

1910-09

Sanctameter County Chancery

Erhardt, John J.
vs

vs- Bynum, Clinton et al

Bynum
Britt
Harris
Erhardt
Harvard
Majette

Partition of property,
if not, sold, and proceeds
to be divided among those
entitled.

Erhardt, Hester

Harris, Lucy
Harris, Joe
Majette, William
Bynum, Charles
Bynum, Lyle
Bynum, Clyde
Majette, Gattie
Majette, Adeline
Bynum, Charlie
Harvard, G. Assignee
Britt, L. Trustee

Everett et al

vs. { Bill of Complaint

Bynum et al -

1908 Feb 27 Recd. filed.

To the Honorable James L. McLeone,
Judge of the Circuit Court of Southampton
County:

Complaining sheweth unto the Court,
your complainants, John J. Everett and
Hester Everett, that sometime during the
year , Robert Everett, father of your
complainant John J. Everett, and husband
of your complainant, Hester Everett, died
intestate, seized and possessed of a
tract of land containing 137 acres,
more or less, in Southampton County, bounded
by the lands of Wm Cook, Tobias Barrett,
the Gordon and Myrick tract, and possibly
others; leaving as his heirs at law your
complainant, John J. Everett, and your complain-
ant, Hester Everett, who is entitled to dower,
Lucy Harris, formerly Everett, (and Joe Harris,)
her husband, Lettie Majette and Adeline Majette,
minors, under the age of 21 years, children of
Martha F. Majette, formerly Everett, Clinton
Bynum, Thomas Bynum, Lyla Bynum & Charlie
Bynum, the last a minor under 21 years of
age, children of Atlas Bynum, who was
Everett, and who is now dead,

And your complainants further state
that they believe the said tract of land
is susceptible of division in kind among
those entitled thereto, after assigning dower

to your complainant, Hester Everett, but if it be not, then they desire same to be sold and the proceeds divided among those entitled thereto according to their respective interests, or if a part may be allotted to those entitled so that complete justice may be done, and the residue sold, then they desire this -

In tender consideration whereof and forasmuch as your complainants are without remedy save in a Court of Equity where such matters are alone and properly cognizable, They pray that Lucy Harris, formerly Everett, and Joe Harris, her husband, William Majette, husband of Martha F. Majette, deceased, who was Everett, Clinton Ryann, Thomas Ryann, Lyla Ryann, Clyde Ryann, husband of Atlas Ryann, deceased, who was Everett, Gattie Majette, Adalaine Majette, and Charlie Ryann, the last three infants, under 21 years of age, and R. Howard, Assignee, and beneficiary under a deed of trust from Robert Everett and wife, dated the day of , To and Lee Britt, as trustee in said deed of trust, be made parties defendants to this bill and compelled to answer the allegations thereof though answers under oath are expressly waived; that a proper guardian ad litem be assigned the infant defendants to defend their interests in this suit, that an order of

publication issue against Clinton Bynum, Lyla Bynum and Clyde Bynum, who are now residents of the state of Virginia, ^{and he duly published} and that after proper process issue; that the said real estate be divided between the several parties entitled thereto, and your complainants' portion allotted them, and in case the said real estate cannot be partitioned in kind, that some be exposed to sale, and the proceeds of some be divided among those entitled according to their respective interests therein; that all proper orders and decrees may be made and proper inquiries directed, and that all such other, further and general relief ~~which~~ may be afforded your complainants as the nature of the case may require, or as to equity may seem meet -

And your complainants will ever pray &c -

Notice is hereby given that a reasonable attorney's fee will be asked for complainants counsel conducting this cause and of any funds which shall come under the direction of the Court -

Joseph D. Price Jr.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:
WE COMMAND YOU TO SUMMON

Clyde Bynum

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 February next, to answer a

Bill in Chancery exhibited against her in our said Court by John H. Everett and Hester Everett, widow of Robert Everett, deceased

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

Witness, B. F. McSennore, Clerk of our said Court, at the Courthouse, this 13 day of January, 1908, in the 122 year of the Commonwealth

TESTE:

B. F. McSennore, c.c.

Form B-250-Ja29'03

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:
WE COMMAND YOU TO SUMMON

Clyde Bynum

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 February next, to answer a

Bill in Chancery exhibited against her in our said Court by John H. Everett and Hester Everett, widow of Robert Everett, deceased

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

Witness, B. F. McSennore, Clerk of our said Court, at the Courthouse, this 13 day of January, 1908, in the 122 year of the Commonwealth

TESTE:

B. F. McSennore, c.c.

Form B-250-Ja29'03

Everett et al

vs -

Byrum et al -

*I hereby acknowledge due
and legal service of
the within process -*

Lee Pratt
Justice -

The Commonwealth of Virginia.

Richmond
TO THE SHERIFF OF ~~SOUTHAMPTON~~ COUNTY—GREETING:

We command that you summon *Lucy Harris, formerly Everett and Joe Harris,*
her husband, William Magette, husband of Martha F. Magette, deceased
who was Everett, Clinton Bynum, Thomas Bynum, Lyle Bynum
Clyde Bynum, husband of Atlas Bynum, deceased, formerly Everett
Gathie Magette, Adalaine Magette and Clorie Magette Bynum
the lost three infants under 21 years of age, R. Howard, assignee
re and Lee Britt, Trustee—

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 *February* ¹⁹⁰⁸ ~~1907~~, to
answer a Bill in Chancery exhibited against... *Them*... in our said Court by... *John*
J. Everett, and Hester Everett, widow of Robert Everett,
deceased

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

B. F. McLamore
WITNESS, ~~W. A. GAY~~, Clerk of our said Court, at the Courthouse, this... *13th* day of
January..., 1908, in the *131st* year of the Commonwealth.
Teste: *B. F. McLamore* C. C.

Thomas Byrum

AMOUNT TO THE

Non Resident

La Turner's property
for

Geo L Turner Sheriff

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:
WE COMMAND YOU TO SUMMON

Thomas Bynum

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 *February* next, to answer a

Bill in Chancery exhibited against *him* in our said Court by *John I. Couquette and Hester Everette, Executors of Robert Everette deceased.*

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

Witness, *B. F. McSennoll* Clerk of our said Court, at the Courthouse, this *13* day of *January*, 190*8*, in the *32* year of the Commonwealth

TESTE:

B. F. McSennoll c.c.

Clinton By-
num.

Non Rescans

La. Turner ship's clerk
for
Isra. & Turner ship's

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY GREETING.
WE COMMAND YOU TO SUMMON

Clinton B. Bynum

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 February 1908, to answer a Bill in Chancery exhibited against him in our said Court by John T. Everett and Hester Everett widow of Robert Everett deceased.

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

Witness, B. F. McSennore, Clerk of our said Court, at the Courthouse, this 13 day of January, 1908, in the 32 year of the Commonwealth

TESTE:

B. F. McSennore c.c.

Brett et als

vs. { Report of Jpl. Court.

Brynn et als

Oct. 17, 1910 - Filed

JOSEPH B. PRINCE

ATTORNEY AT LAW

OFFICES, 65 NORTH SYCAMORE STREET
PETERSBURG, VIRGINIA

VIRGINIA, IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY,

EVERETT AND OTHERS

vs.

BYNUM AND OTHERS

In the above styled cause the undersigned Jos.B.Prince, a Special Commissioner appointed by a former decree in this cause to sell the tract of land in the bill and proceedings mentioned, begs to report that he has collected the full amount of the purchase money from C.C.Bynum, to wit, the sum of \$779.10: that after paying all expenses and the lien debt against said property amounting in all to \$388.24, he has a balance in hand for distribution among the heirs of \$390.86: that he has distributed said sum among those entitled according to a statement herewith filed as a part of this report, and has taken receipts for all of the disbursements, which receipts are also filed herewith as a part of this report.

The Commissioner is advised that nothing further remains to be done in this suit, and he, therefore, respectfully recommends that a decree be entered dismissing it from the docket.

Respectfully submitted.

Jos B Prince Special Commissioner.

STATEMENT OF FUNDS RECEIVED FROM SALE OF THE TRACT
OF LAND IN THE CHANCERY CAUSE, EVERETT ET ALS, VS. BYNUM
ET ALS, BY JOSEPH B. PRINCE, SPECIAL COMMISSIONER, THE PURCHASE
PRICE BEING SEVEN HUNDRED AND THIRTY FIVE DOLLARS, OF WHICH
ONE THIRD WAS PAID IN CASH AND THE BALANCE IN ONE AND TWO
YEARS WITH INTEREST FROM THE DAY OF SALE.

Cash Payment		\$245.00
First Deferred Payment	\$245.00	
Interest one year	14.70	259.70
Second deferred payment	\$245.00	
Interest two years	29.40	274.40
Amount in hand for distribution.....		<u>\$779.10</u>

PAID OUT: Advertising sale		\$ 2.75
BOND due Mrs. M. J. Darden, Assignee, secured by deed of trust on this property:		
First Payment Apr. 2nd, 1909,	\$ 50.00	
Second payment Jan. 22nd, 1910,	130.60	\$180.60
Cost of the chancery suit		69.06
Attys. fees: J. B. Prince		40.00
W. J. Sebrell		20.00
Commissions: 5% \$300.00 =	\$15.00	
2% balance	9.58	24.58
Deed to purchaser		10.00
Premiums on Coms. bond, 3 yrs.		30.00
Auctioneer, J. W. Williams		6.50
Taxes		<u>4.75</u>
		\$388.24

Total amount in hand	\$779.10
Expense and payments off-	<u>388.24</u>
Amount to be distributed	\$390.86

Divided as follows:

Hester Everett, widow of ~~Robert~~ Everett,
age 75, ~~commuted lower in fee~~

\$ 57.22 ✓

John T. Everett, one-fourth

88.41 ✓

Lucy Harris, who was Everett, one-fourth

88.41 ✓

William Majette, age 40, Curtesy in share
of Martha Majette, his wife,

63.66

Gattie Majette 1/8) Children of Martha)

12.37

Adaline Majette 1/8) Majette, subject to)
curtesy of Wm. Majette

12.38

Clyde Bynum, age 48, curtesy in share of
Atlas Bynum, his wife,

58.33

Clinton Bynum, 1/16) Children of Clyde and)

7.52

Thomas Bynum, 1/16 () Atlas Bynum, all adults,)

7.52

Lila Bynum, 1/16) subject to curtesy right)

7.52

Clarrie Bynum, 1/16) of Clyde Bynum.)

(77.52 \$390.86

\$37.22

October 17, 1910.

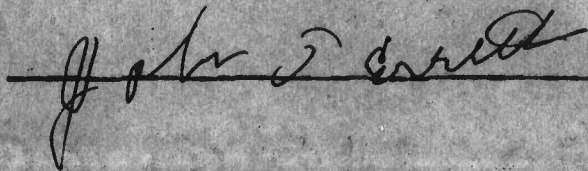
Received of Joseph B. Prince, Special Commissioner to sell the tract of land of which ~~Wm.~~ Everett died seized and possessed, in the Chancery Cause Everett et als vs. Bynum et als the sum of (\$37.22) Thirty seven and 22/100 Dollars, in full of the commuted dower interest of Hester Everett, decd., devised me by her will.

Joseph B. Prince

\$88.41

Oct. 17, 1910.

Received of Joseph B. Prince, Special Commissioner to sell the tract of land of which ~~Mr.~~^{Wm.} Everett died seized and possessed, in the Chancery Cause Everett et als vs. Bynum et als (\$88.41) Eighty Eight and 41/100 Dollars in full of my distributive share.

A handwritten signature, likely of Joseph B. Prince, is written over a horizontal line. The signature is in cursive and appears to read "Joseph B. Prince".

\$88.41

Oct. 17, 1910.

Received of Joseph B. Prince, Special Commissioner to sell the tract of land of which ^{Robt.} ~~Wm.~~ Everett died seized and possessed, in the Chancery cause, Everett et als vs. Bynum et als (\$88.41) Eighty Eight and 41/100 Dollars in full of my distributive share.

Witness:
Clyde Bynum,

^{her}
Lucy Harris
mook

\$63.66

Oct. 17, 1910.

Received of Jos. B. Prince, Special Commissioner to sell the tract of land of which ^{Robt.} ~~Wm.~~ Everett died seized and possessed in the Chancery Cause Everett et als vs. Bynum et als the sum of (\$63.66) sixty three and 66/100 Dollars, said amount being my commuted curtesy interest in the share of my deceased wife, who was Everett.

Willie M. Mudgett

\$58.33

Oct. 17, 1910.

Received of Jos.B.Prince, Special commissioner to sell the tract of land of which ^{Reot.} Wm. Everett died seized and possessed in the Chancery Cause Everett et als vs. Bynum et als the sum of (\$58.33) Fifty Eight and 33/100 Dollars, said amount being my commuted curtesy interest in the share of my deceased wife, who was Everett.

Clyde Bynum

\$12.38

Oct. 17, 1910.

Received of Joseph B. Prince Special Commissioner to sell the tract of land of which ^{Reot.} Wm. Everett died seized and possessed, in the Chancery Cause, Everett et als vs. Bynum et als (\$12.38) Twelve and 38/100 Dollars in full of my distributive share.

Clyde Bynum, ^{her} Lucy Harris
mark

\$12.37

Oct. 17, 1910.

Received of Joseph B. Prince, Special Commissioner to sell the tract of land of which ^{Reot.} Wm. Everett died seized and possessed in the chancery cause, Everett et als vs. Bynum et als (\$12.37) Twelve and 137/100 Dollars in full of my distributive share.

Clyde Bynum, ^{her} Lucy Harris
mark

\$7.52

Oct. 17, 1910.

Received of Joseph B. Prince, Special Commissioner to sell the tract of land of which ^{Robt.} Wm. Everett died seized and possessed, in the Chancery Cause Everett et als vs. Bynum et als (\$7.52) Seven and 52/100 Dollars in full of my distributive share.

Lora C Bynum

\$7.52

Oct. 17, 1910.

Received of Joseph B. Prince, Special Commissioner to sell the tract of land of which ^{Robt.} Wm. Everett died seized and possessed, in the Chancery Cause, Everett et als vs. Bynum et als (\$7.52) Seven and 52/100 Dollars in full of my distributive share.

L J Bynum

\$7.52

Oct. 17, 1910.

Received of Joseph B. Prince, Special Commissioner to sell the tract of land of which ^{Robt.} Wm. Everett died seized and possessed, in the Chancery Cause Everett et als vs. Bynum et als (\$7.52) Seven and 52/100 Dollars in full of my distributive share.

Lora Bynum

\$7.52

Oct. 17, 1910.

Received of Joseph B. Prince, Special Commissioner to sell the tract of land of which ^{Robt.} Wm. Everett died seized and possessed, in the Chancery Cause Everett et als vs. Bynum et als (\$7.52) Seven and 52/100 Dollars in full of my distributive share.

C. B. Bynum

Myraan. Va.

Sept. 28, 1910

Mr. Joseph B. Prince

Petersburg. Va.

Dear Sir:-

Yours of the 26 inst received in regard to my children will say that I wish to take them with me. I will meet you at Courtland Oct. Court. Below is agree at my self & children.

Yours Truly,

William Majett

William Majett. Haysan 6 mi

Adline

11

B 11

Gallie

11

11 11

Branchville, Va.

Sept 28/10

Mr. Jos. B. Prince

Dear Sir:-

Yours letter to hand on the 27 inst. with contents carefully notice. Sir in reply to your I am fifty years ⁽⁵⁰⁾ of age last April 1910. My children is all off age &c

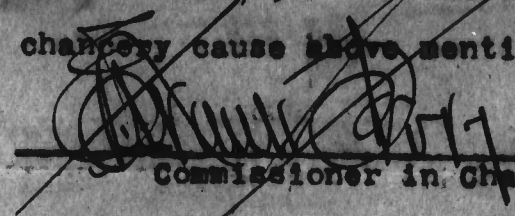
Respectfully

Clizer Bynum

Branchville, Va.

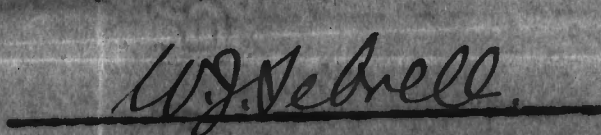
Box 12, of J. M. M. M.

Received Jan. 29th, 1909, of Joseph B. Prince, special commissioner in the chancery cause Everett et als vs. Bynum et als the sum of twelve and 80/100 dollars, commissioner's fee for making report in the chancery cause above mentioned,


Commissioner in Chancery.

Received Jan. 29th, 1909, of Joseph B. Prince, special commissioner in the chancery cause Everett et als vs. Bynum et als the sum of ten dollars in full for first years premium on bond as special commissioner in said cause.

Received Jan. 29th, 1909, of Joseph B. Prince, special commissioner in the chancery cause, Everett et als vs. Bynum et als the sum of Twenty dollars, (\$20.00) in full of the attorney's fee allowed me by the Circuit Court of Southampton County for my service in representing certain of the defendants in said cause.


W. J. DeBrell.

Received \$50.00 atty's fee
J. B. Prince

Received of Jos. B. Prince
Spl. Commr. in the Chancery
cause ~~for~~ Everett et als vs.
Bynum et als - Six and
~~over~~ 50/100 Dollars, Auctioneer
fee and horse hire for sale
tract of land at Newsum,
Va.
Jan. 18th, 1909 - J. H. Williams
Clerk

Received Jan. 29th, 1909, of Joseph B. Prince, special commissioner
in the chancery cause Everett et als vs. Bynum et als the sum of
Seven and 78/100 Dollars, in full of my costs as Clerk in the
chancery cause Everett et als vs. Bynum et als.

P. F. McLean C. C.

Received April 2nd, 1909, of Joseph B. Prince, special commissioner in the chancery cause, Everett et als vs. Bynum et als, the sum of Fifty dollars, to be applied as a credit on the bond of Robert Everett, deceased, said bond having been proved in said chancery cause as a debt against the estate of said Robert Everett, deceased, and said bond being also secured by a deed of trust upon the tract of land sold in said proceeding.

R Howard
#

R. HOWARD, PRESIDENT

J. B. EVERETT, CASHIER

Bank of Newsoms (INCORPORATED)

NEWSOMS, VA.

Received Jan. 22nd, of Jos. B. Prince, Special Commissioner in the chancery cause Everett et als vs. Bynum et als the sum of \$130.60 (One Hundred and Thirty and 60-100 Dollars) which with the \$50.00 heretofore paid is in full of the bond held by me against Robert Everett, deceased, said bond having been secured by a deed of trust on the real estate sold by said commissioner in said chancery cause.

Mrs Mollie L. Darden
By R Howard
#

148.92	
8.61	
157.53	
9.00	
148.53	
2.55	
156.08	
8.92	
147.14	
22.56	
174.70	
50.00	
124.70	
5.90	
130.60	

\$

Paid Apr 27 "1904
23 months bond R.H.
Paid Apr 24 "1905 (\$9⁰⁰)
Nine & no/100 Dollars R.H.
Paid Feb 19 "1906 \$894
Paid Apr 3 "1909 \$50⁰⁰ of J.B. Prince
paid Apr 27 "1904 \$44892

\$700⁰⁰ On this 15th day of January 1895 after date, with legal interest from date
until paid, payable the 25th day of January 1895 till paid
bind my self my heirs, executors and administrators, jointly and severally, to pay to
The New York Lumber Company its successors heirs or assigns,
the sum of Seven Hundred DOLLARS,
for value received; and hereby waive the benefit of my Homestead Exemption as to
this debt, obligation and contract.

Witness my hand and seal this 15th day of August 1895

Witness:
R. Howard

Robert X Everett
mark



Received, Jan 29th, 1909, of Jos. B. Prince, special commis-
sioner in the chancery cause Everett et als vs. Bynum et als
the sum of six and 00/100 Dollars in full of sheriff's fees
in said suit.

J. A. Turner
Deputy Sheriff.

NEWSOMS DISTRICT.

No. 85

Mr. W. W. Daugherty
1907

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

STATE TAXES, Rate on \$100.

	Support Gov. R. E. & P. P. Schedule B 20c. P. P. Sched. C 20c.	School Tax. 10c. R. E. & P. P. Sched. B & C.	For Pensioners 5c. R. E. & P. P. Schedule B.	County Levy, 40c. on \$100.	County School Tax, 10c. on \$100.	District School Tax, 20c. on \$100.	TOTAL TAX.
Capitation Tax							
To 136 acres, val.		56	43	22	172	43	452
" acres, value \$							
" acres, value \$							
Personal Property, Schedule B val. \$							
Personal Property, Schedule C val. \$							
Income 1 per cent.							
Total	1	50					28
5 per cent. penalty							
Fee Bill							2726
Total							
Interest from Dec. 15, 1907							

16.00

J. F. Bishop

TREASURER

Franklin, Va., March 9 1908

Mr. Jos. B. Prince, Atty - in re Publication

John A. Hester vs. Mary + Joe Harris + others

TO THE NEWS PUBLISHING CO., DR.

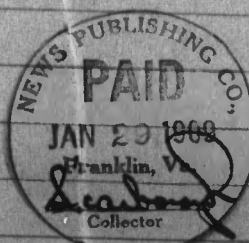
PUBLISHERS OF

The Tidewater News

Job Printing and Business Stationery

Order of Publication 4 weeks
Jan 24 & 31, 08 & 7 + 14 - 08

\$7 00



Thanks

Everett et als.
vs.
Bynum et als.

Received of Jos. B. Prince, Special Commissioner in
the above styled cause, Ten (\$10.00) Dollars, in payment of
second year premium on his bond.
Jany. 18th, 1910.

AGENT.

Please answer on this sheet the following questions.

The age of Hester Everett, widow of William Everett, decd ?

she was 77 years old died first of this year

What is the Post Office address of Lucy Harris ? *died 24-19-10*

Courtland, Va.

James

What is the post Office address of Wm. Majette, his age ?

Newsome, Va. about 40 years

What is the age and address of Gattie and Adaline Majette

and where are they now ? *They are at Lucy Harris*

PO address Courtland. Set age from her

If under twenty one years of age, who would they select

as their guardian? *Haverly got one yet will write you as soon as one is chosen*

Post Office address of Clyde Bynum, his age?

Branchville, Va. 50 years

Post office address of Clinton Bynum, his age?

Baykins Va 31 years Nov 9 1910

Post Office address of Thos. Bynum, his age?

Branchville, Va 29 years Aug 7 1910

address

Post Office of Lila Bynum, her age ?

Baykins Va 24 years July 16 1910

Post Office address of Clarrie Bynum, her age ?

Branchville, Va. 22 years Aug 13 1910

All those under 21 years of age, who would they select as

their guardian? *Gallie & Adaline Majette to be chosen*

Answer as soon as you can get the information.

If you do not know the age of William Majette and Clyde Bynum give me the address so that I can find out-

EVERETT AND OTHERS

Vs.

BYNUM AND OTHERS

This day this cause came on to be further heard from the papers formerly read, upon the petition of John T. Everett petitioning that the commuted dower interest of Hester Everett deceased, be paid him upon the report of Jos. B. Prince, Special Commissioner, filed October 17th, 1910, reporting disbursements of all the funds in his hands to which report no exceptions have been taken and was argued by counsel.

It appearing to the court that the shares of Gattie and Adaline Majette children of William and Martha Majette under twenty-one years of age, but that their interests is very small to wit:- the sum of \$12.37 each, the court doth adjudge, order, and decree that the said interests of said infants be paid to their Father William Majette to be used for their education, maintenance, and support. The Court doth further adjudge, order, and decree, that the ^{curtesy} interest of William Majette husband of Martha Majette, deceased, and the curtesy interest of Clyde Bynum, husband of Atlas Bynum, deceased, be commuted according to the statute in such cases made and provided: and that such interests be paid to said William Majette and Clyde Bynum in fee simple.

On consideration whereof, the court doth adjudge, order, and decree, that Joseph B. Prince, Special Commissioner, pay to John T. Everett the commuted dower interest of Hester Everett, to wit:- \$37.22; and the court doth further adjudge, order, and decree that the said report of Jos. B. Prince, Special Commissioner, reporting collection of the sum of \$779.10 purchase price of the tract of land

20

sold in this suit under direction of this court, and distribution thereof in the payment of all costs, to wit, attorney's fees, commissioners' court costs in the sum of \$207.64, bond due Mrs. M.J. Darden a lien upon the said real estate in the sum of \$186.60; John T. Everett, devisee of Hester Everett, her commuted dower, \$37.22, John T. Everett-1/4, \$88.41, Lucy Harris, who was Everett 1/4 - \$88.41, William Majette, curtesy interest in share of Martha Majette, his deceased wife, \$63.66, William Majette, father of Gattie and Adaline Majette, infants, their respective shares, to wit: - \$12.37 each, Clyde Bynum curtesy interest in share of Atlas Bynum, his deceased wife, \$58.33, Clinton Bynum \$7.52, Thomas Bynum \$7.52, Lila Bynum \$7.52, Clarrie Bynum \$7.52, supported by proper vouchers for such payments, be confirmed.

And it appearing that nothing further remains to be done in this cause it is ordered that it be removed from the docket.

And examined copy.

Teste:

G.C.

ORIGINAL
BY ROOM 11

Hoster Everett Died
March 12-1910
Age 78 years at Death

Loney Harris
Courtland Va
R.F.D. No. 5

William Majette
Kewsons Va
Cof Mrs. Frank Everett
Box 46

Clattie Majette
12 years old
Addie Majette
10 years old and they
live with Loney Harris
Courtland Va

Box No 5
I don't know who they would
rept as guardian they
live with Loney Harris
at Courtland Va

Box No 5

Please answer on this sheet the following questions.

The age of Hester Everett, widow of William Everett dead ?

decd Feb. 12, 1910 - Age 78 years

What is the Post Office address of Lucy Harris ?

Courtland, Va R.F.D. No. 5

What is the post Office address of Wm. Majette, his age ?

Newsome, Va. Core Frank Everett, R.F.D.
- Box 46

What is the age and address of Gattie and Adaline Majette

and where are they now ? Gattie Majette - 12 years old

Adaline Majette, 10 yrs. old - live with Lucy
Harris, Courtland, Va

If under twenty one years of age, who would they select
as their guardian?

Saint James

Post Office address of Clyde Bynum, his age? Branchville, Va

Con J. E. Murrell - Box No. 12

Post office address of Clinton Bynum, his age

Baykins, Va Box No. 27, 31 yrs.

Post Office address of Thos. Bynum, his age, Branchville, Va

% Rosh Everett, Box No. 13 29

address
Post Office of Lila Bynum, her age

Baykins, Va P.O. Box 27 Age 24

Post Office address of Glarrie Bynum, her age

Branchville - Age 22 % Rosh Everett Box 13

All those under 21 years of age, who would they select as
their guardian?

Saint James

Answer as soon as you can get the information.

If you do not know the age of William Majette or
Clyde Bynum give me the address so that I
can find out.

Statement of Funds received in the chancery cause Everett et
als vs. Bynum et als, by Joseph B. Prince, special commissioner.

Amount of Sale \$735.00 (Seven hundred and thirty five dollars.)
One third cash paid, viz., \$245.00.

Amount in hand		\$245.00
Expense of suit:		
Court costs	\$69.06	
Attorneys' fees:-		
Joseph B. Prince	40.00	
W.J. Sebrell	20.00	
Commissions ⁿ		
5% on \$300.00	15.00	
2% on \$435.00	<u>8.70</u>	
	23.70	
Deed to purchaser when full payment made	10.00	
Premium on Comr's bond	10.00	
Advertising, (posters)	2.25	
Auctioneer, J.W. Williams)	<u>6.50</u>	\$181.51
Amount in hand,		\$ 63.49

Paid \$50.00 on R. Howard Gons.

Shore of
Martha's Vineyard
also
{ subject to court's order
of W. M. Seabrook

Shore of
of all
Bynum
and
{ subject to court's order
of W. M. Seabrook

See about tax to be fore
paying out money

one gets due bond for

Amount of Sale \$735.00 (Seven hundred and thirty five dollars.)
One third cash paid, viz., \$245.00.

Amount in hand		\$245.00
Expense of suit:		
Court costs		\$69.06
Attorneys' fees:-		
Joseph B. Prince		40.00
W.J. Sebrell		20.00
Commissions"		
5% on \$300.00	15.00	
2% on \$435.00	<u>8.70</u>	23.70
Deed to purchaser when full payment made		10.00
Premium on Comr's bond		10.00
Advertising, (posters)		2.25
Auctioneer, J.W. Williams)		<u>6.50</u>
		\$181.51
Amount in hand,		\$ 63.49

Interest of parties:-

Hester Everett - dower in whole

John T. Everett - 1/4

Lucy Harris 1/4

Shone of
Martha Majette
decd. { Gerrie Majette $\frac{1}{8}$
Adelaide " $\frac{1}{8}$ } Subject to courtesy int,
of Wm Majette

Share of Atlee
Bynum, dec'd

C. C. Bynum	1/16	} Subject to control of Clyde Bynum husband of Atlee B.
Thos. Bynum	1/16	
Lila Bynum	1/16	
Clarrice Bynum	1/16	

See about tax is before
paying out money -

One judge, deed trust favor
R Howard -

Corr. H. als
or } Stat. g. Post;

Pyrum et als.

Everett et als } Stat: & Post:
 Bynum et als }

1968 Jan 13. Simmonous, 25
 Do. 18. Copies. S. 12 1/2 1, 02
 Recd 18, Atty 104 Doc 18, Rules 150 2.96
 Entering Returns 35
 Fil bill 154 Fil 2 Commis Report 140
 3 Decrees 108 Fil Acc of Jno J Bynum 15 123
 Fil Acc of Guardian Editor 101
 Tax Cost & Copy 40 Order of Publication 20 60
 For order 20 Fil Affidavit 15 35
 Fil Printer Certificate 154 away paper 25 40
 Clerk 6.76

Law &c 16.50

Sheriff 16.00

Law 16.50

Pub Order of Publication 7.00

Edmund Story (Commissioner) 12.50

Witnesses:

W B Simmonous 90 90
 Lucilus Barrett 90 90
 J H Barrett 98 98

Frature Post:

Fil 2 Report of Commissioner 30
 2 Decrees 36 72

69.06

6.76

90

7.66

Everett et al -
vs - { Report of
 Sp. Comm.
Bynum et al

Filed Jan. 18, 1908
J.M.

Virginia,

In the Circuit Court of Southampton
County -

Everett et als vs. Bynum et als.

In the Circuit Court of Southampton
County, Virginia.

In the above styled cause, the
undersigned, special Commissioner
appointed by a former decree in
said cause to see the tract of land
in the bill and proceedings mentioned
begs to report:-

That since his former report
made herein, filed on the 5th day
of Oct. 1908, and the decree confirming
said report entered on the 20th day
of October, 1908, the purchaser of
said tract of land, C.C. Bynum
has failed to comply with his
statement made to the said
commissioner as reported in said
report, viz., that he would pay
the entire purchase money in
cash, but your commissioner
would state that the said
C.C. Bynum has paid him one
third of said purchase money
in cash, to-wit, \$245.⁰⁰ with interest

thereon from ^{the} date of sale, and
executed his two bonds with J.H.
Barrett as security, for the deferred
payments, payable in one and
two years, with interest from
date of sale, and title to the
property will be retained till
the full payment of the pur-
chase price. Your Commissioner
wishes, therefore, respectfully
recommend a confirmation of
the sale on this basis, and
a distribution of the funds
according to the payments.

Respectfully Submitted -

Jan. 18, 1909. J. B. Bruce,
Spl. Comr.

J. B. Prince

to { COMMISSIONER'S
BOND.

COMMONWEALTH.

1908. Sept. 1st filed



*Accepted for filing
Sept. 1st 1908
J. B. Prince*

Know all Men by these Presents, That we Joseph B. Prince
and National Surety Company
are held and firmly bound unto the Commonwealth of Virginia, in the sum of

Fifteen Hundred Dollars,
to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind our-
selves 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 obliga-
tion, 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 the bonds of this State. Sealed
with our seals, and dated this 11th day of September one
thousand nine hundred and Eight.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound Joseph
B. Prince
shall faithfully perform the duties of his office or trust, as Special Commissioner
under decree of the Surrogate Court of the County of Southampton
pronounced on the 23rd day of May, 1908, in the suit therein
depending under the name and style of Everett, Et. Al. vs. Bayman
Et. Al.

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

Signed, sealed and acknowledged
in the presence of



Joseph B. Prince [SEAL]
National Surety Company [SEAL]
Joseph B. Prince [SEAL]

In the Clerk's Office of the _____ Court of the _____ of _____

This day _____
suret _____ on the above bond, made oath before me, _____, Clerk
of the _____ Court of the _____ of _____
that _____ estate, after the payment of all _____ just debts, and those for which _____ bound
as securit _____ for others and expect to have to pay _____ worth the sum of _____
dollars.

Given under my hand, this _____ day of _____, 19 _____

Clerk.

1908: Oct. 5th, filed. *LSM*

TO THE ELECTRIC CORDS OF SUPPLY AND CABLES;

Vitginia:

In the Circuit Court of Southampton County:

Everett et als vs. Bynum et als.

To the Circuit Court of Southampton County:-

In the abovestyled cause, the undersigned, special commissioner appointed by a former decree in this cause to sell the tract of land in the bill and proceedings mentioned, begs to report:-

That on the 3rd day of October, 1908, at Newsoms, Va., after due advertisement of the time, place and terms of sale, he offered for sale the said tract of land at public auction, to the highest bidder, in accordance with said advertisements, a copy of which is herewith filed, and at such sale, C.C. Bynum became the purchaser by bidding the sum of \$735.00 for said tract of land.

The commissioner is advised that said purchaser is ready to pay in cash the said purchase price upon confirmation of the sale by the court.

The commissioner would state that the said sale was well attended, and a number of parties bid upon the property. He considers the sale a good one, and respectfully recommends its confirmation.

Oct. 5th, 1908.

Respectfully submitted,

Jose B. Prince

Special Commissioner.

Everett, et al.
(r) Stat! Rules
Harris et al.

John J. Everett and Hester. Everett,
Widow of Robert Everett, deceased.

"
Lucy Harris, formerly Everett.
Joe Harris, her husband - William
Majette, husband of Martha F.
Majette, deceased. who was Everett.
Clinton Baynum. Thomas Baynum.
Lyla Baynum, ^{or} Clyde Baynum,
husband of Atlas Baynum, deceased.
formerly Everett. Lattie Majette.
Adaline Majette. and Clarie
Baynum. The last three infants under
twenty one years of age. R Howard
Apizaca and Lee Britt Trustee.

1908. Jan'y 13. - Process issued to 1st Feb: Rules.

" 6th Feb: Rules: " returned Executed on
Lucy Harris. Joe Harris,
W^m Majette. R Howard
Apizaca & Lee Britt, Trustee
Bill filed.

1908 - Jan'y 16. - Order of Publication of^d,
Published & posted.
Cause set for hearing

Everett et als

vs. Answer of W.J. Sebrell, Guardian ad Litem.

Bynum et als.

The answer of W.J. Sebrell, guardian ad litem to the infant defendants, Gattie Majette, Adalaine Majette and Clarie Bynum to a bill in equity exhibited against them and others in the Circuit Court of Southampton County by John T. Everette and Hester Everette.

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 protect the interests of the said infants.

And now having fully answered he prays hence to be dismissed with his reasonable costs in this behalf expended.

W. J. Sebrell
Guardian ad Litem.

Everett et al.
v. $\frac{1}{2}$ Assn of C.C.
 $\frac{1}{2}$ + Mrs. J. Bynum.
Bynum et al.

The joint and separate answers of Clinton C. Bynum and John T. Bynum, two of the defendants, to a bill of complaint exhibited against them and others in the Circuit Court for Southampton County by John T. Everett and Hester Everett:

These 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 it is material that they should answer, answer and say:

That true it is the said Robert Everett died, intestate, at or about the time alleged in complainant's bill, ~~owned~~ and possessed of the tract of land therein mentioned and described, and having, also, heirs ^{at law} of whom your respondents are two.

That the said tract of land, as your respondents believe and aver, is not susceptible of division in kind among the parties ^{intended} thereto, without great and serious injury to the interests of the said parties, for the reason, among other things, that the said tract of land is small, and that if divided equally, in kind, among the heirs according to their interests, the shares would be so small as to be of very little value, whereas if sold as a whole, it would sell to good advantage, and the shares of the parties in the proceeds would be

of greater value and benefit to them.

These respondents, therefore, pray that the said tract of land may be sold and the proceeds divided among the parties according to their interests, being satisfied that this course would ensure to the benefit of all.

The respondents deny all fraud, unlawful combination and confederacy; and having fully answered the complainant's bill, pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray &c.

W. J. Sebrall, p.d. } Clinton C. Bynum,
 } John T. Bynum.
 } By Counsel.

22

Test:

year of the Commonwealth
B. E. McTEMORE, Clerk of our said Court, at the Courtouse this
Witness, W. J. H. A. And have then there this wit

Everette et als,
vs
Harris et als
1908 1st Feb rules

Executed by delivering a true
copy of the within process on
Lucy Harris, Joe Harris, Wm Majette,
R. Howard, Assigns -

Jan. 30th 1908
J. A. Turner, Sheriff

Deputy Sheriff for J. I. Turner,
Sheriff -

Feb 2nd any

TO THE SHERIFF OF SOUTHAMPTON COUNTY, SURREY:

THE COMMONWEALTH OF VIRGINIA

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Lucy Harris formerly Everette, Joe Harris
her husband, William Majette, husband of Martha F. Magette, deceased,
who was Everette, Clinton Bynum, Thomas Bynum, Lyla Bynum, Clyde
Bynum, husband of Atlas Bynum, deceased, formerly Everette, Gattie
Magette, Adaline Magette and Clarie Bynum, the last three infants
under twenty-one years of age, R. Howard, assignee, etc. and Lee Britt
Trustee.

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 February 1908.
next, to answer a Bill in Chancery exhibited against them in our said
Court by John T. Everette and Hester Everette, widow of Robert
Everette, deceased.

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
13th day of January, 1908, in the 13th year of the Commonwealth.

Teste:

B. F. McSennock c.c.

WEEKLY,

Four pages, thirty-
two columns, Home
Print, \$1.00 a year
in Advance.

The Tidewater News.

NEWS PUBLISHING CO., Proprietors.

PAUL SCARBOROUGH

Editor and Manager.

JOB WORK

In All its Branches,
neatly and promptly
done. Commercial
Printing.

A Good Advertising Medium

Franklin has Population of 3000 and is a Trade Center for Three Counties

Complete Job Department

Franklin, Va., []
Written []

I, Paul Scarborough, Editor of THE TIDEWATER NEWS,
a weekly newspaper published in Franklin, South-
ampton County, Virginia, do hereby certify that
the attached Order of Publication was published
in The Tidewater News in the manner prescribed by
law, once a week for four (4) successive weeks,
beginning Jan 24th 1908 and ending Feb 14th, inc-
lusive.

SIGNED

Paul Scarborough
Editor.

March 9th 1908.

9061 143443

1990-1991

THE UNIVERSITY OF CHICAGO

Virginia, In the Clerks Office of Southampton Circuit Court:

In vacation, on the 16th day of January, 1908.

John T. Everett and Hester Everett, widow of Robert Everett,
deceased, Plaintiffs

vs.

Lucy Harris, formerly Everett, and Joe Harris, her husband,
and others, Defendants.

The object of this suit is to have partition in some of the modes prescribed by law, among the heirs at law of Robert Everett, deceased, of that certain tract of land located in Southampton County, Va., near Sands Post Office, known as the Robert Everett tract, containing one hundred and thirty seven acres, more or less, it being the tract of ^{land of} which Robert Everett died seized and possessed, and bounded by the lands of William Cook, the Myrick and Darden tract and others.

And affidavit having been made and filed that Clinton Bynum, Lyla Bynum and Clyde Bynum, defendants in this suit, are non-residents of the state of Virginia, it is ordered that they appear within fifteen days after due publication of this, in the Clerks Office of our said Court, and do what is necessary to protect their interest.

And it is ordered that a copy hereof be published once a week for four successive weeks in the Tidewater News, a newspaper published in the town of Franklin, Va., and that a copy hereof ~~and that~~ be posted at the front door of the Court House of said County, on or before the next succeeding rule day after it is entered.

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

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

Joseph B. Prince, f.c.

Everett et als
vs. { Petition of
John J. Everett.
Bayman et als

1910. Octo. 17. th filed.
JLM

JOSEPH B. PRINCE

ATTORNEY AT LAW

OFFICES, 65 NORTH SYCAMORE STREET
PETERSBURG, VIRGINIA

TO THE HONORABLE JAS. L. MCLEMORE JUDGE OF THE CIRCUIT COURT
OF SOUTHAMPTON COUNTY, VIRGINIA:

Your petitioner John T. Everett respectfully represents, that since the institution of this suit and since the sale of the tract of land of which Robt. Everett died seized and possessed his Mother Hester Everett, widow of Robt. Everett has died leaving her last will and testament, a copy of which is herewith filed as "Exhibit A." In which said last will and testament she devised her right of dower in the land of which Robt. Everett died seized and possessed to him in fee simple.

Your petitioner respectfully represents, that by a decree of this court entered on the 20th, day of October, 1908, it is provided among other things that Hester Everett, widow of Robt. Everett shall be paid her share in said tract of land commuted according to the statute in such cases made and provided: that the said tract of land has been sold, and the amount due as dower interest was capable of calculation, and that his Mother was entitled to the said dower interest in fee simple: he, therefore, respectfully petitions this court to direct by its proper order, that said sum of money which he is advised amounts to \$37.22 be paid him in accordance with the last will and testament of Hester Everett deceased.

And your petitioner will ever pray etc.

John T. Everett

Joseph B. Prince

Counsel.

I, Hester Everett, of the county of Southampton and state of Virginia, being of sound mind and memory do declare this to be my last will and testament.

In consideration that my son, John Thomas, take care of me during my life and furnish me with food and raiment and burying apparel, I give him all that may be allowed me under the Poor Debtor's Law of this state - namely - my mule, my cow and calf, all the corn and fodder, pork and hogs, beds, bedsteads and the necessary beddings thereto, all the chairs, table knives, forks, plates, dishes, cups and saucers and everything that may be allowed me under the poor debtor's law, and my dower or right of dower in the land of which my husband, Robert Everett, died, seized and possessed and everything that is found due to my estate.

And lastly, I nominate and appoint my son, John Thomas, executor to this my last will and testament with no surety required to his court bond, in witness whereof I have hereunto set my hand and affixed my seal this 16th day of November 1907 in presence of these witnesses

James A. Grizzard.

Re. L. Bryant.

Hester^{her} Everett (Seal)
mark

Errett, et als.
vs. $\frac{2}{3}$ Report of Com. Story.
Byrum, et als.

Filed May 13th 1908-

B. F. M. Linnell L.C.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

Everette, et al.

vs. C. C. Bynum, notice

Bynum, et al.

Original.

Executed May 9th, 1908, by
delivering a true copy of the
within notice
to each of the within named
parties, except C. C. Bynum,
and Lee Britt, trustee.

Given under my hand
May 12th, 1908.

J. A. Turner

Deputy Sheriff for John I.
Turner, Sheriff.

I hereby acknowledge legal
service of this notice.

W. D. Schell, atty for
C. C. Bynum.

OFFICE OF E. FRANK STORY, COMMISSIONER IN
CHANCERY FOR THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

Courtland, Va., May 8, 1908.

TO:

John T. Everette and Hester Everette, widow of Robert
Everette, deceased,
and
Lucy Harris, formerly Everette, Joe Harris, her husband,
William Majette, husband of Martha F. Majette, deceased,
who was Everette, Clinton Bynum, Thomas Bynum, Lyla
Bynum, Clyde Bynum, husband of Atlas Bynum, deceased,
formerly Everette, Gattie Majette, Adaline Majette and
Clarie Bynum, the last three infant under twenty-one years
of age, by W. J. Sebrell, their Guardian ad Litem, E.
Howard, assignee, and Lee Britt, trustee.

You are hereby notified that I have fixed upon the
13th day of May, 1908, to take and settle, at my office, the
following accounts, to-wit:

- (1) The interests of the several parties to this suit
in the real property in the bill and proceedings mentioned:
- (2) Whether the real estate mentioned in the said bill
can be conveniently divided in kind among the several parties
entitled thereto:
- (3) If the same cannot be thus divided whether any
party will take the entire subject matter and pay to the
others interested such sums of money as their interests there-
in may entitle them to receive:
- (4) If the same cannot be conveniently divided in
kind and if no party will take the entire property and pay
to the other parties such sums of money as their interests
herein may entitle them to, whether the interests of the par-
ties would be promoted by a sale of the entire property, or
by an allotment of part and sale of the residue:
- (5) Whether there are any liens binding the said
property for delinquent taxes or otherwise:
- (6) The annual and fee-simple value of the said tract
of land:
- (7) Any other matter specially stated, deemed perti-
nent by the Commissioner or required to be so stated by any
interested party:

Required to be taken by a decree of the Circuit
Court of Southampton County, Virginia, rendered on the 17th
day of March, 1908, 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 the said Court, the day and year first aforesaid.

E. Frank Story
COMMISSIONER IN CHANCERY.
(E. M. D.)

To the Sheriff of Southampton County, to execute.

Lee Britt, Trustee.

I hereby acknowledge
service of the within
notice.

Lee Britt
Trustee

OFFICE OF E. FRANK STORY, COMMISSIONER IN
CHANCERY FOR THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

Courtland, Va., May 8, 1908.

TO:

John T. Everette and Hester Everette, widow of Robert
Everette, deceased,
and

Lucy Harris, formerly Everette, Joe Harris, her husband,
William Majette, husband of Martha F. Majette, deceased,
who was Everette, Clinton Bynum, Thomas Bynum, Lyla
Bynum, Clyde Bynum, husband of Atlas Bynum, deceased,
formerly Everette, Gattie Majette, Adaline Majette and
Clarrie Bynum, the last three infants under twenty-one
years of age, by W. J. Sebrell, their Guardian ad Litem,
R. Howard, assignee, and Lee Britt, Trustee.

You are hereby notified that I have fixed upon the
13th day of May, 1908, to take and settle, at my office, the
following accounts, to-wit:

(1) The interest of the several parties to this suit
in the real property in the bill and proceedings mentioned:

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

(3) If the same cannot be thus divided whether any
party will take the entire subject matter and pay to the
others interested such sums of money as their interests there-
in may entitle them to receive:

(4) If the same cannot be conveniently divided in
kind and if no party will take the entire property and pay
to the other parties such sums of money as their interests
therein may entitle them to, whether the interests of the par-
ties would be promoted by a sale of the entire property, or
by an allotment of part and sale of the residue:

(5) Whether there are any liens binding the said property
for delinquent taxes or otherwise:

(6) The annual and fee-simple value of the said
tract of land:

(7) Any other matter specially stated, deemed perti-
nent by the Commissioner or required to be so stated by any
interested party:

Required to be taken by a decree of the Circuit
Court of Southampton County, Virginia, rendered on the 17th
day of March, 1908, 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 the said Court, the day and year first aforesaid.

E. Frank Story
(E. F. S.)

COMMISSIONER IN CHANCERY.

To the Sheriff of Southampton County, to execute.

*
* Everett et als., *
*
* vs. *
*
* Bynum et als., *
*

COMMISSIONER'S OFFICE,

Courtland, Virginia, May 13th, 1908.

TO THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

The undersigned, one of the Commissioners in Chancery of the said Court, to whom has been referred the matter of taking and stating an account, as directed by a decree entered in the above styled cause on the 17th day of March, 1908, begs leave to report:

That on the 8th day of May, 1908, he issued notices against all of the parties, plaintiffs and defendants to the said suit, advising them of the fact that he would, on the 13th day of May, 1908, proceed to take and settle, at his office in Courtland, Southampton County, Virginia, the several accounts and matters required to be taken, stated and reported by the aforesaid decree of March 17th, 1908, which said notices were duly returned to your said Commissioner, service having been had on all of the parties, according to law, or service thereof having been duly acknowledged, which said notice is herewith filed as a part of this report; that pursuant to said notice, your said Commissioner, on the said 13th day of May, 1908, proceeded to take the depositions of witnesses who were familiar with the property in question, to aid him in framing this, his report, which said depositions are herewith filed as a part of same:

Your Commissioner would report further, touching the several matters required to be stated by the said decree, as follows:

(1) Interest of parties:

Hester Everett, dower interest:

All of the other interests are subject to the afore-said dower interest of Hester Everett.

John J. Everett - one fourth
Lucy Harris, ~~one sixth~~ *one fourth*

Share of
Martin Majette, deceased
Gattie Majette, ~~one sixth~~ *one eighth* } *Subject to custody of Wm Majette*
Adaline Majette, ~~one sixth~~ *one eighth* }
Share of
Atlas Bynum, deceased
Clinton Bynum, ~~one twelfth~~ *one sixteenth* } *Subject to custody of Clyde Bynum, husband of Atlas Bynum, deceased.*
Thomas Bynum, ~~one twelfth~~ " "
Lila Bynum, ~~one twelfth~~ " "
Clarrie Bynum, ~~one twelfth~~ " "

(2, 3, & 4) As to division of property:

The real estate in question cannot be divided in kind among the parties in interest, without materially damaging its value.

Your Commissioner is advised that no party is desirous of taking the entire subject matter, and paying to the others such sums of money as their interest may entitle them to.

Your Commissioner is of the opinion that it will be to the interest of all of the parties that the land in question should be sold, and the proceeds thereof divided according to the respective interests of the several parties:

(5) As to liens:

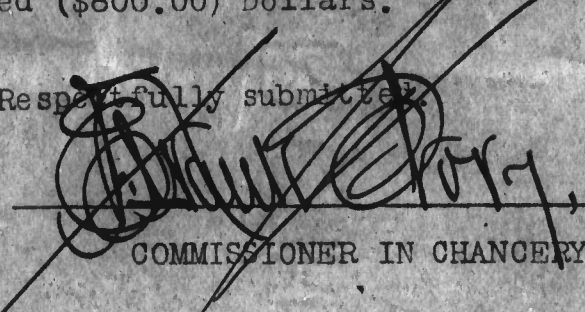
The only lien your Commissioner finds of record binding the said property, is a deed of trust securing a bond, executed by Robert Everett, and payable to the Newsom Lumber Company, which has been assigned in due course to *R. Howard* ~~Newsom~~, but your Commissioner has been unable to ascertain the exact balance due on the said bond, but is advised that same will not exceed One Hundred and Fifty (\$150.00) Dollars,

principal and interest:

(6) As to values:

Your Commissioner reports the annual value of the said land at Fifty (\$50.00) Dollars, and the fee-simple value thereof, Eight Hundred (\$800.00) Dollars.

Respectfully submitted,



COMMISSIONER IN CHANCERY.

COMMISSIONER'S FEE, \$12.50:

Everett, et al.
- 10⁷ 1/2 Acres Spa.

Bynum, et al.

Original.

Executed May 11th, 1908
on all the within named
parties except C.C. Bynum
whom I have been
unable to find -

J. A. Turner
Deputy Sheriff for
John D. Turner Sheriff

(8)

Chgd to plaintiff

COMMONWEALTH OF VIRGINIA:

To the Sheriff of Southampton County, Greeting:

I command you to summons T. H. Barrett, Walter Simons, Tobe Barrett and C. C. Bynum, to appear before the undersigned, a Commissioner in Chancery for the Circuit Court, in and for the county of Southampton, in the State of Virginia, at the office of the said Commissioner, in the town of Courtland, Southampton County, Virginia, at eleven o'clock A. M., on Wednesday, the 13th day of May, 1908, to testify and the truth to speak, on behalf of the defendants, in a certain matter of controversy, now pending and undetermined in the Circuit Court of Southampton County, Virginia, between Everett et als., Plaintiffs and Bynum et als, Defendants.

Given under my hand this 8th day of May, 1908.

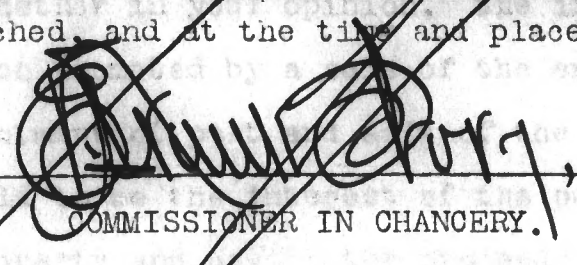
E. Frank Story
R. M. C.

COMMISSIONER IN CHANCERY.

STATE OF VIRGINIA,

{to-wit:
Southampton County,

The depositions of W. V. Simmons, and others, taken before me, the undersigned, E. Frank Story, a commissioner in chancery, for the Circuit Court in and for the county aforesaid, in the State of Virginia, to be read as evidence in a certain suit in equity, now pending in the said Court, generally styled, Everett et als. vs. Bynum et als., pursuant to notice hereto attached, and at the time and place therein named.


COMMISSIONER IN CHANCERY.

Witness W. V. Simmons, being duly sworn, deposes as follows:

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

A. W. V. Sommons. 52 years, Southampton County, Virginia, farmer, and know the parties.

Q. Do you know the tract of land in the bill and proceedings mentioned and described, the Robert Everett tract of land.

A. Yes sir.

Q. Do you live near it.

A. Yes.

Q. Please state whether or not the said tract of land can in your opinion, be conveniently divided in kind among the parties entitled thereto.

A. No sir I think not.

Q. Please state your reasons for your opinion.

A. Considering the number of heirs and the comparative smallness of the tract of land, and the way in which it lies, it being a long narrow strip, the timber on it being at one end

it would be impossible I think to divide it so as to give each one anything like an equal share with the others, without making each share so small and such a narrow strip as to be practically of very little value to each one.

Q. Do you know of any one of the parties that can and will take the entire subject matter, and pay to the others such sums as their interests therein might entitle them to receive.

A. I know of no one that will do it.

Q. Please state whether in your opinion, the interests of the parties would be promoted by a sale of the entire property, or by an allotment of part and sale of the residue.

A. I think it would to be the interest of the parties to sell the entire property and divide the proceeds among them.

Q. Please state what in your opinion is the annual and the fee-simple value of the said tract of land.

A. Annual value about \$50.00, I think \$1000.00

Q. And further this deponent sayeth not.

W. V. Simmons

15 mi.

Witness Lucilius Barrett, being first duly sworn, deposes as follows:

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

A. Lucilius Barrett, 62 years, Southampton County, Virginia, farmer, and I know the parties to the suit, and I know the land in question which joins me.

Q. Have you heard the deposition given by Mr. W. V. Simmons, in this case, and if so, please state whether or not you concur with him in the views expressed by him, and if you differ from him in any respect, please state your own individual opinions upon the matters in which you may differ.

A. I agree with him in everything that he has said except as to the value of the land, and as to the value, I think the annual value is about correctly stated by him, but as to the fee-simple value, I think it worth about \$600.00 or \$700.00.

And further this deponent sayeth not.

Lucius Barrett

15 mi.

Witness T. H. Barrett, being first duly sworn, deposes as follows:

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

A. T. H. Barrett, 37 years, Southampton County, Virginia, farmer, and know the parties to the suit, and am acquainted with the tract of land in question.

Q. State if you have heard the depositions just given by W. V. Simmons and Lucilius Barrett, and if so, whether you agree with them in the views given by them in their depositions, and if you disagree with them in any particular, please state your own opinions, upon such matters as you may differ from them.

A. I have heard the depositions, and I agree with them in the views expressed by them in all respects except as to value, and as to the value, I think about \$50.00 a fair rental, and about \$700.00 the fee-simple value.

And further this deponent sayeth not.

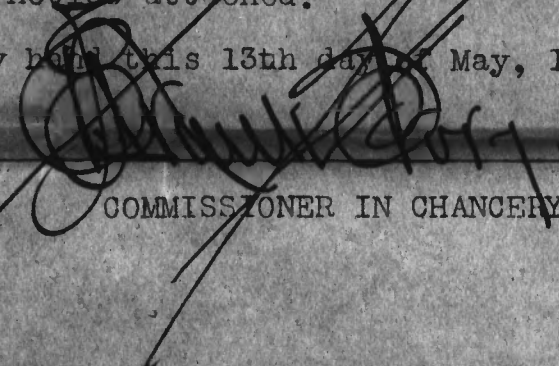
T H Barrett

16 mi.

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

I, E. Frank Story, a Commissioner in Chancery for the Circuit Court, in and for the county aforesaid, in the State of Virginia, do hereby certify that the foregoing depositions of W. V. Simmons, Lucilius Barrett and T. H. Barrett, were this day taken, subscribed and sworn to before me, at the time and place and for the purpose designated in the caption hereto, and the notice attached.

Given under my hand this 13th day of May, 1908.


COMMISSIONER IN CHANCERY.

Everett et als
vs { Deeene
Bynum et als

In term - on the 23rd day of
May, 1908.

Enter this decree -
James L. W. Moore

Entered O. O. B.

Page 45-2

also direct by the court.
entire purchase money in cash and receive a conveyance therefor
by the court, with the privilege to the purchaser to pay the
until the full purchase money is paid, and conveyance directed
credit installments, the title to be retained to said property

 Everett et als *
 vs. Decree. *
 Bynum et als. *

This day this cause came on to be further heard upon the papers formerly read, and upon the report of commissioner in chancery, E. Frank Story, filed May 13th, 1908, to which report no exceptions have been taken, and was argued by counsel.

On consideration whereof the court doth confirm the said report, and it appearing therefrom that the interests of the parties, plaintiffs and defendants, will be promoted by a sale of the property in the bill and proceedings mentioned, and division of the proceeds according to their respective interests as set out in the said decree, the court doth further adjudge, order and decree that Joseph B. Prince, who is hereby appointed a special commissioner for the purpose, do expose for sale at public auction, to the highest bidder, at Handsoms, or Newsoms, Virginia, the tract of land in the bill and proceedings mentioned, as being the "tract of land of which Robert Everett died seized and possessed, containing 157 acres, more or less, and bounded by the lands of William Cook, Tobias Barrett, and the Darden and Myrick tract", after first advertising the time, place and terms of sale for at least twenty days by posting hand bills of the sale in three or more public places in the county of Southampton, and upon the following terms; One third of the said purchase money to be paid in cash, and the residue in two equal instalments at one and two years, the credit instalments carrying interest from the day of sale, and the purchaser giving his bonds for the

credit instalments, the title to be retained to said property until the full purchase money is paid, and conveyance directed by the court, with the privilege to the purchaser to pay the entire purchase money in cash and receive a conveyance thereto when directed by the court.

But before the said commissioner shall receive any money from the said sale, or under this decree, he shall enter into a bond before the Clerk of this court, with security deemed sufficient by the said Clerk in the penalty of \$1500, conditioned faithfully to discharge his duties under this or any subsequent decree in this cause.

And the said commissioner will make further report to court.

Everett et al,

vs. } Deems
Byrum et al

In Term

on the 18th
day of Jan. 1909

Enter

Frank W. Moore

Entered C. O. B.

Page # 2-

Everett et als

vs - Deane -

Bynum et als -

This day this cause came on to be heard on the papers formerly read, and on the report of Joseph B. Prince, Special Commissioner filed January 18th, 1909, to which report there is no exception and was argued by counsel.

On consideration whereof, and it appearing from said report that B. C. Bynum, who purchased on the 3rd day of October, ¹⁹⁰⁸, that certain tract of land of which Robert Everett died seized and possessed, described in the bill and proceedings in this cause, can not pay the entire purchase price in cash, but that he has paid one third of said purchase money, in cash, and has executed his two bonds, payable in one and two years from the date of sale, with security, ~~for~~ ^{and} with interest from the date of sale, for the deferred payments, and that title to said property will be retained until the full payment of said purchase

price, the Court doth adjudge order
and decree that the decree entered
in this cause on the 20th day of
October, 1908, ~~be~~ wherein the said
sale was confirmed upon the report
of Joseph B. Price, special Commissioner
filed October 5th, 1908, ^{reporting} that the entire
purchase money ~~be~~ should be paid
in cash, be amended, and that the
report of said Special Commissioner,
filed January 18th, 1909, be confirmed,
so that the sale shall be held
firm and binding to said C. C.
Bynum for the sum of \$735.00,
but allowing said Bynum to pay
one third in cash, with interest from
the date of sale, and the balance
in one and two years from the
date of sale, with interest from
said date, and that upon the
full payment of the purchase
price, a deed with special
warranty to said tract of
land be made to said
C. C. Bynum or such party
as he shall direct.

The court doth further

adjudge order and decree that
in all other respects the decree
of October 20th, 1908, be held
firm and binding -

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

Everett et als,

vs. Decree.

Bynum et als.

October 20th, 1908,

Enter this decree:-

James S. W. Moore

Entered C. D. B.

Page 482.

Everett et als,

vs. Decree.

Bynum et als.

This day this cause came on to be heard on the papers formerly read, and on the report of special commissioner Joseph B. Prince, filed October 5th, 1908, reporting sale of the tract of land in the bill and proceedings mentioned to C.C. Bynum, ^{for the sum of \$735.00,} to which report there is no exception, and was argued by counsel.

On consideration whereof the court doth approve and confirm the said sale, and it appearing from said report that the purchaser, C.C. Bynum desires to pay the entire purchase price in cash, and is ready to pay same upon confirmation of the sale by this court, doth adjudge, order and decree that Joseph B. Prince, special commissioner, after collecting the full purchase price, shall execute to the said C. C. Bynum a deed with special warranty of title for said property.

Out of the proceeds of sale, Joseph B. Prince is allowed an attorney's fee of \$40, for his service ^{as} ~~for~~ counsel for the complainants, and W.J. Sebrell, a fee of \$20, for his service as counsel for certain of the defendants, and after the payment of such fees, and the costs of this suit, the said Joseph B. Prince as special commissioner is directed to distribute according to the report of commissioner E. Frank Story, filed in this cause on the 13th day of May, 1908, paying off the lien debts as therein reported, and the balance according to the interest of the parties to this suit.

And it is further ordered that Hester Everett, widow of Robert Everett shall be paid her share in said tract of land, commuted according to the statute in such cases made and provided.

And the said commissioner will make further report to court.

-1910-

Errett et als

vs. } Deene

Bynum et als

In Term, on the day
of October, 1910 -

Enter this decree
Octo. 17, 1910.

James M. Moore

ENTERED - C.O.B. PAGE - 12

JOSEPH B. PRINCE

ATTORNEY AT LAW

OFFICES, 66 NORTH SYCAMORE STREET
PETERSBURG, VIRGINIA

EVERETT AND OTHERS

Vs. DECREE

BYNUM AND OTHERS

This day this cause came on to be further heard ^{upon} from the papers formerly read, upon the petition of John T. Everett, ^{filed by him & Court. This day} petitioning that the commuted dower interest of Hester Everett, deceased, be paid him; upon the report of Jos. B. Prince, Special Commissioner, filed October 17th, 1910, reporting disbursements of all the funds in his hands, to which report no exceptions have been taken and was argued by counsel.

It appearing to the court that the shares of Gattie and Adaline Majette children of William and Martha Majette under twenty-one years of age, but that their interests is very small to wit:- the sum of \$12.37 each, the court doth adjudge, order, and decree that the said interests of said infants be paid to their [✓] father William Majette to be used for their education, maintenance, and support. [✓] The Court doth further adjudge, order, and decree, that the ^{curtesy} interest of William Majette husband of Martha Majette, deceased, and the curtesy interest of Clyde Bynum, husband of Atlas Bynum, deceased, be commuted according to the statute in such cases made and provided: and that such interests be paid to said William Majette and Clyde Bynum in fee simple.

On consideration whereof, the court doth adjudge, order, and decree, that Joseph B. Prince, Special Commissioner, pay to John T. Everett the commuted dower interest of Hester Everett, to wit:- \$37.22: and the court doth further adjudge, order, and decree that the said report of Jos. B. Prince, Special Commissioner, reporting collection of the sum of \$779.10 purchase price of the tract of land

sold in this suit under direction of this court, and distribution thereof in the payment of all costs, to wit, attorney's fees, commissioners' court costs in the sum of \$207.64, bond due Mrs. M.J. Darden, a lien upon the said real estate in the sum of \$180.60; John T. Everett, devisee of Hester Everett, her commuted dower, \$37.22, John T. Everett-1/4, \$88.41, Lucy Harris, who was Everett 1/4 - \$88.41, William Majette, curtesy, in share of Martha Majette, his deceased wife, \$63.66, ^{Lucy Harris, an aunt} ~~William Majette, father~~ of Gattie and Adaline ^{with the consent of Wm Majette} Majette, infants, their respective shares, to wit: - \$12.37 each, Clyde Bynum curtesy interest in share of Atlas Bynum, his deceased wife, \$58.33, Clinton Bynum \$7.52, Thomas Bynum \$7.52, Lila Bynum \$7.52, Clarrie Bynum \$7.52, supported by proper vouchers for such payments, be confirmed.

And it appearing that nothing further remains to be done in this cause it is ordered that it be removed from the docket.

License

Everett et als

vs.

Bynum et als

Enter this. March
17th 1908.

James Moore

Recorded C. C. B.
Page 428

John T. Everett and Hester Everett, widow of Robert Everett deceased, men to receive

Fourth:- If the same can be Decree, conveniently divided in kind among Lucy Harris, formerly Everett, Joe Harris, her husband, William Majette, husband of Martha F. Majette, deceased, who was Everett, Clinton Bynum, Thomas Bynum, Lyla Bynum, Clyde Bynum, husband of Atlas Bynum, deceased, formerly Everett, Gattie Majette, Adaline Majette and Clarie Bynum, the last three infants under twenty-one years of age, by W.J. Sebrell, their Guardian ad Litem, R. Howard, assignee, and Lee Britt, trustee. The full value of the said tract of land.

This day this case came on to be heard upon the bill of the complainants, taken for confessed as to the adult defendants, Lucy Harris, Joe Harris, William Majette, R. Howard, assignee and Lee Britt, adult defendants, on whom process was duly served, and as to Clyde Bynum and as to Lyla Bynum and Clyde Bynum, adult defendants, who were proceeded against in the manner prescribed by law for proceeding against absent defendants, they still failing to appear and plead, answer or demur, upon the answer of Clinton C. Bynum and John T. Bynum, adult defendants, and on the answer of Gattie Majette Adaline Majette and Clarie Bynum, by W.J. Sebrell, their guardian ad litem, duly assigned at rules, with general replication to the said answers, and was argued by counsel.

On consideration thereof the court doth adjudge, order and decree that this cause be referred to one of the commissioners of this court who is directed to inquire into and report:

First:- The interests of the several parties to this suit in the real property in the bill and proceedings mentioned;

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

Third: If the same can not be thus divided whether any party will take the entire subject matter and pay to the others interested such sum of money as their interests therein may

entitle them to receive

Fourth:-If the same can not be conveniently divided in kind and if no party will take the entire property and pay to the other parties such sums of money as their interests therein may entitle them to, whether the interests of the parties would be promoted by a sale of the entire property, or by an allotment of part and sale of the residue

Fifth:- Whether there are any liens binding the said property for delinquent taxes or otherwise:

Sixth:- The annual and fee simple value of the said tract of land:

Seventh:- Any other matter specially stated, deemed pertinent by the commissioner or required to be so stated by any interested party.