1895-003 Chancery Causes: Sidney Bott, James A. Bott & al vs Benjamin B. Bott, by & c & John A. Haskins
Isle of Wight County Petition of B. P. Chapman

other surnames: Pedin, Jones Thomas

Bell J & C and others

vs

Bell Benjamin & others

Complainants Bill
and exhibits

First Apl. Rules 1892.
Bill & exhibits filed, summs. issd and dcm nisi v. adult defts.
R. C. Boykin applt. gdn. ad litem to infl. defts.

Second Apl. Rules - Bill taken for confsd. as to adult defts. Answ. of infl. defts. filed & read, replic. and consent for Receiver.

April term 1892
De sub. Chapman as defts. for asset & making this a vacation cause

De. to Bell & C.

Oct term 1892

Oct term 1893
De to collect & pay out &c.

Oct. term 1894
De confg. sft. del. bonds. make deed &c

April term 1895
Denial

but are permanently settled in other and different parts of the State of Virginia.

Your complainants further allege that the said property is not in that behalf capable of partition and they charge that the same be sold and the proceeds distributed amongst the parties in proportion to their respective interests therein, the said Sarah Thomas consent may be received to some equivalent to her contingent right of dower therein.

In tender consideration whereof and forasmuch as your complainants are remediless in the premises, save by the aid of a Court of Equity where matters of this kind are only and properly cognizable, your complainants pray that the said John C Watkins, who at the time of the institution of this suit had not reproved his wife unto be a party plaintiff thereto although he has since done so, and the said Benjamin Bell be made parties defendant to this bill and required to answer the same and their confederal wills: that a proper guardian ad litem be appointed the infant defendant to defend his interest in this suit: that the said real estate be sold and the parties thereto entitled thereto, and your complainants portion allotted to them and in case the said real estate be not in other in kind that the same be reported for sale and the proceeds thereof be distributed among the parties entitled that a proper fee be allowed the attorney in this cause for his services therein thereto, and that such other, further and general relief may be of

for as your complainants in the nature of their case may require or to equity shall seem meet. And your complainants will ever pray &c

Scott Watkinson Jr

To the Honorable L W Hill judge of the Circuit court of Isle of Wight county, the chancery sitting

Humbly complaining sheweth unto your honor your complainants Lewis Bell James A Bell, William E Pervin and Ellen his wife, Florence J Hopkins wife of John A Hopkins, L L Jones and Alice his wife and William H Thomas and Sarah his wife, that W K Chapman trustee and special commissioner under a decree of the Circuit court of Isle of Wight county by deed bearing date on the 26th day of September, 1875 and of record in the clerks office of the county court of said county has conveyed to the said Lewis Bell in trust for Columbia E Bell and her children a certain house and lot in the town of Smithfield in the county aforesaid, subject to the life estate of dower of the said Sarah Thomas the wife of the said William H Thomas. A duly certified copy of said deed marked A is herewith filed and prayed to be taken as a part of this bill.

The said Columbia E Bell was the wife of your complainant Lewis Bell, and has since died intestate, and at the date of said deed and of her death her only children and heirs at law were your complainants James A Bell, Florence J Hopkins, Ellen Pervin, Alice Jones and Lewis Bell (who has since died intestate leaving your complainant Lewis Bell his only heir at law and Benjamin B Bell one of the defendants hereinafter named and who is an infant under the age of twenty one years, to wit of the age of 20 years).

The said house and lot is situated on Main street in the town of Smithfield as joining the lot of James A Anderson, F A B Watson and the lot formerly belonging to Benjamin A Williams, and the house thereon are dilapidated and greatly in need of repairs and your complainants being of limited means are unable to undergo the expense. They are and each would be to their interest to undergo such expense were they known so as to enable them except the said William H Thomas and Sarah Thomas who has only a contingent interest of dower therein are seized of Smithfield in Isle of Wight county

Bell and others

vs

Bell and others

Petition of

B Blackmore

To the Honble Jno W Hall judge of the Circuit Court of Isle of Wight county

Your petitioner R P Chapman respectfully represents that at the first April Rules 1892 a bill of complaint was filed in the said court by James A Bell, W E Pierce and L Ellen his wife and others plaintiffs against John A Hopkins and Benjamin B Bell, the last of whom is an infant under the age of twenty one years old; for the partition of each of a house and lot in the town of Smithfield in the said county, and the subpoena thereon issued was duly returned from the clerks office of said court on the 3rd day of March 1892; that your petitioner subsequently to the issuing of said subpoena purchased of the W E Pierce and L Ellen Pierce all of their interest in the said house and lot and they conveyed the same to him by their deed bearing date on the 30th day of March 1892 and duly recorded in the clerks office of the county court of the said county, a duly certified copy of said Deed and of the certificate of the recordation thereof marked A is herewith filed, and prayed to be taken as part of this petition. Your petitioner therefore prays that he may be substituted as plaintiff in the said suit in the place and stead of the said W E Pierce and L Ellen Pierce, and the said suit be dismissed as to them, and your petitioner with costs &c.

R P Chapman

Bott et als
vs. ¾ In clay.
Bott et al

Answer of inft. defts.
Ley & Dev. admitted.
Filed 2nd Appl. rules
1892.

The answer of Benjamin Bott an infant under the age of twenty one years by R E Baykin his guardian ad litem assigned to defend him in this suit, ~~and the answer of the said R E Baykin guardian ad litem of the said infant Benjamin Bott~~ to a bill in equity exhibited against the said Benjamin Bott and John A Hoskins by James A Bott, Lucy Bott, Florence J Hoskins wife of John A Hoskins, William E Pearman and Ella his wife, L B Jones and Julia his wife and William H Thomas and Sarah his wife.

For answer to the said bill, the said infant defendant by his said guardian ad litem answers and says, that being of tender years he does not know what his true interests are in relation to the subject matter of the said bill, nor does he know whether the statements therein contained are true or not. He commits the protection of his interests to the care of the court. ~~And the said guardian ad litem of the said infant defendant for answer to the said bill answers and says that he knows nothing of the truth or falsity of the statements in the bill contained. He prays the protection for the said infant defendant and now having fully answered, these defendants pray hence to be dismissed with their costs &c.~~

R. E Boykin Esq
ad litem of Benjamin
Bott -

Isle of Wight County to wit:
This day personally appeared before me, the undersigned a Notary Public for ~~a justice of the peace~~ for the county aforesaid, R E Baykin and made oath that the statements made in the foregoing answer so far as made of his own knowledge are true and so far as made upon knowledge or information derived from others he believes them to be true
Given under my hand this 15th day of April 1892.

R. S. Thomas
Notary Public

Form No 300

Bott Jas. A. etals.

vs. | SUBPŒNA IN CHANCERY.

Haskins Jno. A. etals.

G. K. Atkinson p.q.

To Defts. Rules.

1892 circuit Court.

Sheff fee 1.50 Cts Paid
J. P. Goode D. Sh.

Non-finding defendant Jno A. Haskins at his usual place of abode this 7.9. Haskins his wife there. The within summons was executed by delivering to him, this April 1st 1892 at his usual place of abode, at the same time, the said wife of said defendant, by leaving with them family over the age of sixteen years a true copy of within summons, and explaining the purport of the same to them.
Wm. C. Kirk sheff. C. C.
By J. P. Goode Dep.

Everett Waddey,
Stationer and Printer,
Richmond, Va.
Form No. 300.

The Commonwealth of Virginia,

To the Sheriff of the County of ~~Isle of Wight~~ Chesterfield, Greeting:

WE COMMAND YOU, that you summon John A. Haskins, and Benjamin Bott an infant under the age of twenty one years.

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight, at the rules to be held for the said Court on the first Monday in April, 1892, to answer a bill in Chancery, exhibited against them in our said court by James A. Bott, Sidney Bott, W. E. Pedin and C. Ella his wife, L. C. Jones and T. Alice, his wife, Florence T. Haskins, and William H. Thomas and Sarah his wife

And have then there this writ. Witness, N. P. YOUNG, Clerk of our said Court, at the court-house, the 25th day of March, 1892, and in the 116th year of the Commonwealth.

N. P. Young Clk.

FORM No 300

Bott Jas. A. et als.

vs. | SUBPŒNA IN CHANCERY.

Haskins J. A. & Bott Benj. B.

Geo. R. Atkinson p.q.

To 1st April Rules.

1892 Circuit Court

The within named Defendant Haskins J. A. is hereby summoned to appear before the Circuit Court of Nansemond County, Virginia, at the Court House thereof, on the 1st Monday in April 1892 to answer the Complaint of the Plaintiff

G. W. Williams

Everett Waddey,
Stationer and Printer,
Richmond, Va. } Form No. 300.

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight, Greeting:

WE COMMAND YOU, that you summon John A. Haskins, and Benjamin B. Bolt an infant.

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight, at the rules to be held for the said Court on the first Monday in April 1897. to answer a bill in Chancery, exhibited against them in our said court by James A. Bott, Sidney Bott, W. E. Parris and C. Ella his wife, L. C. Jones and T. Allen his wife, and Florence T. Haskins, William H. Thomas and Sarah his wife

And have then there this writ. Witness. N. P. YOUNG, Clerk of our said Court, at the court-house, the 26th day of March 1897, and in the 121st year of the Commonwealth.

N. P. Young clk.

Bott et als.
vs. Z & Mc Cluy.
Bott et als.

Report of comm.
Young under decree
of Apl. 1892

Filed 8th Oct. 1892

That B. P. Chapman is the purchaser of the interest of Sidney Bott, James A. Bott, C. Ella Pedin, and S. Alice Jones equaling two thirds, held by and he also purchases the interest of S. F. Thorpe heirs, and S. Alice Haskins holds one sixth and Benj: B. Bott owns one sixth, making the whole. That no party has evinced a desire to accept the whole subject and pay to the other parties such sums as their interest entitle them to. That the interests of the parties will be promoted by a sale of the entire subject.

Your commissioner reports further, that no liens by judgment or otherwise has been proven on the interest of any party now entitled to the said real estate.

Given under my hand as one of the commissioners in Chancery of the said circuit court, this day and year first aforesaid.

N. B. Young. Comm'r.

Comm'rs. fee $10.00
Staff. " 1.50
costs for com. $11.50

are any liens by judgment or otherwise on the interest of any party.
Your commissioner reports to the court that on the 15th day of August 1892, he issued notices to the parties that he had fixed upon the 8th day of Sept. 1892 to make at his office the enquiries and reports so required. That service of said notices was duly acknowledged by G. K. Atkinson atty. for all parties except B. P. Chapman and W. H. Thomas & Sarah Thomas, upon whom the notice was served. That no party appeared on that day and the matter was continued to the 8th of Octo. 1892, on which day your commissioner made the enquiries so required and reports that, from the evidence before him, the lot in the proceedings mentioned cannot be fairly and equitably partitioned among the parties entitled thereto, the property is a lot in Smithfield with a dwelling & kitchen thereon and to divided into parcels to suit the interest of each party, would be very injurious. That there were originally six shares in said lot, to wit: James A. Bott, Florence T. Hopkins, C. Ella Pedrick, S. Alice Jones, Sidney Bott Jr. and Benjamin B. Bott.

Commissioners office, Isle of Wight
Court-house, Octo. 8th 1897.
To the circuit court of Isle of Wight
county.

Pursuant to a decree of the said circuit Court, rendered at its April term 1897, in a suit in chancery therein pending between James A. Bott etals. Plaintiffs, and Jno. A. Haskins and B. B. Bott defendants, requiring a commissioner in chancery of said court to inquire and report whether the house and lot, in the proceedings mentioned, can be judiciously partitioned among the parties entitled thereto, who are entitled thereto, and what are their respective shares therein; if partition cannot be conveniently made, whether the entire subject can be allotted to any party who will accept the same and pay to the other parties such sums as their interests therein may entitle them to, or whether the interests of the parties entitled to said house and lot and its proceeds will be promoted by a sale of the entire subject, or allotment of part and sale of the remainder, and whether then

Both Houses,
U. S. Cong.,
Both Houses

Judge Atkinson's
Letter.
Rec'd. 28. Sept.
1892

GEO. R. ATKINSON,
ATTORNEY-AT-LAW.

COURTS: ISLE OF WIGHT, SURRY, NANSEMOND AND SOUTHAMPTON COUNTIES. U. S. DIST. COURT AT NORFOLK.

Smithfield, Va., July 26th 1892

Dear Sir

Ben Bird, whose last account can be due to know the accounts taken in the Bills suit as he has had some difficulty in keeping the other interests, Mrs Hopkins and Benjamin Bills. He tells me that Ben Bills is now 21 years old or you had taken some notice on him, he lives in Berkley with Wm E Pierce, I have no knowledge except for Benjamin and Hopkins and wife. Please try and get the affs in so that I can get a decree for both

Yours truly
Geo R Atkinson

Please note the inclosed aff of W E Bell in the suit of Bills & Geo Boughton. I mentioned to Bell the affidavit is in short only.

Please send me a copy of the injunction of E & Mr Parrys Bank. I want to use in making up the account of Executor

yours
GRA

Suffolk, Va., Dec 5 1892

Mr Judge G R Atkinson

To SUFFOLK HERALD, Dr.

J. E. BOOKER, Proprietor.

First-Class JOB PRINTING a Specialty.

50 Bills Notice of Sale
Both Laws $1.00

Jas J Brooks

Bill of Sale

to

Bill of Sale

Report of Sale

of

Commissioner Geo R Wilkinson

under decree of November 9th 1892.

Filed 20. 1893.

4

Commissioner's Report of Sale

under decree of Nov 9th 1892

Geo R Wilkinson

S.B.13

1967

117.80

To the Circuit court of Isle of Wight county.

Pursuant to a decree of the Circuit court of Isle of Wight county rendered on the 2nd day of November 1892 in the suit in chancery pending therein in which Bell and others plaintiffs against Bell and others defendants the undersigned a special commissioner appointed thereby to sell the lands in the proceedings mentioned reports that upon advertising the time, place and terms of sale in the manner prescribed by said decree, he offered for sale at public auction at the front door of Isle of Wight courthouse on the 2nd day of January 1893 that being court day, the house and lot in the town of Smithfield in the bill and proceedings mentioned, for cash sufficient to pay the costs of suit and sale and the remainder on a credit of six and twelve months from the day of sale the purchaser to give bond with approved security and waiver of the homestead exemption & equal amounts, bearing date on the day of sale and payable six and twelve months after date with interest from date, and Benjamin P Blackburn having bid the sum of Twelve hundred and fifty ~~$1250.00~~ dollars and that being the highest bid was declared the purchaser and thereupon paid the sum of $117.80 in cash and executed his two bonds with Ed Blackburn as his surety for the sum of $566.10 each with interest from date and payable six and twelve months after date. and the said bonds are herewith returned.

Upon examination I have paid out the costs & payments as follows.

Warning fee & serving same	Chas G Parkinson	1 65
Witness fee all round	Chas G Parkinson	3 0,00
Paid blanks fee & P Young	Pd. A. P. Hancock	1 0,61
" P Young. Commissioner	Pd. A. P. Hancock	1 0.00
" R A Edwards Sheriff	Pd. A. Edwards Sheff	1,50
" Sheriff of Smithfield	pd Chas G Parkinson	3 2
" R A Edwards Auctioneer	Pd. A. Edwards &c.	3.00
" for advertisements	pd Chas G Parkinson	1,00
Amount carried forward		$95.13

W. Benjamin Chapman, principal and
his surety promise and bind ourselves to pay to George R Atkinson, Com
missioner of and in the out of Bell and others as Bell and others, or
order, three two months after the date hereof the sum of four hundred
and eighty nine dollars and ten cents with interest thereon from the date hereof
the amount of the second deferred payment of the purchase money of
the house and lot sold this day in said suit, and we do waive any ex
emptions as to this debt.
Witness our hands and seals this 2nd day of January 1893.

C. B. Chapman Seal
B. Chapman Seal

We Benjamin P Chapman, principal and
his surety, powers, and bind ourselves to pay to George R Hitchins or
commissioner of sale in the suit of Bell and others vs Bell and others,
in order, six months after date hereof, the sum of Five hundred and sixty
six dollars, and his costs with interest thereon from the date here
of, amount of the first deferred payment of the purchase money of the
house and lot sold this day in said suit, and we do waive our exemp
tions as to this debt.
Witness our hands and seals this 2nd day of January 1893.

B P Chapman Seal

B P Chapman Seal

Ball and others

vs

Ball and Others

Report of
Mr Parkinson Special
Commissioner under decree
of October Term 1893.

To the Circuit court of Isle of Wight County.

The undersigned commissioner who was directed by the decree of this court rendered at the October Term 1893 of the said court in the suit therein pending styled Batts and others vs Batts and others to collect the two outstanding bonds of B P Blackburn and G W Blackburn of $366.10 each and after paying the unpaid costs of the said proceedings out of the proceeds of the first Bond to the said B P Blackburn and with the residue of the said proceeds and one with to Benjamin P Batts and the payment of the second bond when due and to pay the unpaid costs of the said suit and two thirds of the remainder to B P Blackburn and deposit the residue in the Planters Bank of Norfolk to the credit of said suit, and on the payment of the said bonds respectively and delivery to the said Benjamin P Blackburn a good and sufficient deed with special warranty for the house and lot in the bill and proceedings mentioned reports that after the rendering of the said decree, the said Benjamin P Blackburn has and still is with the said Florence T Blackburn and the said Benjamin P Batts, for the shares of the said bonds and exhibits the deeds of the said parties to your commissioner, which are herewith returned.

The said Benjamin P Blackburn has for this reason not paid to your commissioner the amount of the said bonds or any part thereof but asks and claims that the said bonds be delivered to him and that a proper deed for the said house and lot be executed and delivered to his wife Florence O Blackburn as and for her separate estate.

Chas R Atkinson

Special Commissioner

Bell vs Ehrs

vs

Bell vs Ehrs

Report of
Shorthand Notes on Rehearing
of
Delivery of Deed.

To the Circuit Court of Isle of Wight County.

The undersigned Special Commissioner appointed by a decree rendered on the 23rd day of October 1895 in the suit in Chancery pending in the said court wherein the style of Bott &c was plaintiff against Bott &c was defendants, reports that in obedience to the said decree he has executed and delivered to Florence A Chapman the wife of B P Chapman a good and sufficient deed for the house and lot in the bill and proceedings of said suit mentioned and that the said B P Chapman within the said time by agreement and order of the Court. All of which is respectfully submitted

Geo R Wilkinson
Special Commissioner.

Bolt and others

vs

Bolt and others

Decree

April Term 1892

Foreclosure

C.M.L.

Entered #12

✓

In the Circuit Court of Isle of Wight county April Term 1892

James A Bell, Sidney Bell, W E Pierce and L E Pierce his wife
L C Jones and E Ellen his wife, Florence D Hopkins and William
H Thomas and Sarah his wife Plaintiffs

vs

John A Hopkins and Benjamin B Bell the last of whom is
an infant under the age of 21 years Defendants.

This cause comes on this day to be heard on the bill taken for con-
fessed as to the defendant John A Hopkins on whom process has
been duly served and he still failing to plead answer or demur, on
the motion of the infant defendant by P C Boykin his guardian
ad litem, on the petition of B P Chapman, this day filed by leave of
court and on reference filed and now argued by counsel, the consid-
eration whereof it is ordered that the said B P Chapman be substituted
as plaintiff in the place and stead of the said W E Pierce and L Ellen
his wife, and that suit be dismissed as to the said W E Pierce and L Ellen
his wife and be proceed with in the name of the said B P Chapman as
plaintiff and this court doth further adjudge, order and decree
that a commissioner in chancery of this court do ascertain and report
whether the bonds, and lot in the proceedings mentioned can
be partitioned equitably amongst the parties entitled thereto, who
are entitled thereto and what are their respective shares therein;
if partition can not be conveniently made, whether the entire sub-
ject can be allotted to any party who will accept the same and pay therefor to the other parties such sums as their interests therein
may entitle them to or whether the interests of the parties entitled
to the said bonds and lot or the proceeds will be promoted by a
sale of the entire subject or allotment of part and sale of the
residue and whether there are any liens by judgment or otherwise
on the interest of any party, how the same are to be discharged

with submit from note and the title is returned until the further
order of the court, ~~and the said commissioner of the peace~~
~~of the said county of Orleans is ordered directed and~~
~~required to take the said bond and security~~
~~and to the said Benjamin B Thompson and with leave to the~~
~~said Benjamin B Thompson and with leave to the said~~
~~Benjamin B Thompson and with leave to the said Benjamin B Bond~~ and make
report to court of his proceedings under this decree.
But before the said commissioner shall proceed to execute this
decree he shall before the clerk of this court, enter into a bond
with approved security and waiver of the homestead exemption
in a penalty of $3000 - and conditioned for the faithful per-
formance of this or any further decree herein.

Bill in Chancery
vs
Bill in Chancery.

Decree
Pro Confesso
Filed Jan 1892
Jno Lawrence
Clerk

Exhibit #21

In the Inferior Court of Isle of Wight County, October 1894.

James C Bell and Alice Bell, Plaintiffs

v.

Benjamin P Shepherd and Benjamin P Bell, infants under the age of twenty one years by Benjamin P Shepherd their next friend, Defendants

This cause came on this day to be again heard on the papers formerly read, on the petition of Benjamin P Shepherd on this day filed by leave of court, and exhibited therewith, and on the 3rd day of October Quarter under leave herein of April Term 1894 and was argued by counsel. On consideration whereof and it appearing to the court that since the last term hereof Benjamin P Shepherd has purchased the interests of James C Bell, Alice Jones, Sarah Symmes and Sydney Bell in the land in the proceedings mentioned and that Benjamin P Bell the infant defendant has arrived to the age of twenty one years. It is ordered that this cause proceed in the name of the said Benjamin P Shepherd as plaintiff in the place of the said James C Bell and Sydney Bell and against the said Benjamin P Bell as an infant defendant and that a subpoena issue to the said James C Bell, Alice Jones, Sarah Symmes and Sydney Bell his wife and wife and Sarah his wife, conforming in every respect to which the proceedings are filed and the Court doth appoint, order and decree that G. Wray R Clifton an who is hereby appointed a commissioner for that purpose shall after advertising the time, place and terms of sale at the front door of Isle of Wight Courthouse on some court day and at four or more public places in said county and in the town of Smithfield, sell the lands and lot in the proceedings mentioned before the front door of Isle of Wight Courthouse on some court day upon the following terms, to wit [illegible] and the residue in a credit of one and two years from the day of sale, the purchaser or purchasers giving bond with approved security and waiving all the benefit and exemption of every kind, bearing date on the day of sale and payable one and two years after date

Benjamin P Shepherd for his use

Bott et als
vs. Zz City.

Bott & Hawkins

Copy decree for sale
of Nov. 2d. 1892.

shall proceed to execute this decree, he shall before the clerk of this court enter into a bond, with approved security, and waiver of the homestead exemption in a penalty of $3000.00 and conditioned for the faithful performance of this or any future decree herein.

A copy.

Teste, N. P. Young clk

Costs, to wit:

Atto. fee	15.00
Do. addl. allowed	50.00
Clerks fees cir. ct.	9.36
Do. " Co. ct.	1.25
Sheff. C. " (paid) Clerks	.52
Comm'd. Young fee	10.00
Sheff. for cond. notices fee	1.50
Total Chan. ct.	$87.63

8 9.13
1 50
2 43
1 25
1 54

exceptions are filed, doth adjudge, order and decree that George R. Atkinson, who is hereby appointed a commissioner for that purpose, shall, after advertising the time, place and terms of sale, at the front door of Isle of Wight court house on some court day, and at five or more public places in said county and in the town of Smithfield, sell the house and lot in the proceedings mentioned, before the door of Isle of Wight court-house, on some court day, upon the following Terms, to wit: for cash sufficient to pay costs of suit and sale, including a fee of Fifty dollars to George R. Atkinson for his services as attorney herein, and the remainder on a credit of six and twelve months from the day of sale, the purchaser to give bond with approved security and waiver of the homestead exemption, of equal amounts, bearing date on the day of sale and payable six and twelve months after the date with interest from date, and the title to be retained until the further order of the court, and make report to court of his proceedings under this decree.
But, before the said commissioner

In the circuit court of Isle of Wight county,
Nov. 7th 1892.

James A. Bott et als. . . . . Pltff.

vs. In Chy.

Jno. A. Haskins & B. B. Bott . . Dfts.

This cause came on this day to be again heard on the papers formerly read; on the petition of Benjamin P. Chapman this day filed by leave of the court and exhibits filed therewith, and on the report of Commissioner Young under decree herein of April term 1892, and was argued by counsel, on consideration whereof, and it appearing to the court that since the last decree herein Benjamin P. Chapman has purchased the interests of James A. Bott, Alice Jones, Sarah Thomas and Sydney Bott in the land in the proceedings mentioned, and that Benjamin B. Bott, the infant defendant, has arrived at the age of twenty one years, it is ordered that this cause proceed in the name of Benj. P. Chapman as plaintiff in the stead of the said James A. Bott, L. C. Jones & Alice his wife, and Wm. H. Thomas and Sarah his wife and Sydney Bott, and the court confirming said report to which no

Date
V { Inches
Dollars

Rough Draw
April 10 of 890
To be entered
C.M.H.

Entered

Bott
v
Bottorals } In the circuit court of Dead Horse Co

By consent of parties ~~entered~~ in open court, it is ordered that this suit be made a vacation cause. To be further proceeded with in vacation.

Bolt and others

vs. } In Chy

Bolt and others

Filed
Oct

Oct 20. 1873

Entered #1

In the Circuit court of Isle of Wight county October Term 1892.

B.H. Williams

vs

B.H. Williams

This cause came on this day to be upon the papers formerly heretofore in the clerk's office of this Court and upon the report of Commissioner made herein of November 2nd 1892 and was argued by counsel, the consideration whereof the court doth confirm the said report to which no exceptions are filed and doth adjudge, order and decree that a commissioner of the court doth report and that what is the present value of the contingent right of dower of Sarah Thomas wife of W.H. Thomas in the lands and lot in the bill and proceedings mentioned, together with such further sum as pertinent by himself or required by any party to be stated.

And the court doth further adjudge order and decree the clerk of this court shall deliver to B.H. Williamson commissioner in his following bill of costs for the same, the sum of $366.10 now due which he shall proceed to collect and after paying the costs of said report, I. The Sheriff of the County of Isle of Wight to B.H. Williamson and to B.H. Williamson for $366.10, the sum of the commissioner's fee in this cause, and after paying the costs of the said B.H. Williamson commissioner as his fee shall proceed to collect the same and after paying the said

Bott et als.

v. Z Ducky.

Bott et al.

Copy decree of
Octo. 1893.

//

this suit, pay two thirds of the balance of the proceeds thereof to Benjamin P. Chapman and one eighth to Florence T. Haskins, & one eighth to Benjamin B. Bott, & on the maturity of the second sales bond of B. P. Chapman and C. H. Chapman for $66.10, the Clerk of the Court shall deliver the same to the said Geo. R. Atkinson Commissioner on his filing his receipt therefor, who shall proceed to collect the same & on the payment thereof, he shall after paying the further unpaid costs of the suit pay two thirds of the remainder to B. P. Chapman and deposit one third thereof in the Marine Bank of Norfolk to the credit of this cause, and shall execute and deliver to the said Benjamin P. Chapman a good and sufficient deed with special warranty for the House & lot in the bill and proceedings mentioned, and make report to Court of his proceedings under this decree.

A Copy. Teste,

J. D. Hervey clk

Further costs incurred:

Oct. term 1893. 3 3

Clk's. fee . . $1.20

In Isle of Wight Circuit Court,
Octo. term 1893.

In the Circuit Court of Isle of Wight County October term 1893.

Bott and others

vs.

Bott and others

This cause came on this day to be again heard on the papers formerly read, and on the report of Geo. R. Atkinson commissioner of Sale under decree herein of November 2nd 1892, & was argued by Counsel. On consideration whereof the Court doth confirm the said report to which no exceptions are filed & doth adjudge order & decree that a commissioner of this Court doth report what is the present value of the contingent right of dower of Sarah Thomas wife of T. B. Thomas, in the house & lot in the bill & proceedings mentioned, together with any matter deemed pertinent by himself or required by any party to be stated.

And the Court doth further adjudge order & decree the Clerk of this Court shall deliver to Geo. R. Atkinson commissioner on his filing his receipt for the same, the sales bond of B. P. Chapman & C. N. Chapman for $566.10 now due, which he shall proceed to collect & after paying the unpaid costs of

Butt und Others
vs
Butt und Others

Bexar
October Term 1894

In Equity

Exhibit #1

In the Circuit Court of Isle of Wight County October Term 1894

Bill &c. &c. Plaintiffs

vs

Bill &c. &c. Defendants

This cause in which it appears that since the last decree therein Benjamin P Shepherd the purchaser of the house and lot in the bill and proceedings mentioned has paid and settled with Florence J Hankins and Benjamin B Bell for their shares in the proceeds of sale of the house and lot in the house and lot in the bill and proceedings mentioned, came on this day to be again heard on the papers formerly read and on the report of Wm R Atkinson special commissioner made and filed of October Term 1893, and was argued by counsel. On consideration whereof the court doth confirm the said report to which no exceptions are filed and doth adjudge order and decree that the clerk of this court do deliver to Benjamin P Shepherd and take his receipt therefor, the two notes bonds of himself and C H Shepherd of $566.10 each filed with Commissioner Atkinson's report of sale: that Wm R Atkinson who is hereby appointed commissioner for the purpose do execute and deliver to Florence A Shepherd the wife of the said Benjamin P Shepherd a good and sufficient deed with special warranty for the house and lot aforesaid for her sole and separate use and that the said Benjamin P Shepherd shall pay the expenses costs of this suit including the usual fee for drawing and certifying this said deed.

and lot aforesaid for her sole and separate use, and that the said Benjamin F. Chapman shall pay the unpaid costs of this suit including the usual fee for drawing and certifying this said deed.

A copy

Teste N. T. Young clk
by A. T. Young Deputy

Bath and others
vs
Bath and others

Deed of Col. Lyon 1894

A Copy

In the Circuit Court of Isle of Wight county
October 22d 1894

Bolt and others Plaintiffs

vs.

Bolt and others Defendants

This cause in which it appears that since the last decree therein, Benjamin P. Chapman the purchaser of the house and lot in the bill and proceedings mentioned has paid and settled with Florence T. Hoskins and Benjamin B. Bolt for their shares in the proceeds of sale of the house and lot in the house and lot in the bill and proceedings mentioned, came on this day to be again heard on the papers formerly read and on the report of Geo. R. Atkinson Special commissioner under decree of October term 1893, and was argued by counsel: On consideration whereof the court doth confirm the said report, to which no exceptions are filed, and doth adjudge order and decree that the clerk of this court do deliver to Benjamin P. Chapman and take his receipt therefor, the two sale bonds of himself and C. D. Chapman of $566.10 each filed with commissioner Atkinson's report of sale; that Geo. R. Atkinson who is hereby appointed commissioner for the purpose, do execute and deliver to Florence O. Chapman the wife of the said Benjamin P. Chapman a good and sufficient deed with special warranty for the house

Bill and Ellen

Bill & Ellen

Warren

April 23, 1895

Yours truly.

Robert C. Ellis

Enclosed #14

In the Circuit court of Isle of Wight county Apl 1895.

Bell and others — Plaintiffs

vs

Bell and others — Defendants.

This cause came on this day to be again heard on the papers formerly read and on the report of Commissioner Geo R Atkinson under the order of the 4th day of October Term 1894 and was argued by counsel. On consideration whereof the court doth confirm said report to which no exceptions are filed and ~~doth adjudge, order and decree~~ it appearing that there is nothing further to be done therein it is ordered that the same be removed from the docket

county

Given under my hand this 30th day of November 1875

Geo. R. Johnson
Com'r.

In the Clerk's office of the county court of Isle of Wight county, the 3d day of January 1876 This deed from K. K. Chapman & special C Sidney Bott trustee for C. E. Bott & children was received and being duly certified according to law, was thereupon admitted to record.

Teste

C. W. Hart D.C. for
N. P. Young clk.

A copy Teste

N. P. Young clk
by N. T. Young Deputy

K. K. Chapman trustee
& Hall. com'r.
vs. } In Eq.
Sidney Bott trustee

A copy
Exhibit
A.
Filed with the Bill,
in suit of Bott trustee &c.
Bott et al.
"

the receipt of which is hereby acknowledged doth hereby grant, bargain and sell unto the said Sidney Bolt trustee for C. E. Bolt and children that house and lot in the proceedings mentioned, being in the town of Smithfield and being the same house and lot conveyed to the said William A. Thomas by John D. Halstead and Mary Ann his wife by their deed duly recorded in the clerk's office of Isle of Wight county court. The said house and lot being conveyed by K. K. Chapman trustee and special commissioner to said Sidney Bolt trustee for C. E. Bolt & children with special warranty and subject to the expectancy of dower therein of the wife of the said William A. Thomas.

Witness the following signatures and seals. The interlineation of the word "Court" was made before the signature and sealing of this deed.

K. K. Chapman (seal)
S. Bolt. (seal)

Isle of Wight county, to-wit:

I George R. Atkinson a commissioner in chancery of the circuit court of the county aforesaid in the state of Virginia do certify that K. K. Chapman and Sidney Bolt whose names are signed to the writing above, bearing date on the 26th day of November 1895, have acknowledged the same before me in my said

order aforesaid did; on the 1st day of September in the year 1893 at Isle of Wight court house offer for sale at public auction the hereinafter described Home and lot, being the same home and lot mentioned in said decretal order, having advertized the time terms and place of sale as required by said decretal order at which sale the said home and lot was struck off to Sidney Bolt for the sum of Eight Hundred and Ten Dollars, that being the highest bid for the same; and whereas the said sale was reported to and confirmed by the circuit court of Isle of Wight County; and whereas the circuit court of said County by its decree of the 8th day of October 1894 directed that on the payment of the balance of the purchase money, with interest to the said K. K. Chapman trustee and special commissioner, he should convey the said home and lot to the said purchaser and the whole of the purchase money having been paid by Sidney Bolt trustee for C. E. Bolt and children; and whereas the said Sidney Bolt request that this deed be made to Sidney Bolt trustee for C. E. Bolt and children, testified to by the said Sidney Bolt becoming a party to and signing and sealing this deed. Now this Indenture Witnesseth; that the said K. K. Chapman Trustee and special commissioner as aforesaid in consideration of the premises and of the said sum of Eight Hundred and Ten, with interest as aforesaid

This Indenture made this 26th day of Nov. in the year eighteen hundred and seventy-five between K. K. Chapman trustee and special commissioner as hereinafter mentioned, of the first part, and Sidney Bott trustee for C. E. Bott and children of the second part: Whereas on the 10th day of July 1873, it was decreed and ordered by the county court of Isle of Wight county in a certain cause in equity, then depending in said court, between Joseph N. Duck and others, plaintiffs against John E. Adams, John C. Thomas, William H. Thomas and K. K. Chapman trustee under the deed of trust from said William H. Thomas, defendants, that the said K. K. Chapman trustee, special commissioner appointed by said court should, sell at public auction upon the following terms, to-wit: the cost of suit and sale to be paid in cash, the remainder on a credit of six twelve and eighteen months with interest from day of sale for which said credit portion three bonds of equal amounts should be taken payable as aforesaid with sufficient security make sale of a certain house and lot in the town of Smithfield belonging to the said William H. Thomas, having advertized the time, place and terms of sale for the period of twenty days by advertisements at the court house door of said county, and at other public places in said County: And whereas the said K. K. Chapman trustee and special commissioner in pursuance of the decretal

FORM No. 400.

Bott et als.

vs. } COMMISSIONER'S NOTICE.

Bott et al.

To 8th Sept. 1892.

Executed by delivering a copy of this Notice to each B. P. Chapman Esq. Thurwood & wife. esq 10th 1892

Ro. A. Eccovid Sheff

Service is hereby acknowledged by receipt of a true copy of this notice this 10th day of Sept 1892.

Wm B Wilkinson Wilkinson
for B P Chapman, John A Hudson
Thurwood & Hudson and Benjamin
B Bott.

Everett Waddey Co.,
Stationers and Printers,
Richmond, Va.
} Form No. 400.

Commissioner's Office,

Isle of Wight C. H. Aug. 11th 1892

To Jas. A. Bott; Sidney Bott; W. E. Pitts & C. E. his wife; L. C. Jones & Alice his wife; F. L. Haskins; N. A. Thomas & Sarah his wife Pltfs - And Fs Jno. A. Haskins & B. B. Bott Defts (the last an infant)

B. L. Chapman

Defts.

You are hereby notified that I have fixed upon the 8th day of September 1892 ~~next~~, if fair, if not, on the next fair day thereafter (Sunday excepted), to ~~take and settle~~ inquire & report at my office, ~~the account~~ of whether the house and lot in the proceedings mentioned can be judiciously partitioned among the parties entitled thereto ~~& what are~~ who are entitled thereto & what are their respective shares therein; if partition cannot be conveniently made whether the entire subject can be allotted to any party who will accept the same & pay to the other parties such sum as their interest therein may entitle them to; or whether the interest of the parties entitled to the said house & lot & its proceeds will be promoted by sale of the entire subject or allotment of part and sale of the residue and whether there are any liens by judgment or otherwise on the interest of any party; and any other matters deemed pertinent by the Commissioner or any party interested

required to be ~~taken~~ made by a decree of the Circuit Court of the County of Isle of Wight rendered on the 20th day of April 1892, in a suit in chancery depending in said Court between the said 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.

W. L. Young com'r.

whether there was any lien by judgment or otherwise on the interest of any party, together with any matters deemed pertinent by himself or required by any of the parties to be so stated.

And by consent of parties entered of record it is ordered that this cause may be heard in vacation.

A copy. Teste,

A. P. Young Clk.

Pedrin Stoiffe
Jno. Roseffe
Jno. R. Bott
Leon Bott

Bott et als.
vs.
Bott et als.

Copy decree of Chl. Com 1872

Notice of P.M. and to be Sept. 1872

Atty. for Complt
Notice to B. B. Bott
Bunkley - 5 Sept. 72

In the Circuit Court of Isle of Wight County
April term 1892

James A. Bott, Sydney Bott, W. E. Pedin & C. E. Pedin his wife, L. C. Jones & Alice his wife, Florence T. Haskins and Wm. H. Thomas & Sarah his wife Pltffs.

vs.

John A. Haskins & Benjamin B. Bott the last of whom is an infant under 21 years old — Defts.

This cause came on this day to be heard on the bill taken for confessed as to the defendant John A. Haskins on whom process has been duly served the said failing to plead, answer or demur; on the answer of the infant defendant by R. C. Boykin his guardian ad litem, on the petition of B. P. Chapman this day filed by leave of Court, and on exhibits filed, and was argued by counsel; On consideration whereof, it is ordered that the said B. P. Chapman be substituted as plaintiff in the place of the said W. E. Pedin and C. Elsie his wife and be prosecuted with in the name of the said B. P. Chapman as plaintiff. And the Court doth further adjudge, order and decree that a commissioner in Chancery of this court do enquire and report whether the house and lot in this proceeding mentioned can be judiciously partitioned among the parties entitled thereto, who are entitled thereto, and what are their respective shares thereof; if partition can not be conveniently made whether the entire subject can be allotted to any party who will accept the same and pay to the other parties such sum as their interest therein may entitle them to, or whether the interests of the parties entitled to said house and lot and its proceeds will be promoted by a sale of the entire subject, or allotment of part and sale of the residue, and

Form No. 309.

Atkinson Geo. K. Com'r
in rem

Bottoms vs. Bottoms

to } COMMISSIONER'S BOND.

Commonwealth.

A Copy.

Filed 25. Nov. 1892

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 309.

Know all men by these Presents, That we Geo. R. Atkinson and Maggie D. Chapman

are held and firmly bound unto the Commonwealth of Virginia, in the sum of Three 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, 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 25th day of Nov. one thousand eight hundred and ninety two.

The Condition of the above Obligation is such, That if the above bound George R. Atkinson shall faithfully perform the duties of his office or trust, as Commissioner of Sale under a decree of the Circuit Court of the County of Isle of Wight pronounced on the 25th day of Nov., 1892, in the suit therein depending under the name and style of Jas. A. Bell et als. vs. Bell & Haskins

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

Signed, sealed and acknowledged in the presence of

Geo. R. Atkinson SEAL.

Maggie D. Chapman by SEAL.

A. P. Young, her attorney in fact SEAL.

In the Clerk's Office of the Circuit *Court of the* County of Isle of Wight

This ~~day~~ 25 day of Nov. 1892, this bond was ~~surety~~ on the above bond, made oath before me, executed and ~~Clerk~~ of the ~~Court of the~~ of admitted to record

that ~~estate~~, ~~after the payment of all~~ just debts, and those for which ~~bound as~~ ~~security~~ ~~for others and expect to have to pay,~~ ~~worth the sum of~~ ~~dollars.~~ The surety having verified,

Given under my hand this 25 day of Nov. 1892.

Teste: A. P. Young Clerk.

Copy.

Test, A. P. Young Clk