1911-02 Southampton County Chancery Bradshaw, Z. J. et al vs Edwards, Samuel et als

Land is to be sold and proceeds divided among parties entitled

Bradshaw, C.C

Edwards, Zelona O.
Bradshaw, Vassie L
Bradshaw, Barden B
Bradshaw, Lucie N

Brodstaw

v. Bill of Complaint

Edwards et als.

1901, 1st Sept Rules filed

L. A. Gay &c.

Prince & Son

P.Q.

-------In Chnacery------

To the Hon. Robert R. Prentis, Judge of the Circuit Court of Southampton County, Virginia.

Humbly complaining showeth unto your Honor your complainants Z. T. Bradshaw and C. C. Bradshaw, that C. C. Whitfield by his last will and testament devised to the mother of your complainants a tract of land in Southampton county in Newsoms Magisterial District, containing about three hundred acres, during her natural life, and at her death to your complainants, and the other children of Mrs. Bradshaw. That the said Mrs. Bradshaw is now dead, leaving your complainants and Zelmo O. Bradshaw, who has intermarried with one Samuel Edwards, and Vassie L, Bowden B., and Susie N. Bradshaw as her heirs at law and distributees. That said children are all minors except your complainants. That in the opinion of your complainants the said tract of land is not susceptible of division in kind amongst the parties entitled, but if it is, then they wish it done, and if it is not, then they wish it sold and the proceeds of sale properly distributed. In consideration whereof and inasmuch as your complainants are without remedy save in a court of equity where all such matters are properly cognizable, to the end, therefore, that justice may be done, they pray that Samuel Edwards and Zelmo O., his wife, Vassie L., Bowden B., and Susie N. Bradshaw, the lsat four minors, be made parties defendant to this bill and compelled to answer its allegations, but answers under oath are hereby expressly waived. That some fit and proper person be assigned guardian ad litem to defend the interest of the minor# defendants. That an order may be entered directing an inquiry as to whether said land can be divided in kind, and if it can not be done that the same may be sold, and the proceeds of sale divided among the parties entitled. And that your Honor will grant all such other, further, general and special relief as to equity may seem meet or

the nature of the case may require. Notice is hereby given that should there be any funds from this cause under the control of the court a reasonable attorneys fee be allowed J.B.Prince & Son from same. And as in duty bound & c. May it please the court, &c.

J.B.Prince & Son p.q.

The joint and several answer of Zelmo O.Edwards, formerly Bradshaw, Vassia L., Bowden B. and Susie N.Bradshaw, all minors, to a bill of complaint exhibited against them in the Circuit Court of Southampton county by Z.T Bradshaw and C.C.Bradshaw.

These respondents saving and reserving &c., for answer to said bill say, that theyare minors and being such submit their rights to the protection of this honorable court. And now having answered pray hence to be dismissed &c.

Frank Story.
Gdn. ad litem.

Circuit Court of Southampton County, in vacation,
September 26th, 1901.

Ly. T. Bradshaw &c. Ly. G. Bradshaw,

vs.

Saml. Edwards and Zelma O. his wife, formerly Bradshaw, Vessie L. Bowden B. and Susie N. Bradshaw, last four infants under 21 by E. F. Story their Gdn. ad litem,

By consent of parties entered of record, in vacation, it is hereby decreed that this cause be submitted to the Judge of the Circuit Court of Southampton County, in vacation, to enter such order, or orders therein, in vacation, as may be entered in term. And by the like consent this cause came on to be heard on the bill of the complainants, taken for confessed as to the adult defendant Samuel Edwards, on whom process has been duly served and he still failing to appear and plead answer or demur, the answer of the minor defendants, by E. Frank Story, their guardian ad litem, 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 enquire into and report.

1st:- Whether the Tract of land devised by Ly. G. Whitfield to Mrs Bradshaw, wife of Bradshaw, during her natural life and after her death to her children, can be conveniently divided in kind among the parties thereto entitled.

2nd:- If the same can not be so divided whether any party will take the entire subject matter and pay to

the other parties such a sum of money as they may be entitled to receive,

3rd:- If the same cannot be divided in kind, and if no party will take the entire subject matter and pay to the other parties such a sum of money as they would be entitled to receive, whether the interest of all the parties will be promoted by a sale of the entire subject matter, or by an allotment of part and sale of the residue,

4th:- Whether there are any delinquent Taxes due on said lands and if so, how much,

All which enquiries the said Commissioner will make and report to Court, together with the evidence upon which he bases his conclusions

A copy.

Test: L. A. Gay Clk.

Bradshaw et al.
vs
Bayly & Evans
& others et als

In Vacation.

Sept Term 24. 1901

Entered

Robert R. Prentis

Mr Examiner:

J. B. Haines Esqr

Attys. for complts

G. H. Randolph Esqr

Examine witness for
in Suit & Report.

Entered Page 381.

Bradshaw et al

vs

Cowan Dunn

Edwards et al

We hereby acknowledge
legal service of the
within summons

J. B. Prentiss & Son

Atty for all adult Defts

Guardian for infant Defts

Frank Strong.

W. W. Lands

OFFICE OF JOS. B. PRINCE, JR.,

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

Courtland, Va., Oct 16th 1901 ~~189~~

To Z. T. Bradshaw & C. C. Bradshaw } Plaintiffs
vs
Samuel Edwards & Zelma O. his wife. Vossie L. Bowden & Susie N. Bradshaw } Defendants
Lost Town suits by C. F. Sleepy Jr. et als.

You are hereby notified that I have fixed upon the 23rd day of Oct 1901 ~~next~~, if fair, if not the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to-wit:

1st Whether the tract of land devised by C. C. Whitfield to Mrs. Bradshaw wife of Bradshaw during her natural life, and after her death to her children, can be conveniently divided in kind among the parties thereto entitled

2nd If the same cannot be so divided, whether any party will take the entire subject matter and pay to the other parties such a sum of money as they may be entitled to receive

3rd If the same cannot be divided in kind, and if no party will take the entire subject matter and pay to the other parties such a sum of money as they would be entitled to receive, whether the interests of the parties will be promoted by a sale of the entire subject matter or by allotment of part and sale of the residue

4th Whether there are any delinquent taxes due on said land and if so how much all which inquiries the said Comr will make and report to Court together with the evidence upon which he bases his conclusions

required to be taken by a decree of Southampton Circuit Court, rendered ~~at the~~ on Sept 21, 1901 ~~term, 189~~, 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.

W. W. Lands, Commissioner.

To the Sheriff of Southampton County to execute.

EVERETT WADDEY CO.,
RICHMOND, VA.

Office of Wm. Shands Comr in chancery
Courtland Va Oct 23rd 1901

The depositions of R J Bowes and J. S. Bryant taken before me at my Office at Courtland Va this 23rd day of Oct 1901 pursuant to Notice and for the purpose of aiding in ordering a report in the chancery cause of Bradshaw et als vs Edwards et als, as directed by a decree entered in said cause by Circuit Court of Southampton Co Va on Sept 26th 1901

The witness R. J. Bowes being first duly sworn deposes and says as follows.
Am former. know parties to this suit & the property in question. am acquainted. I live near the property. In fact it joins the farm I live on. The land in question consists of part cleared - part woodland - part upland - part bottom or swampy land & has but one dwelling house on it. So you can at once see that partition in kind cannot be conveniently and equitably made of the land among the parties interested. I forgot to say that I am also a surveyor.
Fair actual value of land is $2000.00
" annual " " " " " " 150.00
I am unable to say - not knowing - whether any of the interested parties will take the shares of the others and pay them what their interest calls for
I think it to the best interest of the parties interested that the land

be sold, and proceeds divided among the parties entitled thereto and the sooner this is done the better, for the farm and building are rapidly Coming down & deteriorating. and will sell for more now than later. and further this deponent sayeth not

14 miles

Signed R. T. Barnes

The witness D. T. Bryant being first duly sworn deposes and says as follows. I am 35 years old, farmer. live within 1½ miles from land in question and have been over land & know it. also parties to this suit well. The land cannot be divided to any advantage among the parties interested; in fact to do so would be to greatly depreciate the shares of each. & are be worth anything - Mr Barnes has about third cut of land. also fair actual & annual value. all may be worth $2400.00 or $7200.00

I know of none of the interested parties who will take the land and pay them such sum as they are entitled to. I think it to the interest of all parties interested that the land be sold and proceeds divided among the parties according to their interest

I think the sooner a sale is had the better for property in that section will now sell well and besides this property of building and certainly not being much - if any improved will naturally deteriorate and further this deponent sayeth not

Signed

J. T. Bryant

12 mile

Office of Wm Shands Cmr In Chancery
Courtland Va Oct 23. 1901

I hereby certify that the above depositions of R. T. Barnes and J. T. Bryant were this day taken before me for the purposes named in the caption hereof, and duly subscribed and sworn to by them before me this day & place given under my hand this 23rd day of Oct 1901

Wm Shands
Cmr. In Chancery

Report

Office of Wm Shands Cmr In Chancery
Courtland Va Oct 23. 1901

In obedience to a decree rendered in the cause of Broadhead &c vs Edwards et als on Sept 26. 1901 by your Cmr after issuing due notice of time & place of taking the &c & proceeded to take depositions of witness named of R. T. Barnes & J. T. Bryant and reports as follows

1st The land in question cannot be conveniently divided in kind among parties interested. Fair actual value is $2200.00
Fair annual value is $150.00

2nd no interested party will take shares of others
and pay them what their interests calls for
3rd It will be to best interests of all parties
for whole subject matter be sold and
proceeds divided among parties entitled thereto
4th There are no delinquent taxes due nor no
liens exist.
The bill states interests of parties, i.e.
each has an undivided 1/6 one sixth interest
The petition and depositions of witnesses are
herewith filed. all of which is

Respectfully Submitted by
Wm Shands Comr in Chancery

Comrs fee $10.00
Stenographer 3 witnesses .60
R F Bonner witness .50
mileage (11 miles) .22 $2 Paid - R F Bonner
J. J. Ponzoni witness .50
mileage (32 miles) .16 .166
Total $12.08

Bradshaw et als
vs Petit of Comr
Wm Shands
Edwards et al

1901. 2 3rd Sat. Fieds
L a. Bay e.c.

COMMISSIONER'S BOND.

Bradshaw et als

vs

Edwards et als

to

Commonwealth.

1901. 13th Nov. Filed

Know All Men by These Presents, That we, J. B. Prince Jr.
& J B Prince

are held and firmly bound unto the Commonwealth of Virginia in the sum of $2000.00
Two Thousand and ——— 00/100 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 13th day of November one thousand ~~eight hundred and ninety~~ 1901

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound J. B. Prince Jr.

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 12th day of November 1901, ~~189~~, in the suit therein depending under the name and style of Bradshaw et als. vs Edwards et als.

or any subsequent decree in this cause

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

Signed, sealed and acknowledged in the presence of

J. B. Prince Jr. SEAL
J. B. Prince SEAL
SEAL

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

This day J. B. Prince

surety on the above bond, made oath before me, L. A. Gay Clerk of the ~~Circuit~~ Court of the county of Southampton, and State of Virginia, that his estate, after the payment of all his just debts and those for which he is bound as security for others and expect to have to pay, is worth the sum of Three Thousand Dollars.

Given under my hand this 13th day of November 1901, 189

Teste: L. A. Gay, Clerk.

Bradshaw

vs. } Report of Sale

Edwards et als.

1901. 27th Nov. Filed

L. A. Gay C.C.

Barnhart

vs Rep't of Sale by Spl Comr J.B. Prince Jr.

Edwards & others

In this cause I, as Commissioner herein, submit the following report, viz: that by virtue of a decree entered in vacation Nov 12. 1901. I sold the tract of land belonging to the children of Geo W Barnhart by his wife who was the daughter of Chas Whitfield and containing 300 acres, more or less, by public Auction at Courtland Nov 18. 1901. and at the sale, R Howard became the purchaser by bidding therefor the sum of $2350- The purchaser has paid in cash $1175- and is ready to pay the balance as soon as the sale is confirmed. At the sale, I stated publicly that one half an acre of said land was reserved as a family burying ground, with right of ingress and egress- and that the timber on said land had been sold- and the purchaser had 3 years to cut it- The sale is a private one, and I recommend its confirmation

Nov 27. 1901.

Respectfully submitted

J B Prince Jr

Spl Comr.

To the Judge of the Circuit Court of Southampton Co. Va.

In Vacation

Bredshaw et als
v. } Report of Appeals
Edwards et als } Cases.

1902. 5th May. 1902 Filed
L. A. Gay C. C.

Bradshaw et als

vs. Report of Special Commissioner J.B.Prince, Jr.

Edwards et als.

In this cause your commissioner submits the following report:-

That he has in his hands belonging to the three minor children of G.W.Bradshaw, to-wit:- Vassie Bradshaw, George B. Bradshaw and Susanna Bradshaw, the sum of $352.72 each.

These shares amount to over $300, and whilst they have a guardian, yet under the statute the commissioner can not pay to the guardian without an order from this court. Your commissioner would, therefore, request your Honor to direct him how to pay the said money.

Respectfully submitted,

J.B.Prince Jr.
Specl. Comr.

To the Judge of the Circuit Court of Southampton County, Va.

Everett Waddey Co.,
Stationers and Printers,
Richmond, Va.
Form No 304

Know all Men by these Presents, That we, J Laughorne Barham and J.L. Barham

are held and firmly bound unto the Commonwealth of Virginia, in the sum of Two Thousand 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. And we hereby waive the benefit of our exemption 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 the bonds of the State. Sealed with our seals, and dated this 19th day of May, one thousand nine hundred and two.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That ~~whereas~~ if the above bound guardian of Vassie, George B, and Susanna Bradshaw, who is authorized to receive this said ward's portion of the proceeds of the sale of certain real estate as directed under a decree of the Circuit Court of Southampton County, entered on the fifth day of May, 1902, in the chancery cause of Bradshaw et als v. Edwards et als shall ~~for the~~ make faithful application of the fund and for the management and preservation of any property or securities in which the same may be invested and for the protection of the rights of all persons interested therein, whether such rights be vested or contingent

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

J. Laughorne Barham SEAL.
J.L. Barham SEAL.
SEAL.

In the ..... *Court of the* ..... *of* ..... *the* .....

day of *190*

This bond was executed and acknowledged in open Court by the obligors, and ordered to be recorded.

the suret therein having first justified on oath that ..... estate, after the payment of all ..... just debts, and those for which he ..... bound as security for others and expect to have to pay ..... worth the sum of ..... dollars, over and above all exemptions allowed by law.

Teste:

..... *Clerk.*

Bradshaw

vs } Stat: of Rules

Edwards et als.

Z. T. Bradshaw & C. C. Bradshaw Plaintiffs

vs.

Sam'l. Edwards and Zelma O. his wife, formerly Bradshaw, Vesta C. Bowden B. and Susie N. Bradshaw, last four infants under 21 by E. F. Story their Gdn. ad litem } Defendants

Sum. Chy.

1901. 26th August. Process issued to 1st Sept. Rules

1901 1st Sept. Rules. Process returned executed.

Bill and exhibits filed.

E. F. Story appointed Gdn. ad litem to infant defendants

Decree Nisi.

1901. 2nd Sept. Rules. Bill taken for confessed and cause set for hearing

Brodshaw et als

vs. { Answer of R Howard & Virginia Howard

Edwards et als

Filed Apl. 7th. 1911—
By leave of Court.
J.L.M.

JOSEPH B. PRINCE
ATTORNEY AT LAW
OFFICES, 66 NORTH SYCAMORE STREET
PETERSBURG, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY:-

THE JOINT AND SEPARATE ANSWER OF R.HOWARD AND VIRGINIA HOWARD, HIS WIFE, TO THE PETITION OF J.T.CARTER, EXHIBITED AGAINST THEM IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY:-

These respondents for answer to the said petition or to so much thereof as they are advised it is material for them to answer, answering say;

That it is true as stated in the said petition of J.T. Carter, that your respondent R.Howard did bid in the tract of land in the petition mentioned, and that he wrote J.B.Prince Jr., Special Commissioner, an order directing him to make the deed for said tract of land to J.T.Carter; and he was under the impression that said order was filed with the papers in this cause.

These respondents, therefore, state that the deed made by Commissioner Prince to J.T.Carter was properly made to him, and it was made in pursuance of an agreement between said Carter and Howard, the said Howard having advanced the purchase money and having secured himself by a deed of trust from J.T.Carter and wife, upon the same said property.

They therefore join in the petitioner's request that such proper order may be entered as will clearly define the petitioner's rights in the premises.

Andnow having fully answered, they pray hence to be dismissed with their reasonable costs etc.

R Howard

Virginia Howard

"Exhibit A"

Broadhow et als

vs. }

Edwards et als

Filed with Petition of
A. T. Carter -

JOSEPH B. PRINCE
ATTORNEY AT LAW
OFFICES, 65 NORTH SYCAMORE STREET
PETERSBURG, VIRGINIA

Whereas by virtue of a decree of the Circuit Court of the County of Southampton, Va., entered in vacation on the 12th day of Nov., 1901, J.B.Prince, jr., was appointed a special commissioner ## ##e11#t#n#1### in the Chancery suit therein depending styled Bradshaw et als v. Edwards et als, to sell the tract of land devised by C.C.Whitfield to his daughter Mrs.George W.Bradshaw for her life and at her death to her children, and whereas by virtue of said decree the said commissioner did sell the said land at public auction at Courtland, Va., on November 18th, 1901, and at said sale R.Howard became the purchaser by bidding therefor the sum of $2350, and whereas the said sale was reported to and confirmed by the said Circuit Court by its decree entered in vacation Dec. 11th, 1901, and whereas the said Howard ### has fully paid the purchase money, and by an order dated Jan. 9th, 1902, has directed the said commissioner to make a deed for the said land to Joseph T.Carter, now therefore, This Deed, made January 10th, 1902, between J.B.Prince, jr., special commissioner of the one part, and Joseph T.Carter, of the other part, witnesseth:- That for and in consideration of the above premises and the sum of twenty-three hundred and fifty dollars, the said Prince, doth grant####### and convey with special warranty unto the said Jos.T.Carter the above mentioned tract of land containing 300 acres, more or less, but the same is sold ######## in gross without reference to the quantity of acres, and with the following reservation:- One half of an acre of said land is reserved as a family burying groung, with the right of ingress and egress thereto. The said tract of land is nounded as follows, to-wit; by the lands of E.J.Glover, G.W.Whitfields Est. G.W.Bradshaw, J.B.Worrell and others

Witness the following signature and seal.

B Tatm ✓ J B Prince Jr Seal

Spl. Comr.

Southampton county, to-wit:-

I, B.F.McLemore, a commissioner in chancery of the Circuit Court of Southampton county, state of Virginia, do certify that J.B. Prince, jr., whose name is signed to the writing above, bearing date on the 10th day of January, 1902, acknowledged the same be-fore me in my county aforesaid.

Given under my hand this 10th day of Jan., 1902.

B. F. McLemore

Comr. in Chy. Cir. Ct. South. Co., Va.

Virginia,

In the Clerk's Office of Southampton County Court, April 26, 1902, this deed was presented and with certificate annexed admitted to record.

Teste

B. F. McLemore Clk.

Bradshaw et als

v. { Petition of J. T. Carter

Edwards et als

Files Apl. 7th 1911—

JOSEPH B. PRINCE
ATTORNEY AT LAW
OFFICES, 65 NORTH SYCAMORE STREET
PETERSBURG, VIRGINIA

VIRGINIA:

In the Circuit Court of the County of Southampton:

Bradsaw et als

v.

Edwards et als.

To the Honorable James L. McLemore, Judge:-

Your petitioner, J.T.Carter, respectfully asks leave to file this petition, and such leave being granted, he showeth unto your Honor that by an order of this Court, entered on the _____ day of _____, _____, and entered in Chancery Order Book, No. _____, at page _____,in the Office of the Clerk of the Circuit Court, dismissing a great many chancery causes from the docket of said Court, the issues in which had apparently been settled, this cause along with others, was dismissed from said docket;

That it appears from reference to and a careful examination of the papers in this cause that some question of doubt may exist as to the completeness of the title of your petitioner to the tract of land sold by J.B.Prince, jr., special commissioner, under decree of the Court in this cause,in that the Court did not by its decree direct that a deed be made to said Carter, your petitioner, and it appears from the papers in this cause that R.Howard became the purchaser, all of which will more clearly and definitely appear from the following references:

The said Special Commissioner, J.B.Prince, jr., by his report dated November 27th,1901, and filed in this cause on the same date, reports; "That by virtue of a decree entered in vacation November 12th, 1901, I sold the tract ofland belonging to the children of George W.Bradshaw by his wife who was the daughter of C.C.Whitfield decd., containing 300 acres, more or less, by public auction at Courtland, November 18th, 1901, and at the

sale R.Howard became the purchaser by bidding therefor the sum of $2350. The purchaser has paid in cash $1175, and is ready to pay the balance as soon as the sale is confirmed".

By decree entered December 11th, 1901, the Court confirmed the said sale and decreed as follows, " It appearing from said report of sale that the purchaser has paid $1175, in cash, and is ready to pay the balance when the sale is confirmed, the Court doth adjudge, order, and decree that the said Commissioner collect the balance of the purchase money and after paying the costs of this suit including an attorney's fee to J.B.Prince and son of $100, the same being for their professional services, notice of application for said fee having been given in the bill, and the expenses of the sale, that he distribute the balance among the parties according to their respective interests, and make report to Court ".

By report of Special Commissioner, J.B.Prince Jr., filed October 7th, 1902, showing distribution and collection of funds from the sale of said tract of land, no mention is made of the fact that R.Howard had directed a deed for said tract of land to be made to J.T.Carter, nor is mention made by decree entered October 7th, 1902, of the request of R.Howard that the deed for said tract of land be made to J.T.Carter; but by reference to the deed from said J.B.Prince, Jr., Special Commissioner, to J.T.Carter, it will appear from a recital therein that R.Howard did direct the said Special Commissioner to make the deed to J.T.Carter, a copy of which said deed is herewith filed as Exhibit "A".

Your petitioner respectfully represents that R.Howard did direct the said J.B.Prince Jr., Special Commissioner, to make a deed to him for the said tract of land, by written order directed to said Commissioner, which order, however, now appears to be lost, and in pursuance of said order and an agreement with R.Howard by which he was to become the purchaser and owner of said land, he, on the 9th day of

Jan, 1902 executed a deed, in which he conveyed in trust the same said tract of land to secure R.Howard the payment of a bond for $2350, which was for the purchase price advanced by said Howard.

Your petitioner, therefore, prays that an order may be entered reinstating this cause upon the docket, and then ratifying and confirming the action of the said Special Commissioner in making him a deed for said tract of land; definitely and clearly defining his rights in the premises; that this Court require proper process to issue against R.Howard and Virginia Howard, his wife, requiring them to answer this petition, though answer under oath is hereby expressly waived; that the rights of all the interested parties in said suit with the exception of your petitioner, and R.Howard and Virginia Howard, his wife, the last named, although not an original party to said suit being now a proper party on account of a possible dower interest; having been settled, that no process be issued against them; and that all such further relief may be granted your petitioner as the nature of his case may require or as to equity may seem meet.

And he will ever pray etc.

J. T. Carter,
By counsel.

Jos B Price
f.c

OFFICE OF

V. K. DAUGHTREY & BRO.,

DEALERS IN

Dry Goods, Groceries, Clothing, Hardware,

BOOTS, SHOES

AND GENERAL MERCHANDISE.

HIGHEST PRICE PAID FOR COUNTRY PRODUCE.

SUNBEAM, VA., ... 190

Mr Zelma Edwards has personally appeared before me and affirmed that she is or was twenty one years on the 8th day of this March. given under my hand and seal this 17th day of March 1902

J. T. Bryant J.P.

J. B. PRINCE — J. B. PRINCE, JR.

J. B. PRINCE & SON,
Attorneys & Counsellors at Law,
Courtland, Va.

Received March 28th, 1902, of J.B.Prince, in full of my share of the funds in his hands to be distributed from the suit of ~~Edwards et als~~ Bradshaw et als v. Edwards et als the sum of Three hundred and fifty two and 72/100 Dollars.

$352.72

C. O. Edwards.

J. B. PRINCE — J. B. PRINCE, JR.

J. B. PRINCE & SON,
Attorneys & Counsellors at Law,
Courtland, Va.

$352.72

Received, Apl. 21st, 1902, of J.B.Prince, Spec. Comr. the sum of three hundred and fifty-two and 72/100 Dollars, in full of my part of the money in his hands from sale of land in suit Bradshaw et als v. Edwards et als.

E. C. Bradshaw

Received of J. B. Prince Special Commissioner in the Chancery suit of Bradshaw vs Edwards now pending in the Circuit Court of Southampton Co. One thousand and fifty six and 66/100 dollars in full of the amount due the following children of E. W. Bradshaw viz: Vassie Bradshaw, Hes. B. Bradshaw and Susanna Bradshaw for estate I am Guardian from the sale of land.

J. Langhorne Bonham
Guardian for the said children

4/24/02.

J. B. PRINCE J. B. PRINCE, JR.

J. B. PRINCE & SON,
Attorneys & Counsellors at Law,
Courtland, Va.

Recd. Jan. 17th, 1902, of J B Prince a check for $354.59, which when paid is in full of Z.T. Bradshaw's share in proceeds of sale of land sold in Chancery suit of Bradshaw et als v. Edwards et als. I received, however, of this amount only $337.84, $16.75 of which is for fees for writing two deeds and fees for recording three, all of which said Bradshaw pays out of his share —

J. L. Barham,
Pr. Langhorne

J. B. PRINCE J. B. PRINCE, JR.

J. B. PRINCE & SON,
Attorneys & Counsellors at Law,
Courtland, Va.

Received May 5th, 1902, of J. B. Prince, Special Commissioner $10, fee for taking account as commissioner in chancery in chancery suit Bradshaw et als vs. Edwards et als.

Wm S Saunders
Comr. In Chancery

J. B. PRINCE J. B. PRINCE, JR.

J. B. PRINCE & SON,
Attorneys & Counsellors at Law,
Courtland, Va.

To J B Prince, Atf. Comm. in Chan, ~~Edwards~~ Bradshaw v. Edwards et als—

You are hereby authorized to pay to my husband, E. C. Edwards, whatever money you have in hand coming to me from the sale of land in which I am interested, after the death, of my mother, and this shall be your authority for so doing—

C. O. Edwards

Wit C. R. Lundquist

Bradshaw et als -
vs. Report -
Edwards et als

Report of J B Bruce, Jr
Distributing fund

Oct. 7th, 1902 - Filed

Bradshaw et als,

vs. } Report of Spl. Commissioner, J.B.Prince, jr.

Edwards et als.

In this cause your commissioner begs leave to submit the following report:-

That he has collected of the purchaser from the sale of the land in the bill and proce dings mentioned.....$2350.00

He has paid out:-

Costs of suit.....	$ 38.69	
Commissions.....	56.00	
Fee allowed by Court.....	100.00	
Auctioneer.....	5.00	
Posters.....	1.50	
Deed.....	10.00	
Taxes for 1901 and 1902.....	22.44	
Balance.....	$2116.22	
	$2350.00	$ 2350.00

To be divided into six equal shares as follows:- $2116.37

To C.C.Bradshaw....	1/6.....	$352.72
C.O.Edwards.....	1/6.....	$352.72
Z.T.Bradshaw....	1/6.....	$352.72
Vassie Bradshaw.	1/6.....	$352.72
Geo.B.Bradshaw..	1/6.....	$352.72
Susanna Bradshaw	1/6.....	$352.72

It will be noticed from the recipts herewith filed that J.L.Barham, assignee of Z.T.Bradshaw received a little more than the others. This was due to the fact that the tax account for 1901 was not presented until after he had been paid.

Your commissioner encloses the vouchers to show how he has distributed the money, which show that all the fund has been disposed of. He has also made a deed to the purchaser. As Mr.J.Langhorne Barham qualified as guardian for the three minor children, and as he gave a bond to apply the money under the direction of this court, the shares of each one of said minors being onver $300, your commissioner is not advised whether or not it would be proper to ask for this case to be removed from the docket at this time.

All of which is, Respectfully submitted,

J.B.Prince Jr. Spl. Comm.

Order appointing Substituted Trustee.

1911- July 25th

RECORDED - D.B. # 54 -

PAGE 599 -

Examined-

Paid

Virginia: In the Clerk's Office of the Circuit Court of Southampton County, 25" day of July, 1911.

L.J.Bain
vs.
Harry L.Bain, Trustee, W.H.Vincent, Administrator of the estate of Rosa A.Ezelle, deceased, Carlyle Vincent Ezelle, Laura Jane Ezelle, Alice Lee Ezelle, Lizzie Dewey Ezelle, James McGuire Ezelle, Mary Booth Ezelle and Earl Holt Ezelle, the last named seven being infants under the age of twenty-one years.

THis day came the plaintiff by counsel and moved the Clerk of the Circuit Court of Southampton County, to appoint E. Frank Stpry,as Trustee , in the place and stead of Harry L. Bain, who declines to accept the trust, who was TRustee in a certain deed of trust from Rosa A.Eze lle and N.T.Ezelle to said Harry L.Bain,Trustee, dated the 21" day of August, 1909, and of record in the Clerk's Office of the Circuit Court of South-ampton County, Virginia, in Trust Deed Book No. 11, Page 452 - And on motion of L.J.Bain Barclay Pretlow is hereby appointed Guardian ad Litem for the infant defendants, Carlyle Vincent Ezelle, Laura Jane Ezelle, Alice Lee Ezelle, Lizzie Dewey Ezelle, James McGuire Ezelle, Mary Booth Ezelle and Earl Holt Ezelle, and thereupon the said Barclay Pretlow filed his answer as such Guardian ad Litem. On consideration whereof it appearing that the parties hereto are the only parties interested in the execution of the trust of the aforesaid Deed and that the said Harry L.Bain, the sole Trustee in said Deed, has declined to accept the Trust and that reasonable notice of this motion has been given to each of the parties hereto except the plaintiff, It is ordered that E.Frank Story be and he is hereby appointed and substituted as Trustee in the Deed of Trust hereinbefore mentioned, in the place and stead of the said Harry L.Bain to act thereunder and in accordance with the terms thereof, and with all the powers, rights and privileges and liable to all the duties and obligations of TRustee as conferrdd or imposed by said Deed of Trust.

And it is further ordered that the Clerk of this Court do record a copy of this order in the Current Deed Book, and Index the same in the names of the parties hereto and in the name of said substituted Trustee, and that the papers in this matter be filed among the ended causes of this Court.

Virginia: In the Clerk's Office of the Circuit Court of Southampton County, 25" day of July, 1911. The foregoing Order substituting Trustee was ordered to be recorded and the same is accordingly done.

TEste: H. B. McClenny Clerk.

By: B. M. Wills D.C.

Bradshaw et al

vs

Cross Lewis

Edwards et al

Recited

J. H. Bishop Assistor

H. Williams Esq

(3)

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU THAT YOU SUMMON J. T. Bryant & R. T. Barnes & B. J. Bryant

if they be found within your bailiwick, to appear at ~~the Clerk's Office of our County Court of Southampton County, at the rules to be holden for the said Court on the Monday in next, to answer~~ my Office in Courtland Va on Oct 23. 1901, to give evidence before me in the chancery cause of Bradshaw et als vs Edwards et als, as directed by decree entered by the circuit Court of said County in said cause on Sept 26th 1901

And have then there this writ.

Witness, ~~B. F. McLEMORE, Clerk of our said Court, at the Courthouse~~, this 16 day of Oct, 1901, in the 126th year of the Commonwealth.

~~A Copy~~—Teste: Wm Shands

Com'r in chancery

Bradshaw et als.

vs. } Stat: of Ark.

Edwards et als.

Bradshaw et als.

vs. } Stat: of Costs

Edwards et als.

1901.

Aug. 26th

Summ. 25¢. 2 cop. 26. rec. cipt 18. atty. 10. Docket 18=	97
Rules 1.00. entg. return 25¢. fil bill 15. ~~copies~~=	1.50
Do. ans. of Gdn. and Litem 15. Do. report of comr in chy. 25¢=	40
Do. report of Special Comr. 25¢. 3 docum'ts 1 cop. 144=	1.69
Taking Special Comrs bond 1.40 -	1.40
Tax Costs re. 40 —	40
fil. away papers 25¢. & return costs about 2.50=	2.75
12/31/1901 Pd by J. B. Prince L. A. Gay Clerk	$9.11
Sheff.	1.60
Comrs.	16.50
	$27.21
Fee of Comr. Wm Shands	10.00
" " Witness R. J. Barnes 82	
" " " J. J. Bryant 66=	1.48
	$38.69

Taxed: L. A. Gay C.C.

Bradsnaw et als

v. Decree.

Edwards et als.

In vacation.

September 26, 1901.

Enter this,

Robert Stanley

We consent,

J. B. Powers & Son.

Attys. for all adult parties.

Emil Frey.

Guardian ad litem for infant defendants.

Entered page 381

Circuit Court of Southampton county, in vacation, September 26", 1901.

Bradshaw et als

v. Decree. (Enter name of all parties)

Edwards et #als.

By consent of parties entered of record, in vacation, it is hereby decreed that this cause be submitted to the Judge of the Circuit Court of Southampton county, in vacation, to enter such order, or orders therein, in vacation, as may be entered in term. And by the like consent this cause came on to be heard on the bill of the complainants, taken for confessed as to the adult defendants ~~##to-th~~ Samuel Edwards, on whom process has been duly served and he still failing to appear and plead answer or demur, the answer of the minor defendants, by E. Frank Story, their guardian ad litem, 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 enquire into and report,

1st:-Whether the tract of land devised by C.C.Whitfield to Mrs. Bradshaw, wife of Bradshaw, during her natural life and after her death to her children, can be conveniently divided in kind among the parties thereto entitled,

2nd:- If the same can not be so divided whether any party will take the entire subject matter and pay to the other parties such a sum of money as they may be entitled to receive,

3rd:-If the same can not be divided in kind, and if no party will take the entire subject matter and pay to the other parties such a sum of money as they would be entitled to receive, whether the interest of all the parties will be promoted by a sale of the entire subject matter, or by an allotment of part and sale of the residue,

4th:-Whether there are any delinquent taxes due on said land and if so, how much,

All which enquiries the said commissioner will make and report to court, together with the evidence upon which he bases his conclusions.

Robert R. Rennie

To the Clerk of the Circuit Court of Southampton County.

Bradshaw et als

v. Decree.

Edwards et als.

In vacation.

November 12, 1901.

Enter this

Robert R. Prentis

J.

Entered Page 404

Bradshaw et als

v. Decree. (2)

Edwards et als.

(1) Circuit Court of Southampton County, in vacation, on the 12th day of November, 1901.

This day this cause, which was made a vacation cause on the 26th. day of September, 1901, came on to be further heard on the papers formerly read and the report of commissioner, William Shands, filed October 23, 1901, to which report there is no exception, and was argued by counsel.

On consideration whereof, the court doth confirm the said report, and it appearing from the same that it is to the best interest of those interested that the land in the proceedings mentioned be sold, the court doth adjudge, order and decree that J.B.Prince, jr., who is hereby appointed a special commissioner for the purpose, proceed to sell the same by public auction, after due notice of the time and place of sale, and upon the following terms, to-wit:-One half of the purchase price cash, balance on a credit of twelve months, the purchaser to execute his bond with sufficient security, carrying interest from the 1st day of January, 1902, and the title retained until the further order of the Court, ~~for the deferred payments~~, or, at the election of the purchaser, he may pay the entire purchase price in cash.

But before the said commissioner will proceed to act under this decree he will execute a bond before the Clerk of this court in the penalty of $5000.00, with security to be approved by the said Clerk, conditioned to faithfully perform his duties under this, or any subsequent, decree in this cause. The said commissioner will attach to his notice of sale a certificate from the Clerk of this court that the bond required under this decree has been executed with security deemed sufficient by him.

And the said commissioner will make report to court.

Robt R Willis

To the clerk of the Circuit Court of Southampton County, Va.

Bradshaw 47
vs 33 Decree
Edwards Jr.

In vacation
Dec. 11, 1907.

Enter this
Robert R. Prentis

Entered page 412

In the Circuit Court of Southampton Co.
In Vacation - Dec. 11, 1901.

Bradshaw
vs
Deaver.

Edward Porter

This day this cause, that has been regularly made a vacation cause, came on to be further heard on the papers formerly read, the report of Comr. J. B. Prince Jr. reporting sale of the land in the proceedings mentioned to R. Howard for $2350. to which report there is no exception and was agreed by Counsel. On Consideration whereof, and the Commissioner of Sale having recommended confirmation of said sale, the same is hereby confirmed. It appearing from said report of sale, that the purchaser has paid $1175. in cash. and is ready to pay balance when the sale is confirmed, the Court doth adjudge, order and decree that the said Commissioner collect the balance of the purchase money, and after paying the costs of this suit, including an attorneys fee to J. B. Prince Esqr of $100. the same being for their professional services, notice of application for said fee having been given in the bill. and the Expenses of sale - that he distribute the balance among the parties according to their respective interests - and make report to Court.

To the Clerk of Circuit Court of Southampton Co.

Robert R. Willis

Bradshaw et als

v. Decree.

Edwards et als.

In vacation.

May 5 1902.

Enter this

Robert N. Stevens

Entered page 439

Circuit Court of Southampton County, Virginia, In Vacation, the 15th day of May, 1902.

Bradshaw et als

v. Decree.

Edwards et als.

This day this cause came on by consent of parties to be further heard on the papers formerly read, the report of special commissioner J.B.Prince, jr., filed May 5th, 1902, asking the instruction of the Court how to pay out the shares of the three minors, viz., Vassie, George B. and Susanna Bradshaw, each of said shares amounting to over three hundred dollars, it being the proceeds of the sale of land in a partition suit, and was argued by counsel.

On consideration whereof, there being no exceptions filed to the said report, the same is hereby confirmed, and the Court doth adjudge, order and decree that the said special commissioner J.B.Prince, jr., pay to the guardian of said minors the shares in his hands belonging to each one to be invested by him under the direction of this Court for the use and benefit of the said minors upon such guardians first executing a bond before the Clerk of this Court, with good security, to be approved by said Clerk, in the penalty of two thousand dollars, conditioned for the faithful application of the fund, and for the management and preservation of any property, or securities, in which the same may be invested, and for the protection of the rights of all persons interested therein, whether such rights be vested or contingent.

The said commissioner will make report to Court.

Robert R. Lewis

To the Clerk of the Circuit Court of Southampton County, Va.

Broadhead et als

vs. } Decree

Edwards et als

Oct. 7, 1902

Enter This

Robert R. Davis

Entered.

Page No. 457.

Bradshaw et als,

vs. Decree.

Edwards et als.

Cause on

This day this cause to be further heard on the papers formerly read, and the report of J.B.Prince, jr. Spl. Commissioner, this day filed, to which no exceptions have been filed, showing the collection of the entire purchase money for the land sold, and the proper distribution of the same, supported by vouchers, and was argued by counsel.

On consideration whereof, and no exception being filed to the said report the same is hereby confirmed.

-191-

Brodhead et als

v. } Deed

Edwards et als

Enter April 7. 1911.

James L. Edmonds

RECORDED - C.O.B.

PAGE @ 166 -

Use Consent to this deed

R. Howard and Virginia

Howard - By Jos. B. Prince

Atty. L. T. Conlan, by Jos. B. Prince

JOSEPH B. PRINCE Atty

ATTORNEY AT LAW

OFFICES, 65 NORTH SYCAMORE STREET

PETERSBURG, VIRGINIA

Bradshaw vs. The petition Answer &c

VIRGINIA: In Vacation,

IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY. April 7. 1911

BRADSHAW ET ALS,

vs.

EDWARDS ET ALS.

On motion of ~~a party~~ J. T. Carter a party and by and with the consent of R. Howard and Virginia his wife, the only other parties appearing in interest, it is ordered that this cause be reinstated upon the docket, and thereupon it came on to be further heard on the papers formerly read, the petition of J. T. Carter this day filed by leave of court, and the joint and separate answers of R. Howard and Virginia Howard, his wife, made to said petition this day filed by leave of court, and was argued by counsel.

On consideration whereof, it appearing that no deed has been directed to be made to the purchaser of the property sold under a former decree in this case, and it further appearing that although the said R. Howard was the purchaser, according to the report of the Special Commissioner, yet that the said R. Howard was bidding for and directed the deed to be made to J. T. Carter; and

Whereas it also appears that the purchase price of the said property was paid by said J. T. Carter in full, and that deed to him was directed to be made by said Howard, the court doth adjudge, order and decree that the deed heretofore made, to-wit: on the 10th day of January, 1902, by J. B. Prince, Jr., Special Commissioner, to said J. T. Carter be, and the same is hereby approved, ratified and confirmed, and that the title under the control of the court in this cause be declared

to be in the said J. T. Carter as fully as if the deed had been originally directed to be made to him.

And nothing further remaining to be done in this cause, it is ordered that the same be removed from the docket.

Allwhich is hereby certified to the Clerk of this Court to be entered in his Chancery order book.

James S. McLemore,