1917-010
Nansemond Co (Suffolk) Chancery Causes: Jesse Copeland et al vs Asariah Copeland et al

Jones, Blow, Cross, Holland, Robinson, Smith, Small, Jordan, Luke

S. E. Everett, p. q.

Copy of Costs
Taxed in the Suit of:

Jesse D. Ireland et als

vs.

Uriah D. Ireland et als

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA

Writ Tax	1 50
Clerk	8 04
Sheriff	
Attorney	15 00
Commissioner	35 00
Printer, for Order of Publication, etc.	

Date of Judgment or Final Decree 191

Paid Dec. 15, 191 7 G. E. Brinkley, Clerk

G. S. P. Holland, Jr., & Co.

NO. 522 MAIN STREET

TELEPHONE CONNECTIONS

REAL ESTATE

FARMS, TIMBER, CITY PROPERTY
FACTORY AND MERCANTILE PROPOSITIONS

INVESTMENTS

ASSOCIATION OF REAL ESTATE MEN ~ VIRGINIA
MEMBER of

SUFFOLK, VA.

May 1st. 1917.

$5.00 Received of I. A. Luke, administrator of

Thomas Copeland $5.00 for bond.

G. S. P. Holland Jr.

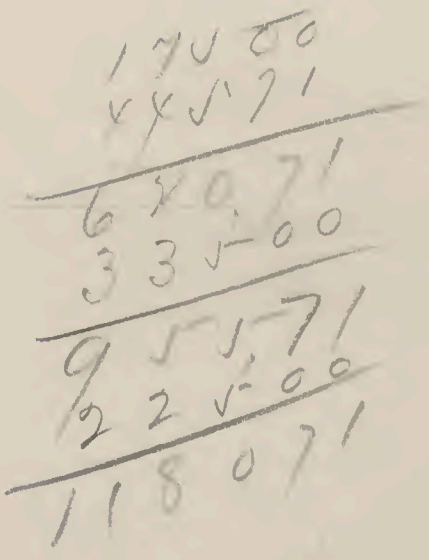
MR. I. A. Luke

TO G. E. BUNTING, CLERK CIRCUIT COURT
OF NANSEMOND COUNTY
SUFFOLK, VA.,

191 6 VS.

Oct. 16	Tax, $ 1.00 TRANSFER, $ FEE, $ 2.75 Qualifying on estate of Thomas Copeland			3	75

Paid Oct. 16 1916 Kate C. Bell, D. Clerk.



759

Due Dec 8 1921

$26 00 Holland, Va., Dec 10 1916

60 days after date I promise to pay unto

S W Holleman or order, negotiable and payable

without offset, at the Bank of Holland, Inc. Holland, Virginia

Twenty six 00/100 Dollars,

for value received, with ten per cent. for cost of collection; and it is agreed upon by the parties that the interest on this Note shall be payable in advance; and we, principal and endorsers, hereby waive the benefit of our Homestead Exemption as to this debt.

P. O. _____

Jessie Copeland

Notary Public

My commission expires

S. W. Holland

W. H. Copeland

April 30, 1917.

Received of I. A. Luke, Administrator of Tom Copeland, $1.50 for swearing in the appraisers of the Tom Copeland Estate.

W. C. Lanier N.P.

April 30, 1917.

Received of I. A. Luke, Administrator of Tom Copeland, $3.00 fee for appraising the property.

J. L. Jones

John W. Luttrell

C B Powell

April 30, 1917.

Received of I. A. Luke, Administrator of Tom Copeland, $12.00, the expense for several trips to Suffolk and one trip to Norfolk in the settlement of the estate of the said Tom Copeland.

I. A. Luke

M Thomas Copeland Est. 1764

To C. R. FULGHAM, Treasurer of Nansemond County, Va., Dr. No. 4006

HOLY NECK DIST. 1916 Taxes and Levies — SUBJECTS OF TAXATION	Valuation	Rate of State Tax Per $100	Amount of State Tax	COUNTY AND DISTRICT LEVIES: Real Estate and Tangible Property (Co. Purposes .50; Co. Schools .25; Poor .05; Dist. Schools .25; Dist. Roads .20; Total $1.25)	Intangible Property Classes 1, 2, 5 and 6 (Dist. Roads 30; Total 30)	TOTAL
Real Estate 89 Acres	555	$.10	56	6 94		7 50
Acres		.10				
Personal Property—Tangible (Sched. B)		.10				
Personal Property—Intangible (Classes 1 and 5)	509	.65	3 31		1 53	4 84
Personal Property—Intangible (Class 2)		.70				
Personal Property—Intangible (Class 6)		.35				
Personal Property—Intangible (Class 4) Money		.20				
Income		1%				
Capitation Tax			1 50			
Total						12 34
Five Per Cent. Penalty						62
Total						12 96

Credit $ ____

$ ____

$ ____

Paid May 1 1917

Received payment: C R Fulgham Treasurer

EVERETT WADDEY CO. RICHMOND, VA.

MR. S. E. Everett, Atty.

TO G. E. BUNTING, CLERK CIRCUIT COURT
OF NANSEMOND COUNTY
SUFFOLK, VA..

191 7 VS.

May	1	Tax, $	TRANSFER, $	FEE, $		
		1911 taxes on 60 acres, Holy Neck Dist. taxes			5 42	
				Interest	2 08	
				Clerk's fee	50	8 00

Paid May 1- 1917 - Kate P. Bell, D Clerk.

April 30, 1917.

Received of I. A. Luke, Administrator of Tom Copeland, $46.32, Administrator's Commissions.

I A Luke

April 30, 1917.

Received of I. A. Luke, Administrator of Tom Copeland,
$ 32 3.17, my full share of the estate of my bother Tom
Copeland.

Witness:
H. Stevens

his
Jesse x Copeland
mark

April 30, 1917.

Received of I. A. Luke, Administrator of Tom Copeland, $322.17, my full share of the estate of my bother Tom Copeland.

Witness
S. E. Everett

his
Easiah x Copeland
mark

April 30, 1917.

Received of I. A. Luke, Administrator of Tom Copeland, $161.59, my full share of the estate of my brother Tom Copeland.

Bertha Jones
by A. C. Holland

Paid

Jesse Copeland, et als, ...Complainants.

vs

Asariah Copeland, et als, ... Defendants.

Received of I. A. Luke and Hugh L. Holland, Special Commissioners in the above styled suit $24.54.

W. B. Bunting Clerk

Jesse Copeland, et als, ...Complainants.

vs

Asariah Copeland, et als, ... Defendants.

Feb. , 1917.

Reveivied of I. A . Luke and Hugh L. Holland, Special Commissioners in the above styled suit $ 35.00.

Bradford Kilby

Jesse Copeland, et als, ...Complainants.

vs.

Asariah Copeland et als, ... Defendants.

Feb. , 1917.

Received of I. A. Luke and Hugh L. Holland, Special Commissioners in the above styled suit $2.50

Suffolk Herald clip

To Herald Mgr.

Re:

Jesse Copeland et als, ... Complainants.

vs

Asariah Copeland et als, ... Defendants.

Feb. 16th 1917.

Received of I. A. Luke and Hugh L. Holland, Special Commissioners in the above styled suit $10.00/100.

John L. S. Branch
Clerk

Jesse Copeland, et als, ...Complainants.

vs

Asariah Copeland, et als, ...Defendants.

Feb. , 1917.

Received of I. A. Luke and Hugh L. Holland, Special Commissioners in the above styled suit $ 32.10 .

Hugh L. Holland

I. A. Luke

Jesse Copeland, et als, ...Complainants.

vs

Asariah Copeland, et als, ...Defendants.

Feb. , 1917.

Received of I. A. Luke and Hugh L. Holland, Special Commissioners in the above styled suit $20.00

I. A. Luke

Hugh L. Holland.

Jesse Copeland, et als .....Complainants.

vs

Asariah Copeland et als .....Defendants.

Feb. 22, 1917.

Received of I. A. Luke and Hugh L. Holland, Special Commissioners in the above styled suit $412.34/100.

his
Jesse x Copeland
mark

Irene Peters

Jesse Copeland et als, ...Complainants.

vs

Asariah Copeland et als, ... Defendants.

Feb. 20, 1917.

Received of I. A. Luke and Hugh L. Holland, Special Commissioners in the above styled suit $412.34.

Witness:
H. Stevens
Irene Peters

Asariah X Copeland
his mark

Jesse Copeland, et als, ...Complainants.

vs

Asariah Copeland, et als, ...Defendants.

Feb. , 1917.

Received of I. A. Luke and Hugh L. Holland, Special Commissioners in the above styled suit $206 18/100.

Bertha Jones

by A. H. Holland her atty

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA,

TO THE ~~SHERIFF OF NANSEMOND COUNTY~~ Sergeant of the City of Portsmouth, Va —GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Jesse Copeland, and Mary Anne Copeland, his wife, Asaariah Copeland, Bertha Butts and E. E. Wagner, Admr. of Thomas Copeland, deceased

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Third Monday in October, 1916, to answer a Bill in Chancery, exhibited against them in the said Court by Fred Robinson and Frances Robinson, his wife

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 6th day of October, 19 16, in the 141st year of the Commonwealth.

A copy—Teste:

G. E. Bunting, Clerk.

Teste:

G. E. Bunting, Clerk.

Executed this.....day of....., 191... by delivering a true copy of the within process

to .....

.....

.....

.....

.....

.....

in person, in the County of Nansemond, State of Virginia.

.....Sheriff.

.....

.....

.....

.....

.....

Asariah Copelandet als .....Complainants.

Vs.

Bertha Jones .....Defendant.

TO HON. JAMES L. McLEMORE, JUDCE OF THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRCINIA:

I. A. Luke, Administrator of Thomas Copeland, respectfully submits the following report, which shows full settlement of said administrator's account:

Collected as follows:

Pomp Cross (Rent)	$ 36.50
W. H. Jordan by Hugh L. Holland	272.21
Mrs. S. R. B. Howell	137.00
W. H. Jordan (Rent)	12.00
Fred Robertson & Frances Robertson	335.00
Ned Cross' Estate	133.75

Paid out as follows:

Clerk of Court	$ 3.75	
Burial Expenses	26.00	
Notary Public	1.50	
Appraisers	3.00	
Railroad Fare of Admr.	12.00	
C. S. P.Holland, (Bond)	5.00	
Taxes (1916)	12.96	
Taxes (1911)	8.00	
Admr.'s Commissions	46.32	
To Balance (Cost $118.53)	807.93	
	$926.46	$926.46

By Balance $807.93

Paid Asariah Copeland.....	$323.17	
Paid Jesse Copeland.....	323.17	
Paid Bertha Jones	161.59	
	$807.93	$807.93

Respectfully submitted,

I. A. Luke

Admr. of Thomas Copeland.

10

Asariah Copeland et als .....

vs.

Bertha Jones .....

Filed this 15th. day of

April, 1917.

W. E. Dunbar,

Clk

TO THE HON. JAMES L. McLEMORE, JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

Jesse Copeland et als, ... Complainants.

vs

Asariah Copeland et als, ... Defendants.

Your undersigned Commissioners respectfully submit to your Honor the following report:

In accordance with the decree entered the 3rd, day of February, 1917, your Commissioners prepared the deeds conveying the land sold in this suit and collected therefor the following amounts:

From J. T. Rawles for tract number one as advertised ..	$ 225.00
From Jesse Copeland and Asariah Copeland for tracts numbers one and three as advertised	930.00
Total amount received by your said Commissioners is ...	$1155.00

Your Commissioners paid out as follows:

To the Clerk of Court	$ 24.54 ✓	
To the Commissioner in Chancery	35.00 ✓	
To advertisement, Suffolk Herald, ...	2.50 ✓	
To auctioneer, J.J.S .Branch, ...	10.00 ✓	
To Commissions	32.10 ✓	
To S. E. Everett and Hugh L. Holland for writing deeds	20.00 ✓	
To Balance on hand	1030.86	
	$1155.00	$1155.00
By Balance on hand		$1030.86

Paid the said Balance to the heirs entitled to same as follows:

Asariah Copeland full blood to Tom Copeland two-fifths	$ 412.34 ✓	
Jesse Copeland full blood to Tom Copeland two-fifths	412.34 ✓	
Bertha Jones half blood to Tom Copeland one-fifth	206.18	
	$1030.86	$1030.86

Your undersigned Commissioners further report that Fred Roberson and Frances Roberson paid I. A. Luke, Administrator of Tom Copeland, three hundred and thirty-five dollars ($335.00) and the undersigned Commissioners executed a deed conveying the said tract of land directed to be conveyed to the said Fred Roberson and Frances Roberson in the decree entered January 13th, 1917, and delivered the said deed to the said Fred Roberson and Frances Roberson.

Your Commissioners ask that this report be confirmed.

Respectfully submitted,

I. A. Luke
Commissioner.

Hugh L. Holland
Commissioner.

9

Jesse Copeland et als .....

vs

Asariah Copeland et als .....

Filed this 15 day of
April
~~February~~, 1917.

G. E. Ambrose Clerk.

Virginia In Vacation, in the Circuit Court of Nansemond County February 3. 1917.

Jesse Copeland et als ..... Complainants.

vs.

Asariah Copeland et als .....Defendants.

upon consent of all parties by their counsel

This cause coming on again this day to be heard on the papers formerly read and on the report of Special Commissioners, I. A. Luke and Hugh L. Holland, filed on the 31st, day of January, 1917, to which report there is no exception, and was argued by counsel.

On consideration whereof, the Court, approving and confirming said report, doth a djudge, order and decree, that upon payment by Jesse Copeland and Asariah Copeland, purchasers at said sale, the sum of nine hundred and thirty dollars, ($930.00), and that upon the payment of two hundred and twenty-five dollars ($225.00) by J. T. Rawles, purchaser at said sale, the same said sums being the amounts for which the tracts of land hereinafter described were struck off at said sale, the said Commissioners, I A. Luke and Hugh L. Holland, convey, with special warranty, the following described tracts of land:

To Jesse Copeland and Asariah Copeland for nine hundred and thirty dollars ($930.00)

(1) All that certain tract of land situated in Nansemond County, Virginia, Holy Neck District, containing nine acres, more or less, and bounded by the lands of Jesse Copeland, the County Road leading from Holland to Boxelder and the land of Henry Jordan; it being the same land conveyed to said Tom Copeland by Ned Cross and wife by deed dated September 29th, 1908, and recorded in said Clerk's Office in Deed Book No. 66, at page 197.

(2) All tha t certain tract of land situated in said county, state and district, containing ten acres, more or less, known as the Joe Holland Land, and bounded by the lands of Henry Jordan, Alfred Hare, Ned Cross and the County Road ; it being the same land conveyed to the said Tom Copeland by Z. T. Holland, Trustee, by deed dated Nov. 10, 1882, and recorded in said Clerk's Office in Deed Book No. 14, Page No. 431.

To J. T. Rawles for two hundred and twenty-five dollars ($225.00):

All that certain tract of land, situated in said district, county and state, containing ten acres, more or less, bounded mostly by the estate of Z. T. Holland, deceased, and being the same land conveyed to said Tom Copeland, by T. C. Jones and others by deed dated January 10th, 1898, and recorded in said Clerk's Office in Deed Book No. , at page .

And it is further ordered that the said Special Commissioners, after paying the cost of this suit, disburse the remainder of the purchase price in accordance with the report of Bradford Kilby, Commissioner in Chancery, duly filed in these proceedings, and the said Special Commissioners are ordered to make report of their proceedings hereunder to this Court.

All which is hereby certified to the clerk of this court to be entered in the chancery order book.

Jas. L. McLemore
C.

(8)

Jesse Copeland, et als ....

vs

Asariah Copeland, et als .....

Enter the 3. day of

February, 1917.

Jas L McLemore.

By consent to the entering of the within decree in vacation. Jordan Bertha Jordan by Gilbert Walker her Solicitor Haverty Haverty Solicitors for all parties.

Entered in Chancery Order

Book No. 5, Page No. 89

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

Jesse Copeland et als ....Complainants.

vs.

Asariah Copeland et als ....Defendants.

Your Commissioners, I. A. Luke and Hugh L. Holland, appointed by your Honor in the above-entitled cause, on the 13th, day of January, 1917, to make sale of certain property mentioned in the bill and proceedings in said cause respectfully submit the following report:

Having executed the required bond, your commissioners advertised the said property for sale, on the 31st, day of January, 1917, at 12 o'clock M., in front of the Old Post Office Building, in Suffolk, Virginia, fifteen days notice of said sale having been given as required by said decree, the said property was put up at public auction and was struck off as follows:

Tracts numbers (1) and (3) as advertised, to Jesse and Asariah Copeland for the sums of three hundred and thirty dollars and six hundred dollars respectively, the said Jesse and Asariah Copeland being the highest bidders at said sale.

Tract number (2) as advertised, to J. T. Rawles for the sum of two hundred and twenty-five dollars. the said J. T. Rawles being the highest bidder at said sale.

The said purchasers desire to pay the whole purchase price in cash as soon as the deed is ready to be delivered. Your Commissioners ask your Honor to confirm the said sale as reported herein and to direct your said Commissioners to make proper deeds conveying the said tracts of land to the said Jesse and Asariah Copeland and J. T. Rawles. Since the said sale your Commissioners have made diligent inquiry and have learned upon good authority that the property brought an excellent price.

Respectfully submitted:-

I. A. Luke

Hugh L. Holland

Special Commissioners

(7)

Jessie Copeland, et als,

vs

Asariah Copeland, et als,

Filed this 3rd day of

February, 1917.

Jas L McLemore

Clerk

Jesse Copeland, et als .....Complaintants

vs

Assariah Copeland, et als .....Defendants.

This cause came on again this day to be heard on the papers formerly read, and on the report of Bradford Kilby, Commissioner in Chancery, filed the 3rd day of January, 1917, in the Clerk's Office, to which report there is no exception, and was argued by counsel.

On consideration whereof, it is ordered adjudged and decreed that said report be confirmed and that Hugh L. Holland and I. A. Luke, who are appointed Special Commissioners for the purpose, do, after having advertised the time, place and terms of sale for fifteen days before, posting notices in numerous public places in Nansemond County and City of Suffolk, Virginia, proceed to sell before the door of the Old Post Office Building, Suffolk, Virginia, the following tracts of land. situated in Nansemond County, Virginia, Holy Neck District:

(1) All that certain tract of land situated in said district, county and state, containing nine acres, more or less, and bounded by the lands of Jesse Copeland, the County Road leading from Holland to Boxelder and the land of Henry Jordan; it being the same land conveyed to said Tom Copeland by Ned Cross and wife by deed dated September 29th, 1908, and recorded in said Clerk's Office in Deed Book No. 66 at page 197.

(2) All that certain tract of land, situated in said district, county and state, containing 10 acres, more or less, bounded mostly by the estate of Z. T. Holland, deceased, and being the same land conveyed to said Tom Copeland by T. G. Jones and others by deed dated January 10th, 1898, and recorded in said Clerk's Office in Deed Book No. , at page .

(3) All that certain tract of land, situated in said district, county and state, containing 10 acres, more or less, known as the Joe Holland land, and bounded by the lands of Henry Jordan, Alfred Hare, Ned Cross, and the county road; it being the same land conveyed to the said Tom Copeland by Z. T. Holland,

Trustee by deed dated November 10, 1882, and recorded in said Clerk's Office in Deed Book No. 14, at page 431.

That said Hugh L. Holland and I. A. Luke, Special Commissioners, shall sell said land on the following terms, to wit; one-half cash and the residue one year from the date of sale, with interest from the date of sale, title to said property to be retained until the purchase money is paid in full and conveyance directed by the Court, or if the purchaser or purchasers should elect to do so, he or they may pay the whole of the purchase money in cash.

The Court being of the opinion, from the report of the Commissioner in Chancery, Bradford Kilby, and the evidence filed therewith, that the said Tom Copeland, deceased, agreed to sell and convey to Fred Roberson and Frances Roberson, his wife, for four hundred and fifty dollars ($450.00) a tract of land and that there is now due three hundred and thirty-five dollars ($335.00), as agreed to by attorneys in this cause, it is further ordered, adjudged and decreed that Hugh L. Holland and I. A. Luke, Special Commissioners, convey to said Fred Roberson and Frances Roberson, his wife, by special warranty deed the said tract of land described as follows:-

All that certain tract of land situated in Holy Neck District, Nansemond County, Virginia, containing 27 acres, more or less, being at one time part of the Joseph Small tract of land, then owned by David Small and afterwards by William Reid and wife, and bounded by the lands of Joe G. Holland and David Small; it being the same land conveyed to the said Tom Copeland by Rosa Blow by deed dated March 30, 1911, and recorded in the Clerk's Office of said county in Deed Book No. 70, page 371.

And it is further ordered, adjudged and decreed that this amount of money, namely three hundred and thirty-five dollars ($335.00) be paid to I. A . Luke as administrator of Tom Copeland, and that the said Commissioners make a full report to this Court of their proceedings hereunder, takkng the bond of the purchaser or purchasers for the credit installments, bearing interest from date of the sale and returning said bond with this report to the Court, but the said Commissioners shall not proceed to act under this decree until they shall enter into bond with security in the Clerk's Office of this Court, payable to the Commonwealth of Virginia, in the amount of $1500- and conditioned upon the faithful discharge of their duties hereunder or under any further decrees in this cause.

(6)

Jesse Copeland,et als,

vs

Asariah Copeland, et als.

Enter on the 13 day of

January, 1917.

Jas. L. McLemore

Entered in Chancery Order

Book No. 5, Page No. 83.

Dwight Nobles

Jesse Copeland et als
vs.
Assariah Copeland et als

(Exceptions to Report of
(Bradford Kilby, Commissioner
(in Chancery, filed in this
(suit on Jan. 3, 1917, by
(Fred Robinson

In the Circuit Court of Nansemond County, Virginia:

A Chancery Suit was brought by Fred Robinson and Frances Robinson, his wife, against Jesse Copeland and the other heirs of Tom Copeland, deceased, for the recovery of a certain tract of twenty-seven (27) acres of land, in the County of Nansemond, State of Virginia, bounded on the North by the estate of Walter Ellis, deceased, on the West by the land of Joseph Holland, on the South by the land of David Small and on the East by the land of Dr. Daughtry.

The said Fred Robinson alleged therein that he had purchased this tract of land from Tom Copeland during his lifetime, for the sum of Four Hundred and Fifty ($450.00) Dollars, without interest; and that he was given by the said Thomas Copeland until November 30, 1918, in which to pay for same; and that he had paid on this amount $131.00, leaving a balance due of $319.00.

Later on, Jesse Copeland, one of the heirs of Tom Copeland, deceased, and others, entered a suit in chancery against Assariah Copeland et als, for the partition of all of the real estate owned by Tom Copeland at the time of his death.

It was agreed by counsel that the matters in question in the suit brought by Fred Robinson should be merged in a partition suit brought by the heirs of Tom Copeland, deceased, and settled in that suit. The Commissioner has found that Fred Robinson was entitled to a deed for this said tract of 27 acres of land, and that he paid Tom Copeland during his

lifetime $131.00 on the purchase price of $450.00, as alleged by the said Fred Robinson. The Commissioner, however, holds that there is not sufficient evidence to convince him that no interest was to be charged on this purchase price; and to this holding of the Commissioner, Fred Robinson takes exception.

The said Fred Robinson claims that he is entitled to a clear deed to this land on the payment of ~~$130.00~~ $319.00 without interest, and this he is willing to pay in this suit, in cash, at this time, without waiting for the expiration of the time given him by by Tom Copeland, which would not expire until Nov. 30, 1918.

In making this exception, the said Fred Robinson respectfully calls the court's attention to the fact that W. Givens Copeland, who testified that he supposed the land to have been sold without interest, was the man that was present at the making of the contract in the beginning, and wrote the first receipt for Tom Copeland, at his request. In other words, W. Givens Copeland was acting as the agent of Tom Copeland in this transaction. This is supported by the testimony of Viola Robinson; see page 6 of depositions, to the effect that no interest was charged on this purchase price.

Counsel for Fred Robinson understood that the chief contention of counsel for Jesse Copeland was to attack the validity of the receipts held by Fred Robinson, and not the interest question, as he thought that was conceded. While counsel for Fred Robinson contends that the testimony of W. Given Copeland and Viola Robinson on this question is sufficient proof in the absence of any evidence to the contrary, but that should more evidence be required, that it can be proven that this tract of land was not taken possession of by Fred Robinson until January 1, 1916, and that the land was controlled and rented out by Tom Copeland from the date of this trans-

action, June 18th 1914, until Jan. 1, 1916; and further that the price of $450.00, even if it was to draw interest, or be paid in cash, is far more than the property is worth; and that he, counsel for Fred Robinson, was told by I. A. Luke, Administrator, that $300.00 was a fair price for the property. Counsel for Fred Robinson further desires to call the attention of the court to the fact that Jesse Copeland, through his counsel, objected to Fred Robinson and Frances Robinson both testifying on this question, in any way, on account of being parties to a contract with the other party dead.

Respectfully submitted this 4th day of January, 1917.

Fred Robinson

By Hugh A. Holland,

His Attorney.

(5)

Jesse Copeland et als.

vs.

Assariah Copeland et als.

EXCEPTIONS TO REPORT OF
COMMISSIONER BRADFORD KILBY
BY FRED ROBINSON.

Filed Jan. 5-1917 —
J. E. Bunting Clerk
by Kate O. Bell, D.C.

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

Jesse Copeland, Mary Anna Copeland, and Bertha Jones.....Complainants.

vs.

Asariah Copeland and I. A. Luke, Administrator of

Tom Copeland, deceased.....Defendants

This day came the complainants and filed their bill of complaint, and thereupon the said defendants filed their answers, to which answers the complainants by counsel replied generally, and this cause is docketed by consent, and, coming on by like consent to be heard on the bill, answers, and replications, was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that the papers in this cause be referred to one of the commissioners of this Court, who is directed to enquire into and report:

I. Whether the real estate in the bill mentioned can be conveniently divided in kind among the parties entitled to share therein.

2. If the same cannot be conveniently divided, whether any party will take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to.

3. And, if the same cannot be conveniently divided, and if no party will take the entire property and pay the others for their interest, whether the interest of those who are entitled to the said property or its proceeds will be promoted by the sale of the property or by the allottment of part and the sale of the residue.

4.Whether there are any delinquent taxes due on said land or any other liens.

5. The fee simple and annual value of said land.

6. Whether all the proper parties in interest are before the Court.

7. Any other matters deemed pertinent by said commissioner.

(3)

Jesse Copeland et als

vs. Decree of Reference.

Asariah Copeland et al

Enter the 11 day of November 1916.

Jas. A. McLemore.

Entered in Chancery Order Book
No, 5 , page. 68

We Consent: Jesse and Mary Anne Copeland, and Rutha James by J. E. Everett their attorney in fact

J. E. Everett

Asariah x Copeland his mark

J. A. Lemore Solicr.

by J. E. Everett his attorney

Everett Waddey Co., Stationers and Printers, Richmond, Va. Form 244—Order of Appraisement and Inventory

Virginia: In the Office of the Clerk of the Circuit Court of Nansemond County, the 30th day of October 1916

IT IS ORDERED, That Charlie Rawles, J. W. Luter, S.R.B.Howell, J. H. Britt and J. K. Jones or any three of them, being first duly sworn for the purpose, do truly and justly appraise such of the goods and chattels of Thomas Copeland, deceased, as may be produced before them, and return their appraisement under their hands as the law directs.

A Copy—Teste:

G. E. Bunting ...Clerk.

By Kate T. Bell, D. C.

STATE OF VIRGINIA, County of Nansemond, to-wit:

This day Charlie Rawls J.W.Luter & J.K.Jones

named in the foregoing order of the Clerk of the Circuit Court of the county of Nansemond personally appeared before me, W. D. Leathers a Notary Public in and for the said county, and made oath that they will truly and justly appraise such of the personal effects of Thomas Copeland deceased, as may be produced before them.

Given under my hand, this 13th day of December 1916

W. D. Leathers N. P.

My commission expires Sept. 25th, 1918

An inventory and appraisement of the personal effects of Thos Copeland

.....dec'd, made on the 12 day of Dec, 1916.

CONTINUED

ARTICLES APPRAISED	Appraised Value	ARTICLES APPRAISED	Appraised Value	ARTICLES APPRAISED	Appraised Value	ARTICLES APPRAISED	Appraised Value
1 Mortgage Edw Cross	30400						
1 " J D Lewis Et Als	13600						
1 " Benj C. M. Jordan	9250						
1 " " W H & O R Jordan	33948						
	$86198						

C. L. Rawles
John W Lewis
J. K. Jones

Appraisers.

.....per rep.

of.....

COMMISSIONER'S OFFICE,

....., 191....

To the Clerk of the Circuit Court of.....County:

DEAR SIR:

I have examined the foregoing appraisement and find it to be in proper form, and now return it to you to be recorded as required by law.

.....*Commissioner of Accounts.*

Form 244

Inventory and Appraisement

OF THE ESTATE OF

Tom Copeland

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

Commissioner's Office,

To Jessè Copeland, Mary Anna. Copeland, and Bertha Jones, Complainants.

and

Asariah Copeland and I. A. Luke, Admr. of Tom Copeland.

Defendants.

You are hereby notified that on the 16th. day of November 1906, at my office, in Suffolk, , Va., (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to Court in pursuance of the decree of the Circuit Court of Nansemond Co., Va., rendered the 11th. day of November 1916, 190 , in the suit in chancery pending in said Court to which you are parties plaintiff and defendant , to-wit :

(1) Whether the real estate in the bill mentioned can be conveniently divided in kind among the parties to share therein.

(2) If the same can not be conveniently divided, whether any party will take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to.

(3) And if the same can not be conveniently divided in kind and if no party will take the entire property and pay the others for their interests, whether the interests of those who are entitled to the said property or its proceeds will be promoted by the sale of the property or by the allotment of part and sale of the residue.

(4) Whether there are any delinquent taxes due on said land or any other liens.

(5) The fee simple and annual value of said land.

(6) Whether all the proper parties in interest are before the Court.

(7) Any other matters deemed pertinent by said commissioner.

Given under my hand, as Commissioner in Chancery of said Court, the 13th. day of November 1916. , ~~190~~

Bradford Kilby.
Commissioner in Chancery.

Sufficient and legal service of the within notice is hereby accepted by us.

Jesse Copeland
Mary Ann Copeland
Gabriel Copeland
by L. E. Burnett their Atty.
Burton Jones
by Hugh V. Holland
her attorney.

Form No. 400.

vs.

COMMISSIONER'S NOTICE.

Virginia,

Circuit Court for the County of Nansemond,to-wit:

Jesse Copeland and others,	)	
	)	
v.	)	In Chancery.
	)	
Assariah Copeland and others	)	

Commissioner's Office,

Suffolk,Va. December 28th.1916.

To Honorable James L. McLemore, Judge of the Circuit Court for the County of Nansemond:

In pursuance of the decree of the Circuit Court for the County of Nansemond pronounced on the 11th.day of November 1916 in the suit in chancery pending in said court between Jesse Copeland and others,Complainants,and Assariah Copeland and others,Defendants,the undersigned,Bradford Kilby,one of the Commissioners in Chancery of said Court,respectfully reports as follows:

That on the 11th.day of November 1916,your commissioner gave notice to the parties to the said suit that he would proceed on the 15th.day of November 1916,at his office in Suffolk,Va. to make the several inquiries required by said decree to be made by one of the Commissioners in Chancery of said Court.

That sufficient and legal service of the said notice was duly accepted by the parties to said suit as will appear by the endorsations on the notice herewith returned.

That on the 15th.day of November 1916,your commissioner took the depositions of W.G.Copeland,Viola Robinson,Langstun Robinson,Indiana Smith,David Small,Wm.Henry Jordan,Jesse Copeland, J.F.Holland,I.A.Luke,Assariah Copeland,at his office in Suffolk, Va.,and on the 29th.day of November 1916,took the depositions of Alberta Robinson and Bertha Jones,at the office of Hugh L. Holland in Suffolk,Va. to which time and place the taking of said depositions had been duly adjourned.

The said depositions touching said inquiries are herewith returned.

That from the testimony of said witnesses and from information otherwise obtained,your commissioner reports as follows:

(1)

The real estate in the Bill mentioned can not be divided in kind among the parties entitled to share therein,conveniently.

(2)

No party will take the entire property and pay therefor to the other parties such sums of money as their interests therein may entitle them to.

(3)

The interests of those entitled to said property will be promoted by a sale of the entire property and a division of the proceeds,rather than by an allotment of part and a sale of the residue.

(4)

The taxes for the year 1916 on said tracts of land in the bill mentioned are unpaid. They amount to $12.96.

There are no other liens on said land.

(5)

The fee-simple and annual value of the said tracts of land are as follows:

The Joshua Small tract of 27 acres: Fee-simple value from $400. to $450. Annual value about $30. to $50.

The Ned Cross tract of 9 acres: Fee-simple value about $135. to $180. Annual value from $12. to $20.

The T.G.Jones or Homestead tract of 10 acres: Fee-simple value from $150. to $200. Annual value from $12. to $20.

The Z. T. Holland,Trustee,tract of 10 acres; Fee-simple value from $150. to $200. Annual value from $12. to $20.

(6)

All proper parties in interest are before the court in this cause.

(7)

Your commissioner deems it pertinent to state that the testimony shows that Bertha Jones is a half-sister of Jesse and Assariah Copeland.

It is pertinent to state that Tom Copeland,in his life time,made an oral contract to sell to Fred.Robinson and Frances Robinson,his wife,for the sum of $450.,the 27 acre tract of land,known as the Joshua Small tract. This contract was made on June 18,1914.The sum of $131. had been paid on this contract by Fred Robinson and wife,during the life-time of Tom Copeland,and your commissioner is of the opinion that the heirs-at-law of Tom Copeland should execute a deed with general warranty,to said Fred.and Frances Robinson for said 27 acres of land,on the 30th.day of November 1918,which was the time limit given by Tom Copeland within which the purchase price was to be paid,if the balance of the purchase price,namely the sum of $319. together with any interest which may be due,shall have been paid on that date,or if the said balance on said purchase price and any interest that may be due,is paid prior to Nov. 30,1918,then on the date when said final payment is made.

The testimony taken before your commissioner does not convince him that no interest was to be charged on the $450. purchase price or any unpaid balance of the same. W. Givens Copeland,who was present at the time the contract of sale was made,and wrote the receipt for the $5. cash payment made at that time (June 18,1914),testifies as follows: "He (Tom Copeland) was to sell the Fred Robinson tract of land for $450.without interest,I reckon. That part he did not tell me". (See page 4 of the testimony.)

On the 7th.day of August 1916,a so-called extension of time in which to pay for the land is claimed by Fred Robinson to have been given him by Tom Copeland. It reads as follows:"This day Thomas Copeland have give me untill Nov. the 30,1918 to pay for a piece of land that I bought from him. I am also to pay him some along in that time." Fred. Robson and wife. Witness by David Small,W.G.Copeland". This is not signed by Tom Copeland and hence not binding on him,but your commissioner believes that said extension was really given by Tom Copeland,in fact,at the time,as shown by the testimony of the two subscribing witnesses. However,the above writing does not show that any interest was waived,nor do either of the two witnesses,David Small and W.G.Copeland,say anywhere in their testimony that Tom Copeland agreed to charge no interest on said purchase price of $450. or any unpaid balance on the same. The only witness who testifies that Tom Copeland sold the land for $450. without interest,is Viola Robinson,the 19 year old daughter of Fred.Robinson, whose testimony on this point,your commissioner does not deem worthy of weight,especially as she was not present when the original contract of sale was made,nor when the time extension was made.

There are no other matters deemed pertinent by your commissioner.

Respectfully submitted this 28th. day of December 1916.

Bradford Kelby

Commissioner in Chancery.

Comr's fee: $35.00

Jesse Copeland, Mary Anna Copeland

and Bertha Jones ----------Complainants

VERSUS (D E P O S I T I O N S)

Assariah Copeland and I. A. Luke, Administrator

of Tom Copeland, deceased ---------- Defendants

BEFORE -

Bradford Kilby, Commissioner of Accounts.

November 15, 1916.

Witnesses	Direct -	Cross	Re-Direct	Re-Cross
W. G. Copeland	1	2		
Viola Robinson	6	7	12	13
Langstun Robinson	14	15		
Idiana Smith	18	18		26
David Small	19	20		39
Wm. Henry Jordan	24	25		
Jesse Copeland	29	32		
J. F. Holland	41			
I. A. Luke	43			
Assariah Copeland	44	45		
Alberta Copeland	49	51		
Bertha Jones	54			

W. G. Copeland being duly sworn deposes and says:

Q. State your name, age and occupation, and residence.

A. W. Givens Copeland, 42 years, farmer, Holland, Va.

Q. Are you familiar with the land of Thomas Copeland near Holland.

A. Yes.

Q. Givens, how large is the place that he was living on.

A. About 10 acres. About 4 acres cleared up.

Q. We will say, then, that he homestead place had about 10 acres, with 4 acres in cultivation.

A. Yes.

Q. What do you think would be a fair value for this tract of land.

A. Well, that is as good a place as he had, and I think it should be worth $15.00 or $20.00 per acre.

Q. Now, he has a tract of land near Jesse Copeland.

A. Yes.

Q. What would you think that worth.

A. That is about the next best piece. I think that property would be worth $20.00 per acre.

Q. Well, he has another piece, or a part of the David Small tract. How many acres in that.

A. 27 acres.

Q. What do you think that is worth.

A. I think about the same thing. He sold this David Small tract of land for $450.00 to Fred Robinson.

Q. Do you know who conveyed the land to him that he sold to Fred Robinson.

A. He bought it from Rosa Blow.

Q. Describe this land as best you can as to where Thomas Copeland got it from.

A. I have just told you about the 27 acre tract. The 10 acre tract called "The Homestead" was conveyed to him by T. G. Jones. The tract of land of 19 acres that I spoke of next to Jesse Copeland was conveyed to him in two tracts. Nine acres was conveyed to him by Ned Cross, and ten acres was conveyed to him by Z. T. Holland, deceased.

Q. Do you know whether any one or two of these heirs will take all of the land and pay the other one is full share.

A. Well, I could not say. I have been informed that they cannot get together on it.

Q. Can any one tract be divided to any advantage among the heirs entitled thereto?

A. I don't think so to any advantage. I am satisfied that it would not be to the advantage of anyone to divided any of these small tracts up.

Q. You think, then, the only way that they could ever be divided would be to sell the property at public auction and divided the proceeds?

A. It looks to me like that is the best way to get by with it.

Q. Do you know all of the parties entitled to this property?

A. Jesse Copeland, Assariah Copeland and Bertha Jones.

Q. These are the brothers and sister of Thomas Copeland, and the only ones that he has?

A. I think two whole brothers; she claims to be a half sister.

Q. You understand from what you can hear in the neighborhood that Bertha Jones is a half sister?

A. Yes, I understand that she is a half sister.

CROSS EXAMINATION BY MR. H. L. HOLLAND.

Q. What makes you say that Bertha Jones is a half sister.

A. That's what Jesse claims. She is beyond my recollection.

Q. Then, of your own knowledge you do not know whether she is a half sister or a whole sister.

A. I am just going by what Jesse says.

Q. Which is the oldest?

A. Assariah.

Q. Didn't all three of them have the same mother?

A. I reckon they did. She is too far for me.

Q. Did they all have the same father?

A. I don't think they did.

Q. Who was Bertha Jones's father.

A. I don't know. You will have to ask someone that knows more about it than I do. I think Jesse's father was Joshua Small.

Q. Was he married to Tom's mother.

A. I don't know. You have gone too far back for me.

Q. Is Bertha younger than any of these boys?

A. I think she is the oldest.

Q. Who is the oldest of the three.

A. I think Bertha is the oldest of them all.

Q. What is the color of these heirs.

A. The boys are about the same color. Bertha is a little darker than either one of the boys.

*(Fred Robinson instituted a Chancery Suit against Jesse Copeland and other heirs of Thomas Copeland, deceased, for the purpose of obtaining a deed to the 27 acre tract of land mentioned in the bill of complaint in this suit, alleging therein that he purchased this 27 acres of land from Thomas Copeland, in his lifetime, for $450.00, without interest, that he was to have until Nov. 30, 1918, in which to pay for same, and that he paid Thomas Copeland $131.00 on the purchase price in his life time.)

By consent of all parties the questions involved in the suit brought by Fred Robinson with reference to this 27 acres will be taken up and disposed of in this suit.

W. G. Copeland is the witness for Fred Robinson with reference to this 27 acre tract of land.

Q. You did a part of Thomas Copeland's reading for him, did you not?

A. A part.

Q. Fred Robinson has a receipt for $5.00 on the 27 acre tract of land under date of June 18, 1914. Please tell the court what you know of this receipt and these transactions with Fred Robinson.

A. Well, all I can tell you is that he bought the place from Thomas Copeland. Then old man Tom Copeland come after me to give Fred Robinson the receipt for $5.00, to show that he had paid $5.00 on the tract of land to start with. I wrote this receipt for Thomas Copeland and signed his name for him.

Q. What was your understanding of the agreement at that time? ~~He was to sell the Fred Robinson tract of land~~

A. He was to sell the Fred Robinson tract of land for $450.00, without interest, I reckon. That part he did not tell me.

Q. What do you think this Fred Robinson tract of land is worth?

A. I reckon it would be worth somewhere in the neighborhood of $15.00 or $20.00 per acre. With the buildings on it.

Q. Do you know anything else about it?

A. No.

Q. You were not there when the balance of this money was paid?

A. No, sir, I was not.

Q. You do not know anything else bout the balance?

A. I don't know anything about it.

Q. Givens, this receipt that you wrote reads as follows: "Holland, Va., June 18, 1914. This is to show that

Fred Robinson's wife has paid me $5.00 On a tract of my land containing 27 acres. This is my name. Thomas Copeland" Is that what you wrote?

A. That's it.

Q. I find mych other writing on the same receipt. Did you write any of the other?

A. No, I stopped right there. I don't know anything about the other.

Q. Do you know whether they ever paid anything else on this or not?

A. I couldn't say. I would not say yes, and I would not say no.

Q. Did you ever hear Thomas Copeland say whether they were paying on it or not?

A. He told me one day he was doing along slow with Bud. (He always called everybody Bud) It looked liked people were kinder slow, times were hard, and that he was doing along with him the best he could.

Q. When did he have this conversation with you?

A. I couldn't say, Mr. Everett, sometime shortly before he died.

Q. Some little time before he died?

A. I couldn't say exactly. No particular time. He didn't tell me what they were doing but that people were kinder slow.

Q. You live about one-half mile from Thomas Copeland?

A. Justabout one-half mile.

Q. Fred Robinson could have paid this money without your knowing it, could he not?

A. He could. He was about as near as I was. I didn't stay at his house all the time.

And further this deponent saith not.

Q. State your name, age, residence and occupation.

A. Viola Robinson, 19 years old, daughter of Fred Robinson.

Q. Fred Robinson has a receipt which reads as follows:

"Received of Fred Robinson, $25.00, Dec. 15, 1914.
his
Thomas X Copeland" Please state what you know
mark
about this receipt and its payment.

A. All I know is that Mr. Thomas Copeland didn't charge Papa any interest on it, and it was for $450.00. Mr. Copeland could not read or write, neither could Fred Robinson, and I did some of the writing for him.

Q. Please state whether or not you wrote the receipt that I have just read to you.

A. I didn't write that. My sister in Norfolk wrote that.

Q. I am handing you all of the receipts. Look over these and state whether you wrote any of them, and if so, which ones. I now show you a receipt for $15.00, dated June 26, 1915, which reads as follows:"Frances Robinson
his
paid Thomas X Copeland $15.00 on the place, on the
mark
26th, dated June, 1915" Please look at this receipt and state whether you wrote it or not.

A. I wrote that one.

Q. I will now show you again the receip for $25.00, which you will look at, together with the receipt that you say you wrote for $15.00, and please state whether you wrote this receipt for $25.00.

A. Yes, I wrote the receipt for $25.00

Q. Then after looking at the two receipts you recognize that both are in your handwriting.

A. Yes.

Q. Do you remember who was present when this $25.00 was paid, on Dec. 15, 1914, which is nearly two years ago.

A. I don't remember.

CROSS EXAMINATION BY MR. EVERETT.

Q. Why is it that when the $25.00 receipt was shown you, that you say it was not your handwriting, and afterwards when the $15.00 receipt was placed before you, you state that you wrote the $15.00 receipt and also the $25.00 receipt.

A. Because both of them are just alike.

Q. And that is the only way you can recognize your own handwriting.

A. I change handwriting sometimes.

Q. You change handwriting sometimes?

A. Yes, sir.

Q. Is there any difference between the $25.00 and $15.00 receipt you say that are in your handwriting.

A. Not much difference.

Q. But you know that the $25.00 receipt is your handwriting.

A. Yes, sir.

Q. But just now you said that it was your sister's handwriting.

A. Yes, I thought it was hers.

Q. Now if you had not written anything at all, and we had no receipts, you would remember that your mother and father paid him $25.00 at one time, and $15.00 at another.

A. No, I wouldn't remember anything about it. I don't remember anything two weeks at a time.

Q. So while you say this is your handwriting, you do not remember ever seeing any money passed.

A. Yes, I saw it passed.; else they would not have gotten me to write it.

Q. Do you remember now seeing the money at the time.

A. Yes.

Q. You do.

A. Yes.

Q. While I asked you just now if you had not written these receipts, you would not have remembered the money passing any way, you would have said no?

A. I would not.

Q. Now you say you do.

A. I said I saw it passed when I wrote the receipt. They asked me to do it because they could not write, and I wouldn't have written it if I had not seen some money passed.

Q. Well, you stated just now you didn't write the $25.00 receipt. At the same time don't you remember seeing the $25.00 passed, whether you wrote it or not.

A. (The witness hesitates, and says, I forgot)

Q. But when you saw the other receipt, and put the two together, you recognized your own handwriting.

A. Yes, sir.

Q. Then you remember seeing clearly $15.00 and $25.00 passed.

A. Yes.

Q. This is clear in your mind.

A. Yes.

Q. Who was present when you wrote these receipts.

A. Mr. Thomas Copeland, Papa and Mama and myself.

Q. Where were you when that receipt for $25.00 was written.

A. At my home, or my father's home.

Q. Where were you when the receipt for $15.00 was written.

A. I don't remember.

Q. Was it the same day that Thomas Copeland and Givens Copeland came over to your house, one day just after dinner, and Thomas Copeland said that he wanted $15.00, and your father and mother got it up and gave it to him.

A. I don't remember.

Q. Do you remembr whether Givens Copeland was present that day or not.

A. I don't remember.

Q. You stated just now that your mother and father and Thomas Copeland were the only ones present. Do you remember now that they were the only ones present.

A. That is all that I remember that were present.

Q. What kind of money was this that was passed. Was it in $5.00 or silver.

A. I don't know.

Q. All of this money, that is, $25.00 and the $15.00, was paid to Tom Copeland at your father's house, and the writing was done there. Is that correct? How about that?

A. Yes, sir. The $25.00 was paid at my father's house.

Q. But where was the $15.00 paid.

A. (Witness does not answer)

Q. Then you don't remember ever seeing the $15.00 passed, to Tom Copeland.

A. I remember seeing it passed, but I don't know where,

Q. Yet you know your mother and father and Tom Copeland were present, and yet you do not know where the receipt was written, in June, 1915.

A. I don't remember where it was passed.

Q. Do you know of any more money that was paid by your mothrr and father.

A. I know my handwriting. Some more were made.

Q. Do you see any more payments made besides the $25.00 and $15.00.

A. Yes, sir.

Q. What ones.

A. I don't remember unless I looked at them.

Q. And the papers were handed to her. Please state whether you know anything about the other papers or not. Do you know of anything there.

A. I saw the $5.00 paid, dated June 28, 1916.

Q. Who was present when that was paid.

A. Papa and mama and Tom Copeland and myself.

Q. And no one else.

A. No one else that I remember.

Q. Who wrote the receipt.

A. I wrte it..

Q. You wrote the $5.00 receipt.

A. Yes.

Q. You stated just now that you only wrote two receipts. I find one here of $5.00 that you say you wrote. Is that your handwriting.

A. Yes, I wrote that also.

Q. Did you wrote the $15.00 receipt, and the $5.00 receipt, all on the same sheet of paper the very same day.

A. (The witness hesitates on this question. We are waiting for an answer) I don't remember.

Q. And then you do not remember whether you wrote these two at the same date or not. Is that correct?

A. I don't remember.

Q. Do you know whether the $5.00 was paid the same day that the $15.00 was paid, or not.

A. I don't remember.

Q. Can You state why they were written on the same sheet of paper.

A. I don't understand you.

Q. There are two receipts on the same sheet of paper, and on the same side. Can you tell me why both are on the

same sheet of paper, and on the same side. Can you tell me why they are both on the same sheet.

A. Papa carried it home, and when he paid the money he would get it out again and I reckon that's why the receiots were written like that.

Q. After Mr. Holland stated that your father carried it home and kept it, you knew what to say then. But you don't understand me unless he tells you what was done.

A. I don't know what you are talking about.

Q. In other words, until Mr. Holland explained to you what to say, you didn 't know what to say.

A. I don't understand.

Q. But you understand him, but you do not understand me, do you.

A. No, sir.

Q. Did you see the $5.00 passed also.

A. Yes, sir.

Q. How long after Tom Copeland's death was it before these receipts were written.

A. They were written before his death. How could he could write them after he was dead.

Q. Can you wrote now as well as before he died.

A. Yes.

Q. You think you can.

A. Yes.

Q. Can you wrote now as well as then.

A. I had nothing to do with the writing after he was dead. I did the writing before he died.

Q. Do you know when he died. What month and what year.

A. He died in August of this year.

Q. How long was he confined to his bed.

A. I don't know, I didn't go to see him.

Q. How long was he confined to his plantation.

A. I saw him in July. He was getting around in July.

Q. He was out in July.

A. Yes, sir, he was out the first part of July.

(Mr. Holland)

Q. I understand you remember signing this $25.00 receipt. That part is clear.

A. Yes, sir.

Q. Was Tom Copeland present then.

A. Yes, sir.

Q. Who told you to write that receipt.

A. Mr. Copeland.

Q. Who told you to sign his name to the receipt.

A. He did, and he touched the pen.

Q. Did you see your father and mother pay the $25.00 at the time the receipt was given.

A. Yes.

Q. You are sure about that.

A. I am sure about that.

Q. You also witnesses this receipt for $15.00, dated June 26, 191

A. Yes, sir.

Q. Who told you to write that.

A. Mr. Copeland.

Q. Who told you to sign his name to it.

A. Mr. Copeland told me, and he touched the pen.

Q. You are sure that you wrote and signed both of these receipts for Thomas Copeland at his request.

A. Yes, sir.

Q. And you saw the money each time it was paid.

A. Yes, sir.

Q. This is the first time you have ever testified in a law case, isn't it.

A. Yes, sir.

(Mr. Everett)

Q. Why is it that you answer Mr. Holland's questions so rapidly, and it takes a half hour to answer one of mine.

A. Because you talk like a crazy man, asking me how long after after the man died before I wrote those receipts.

Q. My questionsm then, sound like a crazy mans.

A. I didn't understand you.

Q. But you understood Mr. Holland in all of his questions.

A. Yes, sir.

Q. My questions had not been put to you in the way you were trained.

A. I haven't been trained. This is the first time I have ever seen Mr. Holland in all my life.

Q. I didn't ask you if Mr. Holland had trained you. I simply asked you if you had been trained.

A. I haven't been trained.

(And further this deponent saith not)

Langstun Robinson deing sworn deposes and says:

Q. State your name, age, residence and occupation.

A. Langstun Robinson, 27 years, Holland, Va., Farmer.

. I am son of Fred Robsinson and Frances Robinson.

Q. Please state what you know, if anything, about your father, Fred Robinson buying a 27 acre tract of land from Thomas Copeland, deceased.

A. I don't know anything, except what I knew at the time he bought it. He was to give him three years in which to pay it. I signed some papers for him. The purchase price was $450.00, and I signed a receipt for him in April, I think.

Q. I read you now a receipt dated March 30, 1916, which reads as follows: "March 30, 1916. Received from Fred Robinson and Frances Robinson, $4.00. Paid to his Thomas X Copeland" mark Did you write that receipt.

A. That is in my writing, and I wrote that receipt.

Q. Who did you write it for.

A. I wrote it for my father, and Thomas Copeland, neither one could write, that is why I suppose they got me to write it.

Q. Did you see the $4.00 passed?

A. I saw it.

Q. Who was present when this $4.00 was passed besides yourself?

A. I cannot remember but three. My mother, Thomas Copeland and myself. I don't think my father was there at the time.

Q. Where was it?

A. At my father's house, Fred Robinson. Thomas Copeland came over there.

Q. Tell the court why these receipts were written on the same piece of paper.

A. I suppose they kept it for that purpose. Every time they made a payment they were written on the same piece of paper. I know that they kept it in a trunk, and when they paid any money my mother would go to the trunk and get it, and write it on that piece of paper, so they would be all together.

Q. In other words,all of these papers were kept for the purpose of writing the receipts on.

A. Yes, sir. These receipts were put in a trunk as soon as they were written and kept together.

Q. Do you remember seeing any other payments made besides that $4.00.

A. I just cannot recollect it now.

Q. Did you write any of the others of these receipts that you remember.

A. No, sir. I don't remember writing any of the receipts.

Q. Who told you to sign Tom Copeland's name to that receipt?

A. He, himself, and my mother.

Q. Who touched the pen?

A. Thomas Copeland touched then pen.

(Mr. Everett)

Q? Do you know your sister's handwriting?

A. Yes.

Q. Is that Viola's handwriting, the $15.00 receipt and the $5.00 receipt.

A. Yes, sir. That's her handwriting.

Q. Is Viola and you son and daughter of Fred and Frances Robinson?

A. Yes. sir.

Q. Is this Viola's handwriting, this $25.00 receipt.

A. No, sir, that is not her handwriting.

#16.

Q. The $25.00 receipt dated Dec. 15, 1914, is not the handwriting of Viola.

A. No, sir.

Q. Here's a receipt that reads this way - "Received from Fred Robinson and Frances Robinson, $2.00, the 3rd of April, 1916. Paid to Thomas his X mark Copeland" Whose handwriting is that?

A. It's my sister, Viola's, I think.

Q. When you wrote the receipt of $4.00, was this on this paper at that time.

A. No, sir, I don't think it was.

Q. When you wrote the $4.00 receipt was the $25.00 on that paper at that time.

A. It must have been on there. If it had not I would have written further up.

Q. The only money that you ever saw passed was $4.00.

A. Yes, sir, $4.00.

Q. Who wrote this receipt for $25.00, dated Dec. 15, signed Thomas his X mark Copeland. Do you know who wrote that?

A. I think it was written by Alberta Robinson. It looks like her handwriting. I don't know, It is my opinion.

Q. Well, which one wrote this receipt for $15.00.

A. Viola, I see more of her handwriting than I do Alberta's, and it looks like hers to me.

Q. In your opinion, who wrote this payment of $5.00.

A. Viola.

Q. Who wrote in your opinion, this payment of $36.00

A. I don't know who wrote that.

Q. Do you know who wrote the receipt of $39.00.

A. I don't know.

Q. Do you know Alberta's handwriting if you should see it.

A. Yes.

Q. And you don't know who wrote these receipts?

A. No, sir.

Q. Here's one written for $39.00. Do you know who wrote that?

A. This is written like Alberta. This part down here is small and close, and I can't tell, but it looks and favors like Alberta's writing.

Q. What do you know about this, anyhow.

A. All I know about it is that I saw this $4.00 at the date it was paid, and I wrote the receipt at Mr. Copeland's request.

Q. Do you know anything about your father and mother paying $36.00 at one time, and $39.00 at one time.

A. I don't know anything about it.

Q. Do you stay at your father's house or not.

A. No, sir, I have not stayed there in four years.

Q. So these payments might have been made without you knowing about it?

A. Yes, I don't stay there. I have a home of my own.

And further this deponent saith not.

Indiana Smith, being duly sworn, deposes and says:

Q. State your name, age, residence and occupation.

A. Indiana Smith, 22 years old, keep house, am a daughter of Fred and Frances Robinson.

Q. I read you as follows: "Received from Fred and Frances Robinson, $2.00, the 3rd of April, 1916. Paid to Thomas X (his mark) Copeland." Who wrote that receipt.

A. I wrote it one morning. I was at home. Thomas Copeland came to my father's house. I see the $2.00 paid, and I put it on that paper.

Q. How come all the receipts on that paper.

A. Because she wanted to keep them, I suppose. Everytime a payment was made it was put on the same sheet of paper.

Q. Why didn't you sign your name as a witness?

A. Because, I didn't know about that. Nobody told me to.

Q. Who told you to sign Thomas Copeland's name?

A. He did.

Q. Is that the only one you wrote?

A. Yes, that's the only one.

Q. Do you know anything about the other payments here.

A. I know the handwriting. I know that my father and mothere were making payments off and on.

Q. Who was present besides yourself.

A. Thomas Copeland and mother and father.
I don't think anyone else was present but we all.

Q. Mr. Everett.
Viola was in there, was she not.

A. I don't remember. But I know my father and mother and Mr. Copeland were in there. She might have been in there but I didn't pay any attention to her, she was always about.

Q. These receipts were not written all at one time.

A. No, sir.

Q. Were they put on there as the payments were made.

A. Yes, sir.

And further this deponent saith not.

David Small being duly sworn deposes and says:

Q. I read you as follows -" 8/7/16 - This day Thomas Copeland have give me till Nov. 30, 1918 to pay for a piece of land that I bought from him. I am also to pay him some along in that time. Fred Robinson and Wife. Witness:David Small. W. G. Copeland" This paper is dated August 7, 1916. Please state what you know about this paper.

A. Well, I don't know anything about it only that was the time limit he gave to pay for it. I was there and heard the agreement that they was to have two years to pay for it.

Q. Was there anything about how much had been paid on it.

A. No, I don't think so.

Q. Was there anything said about the balance due.

A. No, sir.

Q. Do you understand from that conversaion that payments had been made on it.

A. No, sir. nothing was said about payments made on it.

Q. Didn't say ahything about it.

A. No, sir.

Q. All you understood that they were to have the limit of this time, Nov. 18,1916, to finish paying for it.

A. Yes, sir.

Q. Was Thomas Copeland then sick in bed.

A. Yes, sir.

Mr. Everett.

Q. Didn't it leave an impression that nothing had been paid on the balance, and they made a new arrangement.

A. That was all I know. I don't know about any arrangement other than what I said before. I didn't inquire into it and they didn't tell me anything about it. From what was siad I had no idea about it.

Q. Did you hear him say as to what the amount paid was?

A. No, sir.

Q. You don't remember whether it was $450.00 or $500.00.

A. I couldn't understand that. I never inquired about it. I never heard anyone say.

(Mr. Holland)

Q. Then it didn't leave an impression that some payments had been made, or that no payments had been made.

A. No, sir. (Mr. Everett)

Q. Do you think that Thomas Copeland knew at that time what he was doing.

A. I don't know. He seemed to have his right mind and talked all right.

Q. Would his mind come and go like some sick people's will do?

A. He seemed to talk all right when I was there.

Q. How long before he died.

A. I was there on Monday and he died on Friday.

(Mr. Holland)

Q. You would not have witnessed this paper if he had not been in his right mind, would you?

A. No, sir. He talked in his right mind. I didn't see any deviation one way or the other.

Q. Do you know who Thomas Copeland's mother was.

A. Yes, sir.

Q. What was his mother's name.

A. Henrietta Copeland. My uncle was her husband.

Q. Was Henrietta Copeland the mother of Jesse Copeland, Assariah Copeland and Bertha Jones, also.

A. Yes, sir. Said to be.

Q. Do you know who was the father of Thomas Copeland.

A. Well, there was a man called Joshia Small, my uncle. He was the father of Thomas Copeland, said to be.

Q. Was he married to Henrietta Copeland.

A. I don't know whether he was or not. That was too far back for me. I know they lived together. I don't know about the marrying part.

(Mr. Everett)

Q. - Was Joshua Small, the father of Jesse Copeland,

A. Yes.

Q. Was he the father of Assariah Copealnd.

A. Yes.

Q. Was Joshua Small the father of Bertha Jones.

A. I don't know about that. She was said to be.

Q. It was said that Joshua Small was also the father of Bertha Jones.

A. Said to be, yes, sir.

Q. You don't know whether Joshua Small and Henriatta Copeland were ever married or not, then.

A. No, sir.

Q. Bit it was said that these were their children and that they were whole brothers and sister.

A. Yes, sir.

Q. Have you ever heard it claimed up there by anybody that Bertha Jones was half-sister of Jesse Copeland and Assariah Copeland.

A. I have not heard it.

Q. (Mr. Everett) Uncle David, did you ever hear it in the community that Bertha was ~~the~~ only the half sister to these boys, Jesse Copeland and Assariah Copeland.

A. I never heard it. I don't know.

Q. I know you don't know. Have you ever heard it intimated.

A. They were always said to be brothers and sister. I never asked about it, cause it don't concern me and I don't know.

Q. All you know that that they were known as whole brothers and sister.

Givens Copeland, were you present at the time this paper was written that I have just read to David Small.

A. I was present and I wrote it.

Q. Was Thomas Copeland in his right mind.

A. I reckon he was. He could get up and around. He died and I never knew he was as sick as he was.

Q. You would not have written this paper if you thought he was not in his right mind.

A. I certainly would not.

Q. People can die when they are in their right minds.

A. Yes, sir. He could get up and around. He said that he would give them two more years and do the best he could with them.

Q. Was anything said about the payments.

A. It was not mentioned either one way or the other.

Q. Your undertanding was that they would be given until Nov. 1918, to finsih paying for it.

A. Yes, sir.

(David Small)

Q. What do you think the Fred Robinson land would sell for at public auction.

A. It might go for $100.00 or $150.00, or less, I don't know.

Q. Located off the County Road, as it is.

A. Yes,

Q. Any open land there amounting to anything.

A. Small piece.

Q. How much open land there.

A. About 2 acres open.

Q. What is the condition of the land.

A. It is tolerable.

Q. Old house.

A. yes, sir, two story house, never has been painted.

Q. Would you say that the whole place was in bad condition.

A. Of course it is in bad condition. I think $150.00 would be all that it could be sold for.

Q. You own some land adjoining there.

A. Yes, sir.

Q. What would you give for it.

A. I would not give that for it.

And further this deponent saith not.

William Henry ~~Jones~~ Jordan being duly sworn deposes and says:

Q. What do you think this Fred Robinson place would be worth?

A. (Objection. Immaterial evidence as to what the place is worth. That the plaintiff was asking that a deed be executed conveying said property to them, the said plaintiffs, whether it is worth 1¢ or whether it is worth $1000.00, has nothing to do with it.)

Counsel for Fred Robinson contends that the fact that $450.00, without interest, would be a reasonable price for this place; even if four or five years were given in which to pay the money it is a material fact to be proven as showing that this agreement is consistent with reason.)

A. Right now, to go under the hammer, and when people know the location of it, I don't think it would sell for $100.00, or possibly $75.00 at the highest. The house is about the only thing that would sell it, but that is getting to be pretty bad. It is in a boggy place and off the County Road.

Q. Jordan, you live right near the place, and you know what the value of places around there, do you not.

A. I don't know about the clear value, but I have some idea.

Q. In order to test your knowledge along this line, I am going to ask you about some other places right near this, to see what you think the value would be. What is the Henry Jordan farm worth, your father's farm? What do you think would be a fair price for that at public auction.

A. To go under the hammer, as it stands, it would sell for $1000.00 or $1200.00, somewhere thereabouts. It would not miss it far, in either way.

Q. You are interested long that line, are you not?

A. Supposed to be.

Q. You would take $1000 or $1200 for it.

A. I would not like to. It was the old birth place, and the ole folks are planted there, and I wouldn't like to sell it for any price.

Q. Still you do not think it is worth more than that.

A. Not hardly.

Q. (Mr. Holland) The Henry Jordan places faces for a long distance on the County Road?

A. Yes, sir.

Q. About how many acres of open land.

A. 23 acres in cultivation, with a good crop.

Q. (Mr. Everett) If the Fred Robinson place is worth $175.00 at its best, would the Henry Jordan place be worth $2000.00.

A. Well, of course, if I had to buy it, or had bought it, I would take less than that. But as it is the old birth place, and the old people are buried there, I wouod not like to take less than that for it, simply for the tenderness I have for the old place.

Q. Who was the father and mother of Thomas Copeland, Jesse Copeland, Assariah Copeland and Bertha Jones.

A. As far as I know, Joshua Small was the father, or said to be, and Henrietta Small was the mother. I have lived in the community all my life, and I never heard anyone claim that Bertha Jones was a half sister until Tom Copeland's death, and then I only heard Jesse Copeland make that claim.

Q. (Mr Everett) Don't you think Jesse Copeland is in a better position to know the relation than you are.

A. Yes, I suppose he ought to be. Because he was raised in the same family, and is older than I.

Q. Have you any interest in this Fred Robinson or Thomas Copeland piece of land, or in the sale of the Thomas Copeland real estate, either one way or the other.

A. No, sir, not a bit in the world.

Q. Has Jesse Copeland, who makes this claim that Bertha Copeland is a half-sister, any interest. Wouldn't Jesse Copeland get more money if he could prove that Bertha Jones was a half sister.

A. I guess so. Jesse Copeland is in a position to know because he has more interest in it.

(RE-CROSS EXAMINATION OF INDIANA SMITH)

Q. Here is a receipt for $25.00, dated Dec. 15, 1914. Do you know whose handwriting that is?

A. Yes, sir.

Q. Whose is it?

A. Viola Robinson.

Q. Here is another one dated March 30, 1916, for $4.00. Whose is that?

A. Langstun Robinson.

Q. Here is another one for $2.00, dated the 3rd of April, 1916. Who write that?

A. I wrote that.

Q. Here is another one dated Jan. 18, 1915, for $39.00. Whose receipt is that.

A. Alberta Robinson Harris writ that one.

Q. Q. I now show you another receipt for $15.00, dated June 26, 1915. Whose handwriting is that.

A. Viola Robinson.

Q. I now show you another receipt for $5.00, dated June 28, 1916. Whose writing is that?

A. Viola Robinson.

Q. I now show you another receipt dated June 12, 1916, whose writing is that?

A. Alberta Robinson.

Q. (By Mr. Everett) I think you have been on the stand one time before to-day.

A. Yes, sir.

Q. How many times have you seen these receipts anf gone over the papers since you were on the stand this morning.

A. I have not seen them at all.

Q. When you saw them just it was the first time?

A. No, I saw them when my mother paid on them.

Q. How much did you give towards these payments?

A. Nothing.

Q. How much did Langstun give?

A. I couldn't tell, he is here to answer for himself.

Q. How much did Viola give.

A. She lived there and worked with them, and gave them what she made.

Q. She was under age.

A. Yes, sir, she is 19.

Q. How much did the girl from Norfolk send your mother and father.

A. She sent money whenever she had it. I know that.

Q. Do you know any amount that she sent.

A. I know she sent $10.00 or $15.00 at one time.

Q. Does she come home often.

A. Yes, sir, she comes home whenevr she can.

Q She wrote two receipts there.

A. Yes, sir.

Q. What were the two amounts?

A. I wrote one for $36.00 and one for $39.00.

Q. One is dated Jan. 18,1915. Where was that receipt written.

A. At home.

Q. She was at home at that time.

A. Yes, sir.

Q. In 1915.

A. Yes, sir.

Q. Do you know that because you see this receipt.

A. I know it because we was there.

Q. In January, 12 months ago.

A. I saw her while she was there.

Q. When did she come home again?

A. I don't remember exactly.

Q. When was the last time you saw her? Was she home last month?

A. I don't think so.

Q. How long before that was she home?

A. She was home in June.

Q. This receipts reads June 12, 1916, for $36.00. Did she write that when she was home.

A. I reckon so. She came often often enough to write a receipt, I know that. I know her handwriting wherever I see it, and she said she wrote it, because I heard her.

Q. You don't know whether she wrote this at home or not?

A. Yes, sir, she wrote it at my father's home.

Q. You say now that she wrote it at your father's home because she said so.

A. Yes, sir.

Q. Did you ever hear he say that she wrote a receipt for $36.00.

A. Yes, sir.

Q. When did she tell you that.

A. The last time that I saw her.

Q. Was that about a month ago.

A. I don't remember.

Q. Did she tell you she also wrote a receipt for $39.00.

A. I disremember.

Q. About the $36.00 you remember clearly.

A. Yes, I remember that.

Q. Where did Fred Robinson and Frances Robinson get some of this money.

A. Their daughters gave them some. Rebecca Robinson and Alberta Harris Robinson gave her some, and Frances Robinson sold chickens, etc. on the farm and put it on the debt. (And further this deponent saith not)

Jesse Copeland being duly sworn deposes and says:

Q. Did you know Thomas Copeland, deceased.

A. Yes, sir.

Q. What relation were you to Thomas Copeland.

A. Whole brother.

Q. Please state who his heirs are.

A. Assariah Copeland and a half sister, Bertha.

Q. Then there were two whole brothers, and one half-sister.

A. Yes, sir.

Q. How do you know Jesse, that she is a half sister.

A. My mother told me that.

(Question and answer objected to on the ground that they are leading)

Q. At the close of the war were your father and mother living together.

A. Yes, sir, before the war, and at the close of the war, too.

(Same objection)

Q. Do you know whether your mother and father were ever married, or not.

A. I heard them say they was not.

Q. What is the color of your sister, Bertha Johes.

A. Very dark.

Q. Who was your father and Assariah's father.

A. Joshua Small.

Q. And your mother.

A. Henrietta Copeland.

Q. Who was the father of Bertha.

A. They all said Neverson Rawles was the father of Bertha.

Q. Does Bertha contend that she is a whole sister.

A. No, sir.

Q. You say that you get this information from your mother.

A. Yes sir.

Q. She always claimed that.

A. Yes, always claimed that.

Q. That Bertha's father was not yours and Assariah's father.

A. Yes, we didn't have the same father.

Q. Do you know whether they were living together or not when Bertha was born.

A. No, sir.

Q. You are familiar with the land of Tom Copeland.

A. Yes, sir.

Q. What is this land worth, the homestead that he died upon. What do you think is a fair price per acre, about 10 acres.

A. Well, I suppose somewhere about $12.00 or $14.00 per acre, I will say certainly $10.00 per acre.

Q. Well, he has two tracts of 19 acres all told, near your house, what is that worth.

A. That is worth somewhere about $300.00.

Q. What per acre.

A. About $15.00 per acre.

Q. Now what is the place that Fred Robinson claims was sold to him worth.

(No objection except I would claim the right to put on Fred and Frances Robinson, inasmuch as it appears on

the contract.

Q. What was the name of this place?

A. The Fred Robinson place?

Q. Yes, what was the name of this place.

A. It was always called the Walter Allen place.

Q. Do you know, Jesse, whether anyone of the heirs or any two of the heirs would take the whole and pay the others out.

A. No, sir.

Q. Is there any way of getting a settlement except to let it be sold at public auction.

A. I don't see any at all.

Q. Do you know of anybody that is living now that could tell us about therelationship of yourself and Bertha Jones?

A. I think all the old heads are dead, except my brother, Assariah.

Q. Did you ever talk to anyone that knew about this.

A. Yes, sir.

Q. Who.

A. Thomas Folk.

Q. And did he ever tell you about it.

A. ~~What did he say about your half sister.~~ Yes, sir.

Q. What did he ever tell you about it.

(Question and answer objected to on the ground that it is hearsay)

Do you know fo anybody that is living now that lived during the lifetime of your mother and father.

A. As near as I can get at it, David Small, and he would not know much about it. As I said all the old head are dead and gone. Robt. White may know something about it.

(Mr. Holland)

Q. You employed Mr. Everett to bring this suit.

A. Yes, sir.

Q. Did you tell him at the time that Bertha Jones was only a half sister.

A. Yes, sir.

Q. Did you sign this bill of complaint yourself.

A. Yes, sir.

Q. Why did you allege in this bill that Bertha Jones and Assariah Copeland were brother ans sister, without saying half sister.

A. Just a mistake.

Q. In other words, you have alleged in your bill that Bertha Jones and Assariah Copeland are brother and sister without making and distinction. Can you account for that?

A. Yes, sir.

Q. How.

A. Me and Assariah were whole brothers.

Q. Can you account in your statement why no distinction was made between yourself and Bertha Jones being half sister and brother.

A. She is only my half sister.

Q. But you cannot give any reason why you have brought this case that she is your whole sister.

A. She is not.

Q. Why is it that you didn't tell Mr. Everett about that?

A. I did.

Q. You told him about it before he drew this case.

A. I did.

Q. You say that Neverson Rawles. is the father of Bertha Jones?

A. Always went for her father.

Q. He died before I could remember.

A. What is Bertha's age now?

A. I could not tell you, she is the oldest child my mother had.

Q. How old are you?

A. About 65.

Q. About how much older is she than you?

A. I could not tell you.

Q. 10 years.

A. Don't know, sir, couldn't tell you.

Q. How old is Assariah.

A. Well, he the oldest boy my mother had. Two died before he come along.

Q. How old is Assariah.

A. He is the oldest one of all us.

Q. You say that everybody that knows anything about this relationship is dead except you.

A. Well, all the older people. Old man Henry Jordan he mought know about it, Tom Folk, dead now, he knew about it. Roberth White, as I said before, knows about it.

Q. Then this relationship in that community was kept a secret.

A. No, everyone knew that she was a half sister.

Q. How dod you account for the fact that David Small, who is now living in that community and has for a long number of years, says he never heard anyone say it but you.

A. I didn't think he would acknowledge anything like that.

Q. He did this morning.

A. Well, he didn't know all about ~~it~~ it. David Small is near 70, and he cannot recollect about it. I was the youngest one, and I don't remember it.

Q. Why is it that Wm. Henry Jordan said that he never heard anyone claim thisbut you.

A. Why he must have heard it a thousand times.

Q. Them he is just lying about this.

A. Must be.

Q. David Small ought to know more about it that you do.

A. Yes, he is older than I.

Q. How can you account for the fact that David Small says that he has never heard this before.

A. He must have heard about it. I don't know.

Q. Which one has got the most interest to lie about this, you or David Small.

A. I don't know.

Q. You know that you get more money if you establish the fact that Bertha Jones is your half sister, don't you.

A. I didn't say that.

Q. Wm. Henry Jordan is not interested in this suit, is he?

A. Not that I know of.

Q. How do you know that Neverson Rawles was the father of Bertha Jones?

A. Evereybody says so. That was my mother's report long time before she died. Looks like she ought to know.

Q. Can you name anybody else that your mother reported this to besides yourself.

A. I don't have to report it. They all knew.

Q. Can you name somebody somebody around there that is living now that knows she is your half sister besides yourself.

A. Assariah Copeland.

Q. He is interested in this came as same that you are.

A. Well he is the next oldest boy. He ought to know something about it.

Q. Can you name anybody that you know not interested in this case that knows Bertha Jones is your half sister.

A. As near as I can get at it, David Small ought to know something about it. I think Robert White might tell something about it.

Q. Then as a matter of fact, no one knows much about it but you.

A. I don't know so much about it, I am talking business. I told you who ought to know something about it.

Q. Give me some more.

A. That is all I can tell. It happened long before I was born.

Q. Then in all your community you can only pick out two men, namely, David Small and Robt. White, who you claim that knew that Bertha Jones is your half sister.

A. I didn't say that. They could tell as far back as any one that this girl was born before my father was married. All of the rest are dead and buried. What I can tell is that these men are older than I, and that they come along before I did, and they ought to be able to tell that she is my half sister or my whole sister. This girl was born before my mother lived with my father, and she was my mother's first child. When my mother was raising us all up she used to say "That is your half sister" but she is to be treated just like one of you all. She is my oldest child" I have come here to talk business. As I have told you some can think back even further than I can. I am the oldest of them all.

Q. Outside of Assariah and yourself, can you name anybody that your mother told about this relationship/

A. No, I cannot. I told you that they were dead.

Q. Then you answer that you do not know.

A. My answer is that they are dead. Now what you want to get at is the oldest one that is living now older than myself. All the old folks know about it, if they were here to tell about it.

Q. Were your father and mother married.

A. I told you just now that they lived together before the war. Whether they were legally married, I don't know. They lived together before the war, and after the war, and died together. I was twelve years old and they were living together then. My oldest sister died when she was living with Mr. Luke's uncle.

Q. You were 12 years old when your father died.

A. Somewhere about there.

Q. How long was that after the civil war.

A. I don't remember.

Q. Do you remember the civil war.

A. Just a out the last of it.

Q. If you just remember the last part of the civil war, how do you remember so clearly that Joshua Small and Henrietta Copeland went together before the war.

A. Because people that day and time didn't get married. They just went together, before I was born.

Q. What year did they start to living together.

A. Couldn't tell you that.

Q. What year did Neverson Rawles start going with your mother.

A. I don't know.

Q. You are not sure of it.

A. I am not talking any such stuff as that. I couldn't tell you anything that happened before I was born.

Q.

Q. You say that you are not sure that Neverson Ralwes was going with your mother, Henrietta Copeland, at the time that Bertha Jones was born. Then you are not sure that Bertha Jones is Neverson Rawles child.

A. I didn't tell you that. I only heard my mother say that Neverson Rawles was Bertha's father. That is as far as I know, I couldn't tell you what really happened.

Q. Of your own knowledge, you have no knowledge of the relationship except what your mother told you.

A. That is all, what she told me, and looks to me she ought to know.

Q. How long has your mother been dead.

A. She has been dead 38 years. I suppose longer than that.

Q. Can you name somebody that she knew in her lifetime that is living now, that she knew intimately.

A. Robt. White, pretty near all are dead, and David Small. All are gone now except these. White and colored. They can take you further back than I. They knew her intimately and were considered friendly with her before she died.

Q. Then you can't state the names of anybody else in that community that your mother knew intimately before her death except David Small and Robt. White.

A. That's all, she knew a lot of people but I think they are all dead and gone.

Q. When she died who was in the community that knew her.

A. She didn't die in that community. She died in Princess Anne County. Edna was with her, and she is dead now.

Q. Name some white people that knew her when she was living.

A. Wm. Folk and his wife and a whole lot of white folks. Cephis Holland, Job G. Holland, Robt. Byrd, Robt. Rawles knew her. Dick Rawles (col) knew her. R. L. Holland

knew her. I think Judge Rawles knew her. That is as far as I can think now. W. H. Norfleet must have known her. Mr. Woody King's home was around there, she worked with all his folks. Mr. Jernigan's wife may have remembered her.

Q. What did yiur mother tell you in reporting that Bertha Jones was your half sister.

A. She didn't have to tell us. We children came along with that girl, she would say, "You remember that is your half sister" Of course, she was there and I didn't know the difference except what she said.

Q. Did she tell you when Neverson Rawles went with her.

A. No, sir, she didn't talk that.

Q. Did she tell you that Neverson Rawles was Bertha's father.

A. I heard her speak of that before my father many times.

Q. Who else heard her.

A. All the children.

Q. Did she ever go into the details with your father as to when Neverson Rawles went with her.

A. I don't know about that.

Q. Did she ever say when Neveraon Rawles stopped going eith her.

A. She didn't talk about that. I can't tell you anything about that.

Q. Then she never told you any details about Neverson Rawles except that Bertha Jojes was your half sister.

A. I have heard her say that many a time.

(And further this deponent saith not)

(RE-CROSS EXAMINATION OF DAVID SMALL)

Q. Did you know Henrietta Copeland.

A. Yes, I have seen her many times.

Q. How many years did you know Henriatta Copeland.

A. I don't know, when I first knew her I was a little bit of a kid, and wont big enough to know much.

Q. Did you know Assariah Copeland.

A. Of course, I knew him.

Q. Did you know Jesse Copeland.

A. Yes, I knowed them all.

Q. Did you know Bertha Jones.

A. Knowed them all. I have seen her too.

Q. How long would you say you have been knowing these three.

A. Ever since the civil war.

Q. Have you ever heard anybody in that community outside of Jesse Copeland say that Bertha Jones was his half sister.

A. I have never heard anyone say.

Q. What relation were they know as having towards each other.

A. They were all brothers and sisters. Joshua and Henrietta were known as man and wife, and these children were their children, how they come I never knew anything about.

Q. They were known as brothers and sister in that community, so far as you knew.

A. So far as I know, I never heard it questioned whether they were brothers and sister. I never heard anyone say. Never inquired after it to find out about it, and no one ever told me anything about it. I see them passing like anyone else. I know what they were said to be, but I never went back to inquire after the relation of how they come along.

Q. Don't you know whether they were brothers and sister or not, and didn't they bear that relation in the community.

A. No. They were called brothers and sister. and there are some there that I don't know anything about.

Q. (Mr. Everett) You knew Bertha Jones. Was she dark or light.

A. She is some darker than Jesse.

Q. Some darker than Jesse.

A. Yes, sire, Jessie and Assariah are about the same color.

Q. You have known them a long time. Jesse lives near you?

A. Yes, sir.

Q. How far.

A. I reckon two miles.

Q. You have been knowing him ever since he was born.

A. Yes, sir.

Q. Would you believe him on his oath.

A. Yes, sir.

Q. Has he a reputation for telling the truth.

A. So far as I know. I have had very little dealings with him. We have never had any business.

Q. Found him a man of his word.

A. So far as I have had any dealings with him.

Q. Have you ever heard anyon else complain of him.

A. I don't know that I have.

Q. (Mr. Holland) What name did Bertha Jones go under before she was married.

A. Copeland, so far as I know. Her mother was named Henriatta Copeland. She went by the name of her mother.

Q. And Bertha took the same name as her mother, Copeland.

A. Yes, sir.

(And further this deponent saith not)

J. F. Holland being duly sworn deposes and says:

Q. State your name, age, residence and occupation.

A. J. F. Holland, 57 years, near Holland, Va., farmer.

Q. Mr. Holland, are you familiar with these tracts of land that Thomas Copeland died seized and possessed.

A. Yes, I know them well.

Q. What do you think would be a fair valuation of the homeplace upon which he died.

A. I think $10.00 per acre.

Q. What about the two tracts containing 19 acres near Jesse Copeland.

A. I think $15.00 would be a fair valuation.

Q. What would be a fair valuation of the tract of land known as the old Walter Allen Place.

A. I think $15.00 per acre would be a fair valuation for that.

Q. Could any of these tracts be divided amongst the heirs to any advantage.

A. I don' t think they could. So far as I know, they could not be divided.

Q. How long have you been knowing Jesse Copeland.

A. Pretty near all my life.

Q. What is his reputation in the neighborhood for truth and veracity.

A. Well, Jesse is looked upon as being a pretty reliable sort of darkey.

Q. David Small is looked on the same way, is he not.

A. Yes, old man David is looked on as being a good old reliable darkey.

Q. In talking about the Fitzgerald Place, you would refer to the Fred Robinson Place, the place that he lives on now.

A. Yes.

Q. You know the aces to be 27.

A. Yes.

Q. At your valuation, it would sell for $405.00.

A. At $15.00 per acre, it would.

Q. After having this amount called to your attention, do you think that property in its present condition would sell for that much money in cash at public auction.

A. I don't know whether it would or not. It ought to sell for that.

Q. This 19 acre tract that you estimate. Has that got any house on it.

A. Yes, sir.

Q. That's on the Box-Elder County Road, is it not?

A. Yes, sir.

Q. And you estimate that at $15.00 per acre.

A. Yes.

Q. Do you think this Robinson place would sell for as much as a place on the county road?

A. I guess it would. I think so. It is different land from the other. Sort of light land, and is known as being good peanut land and makes pretty peanuts. There is some dark land and some other in bushes. There is more cleared land in this piece, the Fred Robinson piece.

Q. How many acres would say is cleared.

A. I don't know as I could say.

Q. About how long has it been since you saw this Fred Robinson place.

A. I have seen it in the last twelve months.

Q. Suppose David Small and Givens Copeland would estimate that not more than two acres of this land was cleared.

A. There is more than that.

Mr. I. A. Luke being duly sworn deposes and says:

Q. State your name, age, residence and occupation.

A. I. A. Luke, 51 years, Holland, xx, Va., a merchant.

Q. Mr. Luke are you the administrator of Thomas Copeland, deceased.

A. Yes.

Q. Are you familiar with this land.

A. Yes.

Q. Do you know the parties interested in this land. That is, the brothers and sister of Thomas Copeland.

A. I know the brothers, Jesse and Assariah. They have one half sister, according to what they say. They told me this in the beginning, and that Bertha was her name. (Question and answer objected to on the ground of its being hearsay)

Q. Can it be divided in any way except to sell it and dividee the proceeds.

A. That is the only way I could think of.

Q. How long have you been knowing Jessé Copeland.

A. Evere since he has been in that neighborhood.

Q. What is his repitation for truth and veracity.

A. Among the colored people he stands at the top. I have had dealings with him continually for that length of time, and I have always found him to be absolutely good.

Q. Do you expect to render an account of administrator in this suit while it is pending.

A. I want to do it if possible. I want to settle it all if I can.

#44.

Assariah Copeland being duly sworn deposes and says:

Q. Give your name, age, residence and occupation.

A. Assariah Copeland, 65 years old, flagman at the S. A. L. crossing, live in Suffolk.

Q. Assariah, do you know Thomas Copeland, near Holland, who is now dead.

A. Yes, sir, he was my brother.

Q. What relation are you to him.

A. I and he were own dear brothers.

Q. State how many brothers and sisters you had.

A. There were five, two dead. Jesse and me are the only two living.

Q. Any sisters.

A. No, sir, only my sister Bertha, who is a half sister.

Q. Who is your half sister.

A. Bertha Jones.

Q. You say that Bertha is your half sister.

A. Yes.

Q. Tell all you know about it, and why you say she is your half sister and Jesse's.

A. Well, you know, that this girl was born before my father had my mother. She made us call one another brother and sister. She is not a legitimate child at all.

Q. Who did you ever hear ------- say that this was your half sister.

A. My mother.

Q. Why would she tell you that your half sister was a child born before she went with your father.

A. She did that to make us behave and recognize each other as brother ~~and~~ and sister.

Q. She then told you that Bertha was your half sister, and you had to behave as if you were sister and brothers.

A. Yes, sir, that is the idea.

Q. Were your father and mother living together at the close of the war.

A. Yes, they lived together sometime after the war My father died when I was a little boy.

Q. How old is Bertha Jones.

A. I don't know, I haven't seen her for 50 years.

Q. You say you have not seen her in 50 years.

A. More than that.

Q. You were not more than 10 or 15 years old.

A. I don't know how old I was. I was old enough to work.

Q. Are you familiar with the land that Thomas Copeland died seized and possessed.

A. Yes.

Q. You know about where it is.

A. Yes.

Q. Do you know whether anyone would take the land, or any part of it, or do you think it would have to be sold at public auction and the proceeds divided.

A. I suppose so, Mr. Attorney. It would give better satisfaction to have it sold at Public Auction.

Q. (Mr. Holland) You said one sister died. Who was she?

A. Rebecca.

Q. Did she leave any children.

A. No.

Q. Is she the only sister dead.

A. Yes.

Q. What was her name.

A. Rebecca Copeland.

Q. What name did Bertha go by.

A. Nothing but Bertha.

Q. She was known then as Bertha Copeland.

A Yes.

Q. You took the title the same way after your mother.

A. Yes.

Q. If your father and mother were married, why did not you take your father's name.

A. You know what I told you. Old people were considered to be married after they surrendered.

Q. Who was your father.

A. My father was Joshua Small.

Q. Then your father and mother were considered by everybody to be married, but you took your mother's name instead of your father's.

A. She always called me that, and the neighborhood at large, and I never changed it.

Q. And Thomas Copeland took his name the same way from your mother.

A. Yes.

Q. Who was Bertha's father.

A. His name was Neverson Rawles, I believe, said to belong to Mr. Randall.

Q. Was he a light colored man.

A. Dark.

Q. Did you ever see him.

A. No.

Q. Then you don't know whether he was colored or not.

A. My mothr said that. She was dark, and Neverson Rawles was dark, and Bertha is dark, and there's bound to be some darkness somewhere.

Q. You are darker in color than your brother, Jesse, are'nt you.

A. I don't think ther's much difference. I don't see much, we are both black.

Q. When did Neverson Rawles start to going with your mother.

A. I don't know.

Q. When did he stop.

A. I don't know.

Q. Then you don't know anything about Neverson Rawles.

A. I don't know anything much.

Q. As far as you know, they might have been considered married in their day and time.

A. I don't know about that.

Q. Then you don't know anything about Neverson Rawles except what your mother told you years ago.

A. No, sir.

Q. Who was present when she was telling you about Bertha father.

A. You know I can't tell, because was a tot. As soon as I was big enough to work, they hired me out. Everey body in the community knowed it, some of the old heads that are dead now could tell about it. I never thought anything about Bertha, almost forgotten her until this come up.

Q. Can you tell us the names of someone in that community that know anything about it now.

A. David Small. I thought she was dead until my brother died, then she popped up here right fresh. When you have got one drop of blood they pop up from no one knows where. If it had been me it would have all been the same.

Q. Then you can't give us anyone else in your comminuty that would know this relationship that are now living.

A. No, sir, all the old heads are dead.

Q. David Small has already been on the stand and testified

that he never heard anybody say that Bertha Jones was a half sister, but that she was a whole sister. If he made such a statement, then he must have been lying, must he not.

A. He must. He is older than I am.

Q. Then he must have been testifying to something false.

A. He knows more than I do. Her name was Bertha. I had two sisters, who died, and a half sister, and she come up here right fresh since my brother ceased.

Q. Then you can't give the name of anyone else except David Small.

A. No. sir.

Q. (Mr. Everett) You don't know whether your mother ever told David Small anything a out the relationship or not.

A. No, sir. He is old enough to know, because he is older than I am.

Q. But I understand that he says he didn't remember ever hearing that she was not the child of Joshua Small.

A. Yes, that's what he said.

Q. And you don't remember whether she was the child of Nerverson Rawles or Joshua Small.

A. Of course, I remember my mother telling that she was the child of Neverson Rawle s. I remember that.

Q. David Small was living in that community at the time you were a child, and he is in as good a position to know something about it as anyone else.

A. Of course, he ought to have known. But I know she was there when I come, and was my half sister. My legitimate sister died.

And further this deponent saith not.

These depositions were continued until Nov. 29, 1916.

Jesse Copeland et als

vs. (Depositions)

Assariah Copeland et als

Present: John K. Hutton, Attorney for Jesse Copeland, Marianna Copeland and I. A. Luke, Administrator of Thomas Copeland, deceased.

Hugh L. Holland, Attorney for Bertha Jones, Fred Robinson and Frances Robinson.

The depositions of Alberta Robsinon, taken Nov. 29, 1916, at the office of Hugh L. Holland, between the hours of 4:00 and 6:00 P. M., before Bradford Kilby, Commissioner in Chancery.

Alberta Robinson being duly sworn deposes and says:

Q. Please state your name, age, residence and occupation?

A. Alberta Robinson, 23 years, cook, residence Norfolk, Va.

Q. Are you the daughter of Fred Robinson and Frances Robinson?

A. Yes, sir.

Q. I now hand you a bundle of receipts that have been introduced by your father, Fred Robinson, in his suit against the heirs of Thomas Copeland. Please llok over these receipts, and tell me if you wrote any of these, and if so, which ones?

A. Here's one I wrote. $5.00, dated June 28, 1916.

Q. Please state whether you saw this money paid, if so, where, and under what circumstances?

A. Yes, at my father's house. It was paid to Thomas Copeland.

Q. Who wrote that receipt?

A. I wrote it.

Q. Did you sign his name to it?

A. Yes, I put his name to it, but he put his mark.

Q. Why didn't you sign your name as a witness at that time?

A. I didn't know that you had to do it. I didn't know much about writing receipts, do I didn't do it.

Q. How were these papers kept together, do you know?

A. My mother kept them together at home and would bring them out when they paid Thomas Copeland?

Q. Pick out any other receipts that you wrote and signed.

A. Here's another one. Dated Jan. 18, 1915, for $39.00.

Q. Did you see that money passed?

A. Yes.

Q. Who to.

A. Thomas Copeland.

Q. On what land.

A. On the land my father was buying.

Q. Where.

A. At my father's house.

Q. Did you wrote that receipt and sign Thomas Copeland's name to it.

A. Yes.

Q. Who made a mark between his name?

A. He did.

Q. Did you hear your father say anything to -- Thomas Copeland about the agreement they had about that land.

A. No, sir, I dodn't believe I did.

Q. You knew he was buting land from Thomas Copeland, didn't you?

A. Yes.

Q. You don't know the terms of the agreement.

A. I don't know them.

Q. What other receipts.

A. Here's one. June 12, 1916, for $36.00.

Q. Did you see that amount paid?

A. Yes, by my father to Tom Copeland.

Q. Was it paid on that date.

A. Yes.

Q. Who was present.

A. Well, my mother and father, any myself, and just the children, and Thomas Copeland, at my father's house.

Q. What was that paid on.

A. The land.

Q. You signed his name to it, and who made his mark.

A. He made his mark, because he couldn't write himself.

Q. These three are all the receipts you wrote?

A. Yes, just those three.

(CROSS EXAMINATION BY MR. HUTTON)

Q. How many of these receipts did you see signed?

A. Just those three.

Q. Were you present when any of the others were written.

A. No, I wasn't at home. Just these that I wrote for them.

Q. Did you see the money passed each time?

A. Yes.

Q. Was the receipt for $36.00, dated June 12, 1916? Do you remember how that $36.00 was paid?

A. No, I only remember that it was passed. In what amounts I don't know.

Q. Was it paid with check?

A. No, just cash.

Q. You don't remember how it was paid then?

A. No.

Q. Do you remember how the $5.00 was paid.

A. It was a $5.00 note.

Q. Who was present when this $36.00 was paid.

A. Nobody but Tom Copeland, excusing my people.

Q. Who are home people.

A. My mother, and father and the children and myself.

Q. Who signed the receiots when you were not there?

A. I don't know.

Q. Were you living at home in January, 1915.

A. No, I just go up there to see them sometime. Whenever I was home, they would come to me to write the receipts. I go backwards and forwards.

Q. Did you understand when you were writing these receipts that your father had bought this tract of land from Thomas Copeland,

A. Did I understand that he had bought it? No, just more than hearing them say so. When he first made thr agreement I was not there, only just that ge told me. He told me to write the receiot, that he was going to pay something, and I did.

Q. Can your mother write?

A. No.

Q. Can your father write.

A. No.

Q. Can any of your brothers and sisters write.

A. Yes, some of them can.

Q. Did any of the other children write any of the receipts on this paper, or in this bundle.

A. I don't know. They said they did.

Q. You know their handwriting?

A. They look like their handwriting. I could not say that they wrote them. I could tell their handwriting allright, because it looks like theirs to me. Whether they wrote them or not, I wont there to see.

Q. They were present when you wrote these.

A. Yes. All except my sister who is married, she was not there.

Q. Did you just happen to be present, and your father asked you to write these.

A. Yes.

Q. Here's a receiot for $39.00. Did you see that money passed.

A. Yes/

Q. Do you know how that was paid.

A. No.

Q. And y ou just happened at home on these three different occasions when Fred Robinson happened to be paying for his land.

A. Yes/

Q. How far do you live from there.

A. I live in Norfolk.

(And further this deponent saith not)

#54.

Jesse Copeland et als

vs.

Assariah Copeland et als

Taken Dec. 2nd, 1916, in the office of Hugh L. Holland, before Bradford Kilby, Commissioner in Chancery.

PRESENT: Hugh L. Holland, Attorneycfor Bertha Jones. and S. E. Everett, attorney for Jesse Copeland.

Q. State your name, age, residence and occupation.

A. Bertha Jones, sometimes called Bertha Ann Jones, lives in Brighton, near Portsmouth, Va. somewhere between 65 or 70 years.

Q. Are you the complainant in this suit.

A. I am one of the complainants in this suit.

Q. What relation are you to Tom Copeland.

A. I am a half sister of Tom Copeland, and also half sister of Assariah Copeland, and ~~Tom Copeland~~, Jesse Copeland. These boys were full brothers.

Q. Do you wish this property sold or divided.

A. I don't know any other way to settle it except to have everything sold and give me my share.

(4)

Jesse Copeland et als.

v.

Assariah Copeland et als.

Commissioner's Report.

Report of Bradford Kilby,
Commissioner in Chancery,
under decree of Nov.11,1916.

Filed Jan. 3, 1917.
C. E. Bowling
Clerk

BRADFORD KILBY
Attorney at Law
SUFFOLK, VIRGINIA.

Baltimore Office Supply Company, Baltimore, Md.

Jesse Copeland et als.....Complainants.

vs.

Asariah Copeland et als.....Defendants.

This cause came on again to be heard on the papers formerly read,and on the reports of I. A. Luke,Administrator,and I. A. Luke and Hugh L. Holland,Special Commissioners,filed the first day of April,1917 with vouchers;and to which no exceptions have been taken,and was argued by counsel.

The reports are in words and figures as follows:

I. A. Luke Administrator.

"Collected as follows:

Pomp Cross (Rent)	$36.50
W. H. Jordan by Hugh L. Holland	272.21
Mrs. S. R. B. Howell	137.00
W. H. Jordan (Rent)	12.00
Fred Robertson & Frances Robertson	335.00
Ned Cross' Estate	133.75

Paid out as follows:

Clerk of the Court	$3.75	
Burial Expenses	26.00	
Notary Public	1.50	
Appraisers	3.00	
Railroad Fare of Admr	12.00	
G. S. P. Holland (Bond)	5.00	
Taxes (1916)	12.96	
Taxes (1911)	8.00	
Admr.'s Commissions	46.32	
To Balance (Cost $118.53)	807.93	
	$926.46	$926.46

By Balance.....$807.93

Paid Asariah Copeland	$323.17
Paid Jesse Copeland	323.17
Paid Bertha Jones	161.59
	$807.93

$807.93"

I. A. Luke and Hugh L. Holland Special Commissioners

"From J. T. Rawles for tract number one as advertised..$225.00
From Jesse Copeland and Asariah Copeland for tracts numbers one and three as advertised..... 930.00
Total amount received by your Commissioners is..... $1155.00

Your Commissioners paid out as follows:

To the Clerk of Court.....	$24.54	
To the Commissioner in Chancery.....	35.00	
To advertisement, Suffolk Herald,.....	2.50	
To auctioneer, J. J. S. Branch,.....	10.00	
To Commissions.....	32.10	
To S. E. Everett and Hugh L. Holland for writing deeds.....	20.00	
To Balance on hand.....	1030.86	
	$1155.00	$1155.00

By Balance on hand $1030.86

Paid the said Balance to the heirs entitled to same as follows:

Asariah Copeland full blood to Tom Copeland two-fifths.....	$412.34	
Jesse Copeland full blood to Tom Copeland two-fifths.....	412.34	
Bertha Jones half blood to Tom Copeland one-fifth.....	206.18	
	$1030.86	$1030.86"

On consideration whereof the Court doth adjudge, order and decree that said reports be confirmed, and there remaining nothing further to be done in this cause, it is ordered to be stricken from the docket.

(11) Final

Jesse Copeland et als

vs. Report

Asariah Copeland et als.

Enter the 31. day of Octo.,

1917.

Jas. L. McLemore

Entered in Chancery Order

Book No 5, page 125.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Jesse Copeland et als.....Complainants.

vs.

Asariah Copeland et al .....Defendants.

The answer of Asariah Copeland to a bill of complaint exhibited against him and others in the Circuit Court of Nansemond County by Jesse Copeland and others, complainants.

This respondent reserving to himself the benefit of all just exceptions to the said bill of complaint, for answer thereto, or to so much thereof as he is advised that it is material he should answer, answers and says:

That so far as he knows the matters and things contained in said bill of complaint are true; that he desires a sale of the property and a division of the proceeds among those entitled thereto; that he understandsthat no one or more of the other heirs are willing to take the whole of said property.

And now, having fully answered the complainants' bill, this respondent prays to be hence dismissed with his reasonable cost by him in this behalf expended.

his
Asariah X Mark Copeland

Respondent.

Witness H. L. Coleman

Counsel.

(2)

Jesse Copeland et als

vs

Asariah Copeland et al

Answer of Asariah Copeland.

Jesse Copeland, Mary Anna Copeland, and Bertha Jones.....Complainants

vs.

Asariah Copeland and I. A. Luke, Administrator of

Tom Copeland, deceased.....Defendants.

TO THE HONORABLE CIRCUIT COURT OF NANSEMOND COUNTY:

Your Complainants, Jesse Copeland, Mary Anna Copeland and Bertha Jones, respectfully represent:

I. That Tom Copeland, father of said Jesse Copeland, Bertha Jones and Assariah Copeland, was in his life time, seized and possessed of certain real estate lying in the County of Nansemond and hereinafter described, and while so seized and possessed, the said Tom Copeland on or about the day of , died intestate, leaving as his only heirs at law: Jesse Copeland, whose wife is Mary Anna Copeland, Bertha Jones, and Asariah Copeland, the said heirs being brothers and sisters of the deceased.

2. The description of said land is as follows:

(I) All that certain tract of land, situated in Holy Neck Magisterial District, Nansemond County, Virginia, containing 27 acres, more or less, being at one time part of the Joseph Small tract of land, then owned by David Small and afterward by William Reid and wife, and bounded by the lands of Joe G. Holland and David Small; it being the same land conveyed to the said Tom Copeland by Rosa Blow by deed dated March 30, I9II, and recorded in the Clerk's Office of said county in Deed Book No. 70, page 37I.

(2) All that certain tract of land situated in said district, county and state, containing nine acres, more or less, and bounded by the lands of Jesse Copeland, the County Road leading from Holland to Boxelder, and the land of Henry Jordan; it being the same land conveyed to said Tom Copeland by Ned Cross and wife by deed dated September 29, I908, and recorded in said Clerk's Office in Deed Book No. 66, at page I97.

(3)All that certain tract of land, situated in said district, county and state, containing I0 acres, more or less, bounded mostly by the estate of Z. T. Holland, deceased, and being the same land conveyed to said Tom Copeland by T. G. Jones and others by deed dated January I0th, I898, and recorded in said Clerk's Office in Deed Book No. , at page .

(4) All that certain tract of land, situated in said district, county and state, containing I0 acres, more or less, known as the Joe Holland land, and bounded by the lands of Henry Jordan, Alfred Hare, Ned Cross, and the county road; it being the same land conveyed to the said Tom Copeland by Z. T. Holland, Trustee, by deed dated November I0, I882, and recorded in said Clerk's Office in Deed Book No. I4, at page 43I.

3. That the said real estate is, as they believe, susceptible of partition among the parties entitled thereto; but should the property not be divisible in kind, the complainants believe, and here state, that the interests of thos who a re entitled to the said real estate, or its proceeds, will be promoted by a sale of the whole of the same, or by an allottment of part and sale of the residue:

In consideration whereof, and forasmuch as your complainants are remediless in the premises save in a cpurt of equity, they pray that Asariah Copeland and I. A. Luke, Administrator of Tom Copeland, deceased, may be made parties defendant to this bill and required, but not on their oaths, to answer the same, the oaths being hereby waived; that proper process issue; that the said estate be divided among the parties entitled thereto, or else, if it cannot be so divided, that it may be sold and the proceeds divided among the parties entitled according to their respective rights; that all proper orders and decrees may be made, accounts taken and enquiries directed; and that your complainants may have all such other, further and general relief in the premises as the nature of their case may require, or to equity shall seem meet.

Jane Copeland
Mary Annie Copeland
Ruthie James

Complainants.

Everett Hutton

Counsel

(1)

Jesse Copeland et als
vs. Bill in Equity.
Asariah Copeland
et al.

LAW OFFICES
Everett & Hutton
SUFFOLK, VA.