceeded to take and settle the several inquiries of the said report, and to help him in making such report he took the depositions of J.D.Nicholson and John I.Turner, which depositions are filed herewith as a part of this report.

The Commissioner would report;

FIRST

ACCOUNT OF DEBTS- ALL OF WHICH ARE OF THE SAME DIGNITY:

All interest calculated to June 27th, 1907.

Robert Babb-	Open account	$4.40	
	Open account	80.40	
		$84.80	
	Interest from Dec. 1st, 06.	4.10	
		$89.90	$89.90
W.H.Gray, Note (Homestead waived)		$84.41	
Interest from Dec. 6th, 06.		2.83	
		$87.24	87.24
W.H.Gray, Open account		$13.88	
Interest from Nov. 1st, 06.		.52	
		$14.40	14.40
			$191.54

Commissioners Office, Courtland, Va.

June 27th, 1907.

To the Hon. Judge of the Circuit Court
for Southampton County:-

Pursuant to a decree of the Circuit Court for the County of Southampton entered on the 20th day of May, 1907, in the chancery cause therein pending, styled Whitfield & Co., et als, vs. Turner's Admr., et als, the undersigned, one of the Commissioners of the said Court to whom was referred for settlement the several accounts of the said decree, begs to report: that on the 20th day of June, 1907, he issued notices against the several parties thereto requiring them to be present at his office on the 27th day of June, 1907, at which time and place he would proceed to take and settle the several accounts called for in the said decree, which notices were duly served upon all the interested parties, or acknowledged by their legal representatives, as will appear from the notice herewith filed as a part of this report.

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The Commissioner would report;

FIRST

ACCOUNT OF DEBTS- ALL OF WHICH ARE OF THE SAME DIGNITY:

All interest calculated to June 27th, 1907.

Robert Babb- Open account	$4.40	
Open account	80.40	
	$84.80	
Interest from Dec. 1st, 06.	5.10	$12.75
	$89.90	$89.90
W.H.Gray, Note (Homestead waived)	$84.41	
Interest from Dec. 5th, 06.	2.83	5.25
	$87.24	$87.24
W.H.Gray, Open account	$13.88	
Interest from Nov. 1st, 06.	.52	
	$14.40	14.40
		$101.64

E.Whitfield & Co.

Open Account	$12.10		
Int. from Jan. 1, 07.	.41	$12.51	
Note: Homestead Waived.	$44.00		
Int. from June 18, 06.	2.73	46.73	
Note: Homestead Waived.	$86.43		
Int. from Nov. 9, 06.	3.27	89.70	
Note: Homestead Waived.	$26.15		
Int. from July, 7, 06.	1.67	27.82	
Open Account	$2.50		
Int, from July 7, 06.	.16	2.66	
		Total.....	$179.42

W.J.Sebrell, Jr.

Note: Homestead Waived.	$58.98		
Int. from Jan. 1, 07.	2.04	$61.02	$61.02

R.A.Wynns & Co.

Open Account	$3.75		
Int. from Jan. 1, 07.	.12	$3.87	$3.87

J.T.Knight.

Open Account	$219.66		
Int. from Jan. 1, 07.	6.56	$226.22	$226.22

Dismuke & Williams.

Open Account.	$3.58		
Int. from Jan. 1, 07.	.14	$3.72	$3.72

E.P.Hart

Open Account	$7.25		
Int. from Jan. 1, 07.	.25	$7.50	$7.50

L.A.Simmons

Note: Homestead Waived.			
Payments and interest calculated. Amo. due.			$38.21

B.W.Sebrell

Open Account	$86.63		
Int. from Jan. 1, 07	2.98	$88.61	$88.61

S.T.Williams

Open Account	$12.00		
Int. from Jan. 1, 07	.41	$12.41	$12.41

John I.Turner

Open Account	$11.63		
Int. from Dec. 1, 05.	1.15	$12.78	$12.78

Total amount of debts.....$795.30

John I. Storey, Cashier &c.

Note - Homestead waived $8.00
Int. from Oct. 17th, 1906 - .28 $ 8.28 — 8.28

$803.58

Total amount of debts -
Eight hundred and Three and 58/100 Dollars -

AN ACCOUNT OF THE TRANSACTIONS OF B.W.SEBRELL, ADMINISTRATOR OF MANNIE TURNER, DECEASED.

The estate of Mannie Turner,
1907 In account with B.W.Sebrell, Administrator.

Feb.18th	By amount received from sale of personal property as shown by the account of sales.		$219.96
Feb.18th	To commissions @ 5%	$11.00	
June	To paid: L.A.Simmons)	1.00	
	E.F.Reese (Appraisers	1.00	
	J.I.Turner)	1.00	
June	To paid: L.A.Simmons, Clerk, delivering and sale	10.00	
June	To paid: Burial Expenses	26.00	
June	To paid: Auctioner (John Pittman)	5.00	
	Reserved to pay taxes	18.14	
	Reserved to pay Dr. Leigh, Med. Attn. in last illness	50.00	
	Reserved to pay trained nurse, and druggist, in last illness	34.00	
	Amount received from Bain & Company, on horse -		43.83
	To commissions	2.19	
	Balance in hand	104.46	
		$263.79	$263.79
	Balance due the estate now in the hands of the Administrator subject to order of Court.	$104.46	

AN ACCOUNT OF THE TRANSACTIONS OF JOHN N.SEBRELL, SR., TRUSTEE.

The estate of Mannie Turner,
1907. In account with John N.Sebrell, Trustee.

Apr.13th	By amount received from sales of land		$1100.00
	To commissions on $1100.00	$51.00	
	To paid: W.E.Holcombe, Auctioner	5.00	
	Reserved to pay for posters	1.50	
	To paid: C.H.Sebrell, Assignee bond secured by deed of trust	426.00	
	Reserved to pay commissions of accounts	2.50	
	Reserved to pay Clerk of Court	1.25	
	Reserved to pay W.J.Sebrell for writing deed to purchaser	5.00	
	Balance in hand	627.75	
		$1100.00	$1100.00
	Balance in hands of Trustee, subject to order of Court	$627.75	

SPECIAL STATEMENT.

The Commissioner at the request of Gertie Turner, widow of Mannie Turner, deceased, who is entitled to dower in the surplus $627.75, now in the hands of John N.Sebrell, Sr., Trustee, would state that her age is 25 years, and the her commuted dower interest in cash in the said $627.75, amounts to $168.94.

AN ACCOUNT OF THE REAL ESTATE OF WHICH MANNIE TURNER DIED SEIZED AND POSSESSED.

One Farm containing about 345 acres, which was sold by John N.Sebrell, Sr., Trustee, in a deed of trust from Mannie Turner and wife, dated March 27th, 1906, to secure a debt due Chas. H. Sebrell, Assignee of Emmett F.Reese, for $1100.00.

From the testimony of witnesses herewith filed, the Commissioner is of opinion that the said $1100.00, is a fair and reasonable price for the said tract of land. Its annual value is about $50.00 which amount though apparently small, is fair, on account of the frequent over-flows to which the best of the land is subjected.

There are no debts of record binding this landnor are there any liens thereon for delinquent taxes.

Respectfully Submitted.

Jos B Spence

Commissioner in Chancery.

Commissioners fee $20.00

Witnesses:-

J.D.Nicholson .50
J.I.Turner .50
$21.00

Witness John I.Turner being duly sworn as follows:-

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

This page should be filed after the next -

A. John I.Turner, 65 years, Southampton County, Farmer, I do know the parties.

Q. Are you well acquainted with the tract of land of which Mannie Turner died seized and posessed, containing 345 acres, more or less, and if so please state what in your opinion is its fee simple value and what its annual value?

A. I am well acquainted with the said tract of land, it adjoins my farm, and I think $1100.00 Dollars is a good price for it and I think $50 or $60 Dollars would be a fair annual value for it.

And further this deponent saith not.

John I. Turner

Virginia
Southampton County, to wit,

I, Jos.B.Price, a Commissioner in Chancery of the Circuit Court for the County of Southampton, do certify that the foregoing depositions of J.D.Nicholson and John I.Turner were duly taken, sworn to and subscribed before me, at the time and place and for the purposes in the caption hereto mentioned. Jos B Price

Given under my hand June 27, 1907. Comr in Ch

The depositions of J.D.Nicholson and others taken by me, Joseph B.Prince a Commissioner in Chancery of the Circuit Court for the County of Southampton to assist said commissioner in making a report under a decree entered May 20th, 1907, in the Chancery cause , styled, Whitfield &Co., et als, vs. Turner's administrator et als, the decree having been referred to me for aettlement of the accounts therein stated, and the depositions being taken according to notice of the time and place of taking the said accounts herewith filed:

Witness J.D.Nicholson being duly sworn deposes as follows:-

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

A. J.D.Nicolson, 46 years, Southampton County, Farmer, I know the parties.

Q. Are you familiar with the tract of land of which Mannie Turner died seized and possessed consisting of 345 acres of land, more or less?

A. I am.

Q. Please state what you think its fee simple value is, and what its annual value?

A. I think $1100.00 Dollars is a good price for it and it would rent for about $60.00. The land would be worth more but for the fact that it is low-ground land and very often over-flows, that is,the best of the land over flows, and for that reason can't be counted on.

And further this deponent saith not.

J. D. Nicholson

Virginia,
Southampton County, to-wit,

I, Jos.B.Prince, a Commissioner in Chancery of the Circuit Court for the County of Southampton, do certify that the foregoing depositions of J.D.Nicholson and John D Turner were duly taken, sworn to and subscribed before me, at the time and place and for the purpose in the caption hereto mentioned - Jos B Prince
Given under my hand June 27, 1907. Comr. in Chy.

Whitfield & Co. et als
vs.
Turner & Mr. et als.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON John I. Turner and J. D. Nicholson Jos. B. Prince a commissioner in chancery to appear before ~~the Judge~~ of our Circuit Court of Southampton County, at the ~~Courthouse~~ law office of said commissioner ~~thereof~~ on the 27th day of June, 1907, to testify and the truth to speak on behalf of Whitfield & Co. et als in a certain matter of controversy in our said Court depending and undetermined between Whitfield Co. and others, plaintiffs, and Emanuel Turner's Adm'r. et als, defendants. And this ~~they~~ he shall in no wise omit, under penalty of the law. And have then there this writ.

Jos. B. Prince, Comm'r. in Ch.

Witness, ~~L. A. GAY, Clerk~~ of our said Court, at the Courthouse, this 24 day of June, 1907, in the 31 year of the Commonwealth.

TESTE:

Jos. B. Prince Comm'r. in Ch. ~~C. C.~~

Form A—250jn22-08

Virginia:

In the Clerks Office of Southampton Circuit Court, Dec, 21st, 1906.

Whereas Emanuel Turner has departed this life intestate, and Gertie Turner, his widow having waived her right of Administration on his estate, and requested that B. W. Sebrell be allowed to administer on said estate, Therefore on motion of B. W. Sebrell, who made oath according to law, and together with Virginia Safe Deposit and Trust Corporation as his security, entered into and acknowledged a bond in the penalty of One Thousand Dollars, conditioned as the law directs, which bond is ordered to be recorded. Certificate is granted the said B. W. Sebrell for obtaining letters of Administration on the estate of the said Emanuel Turner deceased, in due form. On further motion of said Administrator, John I. Turner, L. A. Simmons and E. F. Reese, are hereby appointed appraisers, who being first duly sworn, will appraise the estate of said decedent, and return the same under their hands as the law directs.

B. F. McLemore. C.C.

A Copy.

Teste. B. F. McLemore C.C.

By Eula D. Blow D.C.

Whitfield vs. et al.
v. ~~Report~~
Turner's Admr. et al.
Report of Spl. Comr.
1908 March 28th filed.
J.M.

March 28, 1903,

Whitfield & Co., et als.,
vs. Report of Special Comr. W.J. Sebrell.
Turner's Admr. et als.

In this cause the special Commissioner most respectfully reports that, in pursuance of decree herein entered on the 17th day of July 1907, he has collected the amounts therein directed to be collected by him, and he has completely and fully paid out and disbursed the same as directed by the said decree, as will more fully appear from a statement and vouchers returned herewith and prayed to be read as a part of this report.

There is nothing further remaining to be done in this cause.

Respectfully submitted,
W.J. Sebrell,
Special Commissioner.

Received Aug. 12th 1907 of W. J. Schell, Special Commissioner in the Chancery suit of E. Whitfield & Co. et als. vs. Turner's Admr. et als. the sum of One hundred and Sixty Eight & 94/100 Dollars, same being the amt. ordered to be paid me as the commuted cash value of my Dower-interest in the real estate of Mamie Turner, dec'd., by decree entered in said suit on the 17th day of July 1907.

Witness:- H. B. McLemore

Gertie Turner

Received of W. J. Sebrell, special Comr. in the suit of Whitfield & Co. et als. vs. Turner's Admr. $36.76 in full of my pro rata share of asst in hands of said Commissioner, admr to be paid me by decree entered in said suit.

his
Robert X Babb
mark

Witness:- E. T. Rabbitt

Received Sept. 4th 1907 of W. J. Sebrell, Special Comr. in Chy. suit of Whitfield & Co. et als. vs. Turner's Admr. et als. Sixty two & 38/100 dollars, in settlement of my pro rata share of the balance in hands of said Commissioner ordered to be distributed among the creditors of Mamie Turner, deed, by decree entered in said suit.

W. H. Gray

Received Aug. 13th 1907 of A.J. Bell, special Commissioner in the Chancery suit of Whitfield & Co. et als. vs. Turner's Admr. et als. the sum of $110.12½, same being our pro rata share of the balance in hands of said Commissioner ordered to be distributed by decree in said suit, and also, the sum of $1.50 amo. of Arbitrator advanced by us.

E. Whitfield & Co

Received Sept. 3rd 1907 of W. J. Sebree, Special Comr. in suit of Whitfield & Co., et als. vs. Turner's Admr. et als, thirty seven & 46/100 Dollars in settlement of my pro rata share of the balance in hands of said Special Comr. ordered to be distributed among the creditors of Mamie Turner decd., by decree entered in said suit.

W J Sebree Jr

Received Sept. 3rd 1907 of W. J. Bell, special Comr. in suit of Whitfield & Co. et als. vs. Turner's Admr. et als., two & 38/100 dollars in settlement of our pro rata share of balance in hands of said special Comr., ordered to be distributed among creditors of said Mamie Turner by decree entered in said suit.

R. A. Wynne & Co.

Received Aug. 10th 1907 of W. J. Sebrell, opl. Comr. in suit of E. Whitfield & Co. et al. vs. Turner's Admr. et al., the sum of $138.85 the pro rata share of J. T. Knight and $54.37 the pro rata share of B. W. Sebrell, of the balance in the hands of said opl. Comr. distributed under order of the Court in said suit.

Jas. E. Sebrell

+ Jas. E. Sebrell, Cashier of Peoples' Bank

Mr. W. J. Sebrell, Special Comr

Please pay to Mr Jas. E. Sebrell whatever may be due me from Mamie Farmers estate now in your hands.

J. D. Knight

July 18/07

B. W. SEBRELL,

MANUFACTURER OF

OAK AND PINE LUMBER.

Assamoosick, Va., Aug 2 1907

Mr. W. J. Sebrell, Special Comr.

You will please pay the Amount coming to me from Mabyne Turner's Estate to Jas. E. Sebrell, Cashier Peoples Bank and this shall be your receipt for the same

B. W. Sebrell

Received Aug. 17th 1907 of W. J. Schaa, Special Commissioner in the Chancery suit of Whitfield & Co. Chan. vs. Turner's Admrs. Chan. the sum of two & 28/100 dollars in payment of our pro rata share of the balance in the hands of said Special Commissioner ordered to be distributed among the creditors of Mamie Turner, decd, by decree entered in said suit.

Dismuke & Williams
Per G. T. Williams

Mr W. J. Schree

Please pay to the People's Bank the amt due E. P. Stark from Maumee Freeman's Estate

J. D. Kneigh Ex Master
For E. P. Stark

Aug 12/07

E. P. Stark

Received Aug. 14th 1907 of W. Debell, special Comr. in suit of Whitfield & Co. et als. vs. Turner's admr. et als., four & 60/100 Dollars in payment of the pro rata share of E.P. Hart's debt proved against est. of Mamie Turner, decd., & ordered to be paid by decree entered in said suit on 17th July 1907, the same being paid to us by order of E.P. Hart, and J.T. Knight, Master for said E.P. Hart

The Peoples Bank
by Jas. E. Debell, Cashier

Received Janr. 28th 1908 of W. J. Sebrell, Special Commissioner in the suit of Whitfield & Co. et als. vs. Turner's Admr. et als., Twenty three & 45/100 Dollars ($23.45) in settlement of my pro rata share of balance in hands of said Commissioner, ordered to be distributed among the creditors of Mamie Turner, dec'd., by decree entered in said suit.

L. A. Simmons.

Received Janu. 16th 1908 of A. J. DeBrell, Special Commissioner in suit of Whitfield & Co. vs. Turner's Admr., Seven & 64/100 Dollars in full of my pro rata share of amt. in his hands as Special Commissioner in said suit and ordered to be paid me by decree therein entered.

S. T. Williams

Received of W. J. Isbell, Special Comr. in suit of Whitfield & Co. et al. vs. Dumas Admr. $7.84 in full of my pro rata share of assets in hands of said Comr. ordered to be paid me by decree entered in suit of Whitfield & Co. et al. vs. Dumas Admr.

Jno. D. Turner

Received Aug. 26th 1907 of W. J. Sebrell, Special Comr. in suit of Whitfield &c. et als. vs. Turner's Admr. et als., five & 08/100 dollars in payment of [redacted] pro rata share of the balance in the hands of said Special Commissioner ordered to be distributed by decree entered in said suit on the 17th July 1907.

Jno F Story Cashier

Statement
&
Vouchers
with Speed.
Comrs Report.

1908 March 28th filed
J.L.M.

Whitfield & Co., et als. } Statement of Receipts &
v. } Disbursements by Special
Turner's Admr. et als. } Comr. W. J. Sebrell.

Receipts:—

Amo. collected from B. W. Sebrell, admr. &c.,	104.46
" " " John N. Sebrell, Sr., trustee,	627.75
Total—	$732.21

Disbursements:-

Commissions on $732.21, 5% on first $300. & 2½% on bal.	✓ 23.64
To amo. paid legal taxed costs in suit,	✓ 46.~~44~~
" " " Widow, Gertie Turner, as per decree,	✓ 168.94 ✓
" " " Robt. Babb, creditor, his pro rata share,	✓ 36.76 ✓
" " " W. H. Gray, " " " " " "	✓ 62.38 ✓
" " " E. Whitfield & Co. " their " " "	✓ 110.12 ✓
" " " W. J. Sebrell Jr., " his " " "	✓ 37.46 ✓
" " " R. A. Upchurch & Co., " their " " "	✓ 2.38 ✓
" " " J. T. Knight, " his " " "	✓ 138.85 ✓
" " " Dismuke & Williams " their " " "	✓ 2.28 ✓
" " " E. P. Hart, " " his " " "	✓ 4.60 ✓
" " " L. A. Simmons, " " " " "	✓ 23.45 ✓
" " " B. W. Sebrell, " " " " "	✓ 54.37 ✓
" " " S. T. Williams, " " " " "	✓ 7.64 ✓
" " " Jno. T. Turner, " " " " "	✓ 7.84 ✓
" " " Jno. T. Story, Cashr. " " " "	✓ 5.08 ✓
Total =	$732.21

Whitfield & Co., et al.,
v. } Deane.
Turner's Admr. et al.

July 17th 1907,

Enter this,

James L. McLemore,

Entered in
D. O. B. P. 35-6.

Whitfield & Co., et als., }
vs. } Decree.
Turner's Admr., et als. }

This day this cause came on to be further heard on the papers formerly read, and on the report of Commissioner Joseph B. Prince, filed June 27th 1907, to which report there is no exception, and was argued by counsel.

On consideration whereof, the Court, approving and confirming the said report, doth adjudge, order, and decree that W. J. Sebrell, who is hereby appointed a special Commissioner for the purpose, collect from B. W. Sebrell, administrator of Mamie Turner (sometimes called Emanuel Turner) deceased, the balance of $104.46, reported to be in his hands to the credit of the said estate, and from John N. Sebrell, Sr., trustee, the balance of $627.75, reported to be in his hands to the credit of the said estate, the said administrator and the said trustee being hereby ordered and directed to pay over the said sums to the said special Commissioner; and after collecting the amounts, the said special Commissioner is hereby authorized and directed to.

said

disburse and distribute the same in the following manner, that is to say, he will pay, first, the legal costs and expenses of this suit, then to Gertie Turner, widow of the said Mamie Turner, he will pay the sum of $168.94, that being the commuted cash value of her Dower-interest in the said sum of $627.35, the surplus of the proceeds from the sale of the real estate sold by said Jno. N. Sibrell, Sr., Trustee, and the balance then remaining in the hands of the said special Commissioner, both from the real estate and the personal property, he will distribute, pro rata, among the creditors of Mamie Turner, deceased, whose debts are reported in the said report of Commissioner, Joseph B. Prince, deducting, however, from the amounts due to the several creditors not represented by Counsel a commission of ten (10) per centum upon the amounts due them, to be paid as Counsel fees to counsel of record conducting these proceedings.

But before the said special Commissioner will proceed to act under this decree he is required to enter into bond, with approved security, before

the Clerk of this Court, in the penalty of $1200.00, Conditioned for the faithful discharge of his duties under this, or any subsequent decree in this cause.

And the said Special Commissioner will make report to this Court.

Whitfield & Co. et. al.
v
Costs
Turner's Admr, et. al.

Issue 25 Copies @ 13-
Reed 18. Atty 10- Dock 18. Rules 1.00
Entering 35. Filing Bill 15.
Filing Exhibits 30- Copy Exhibits 4.75
2 decrees @ 36- 72- Log Costs 40.
Filing away papers 25- Do Comm.
Report 15- Copy decree 36

	Clerk	$ 5.92
Paid J.W. Bryant & Dept	Sheriff	2.00
Paid W.J. Mitchell, Esq.	Comm'r	16.5
Paid - [illegible]	Reporter & Paid Court	20.0
	Witnesses	1.0
		$ 45
		1.0
Filing Costs		46.4

Whitfield & Co., et als.
v. } Decree.
Turner's Admr. et als.

May 20th 1907,
Enter this,
Robert Saunders
Entered
P. 333.

W. J. Sebrell, c.c.

E. Whitfield, T. L. Bain, and P. D. Bain, partners in business under the firm-name of E. Whitfield & Co., J. T. Knight, W. J. Sebrell, Jr., and W. H. Gray, who sue for themselves and all other creditors of Mamie Turner (sometimes called Emanuel Turner), deceased, who will come in and bear their share of the costs of this suit,

vs. } Decree:

B. W. Sebrell, admr. of Mamie Turner (sometimes called Emanuel Turner) deceased, Gertie Turner, widow of said Mamie Turner (sometimes called Emanuel Turner) deceased, John N. Sebrell, Sr., trustee, C. H. Sebrell, assignee of Emmett F. Reese, Eugene Turner, and Bud Turner, the last two infants under twenty one years of age.

This day this cause came on to be heard on the bill of complainants, and exhibits therewith filed, taken for confessed as to the adult defendants, on whom process has been duly served, they still failing to appear and plead, answer or demur to the said bill, on the answer of the infant defendants by E. Frank Story, their guardian ad litem, duly assigned ah rules to defend them in this suit, with general replication thereto, and was argued by counsel.

On consideration whereof, the Court doth adjudge, order, and decree that it be referred to one of the Commissioners of this Court

to take, state, and report to this Court the following inquiries and accounts:

1st: An account of the debts outstanding against the Estate of the said Mamie Turner (sometimes called Emanuel Turner) deceased, with their priorities and dignities.

2nd: An account of the transactions of B. W. Sibrell, as administrator of the said Mamie Turner (sometimes called Emanuel Turner) deceased.

3rd: An account of the transactions of Jno. N. Sibrell, Sr. as trustee in the deed of Trust from Mamie Turner (sometimes called Emanuel Turner), and his wife, Gertie Turner, dated on the 27th day of March 1906, and referred to in complainant's bill.

4th: An account of the Real estate, of which the said Mamie Turner (sometimes called Emanuel Turner) died seized and possessed, the annual and the fee-simple value of the same, and whether there are any liens thereon for delinquent taxes or otherwise.

All which said inquiries and accounts the Commissioner will make, state, and report to this Court, together with any other matter specially stated, deemed pertinent by himself or requested to be so stated by any interested party.

Turner's Creditors
vs. } Spa'in Chy
Turner's Admrs.
et als.

1907. 1st. May Rules.

Executed May 4-1907
by delivering a
Copy of the within
Summons to each
of the within
Named.

J. W. Bryant
Deputy
for
D. L. Gillette Shff

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON D. H. Sebrell, Administrator of Mannie Turner (sometimes called Emanuel Turner), deceased, Bertie Turner widow of said Mannie Turner (sometimes called Emanuel Turner), deceased, John H. Sebrell Sr. Trustee D. H. Sebrell Assignee of Emmett F. Reese, Eugene Turner, and Bud Turner, the last two infants under the age of twenty-one years

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 D. Whitfield, T. G. Bain, and P. A. Bain partners in business under the firm name of E. Whitfield & Co, J. T. Knight, H. J. Sebrell Jr. and W. H. Gray, who sue for themselves, and all other creditors of Mannie Turner, (sometimes called Emanuel Turner) deceased who will come in and bear their share of the costs of this suit.

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 3" day of May, 1907, in the 131" year of the Commonwealth.

Teste: B. F. McLemore, C. C.

Whitfield vs. 1908
v. Decree.
Turner's Admr. et al.

March 28, 1908,
Entered this
James L. Johnson

Entered C.D.
B. Page 435

Recorded
Mch 1908

Whitfield & Co., et al., }
v. } Decree.
Turner's Admr. et al. }

This day this cause came on to be further heard on the papers formerly read, and on the report of W. J. Pickell, Special Commissioner, this day filed by leave of the Court, showing collection of the amounts herein ordered to be collected by him under decree entered on the 17th day of July 1907, and complete disbursement of the same among the parties entitled thereto, the same being supported by proper vouchers, 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 nothing further remains to be done in this cause, it is hereby ordered that the same be removed from the docket.