1926-021
Nansemond Co (Suffolk) Chancery Causes: J.C Russell vs Rep of Moses E. Horton et al

Eason, Pierce, Brinkley, Neal

MR. S. E. Everett, Clk

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

1919 – 3 – 20 VS.

Recording B. & S. deed from
Mrs. H. Wilcox and S. E. Everett
Special Commissioners to H. B. Jackson
Tax 2.40. Transfer 1.00 – Re 1.50
Revenue Stamps

	4.90
	2.50
	$7.40

Paid Mar. 21, 1919 G. E. Bunting Clerk

MR. S. E. Everett, Atty

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

1917 3-21 VS.

Recording D. T. Tyson D. S.
Jackson & Pulley to Thos. H. Nelson
& S. E. Everett, Trustees for Cedar
Court
Tax 2.10 Fee 1.75 3.85

Paid Mar. 21, 1917 G. E. Bunting Clerk

MR. S. E. Everett, Adj.

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

191 8 - 3 - 21 VS.

Recording D. J. Tynes from D. P. Jackson & wife to W. D. Knight, Trustee for S. E. Everett
Fee 100 Tax 1 35

1 35

Paid Mar. 21, 191 8 G. E. Bunting Clerk

Local Board for Southampton County,
Courtland, Va.

April 10th, 1918.

Mr. Wm. Henry Jones,
Suffolk, Va.
Dear Sir:

We have a letter from the Local Board for Nansemond county saying that you have not presented yourself for physical examination. Please go at once to the Local Board and be examined or you will be compelled to report to this Board for examination.

Local Board for Southampton County.

B. T. Shands(chief clerk)

~~Standard Paint Co.~~
Kenderson Paint Co.

J. C. Russell, who sues on behalf
of himself & such non creditor of Mary
E. Harbert, dec'd. who shall come in &
seek relief for & contribute to the cost of
the suit
vs
Ely
E. Wagner, who sues as such for use of said
M. E. Harbert: Mary E. H. Harbert Def'ts.
Wm. Hamel C. H., Hanlon S. H., Mrs
Hanlon S. H. Catharine Eaton, Mansfield
Eaton & Barney H. Def'ts

2 3rd Opinion 1918 (Mary E Bradley Wood

Sept. 24 1918

Judge J. T. Wilson: Bradley

Willcox, Cooke & Willcox
Counsellors at Law
1015 National Bank of Commerce Building
Norfolk, Virginia

THOMAS H. WILLCOX
RICHARD D. COOKE
THOMAS H. WILLCOX, JR.
EDWARD R. WILLCOX

June 2, 1919.

Mr. S. E. Everett,

Suffolk, Virginia.

Dear Sir:

I enclose herewith report, duly signed.

Very truly yours,

Thos. H. Willcox
R.

W/J

J.C.Russell, etc.

vs " "

E.E.Wagner, Adminstrator, et als

$9 00

Received of S.E.Everett, Special Commissioner in the above styled suit, the sum of Nine ——— + 00 Dollars

J. F. Houlton Atty

S. E. Everett his Atty

J.C.Russell ,etc
vs
E.E.Wagner,Sheriff, et als

$18 10

Received of Thos.H.Willcox and S.E.Everett, Special Commissioners in the above styled suit

Eighteen ——— 10/100 Dollars

B.N. Dorsey Atty

J.C.Russell, etc.
vs

E.E.Wagner, Sheriff,et als

$67 00

Received of Thos.H.Willcox and S.E.Everett, Special Commissioners in the above styled suit

Sixty Seven ——— Dollars

Correct same writing done.

S.E.Everett

Thos H Willcox

$ 52.70

Suffolk, Va., 6/30/17 19

On Dec. 1st days after date I promise to pay, without offset, unto

DIXIE GUANO COMPANY, INCORPORATED, OR ORDER

Negotiable and payable at OFFICE OF DIXIE GUANO CO., INC.,

Fifty-two and ---70/100 Dollars

FOR VALUE RECEIVED, WITH ALL COSTS OF COLLECTION, INCLUDING TEN PER CENT. FOR ATTORNEY'S FEE; AND WE, PRINCIPAL AND ENDORSERS, HEREBY WAIVE THE BENEFIT OF OUR HOMESTEAD EXEMPTION AS TO THIS DEBT.

Moses H. Horton, Whaleyville, Va. Moses H Horton

DIXIE GUANO CO. INC. PAID APR 30 1918 SUFFOLK, VA.

B-21921-BURKE AND GREGORY, INC., NORFOLK, VA.

Newton Horton.

J.C.Russell, etc.

vs

E.E.Wagner, Adminstrator, et als

$12 70

Received of S.E.Everett, Special Commissioner in the above styled suit, the sum of Twelve 70/100 Dollars

John T. Richards
by S.E. Everett his Atty

J.C.Russell ,etc
vs
E.E.Wagner,Sheriff, et als

$10.00

Received of Thos.H.Willcox and S.E.Everett, Special Commissioners in the above styled suit

Ten

Dollars

$15.00 Paid me S.E.Everett

G.C.Bunby, Clerk

J.C.Russell, etc

vs.

E.E.Wagner, Sheriff, et als

$ 4°°

Received of Thos H.Willcox and S.E.Everett, Special Commissioners in the above styled suit

Four & 00/00 Dollars

HERALD PRINTING CORPORATION

By _____

J.C.Russell, etc.
vs

E.E.Wagner, Sheriff,et als

$35.00

Received of Thos.H.Willcox and S.E.Everett, Special Commissioners in the above styled suit

Thirty-five ~~~~~~~~~~~~~~~~~~~~ Dollars

Bradford Kilby

No.

Suffolk, Va. April 2 1919

Pay to the order of J. C. Russell $ 98.70

Ninety Eight 70/100 Dollars

For

To the NATIONAL BANK OF SUFFOLK
Suffolk, Va.

68-124

(Horton)

J. C. Russell

Russell et als vs Wagner et als

Pay to the Order of

BANK OF WHALEYVILLE,

Whaleyville, Va.

J. C. RUSSELL.

PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST CO.
All Prior Endorsements Guaranteed
APR 5 1919
BANK OF NANSEMON
SUFFOLK, VA.
M. HOLLAND, Cas

J.C.Russell, etc.
vs
E.E.Wagner, Sheriff, et als

$17.00

Received of Thos .H.Willcox and S.E.Everett, Special Commissioners in the above styled suit

Seventeen 00/100 Dollars

W. W. Matthews

J.C.Russell, etc.

Vs

E.E.Wagner, Administrator, et als

$2 V.8

Received of S.E.Everett, Special Commissioner in the above styled suit the sum of Four ——— + V.8 Dollars

J.E. Parker Atty
S.E. Everett his Clerk

J.C.Russell, etc.

Vs

E.I.Wagner, Administrator, et als

$ 4.00

Received of S.E.Everett, Special Commissioner in the above styled suit the sum of Seventy Five — Dollars

Brantley Horton

by S.E.Everett his

atty

J.C.Russell, etc.
vs
E.E.Wagner, Sheriff, et als

$109 70/100

Received of Thos .H.Willcox and S.E.Everett, Special Commissioners in the above styled suit

One Hundred and Nine + 70/100 Dollars

J. C. Russell

J.C.Russell, etc

vs.

E.E.Wagner, Sheriff, et als

$22 97

Received of Thos H.Willcox and S.E.Everett, Special Commissioners in the above styled suit

Twenty Two + 97/100 Dollars

H O Steeples

J.C.Russell ,etc.

vs

E.E.Wagner, Sheriff, et als

$ 51.25

Received of Thos.H.Willcox and S.E.Everett, Special Commissioners in the above styled suit, check to cover the following items:

E.E.Wagner, Auctioneer,	$10.00
E.E.Wagner, for auto hire,	5.00
E.E.Wagner for appraisers,	4.50
E.E.Wagner ,for Notary Public,	1.50
E.E.Wagner, for G.E.Bunting, Clerk,	5.25
E.E.Wagner, cost of Administration,	25.00
Total	$51.25

E.E. Wagner adm.

TO GEORGE E. BUNTING,CLERK OF THE CIRCUIT COURT OF NANSEMOND COUNTY.

J. C. Russell,who sues on behalf of himself,
and such other creditors of Moses E. Horton,deceased,
who shall come in and seek relief by and contribute
to this suit.....Complainant.
Vs. In Chancery
E. E. Wagner,Sheriff,and,as such,personal representative
of said Moses E. Horton,Mary E. Horton,Herbert O.
Horton,Mrs. Herbert O. Horton,Newton S. Horton,Mrs.
Newton S. Horton,Catherine Eason,Mumford Eason,
and Brantley Horton.....Defendants.

Issue summons to the 2nd (Third Monday) Rules in April,1918.

J. C. Russell

----------p.q.

Office of
George E. Bunting
County Clerk, Nansemond County
Suffolk, Virginia

Rule Notes.

J.C.Russell,who sues in behalf of himself and such other creditors of Moses E.Horton,deceased,who shall come in and seek relief by and contribute to the costs of this suit. Plfts.

V. In Chancery:

E.E.Wagner,Sheriff,and as such personal representative of Moses E. Horton,deceased,Mary E.Horton,Herbert O.Horton,Mrs.Herbert O.Horton, Newton S.Horton,Mrs.Newton S.Horton,Cathrine Eason,Munford Eason and Brantley Horton. Defts.

April 11,1918. Process issued returnable to Third Monday,2nd April Rules,1918.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE ~~SHERIFF OF NANSEMOND COUNTY~~ Sergeant of the City of Norfolk —GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON E.E.Wagner, Sheriff and as such personal represenative of M.E.Horton, Mary E.Horton, Herbert O.Horton, Mrs. Herbert O.Horton, Newton S.Horton, Mrs.Newton S.Horton, Catherine Eason, Munford Eason and Brantley Horton

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 April, 1918, to answer a Bill in Chancery, exhibited against them in the said Court by J.C.Russell, who sues on behalf of himself and such other creditors of Moses E.Horton, deceased, who shall come in and seek relief by and contribute to the costs of this suit

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 11th day of April, 19 18, in the ~~142~~ year of the Commonwealth.

~~A copy—Teste:~~ ....., ~~Clerk.~~

Teste: G.E.Bunting, Clerk.

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

KNOW ALL MEN BY THESE PRESENTS that I, Thomas H. Willcox, of the City of Norfolk and State of Virginia, do hereby appoint S. E. Everett my attorney in fact, for me and in my name to appear in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, and for me and in my behalf to execute and acknowledge a certain bond, in the penalty of Four Thousand ($4,000.00) Dollars, required to be given by S. E. Everett and myself as Special Commissioners under and by virtue of a certain decree rendered on the 19th day of November, 1918, in a certain cause in chancery therein pending, in which J. C. Russell, who sues, etc., is plaintiff, and E. E. Wagner, personal representative of Moses E. Horton, and others are defendants; hereby ratifying and confirming any and all acts done for me and in my name by my said attorney in fact, in and about the execution and delivery of said bond.

Witness my hand and seal this the 25th day of November, 1918.

Thos H Willcox (Seal)

CITY OF NORFOLK, to-wit:

I, Allene C. Jones, a Notary Public for the City aforesaid, in the State of Virginia, whose commission expires October 29, 1921, hereby certify that Thomas H. Willcox, whose name is signed to the foregoing writing, bearing date November 25, 1918, has acknowledged the same before me in my City aforesaid.

Given under my hand this the 25th day of November, 1918.

Allene C. Jones,
Notary Public.

Know All Men by These Presents, That we, ~~S. E. Everett~~ and Thomas H. Wilcox,

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Four Thousand ($4000.) DOLLARS, to the payment whereof, well and truly to be made to the Commonwealth of Virginia, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

And we waive the benefit of our exemption as to this obligation, and also waive any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of the office. post or trust herein mentioned, with coupons detached from bonds of said State.

Sealed with our seals, and dated this 26th day of November in the year of our Lord one thousand nine hundred and eighteen, and in the 143rd year of the Commonwealth.

In Testimony Whereof, the said S. E. Everett and Thomas H. Wilcox have ~~his~~ their hereto set hand and seal and the said ..... has caused its corporate name to be hereto signed, and its corporate seal to be hereto affixed, this 26th day of November in the year of our Lord, one thousand nine hundred and eighteen, and in the 143rd year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound S. E. Everett and Thomas H. Wilcox, who on the 19th day of November 1918, by a decree entered by the Circuit Court of Nansemond County, Virginia in the Chancery cause therein pending between J. C. Russell etc complainants and E. E. Wagner et als, defendants were appointed Special Commissioners to sell the land in said bill and proceedings mentioned, and who have qualified before the Clerk of the Circuit Court of Nansemond County, as such Special Commissioners, shall faithfully discharge the duties of said office post or trust therein the above obligation to be void, or else to remain in full force and virtue.

S. E. Everett SEAL

Thomas H. Wilcox SEAL

SEAL

SEAL

SEAL

VIRGINIA:

In the Clerk's Office of the Circuit Court of Nansemond County, on the 26th day of November, 1918:

The above bond was executed and acknowledged before me by the obligors to the same (the security justifying), and ordered to be recorded.

Teste: Ruby V. Benton D. C.

To }

The Commonwealth.

Virginia Tract 161 acres.

D. & J.

D.B. 75. P. 553 Lumber sold
March 25, 1914
Moses E. Horton & Dora, his wife
to
Chemmie Harrell, Trustee for Floyd W. Harrell.
60 acres
$150. bond, even date, on demand,

=

~~191~~
82,382 B & S.
Nov. 12, 1915
Moses E. Horton & Dora, to Ruth E. Harrell,
$428.
107 acres, bounded N. other land of Moses E. Horton
West by land of heirs of Tom Hilliard (Col.), South
by lands of W. M. Crumpler, Milly Ballard & R. L. Brewer &
E. by lands of Elkinah Harrell.

=

78, 262, Mar. 11, 1913 E
Moses E. Horton & Mary M. Horton
$120. to
J. Robt. Allen

161
127
34

20 acres, being a part of home tract of land.

=

72, 502
Oct. 21, 1912
Moses E. Horton & Mary E.
to
Hansemond Truck Package Co.
Right of way for steam Railway for 5 yrs. (24 ft wide)
Supt in force after 5 yrs. by paying $10. per year, for
5 yrs. more.

1, 287
Jan. 25, 1867
Jno. S. Pierce + Elizabeth his wife
to
Moses Horton
$300.
161 acres, bounded by lands of Mills Rogers, Thos. Reddick, Wiley Parker died, Wm. Elenor, Thos. Savage + others.

34
25
170
68
850.

To J.C.Russell who sues on behalf of himself and such other creditors of Moses E.Horton,deceased,who shall come in and seek relief by and contribute to this suit.

and

E.E.Wagner,Sheriff and as such personal representative of said Moses E.Horton,Mary E.Horton,Herbert O.Horton,Mrs. Herbert O.Horton,Newton S.Horton,Mrs.Newton S.Horton,Catherine Eason,Mumford Eason,and Bradley Horton.

You are hereby notified that on the 19th. day of July 1918, at the office of S.E.Everett in Suffolk,Virginia,between the hours of 9 A.M. and 5.P.M.,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 County,Va. rendered the 25th.day of May 1918,in the suit in chancery pending in said court to which you are parties plaintiff and defendant,to-wit:

(1) What is the fee-simple and annual value of the land of which Moses E.Horton died,seised and possessed.

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

(3) An account of the transaction of E.E.Wagner Sheriff and as such personal representative of said Moses E.Horton,and any matter specially stated deemed pertinent by the Commissioner or required by any of the parties to be so stated.

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

Given under my hand as Commissioner in Chancery of said Court the 24th.day of June 1918.

Bradford Kilby

Commissioner in Chancery.

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

Willcox, Cooke & Willcox
Counsellors at Law
1015 National Bank of Commerce Building
Norfolk, Virginia

THOMAS H. WILLCOX
RICHARD D. COOKE
THOMAS H. WILLCOX, JR.
EDWARD R. WILLCOX

December 21, 1918.

J. C. Russell v. Wagner, Sheriff, etc.,

Judge James L. McLemore,
Suffolk, Virginia.

My dear Judge McLemore:

I am returning to Mr. Everett today our report, showing the sale made under the decree heretofore entered in the above cause.

I am also returning to him a decree. I object to that portion of the last paragraph which distributes the remainder among the parties entitled thereto. Under the will of the testator Mrs. Horton is entitled to a life estate in the property. I am unwilling, however, for the fund to be paid over to her as life tenant unless she can give a bond to protect the remaindermen. If she can do this I shall be very glad to consent to a decree to this effect. If she cannot give such a bond I shall be obliged to ask that you retain the money in the cause, the interest derived therefrom to be paid to Mrs. Horton, the principal, of course, remaining under the control of the Court and to be invested as it sees proper.

If there is any question about my position in this matter I shall be very glad to be heard before any decree to such effect is entered. I have no objection to the remaining portions of the decree.

Very truly yours,

Thos H Willcox

W/J

Willcox, Cooke & Willcox
Counsellors at Law
1015 National Bank of Commerce Building
Norfolk, Virginia

THOMAS H. WILLCOX
RICHARD D. COOKE
THOMAS H. WILLCOX, JR.
EDWARD R. WILLCOX

October 21, 1918.

Mr. S. E. Everett,

Suffolk, Virginia.

Dear Sir:

I return herewith the report of Commissioner Kilby. I think you had better let him add to his report a statement showing the age of Mrs. Horton.

As I understand it, your suit was a creditors' suit and, in order to sell the real estate, it should be shown to the Court that the personal estate was not sufficient to pay the debts. To do this there should be a report from the Commissioner as to the amount of the debts. Do you think that paragraph three of the Commissioner's report, taken in connection with the statement signed by the Sheriff and the personal representative, is sufficient? Does not the statute require that an account of debts should be taken, after notice published once a week for four weeks in some daily paper, and would a purchaser of the real estate, sold in this suit before the debts of the decedent had been ascertained in the mode prescribed by law, take good title to the property? It seems to me that notice or the reference to the Commissioner should have complied with the statute. I would suggest that you take this matter up with Judge McLemore before

I don't know of such statute

2690
2652

News Ex. v. Bass, Brown & Co.
92 Va. 383.

Mr. S. E. E., #2.

the report is returned and ascertain what his views are with reference to the right to have a decree for sale in the present condition of this record.

Very truly yours,

Thomas Gallagher

W/J

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

J.C.Russell, etc. . . . . . Complainants

vs.

E.E.Wagner, Sheriff, and as such personal representative of Moses E.Horton, deaceased, et als. . . . . .Defendants.

Your Commissioners, Thos.H.Willcox and S.E.Everett, in the above styled cause make to Your Honor the following report:

Land sold on the 18th day of December, 1918 to D.F.Jackson, for		$2400.00
E.E.Wagner, representative, paid to Your Commissioners for sale of personal property,		124.50
Total Amount received		2524.50
Paid costs as follows:		
Clerk of Court,	$25.00 ✓	
Commission in Chancery,	35.00 ✓	
Bond of Special Commissioners,	12.00 ✓	
Advertisement in Suffolk Herald Printing Corporation	4.00 ✓	
E.E.Wagner, Auctioneer	10.00 ✓	
Writing Sp.Com.Deed,	10.00 ✓	
Coms on $2400.00	57.00 ✓	
Total Disbursements (costs)		153.00
Balance on hand,		$ 2371.50
Paid Creditors:		
J.C.Russell, funeral expenses,	$109.70 ✓	
E.H.Doughtie for mdse,	18.10 ✓	
T.C.Knight, for mdse,	22.97 ✓	
J.T.Horton, for land plaster	9.50 ✓	
John K.Riddick, for cotton seed,	12.70 ✓	
Dixie Guano Co., with interest from Dec.1,1917,	59.70 ✓	
Admr. for auto hire,	5.00 ✓	

		$ 2371.50
Appraiser's Fees,	$ 4.50	
Notary Public,	1.50	
G.E.Bunting,Clerk,fee on qualification.	5.25	
F.E.Parker, for cotton seed,	2.58	
Brantley Horton, for labor after he became 21 years of age,	75.00	
Cost of Administration,	25.00	
Total disbursements (creditors)		351.50
To Balance on hand,		$ 2020.00

After paying all costs and all creditors of Moses B.Horton, your Commissioners, in accordance with the last decree in this cause, took a bond of B.F.Jackson for the said sum of Two Thousand and Twenty ($2020.00) Dollars payable on demand to the order of the Court in this suit, and had said bond secured by a deed of trust, dated the 15th day of March, 1919, on the said property of Moses B.Horton which was sold in these proceedings. Interest on the Two Thousand and Twenty ($2020.00) Dollars is to be paid to Mary.E.Horton so long as she lives. The bond is herewith filed along with the vouchers in this cause, and receipt of the clerk of the Circuit Court of Nansemond County, showing that said deed of trust has been recorded.

There remaining nothing left to be done by your Commissioners, they ask that a final order be entered, releasing them from further liability in these proceedings.

Respectfully submitted

Thos. H. Willcox

S. Townes

M.C.Russell, et al.

vs. Final Report

P.C.Wagner, Admr. et als

Filed this 14 day of

June, 1919 J.L.M

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

J.S.Russell, etc. . . . . .Complainants

vs

E.E.Wagner, Sheriff, and as such personal representative of Moses E.Horton,deceased, et als. . . . . .Defendants.

Your Commissioners, Thos.H.Willcox and S.E.Everett,in the above styled cause make to Your Honor the following report:

Since the last order there has been nothing done in this cause, it being held in abeyance to let the heirs reach some conclusion as to whether the widow's dower interest would be commuted. The heirs have disagreed on this; three of them objecting to the dower interest being commuted, and one in favor of it.

Your Commissioners now ask that they be allowed to collect the purchase money and pay the costs of the proceedings and the creditors in full,and allow the purchaser to give a deed of trust on said property to secure the remainder of the money in the hands of the Commissioners, the bonds secured by the deed of trust, to be payable to ~~the Court~~ your Special Commissioners in this cause with interest payable annually, the same to be paid to the said Mary E.Horton,widow of Moses E. Horton,deceased. This deed of trust is to remain until the death of Mary E.Horton, or if the said purchaser elect to do so, he can pay the same at any time.

It appears that this property was struck off to W.G. Jackson, but D.F.Jackson was the real purchaser of the property. W.G.Jackson was only aiding his brother in buying the property, therefore your Commissioners ask that this property be conveyed to D.F.Jackson instead of W.G.Jackson. Your Commissioners are filing a paper herewith asking this to be done

Respectfully submitted

Thos H Willcox

S E Everett

Special Commissioners

J.C.Russell,etc

vs Report

E.E.Wagner, et als

Filed this 10 day of

March,1919

Jas. L. Whitmore

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

J. C. RUSSELL AND OTHERS, Plaintiffs,

v.

E. E. WAGNER, etc.,
AND OTHERS, Defendants.

This cause came on this day to be heard upon the papers formerly read and upon the report of Thomas H. Willcox and S. E. Everett, Special Commissioners, filed on the 10th day of March, 1919, in the Clerk's Office of this Court, to which report there are no exceptions, and was argued by counsel:

On consideration whereof the Court doth approve and confirm said report:

And it appearing therefrom that D. F. Jackson is the real purchaser of the property heretofore reported to have been sold, the Court doth adjudge, order and decree that Thomas H. Willcox and S. E. Everett, Special Commissioners, do execute and deliver to the said D. F. Jackson a deed conveying to him, with special warranty, the property heretofore sold, upon the payment to the said Special Commissioners by the said D. F. Jackson of a sum in cash which shall be sufficient to pay the costs of sale, the costs of this suit, and all of the debts, with interest thereon, reported as due and owing by Moses E. Horton, deceased, by the report of Bradford Kilby, Commissioner in Chancery, heretofore filed in this cause, and upon the execution and delivery to said Thomas H. Willcox and S. E. Everett, Special Commissioners, of a bond for the balance of the purchase price of said property, payable to the order of the Court in this cause and the execution and delivery to them of a deed of

trust, conveying said property to a trustee to be named by them, to secure the payment of said bonds, said deed of trust to be drawn, executed and recorded at the expense of the said D. F. Jackson.

The following is a description of the property:

All that certain tract of land situated in Cypress District, Nansemond County, Virginia, near Whaleyville, and bounded by the lands of Mills Rodgers, Thomas Reid's Estate, the lands known as Wiley Parker's Land and the Estate of Thomas W. Savage, and others, containing one hundred (100) acres, more or less, and being a part of the same land conveyed to the said Moses E. Horton by deed dated July 17, 1867, and executed by John Pierce and recorded in the Clerk's Office of the Circuit Court of Nansemond County in Deed Book 1, page 237.

And the Court doth further adjudge, order and decree that said Thomas H. Willcox and S. E. Everett, Special Commissioners, do, out of said cash payment, pay all the costs and expenses of sale, the costs of this suit, and to the creditors of Moses E. Horton, deceased, the amounts due them respectively, as shown by the report of Bradford Kilby, Commissioner in Chancery aforesaid.

And the Court doth further adjudge, order and decree that S. E. Everett, for his services as counsel in bringing this suit, shall be allowed a fee which shall be equal to ten per centum (10%) of the aggregate of said debts, the same to be paid to him by said Special Commissioners, but to be deducted from the amounts directed to be paid as aforesaid to said creditors.

And the Court doth further adjudge, order and decree that Mary E. Horton, widow of Moses E. Horton, deceased, is entitled to receive the interest upon said note so long as she lives, and the Clerk of this Court is directed to collect the interest upon

said note as the same becomes due and payable and to pay the same to the said Mary E. Horton:

And said Special Commissioners will make report of their action hereunder to this Court.

The Court reserves for future consideration the question of whether the taxes upon said note shall be paid out of said interest, or shall be charged against the principal of the same.

The bond herein required to shall be deposited with the clerk of this Court, and his receipt for said bond shall exonerate and relieve the said Special Commissioners from all future liability in these proceedings.

J.C.Russell, etc. . . . . Complainants

vs. Decree

E.E.Wagner, Sheriff, and as such personal representative of Moses E.Horton,deceased, et als.. .Defendants

This cause came on again this day to be heard on the papers formerly read and on the report of Thos.H.Willcox and S.E.Everett, Special Commissioners this day filed, to which report there is no exception, and was argued by Counsel.

On consideration whereof, it appearing to the Court from the said report of the said Special Commissioners, Thos. H.Willcox and S.E.Everett, that E.E.Wagner, Administrator,has made a proper distribution of all of the funds in his hands as Administrator, and that the said Special Commissioners, in accordance with the last decree entered in this cause, had D.F.Jackson, the purchaser of the said property in these proceedings, to execute a deed of trust on said property, securing a bond for the sum of Two Thousand and Twenty ($2020.00) Dollars, payable to the order of the Court in this cause, and that said deed of trust has been recorded in the Clerk's Office of the Circuit Court of Nansemond County, the Two Thousand and Twenty ($2020.00) Dollars being the remainder of the purchase price after the costs and claims against the estate had been paid, the Court doth adjudge, order and decree that the report be confirmed.

And it is further adjudged, ordered and decreed that the interest of the said Two Thousand and twenty ($2020.00) Dollars be paid annually to Mary E.Horton, widow of Moses E.Horton, and the clerk of this Court is directed to keep in his possession the said bond of $2020, and collect the said interest as the same becomes due and payable and pay the same to the said Mary E.Horton as long as she lives; and at the death of the said Mary E.Horton, the bond of Two Thousand and Twenty($2020.00) Dollars becomes the property of Herbert O.Horton, Newton S. Horton, Catherine Eason, and Brantley Horton, and there remaining nothing further to be done in this cause,it is ordered stricken from the docket.

J.C.Russell, etc

vs. Final decree

E.E.Wagner, Sheriff, Admr.

Enter this 14 day of
June, 1919

Jas L McLemore

Entered in Chancery
Order Book, No 5

Page No. 214

J. C. Russell, who sues on behalf of himself and such other creditors of Moses E. Horton, deceased, who shall come in and seek relief by and contribute to this suit.....Complainants

vs. DECREE

E. E. Wagner, Sheriff and as such personal representative of said Moses E. Horton, Mary E. Horton, Herbert O. Horton, Mrs. Herbert O. Horton, Newton S. Horton, Mrs. Newton S. Horton, Catherine Eason, Mumford Eason and Brantley Horton.....Defendants

This cause came om again this day to be heard on the papers formerly read and on the petition of Mary E. Horton, Herbert O. Horton, Newton S. Horton, Catherine Eason and Brantley Horton, filed the 8th day of March, 1926, and was argued by counsel.

On consideration whereof, it appearing to the Court that this cause was stricken from the docket the 14th day of June, 1919, and that Thos. H. Willcox and S. E. Everett, Special Commissioners, were released from further obligations in this cause, it is ordered, adjudged and decreed that this cause be reinstated on the docket,and

It further appearing to the Court that $2020.00, the purchase price of the land in these proceedings, after paying the claims against the estate of Moses E. Horton and the costs of the suit, was invested by the said Thos. H. Willcox and S. E. Everett, Special Commissioners, in accordance with a decree entered in this cause on the 10th day of March, 1919, by taking the bond of D. F. Jackson, purchaser of the said land mentioned in these proceedings, payable to the order of the Court in this cause and secured by deed of trust on said land, dated the 15th day of March, 1919, and

It further appearing to the Court, from said petition, that default having been make in the payment of the interest on the said sum of $2020.00, and also in the payment of the second deed of trust for the sum of $775.00, executed by the said D. F.

Jackson, dated the 15th day of March, 1919, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Deed Book 89, page 244, the said Trustee in the said second deed of trust, W. F. Knight, sold said property for the sum of $3,405.00 to Annie M. Blackwell, the highest bidder at said sale, and that the said Trustee has executed the deed and delivered the same to Annie M. Blackwell and collected the purchase price of $3,405.00, and

It appearing to the Court from said petition of Mary E. Horton and others, the parties interested in the said funds, that the said parties are desirous of having the said funds distributed among the parties entitled thereto, all being adults, the Court doth adjudge, order and decree that W. F. Knight, Trustee as aforesaid, pay the interest on the said sum of $2020.00 to the said Mary E. Horton, or her attorney, and take receipt for the same, and pay the $2020.00 as follows:

To Mary E. Horton, widow of Moses E. Horton, life right at the age of 72.....	$ 657.40
To Herbert O. Horton.....	340.65
To Newton S. Horton.....	340.65
To Catherine Eason.....	340.65
To Brantley Horton.....	340.65
Total.....	$2020.00

All of which may be paid to the said parties or to their attorney of record.

It is further ordered that upon presentation by W. F. Knight, Trustee, of the receipts for the said sum of $2020.00, to George E. Bunting, Clerk of this Court, that the said George E. Bunting is directed to cancel the bond of $2020.00, payable to the Court in this cause and release the said deed of trust securing the same, and deliver the said bond to the said W. F. Knight, Trustee, cancelled, so that the said W. F. Knight can use the same along with his vouchers in the settlement of his account as Trustee before the Commissioner of Accounts.

And this cause is ordered stricken from the docket.

IN THE CIRCUIT COURT OF

NANSEMOND COUNTY, VIRGINIA

J. C. Russell etc.

vs. DECREE

E. E. Wagner etc.

Enter the 8 day of March,

1926.

Jas. L. McKinney

Entered March 8, 1926,

Chancery Order Book

No. 5, page 556

IN THE CIRCUIT COURT OF THE
COUNTY OF NANSEMOND, VIRGINIA

J. C. RUSSELL AND OTHERS

v.

E. E. WAGNER, etc., AND
OTHERS.

DECREE.

Entered March 10. 1919.
Jas. L. McLemore
Chancery Order Book
No. 5 Page 195

WILLCOX, COOKE & WILLCOX,
ATTORNEYS-AT-LAW
NORFOLK, VA.

Virginia, In Vacation in the Circuit Court of Nansemond County, December 23. 1918.

J. C. Russell, etc.....Complainants.

vs.

E. E. Wagner, Sheriff, and as such personal representative of Moses E. Horton, Deceased,

et als.....Defendants.

This cause came on by consent of all parties again this day to be heard on the papers formerly read, and on the report of Special Commissioners Thomas H. Willcox and S. E. Everett, filed on the 23rd day of December, 1918, to which report there is no exception, and was argued by counsel:

On consideration whereof, the Court approving and confirming said report, doth adjudge, order and decree, that, upon payment by W. G. Jackson, purchaser at the said sale reported by the said Special Commissioners, Thomas H. Willcox and S. E. Everett, of the sum of Twenty Four Hundred ($2400.00) dollars, the said sum being the amount for which the said tract of land hereinafter described was struck off at the said sale, the said Commissioners Thomas H. Willcox and S. E. Everett convey to the said W. G. Jackson, with special warranty, the following described property:

All that certain tract of land situated in Cypress District, Nansemond, County, Virginia, near Whaleyville, and bounded by the lands of Mills Rodgers, Thomas Reid's Estate, the lands known as Wiley Parker's land and the Estate of Thomas W. Savage, and others, containing one hundred (100) acres, more or less, and being a part of the same land conveyed to the said Moses E. Horton by deed dated the 17th day of July,1867, executed by John Pierce and recorded in the Clerk's Office of the Circuit Court of Nansemond County, in Deed Book No 1, page 287.

And it is further ordered that the said Special Commissioners after paying the cost of the suit, then pay the creditors in accordance with the report of the Commissioner in Chancery, and

Filed Herein on the 14 day of October, 1918.

~~then distribute the remainder among the parties entitled thereto~~, and the said Commissioners are ordered to make report of their proceedings 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

TO THE HON. JAS. L. McLEMORE, JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY, VA.

J. C. Russell, etc.....Complainants.

vs.

E. E. Wagner, Sheriff, and as such personal representative of Moses E. Horton, Deceased, et als.....Defendants.

Your Commissioners, Thomas H. Willcox and S. E. Everett, appointed by your Honor in the above-entitled cause, on the 18th day of December, 1918, 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 18th day of Dec, 1918, 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 to W. G. Jackson for the sum of Twenty Four Hundred dollars, the said W. G. Jackson being the highest bidder at the sale.

The said purchaser desires to pay the whole purchase price in cash as soon as the deed is ready to be delivered. The property brought a fair price, and all parties interested are satisfied, and therefore your commissioners ask your Honor to confirm the said sale as reported herein and to direct your said Commissioners to make a proper deed conveying the said property to the said W. G. Jackson.

Respectfully submitted:

Th. H. Willcox

S. E. Everett

Special Commissioners.

J. C. Russell, et als.

vs. Confirming Sale

E. E. Wagner, etc als.

Filed the 23rd day of

December, 1918.

Jas. L. McLemore

J. C. Russell,etc.....Complainants

vs.

E. E. Wagner,Sheriff,and,as such
personal representative of Moses
E. Horton,deceased,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 14th day of October,1918,in the Clerk's Office of this Court,to which report there is no exception and was argued by counsel.

On consideration whereof,it is adjudged,ordered,and decreed that the said report be confirmed and that Thomas H. Willcox and S. E. Everett,who are appointed Special Commissioners for the purpose,do,after having advertised the time,place and terms of sale for fifteen days by 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 real estate,situated in Cypress District,Nansemond County, Virginia,near Whaleyville,and bounded by the lands of Mills Rodgers, Thomas Reid's Estate,the land known as Wiley Parker's land and the Estate of Thomas W. Savage and others,containing one hundred (100) acres,more or less,and being the same land conveyed to the said Moses E. Horton by deed dated the 17th day of July,1867,executed by John Pierce and recorded in the Clerk's Office of the Circuit Court of Nansemond County,in Deed Book No. 1,page 287,excdpt a small tract afterwards sold by the said Moses E. Horton.

The said Thomas H. Willcox and S. E. Everett,Special Commissioners, shall sell said land on the following terms,to-wit: One-third cash, one-third payable one year from the date of sale,and the residue payable two years from the date of said sale, with interest on the deferred payments from the day of the 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 said Commissioners shall make a full report to this Court of their proceedings hereunder, taking the bonds of the purchaser or purchasers for the credit installments, bearing interest from the date of sale and returning said bonds with their 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 $4000. and conditioned upon the faithful discharge of their duties hereunder or under any further decrees in this cause.

J. C. Russell, etc.

vs. Spec. Comm'r's Rept.

E. E. Wagner, Sheriff, and, as such personal representative of Moses E. Horton, deceased, et als.

Enter the 19 day of November, 1918.

Jas. L. Wilmore.

Entered in Chancery Order Book No. 5, page 173

J. C. Russell,who sues on behalf of himself,
and such other creditors of Moses E. Horton,
deceased,who shall come in and seek relief
by and contribute to this suit.....Complainant.

vs.

E. E. Wagner,Sheriff,and,as such,personal
representative of said Moses E. Horton,
Mary E. Horton,Herbert O. Horton,Mrs.
Herbert O. Horton,Newton S. Horton,Mrs.
Newton S. Horton,Catherine Eason,Mumford
Eason and Brantley Horton.....Defendants.

This cause which has regularly matured came on this day to be heard on the bill taken for confessed as to all defendants,and 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:

(1) What is the fee simple and annual value of the land of which Moses E. Horton died,seized and possessed?

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

(3) And the said E. E. Wagner,Sheriff,and,as such,personal representative of Moses E. Horton,is directed to render an account of his transactions as such,and said Commissioner is directed to examine,state and settle the same,and to take proofs of all claims against the estate,and make report thereof to the Court,together with any matters specially stated deemed pertinent by himself or which may be required by any of the parties to be so stated.

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

J. C. Russell

vs. Decree

E. E. Wagner, et als.

Enter the 25 day of May

, 1918.

Jas L McLemore

Entered in Chancery

Order Book No. 5, page 152

In Chancery.

J. C. Russell et als.

v.

E.E.Wagner, Sheriff and Personal Representative of Moses E.Horton.

Commissioner's Report.

Report of Bradford Kilby, Commissioner in Chancery, under decree of May 25th. 1918.

Filed Oct. 14th, 1918

Ruby W. Barlow

D.C. Clerk.

BRADFORD KILBY
Attorney at Law
SUFFOLK, VIRGINIA.

Baltimore Office Supply Company, Baltimore, Md.

IN THE NAME OF GOD AMEN: I,MOSES E. HORTON OF NANSEMOND COUNTY, DO MAKE THIS MY LAST WILL AND TESTIMENT AS FOLLOWS:

1st. I give and bequeath unto my daughter Catherin Eason the sum of one dollar.

2nd. I give and bequeath unto my two sons Herbert Horton and Newton Horton each the sum of one dollar.

3rd. I give,bequeath and devise unto my beloved wife Mary E. Horton,my entire tract of land,known as my home tract,together with all my household and kitchen furniture of all and every kind, all farming utensils and implements,Buggy and harness and one mule, or any mule or horse which I may possess,at my death,and all and any chattel property,to have and to hold in fee simple during her natural life. At her death or should She marry,then all of the aboved described land chattels and property of every and all kinds, Shall revert to my four children viz: Catherin Eason,Herbert Horton, Newton Horton and Brantly Horton,and to be severally and equally divided among them.

I desire and request that my son Brantly Horton,Shall live and have a home at the homestead during his minority.

I hereby appoint William G. Jackson Executor of this my will.

I hereby revoke all previous wills and Codicils hitherto made by me.

Witness my hand this the 13th day of July Nineteen Hundred and Ten.

his
Moses x E. Horton
mark

Signed,published and acknowledged by Moses E. Horton,as and for his last will in the presence of us,who in his presence and in the presence of each other hereunto Subscribed our names as witnesses

E. C. Brooks
R. W. Baker.

VIRGINIA:

In the Office of the Clerk of the Circuit Court for the County of Nansemond,on Monday,December 10th,1917.

A.paper writing dated the 13th day of July,1910,and purporting to be the last will and testament of Moses E. Horton,late of this County,deceased,was this day produced before the Clerk of the Circuit Court for this County and proved according to law by the oaths of R. W. Baker and E. C. Brooks,the subscribing witnesses thereto and is ordered to be recorded.

Teste: G. E. Bunting Clerk

By Ruby V. Benton,D. C.

A Copy.
Teste: Ruby V. Benton D.C.

Will of

Moses E. Horton.

To J.C.Russell who sues on behalf of himself and such other creditors of Moses E.Horton,deceased,who shall come in and seek relief by and contribute to this suit.

and

E.E.Wagner,Sheriff and as such personal representative of said Moses E.Horton,Mary E.Horton,Herbert O.Horton,Mrs. Herbert O.Horton,Newton S.Horton,Mrs.Newton S.Horton,Catherine Eason,Mumford Eason and Brantley Horton.

You are hereby notified that on the 19th.day of July 1918 at the office of S.E.Everett in Suffolk,Va. between the hours of 9 A.M. and 5 P.M.,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 County,Va. rendered on the 25th.day of May 1918 in the suit in chancery pending in said court to which you are parties plaintiff and defendant,to-wit:

(1) What is the fee-simple and annual value of the land of Which Moses E.Horton died seised and possessed.

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

(3) An account of the transactions of E.E.Wagner,Sheriff and as such personal representative of said Moses E.Horton and any matter specially stated deemed pertinent by the Commissioner or required by any of the parties to be so stated.

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

Given under my hand as Commissioner in Chancery of said Court this 24th.day of June 1918.

Bradford Kilby

Commissioner in Chancery.

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

J. E. Everett

Attorney for J. C. Russell, etc., E. B. Wagner, Sheriff and as such personal representative of said Moses H. Horton, Mary E. Horton and Brantley Horton.

Williams Coutts & Williams

Attorneys for Herbert O. Horton, Mrs. Herbert O. Horton, Newton S. Horton, Mrs. Newton S. Horton, Catherine Eason and Mumford Eason.

Virginia,

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

J.C.Russell)
)
v.) In Chancery.
)
E.E.Wagner,Sheriff et als)

Commissioner's Office,

Suffolk, Va. Oct. 12,1918.

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 25th.day of May 1918 in the suit in chancery pending in said court between J.C.Russell,Complainant, and E.E.Wagner,Sheriff et als.,Defendants,the undersigned,Bradford Kilby, one of the Commissioners in Chancery of said Court,respectfully reports as follows:

That on the 24th.day of June 1918,your commissioner gave notice to the parties to the said suit that he would proceed on the 19th.day of July 1918,at the office of S.E.Everett in Suffolk,Va. between the hours of 9.A.M. and 5 P.M. 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 the taking of said inquiries was adjourned until Oct. 12th.1918,on which date your commissioner took the depositions of J.C.Russell,C.W.Neal and Fairlie F.Brinkley,at the office of S.E. Everett in Suffolk,Va. between the hours of 9.A.M. and 5 P.M. touching said inquiries and said depositions are herewith returned.

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

(1)

Moses E. Horton died seised and possessed on a certain tratt of land situated in Cypress Magisterial District in Nansemond County,Va. which by deed dated Jan.25,1867 and recorded in Deed-book No.1,page 287 in Nansemond County Clerk's office,Va. was conveyed to him by John S. Pierce. The description in said deed is as follows: "One hundred and sixty-one (161) acres,bounded by the lands of Mills Rogers,Thomas Riddick,Wiley Parker,William Elenor Thomas Savage and others."

In his life time Moses E.Horton sold off two parcels of this land. The first was a tract of twenty (20) acres,sold tn J.Robert Allen by deed dated March 11,1913 and recorded in Deed-book No. 78,page 262 in Nansemond County Clerk's office,Va.,and the second was a tract of one hundred and seven (107) acres sold to Ruth E. Harrell by deed dated November 12,1915 and recorded in Deed-book No.82,page 382 in Nansemond County Clerk's office,Va.

According to this record,then,Moses E.Horton was seised and possessed at the time of his death of about thirty-four (34) acres of the original tract,but the testimony of one witness is that there is about 75 or 80 acres. Your commissioner suggests that a survey be made to ascertain the actual acreage. The testimony of the witnesses is to the effect that it is worth from $22.50 to $25. per acre. On account of this uncertainty in acreage,your commissioner is unable to state accurately the fee-simple value.

The annual value of said farm is from $75. to $100.

(2)

The following liens were found to be on said land:

A deed of trust executed by Moses E.Horton and wife to Chammie Harrell,Trustee,dated March 25,1914 and recorded in Deed of Trust Book No.75,page 553 in Nansemond County Clerk's office,Va.to secure the payment of $150 to Floyd W.Harrell,evidenced by a bond of even

date with said deed for said amount,payable on demand,and waiving homestead exemption.

There are no delinquent taxes nor any other liens on said land.

(3)

Your commissioner files herewith the inventory and appraisement of the personal estate of Moses E.Horton. All the creditors of said estate have filed their claims,duly proven,before your commissioner and he has taken an account of the same,and finds that they amount to the sum of $332.97. See statement,marked "Exhibit A." filed herewith, of all these claims,prepared by your commissioner. The said statement shows that the personal representative has paid none of these debts,but has sold the peanuts listed in said inventory for the sum of $121.90 which sum together with $2.60 cash in bank,makes a total of cash in hand of $124.50 with which to pay said debts.The personal estate of Moses E.Horton thus lacks $171.97 of the amount necessary to pay the debts due by the estate.

(4)

All proper parties are before the Court. Moses E.Horton left a will which is duly probated and recorded in Nansemond County Clerk's office,Va. in Will Book No.7,page 252 in which will he devised all his property to his wife,Mary E.Horton,for her natural life,and after her death to his four children,Catherine Eason,Herbert Horton,Newton Horton and Brantley Horton,in fee. A copy of said will is hereto annexed as part of this report.The age of Mary E.Horton is 61 years.

There is no other matter deemed pertinent by your commissioner.

Respectfully submitted this 12th.day of October 1918.

Bradford Kilby

Comr's fee: $35. Commissioner in Chancery.

VIRGINIA:

In the Clerk's Office of the Circuit Court of Nansemond County, on the 29th day of January, 1918:

On the motion of E.E.Wagner, Administrator of Moses Horton, deceased

it is ordered that Dr.Foy Vann, Charlie Parker, E.A.Brothers, J.F.Edwards, G.B.Robertson

(any three of whom may act), being first duly sworn, do appraise the estate of said Moses Horton, deceased, and make report thereof according to law.

A copy—Teste:

E.E.Wagner, Clerk.

STATE OF VIRGINIA,
COUNTY OF NANSEMOND, } To wit:

The undersigned Dr. Foy Vann, Charlie Parker
E. A. Brothers

mentioned in the above order, this day appeared in person before the undersigned, D. O Keeney Jr, a Notary Public for the county aforesaid, in the State of Virginia, and made oath that they would appraise the estate of Moses Horton, deceased, to the best of their ability and make report thereof according to law.

Foy Vann
E. A. Brothers
C. L. Parker.

Subscribed and sworn to before me this 4th day of February 1918

My Com. Expires June 6th 1921. D. O'Keeney Jr.

Exhibit A

E .E.Wagner, Sheriff, and as such personal representative of Moses E.Horton,
In account with the estate of Moses E.Horton.

1918	Receipts.		
Feb. 2	By cash in Bank of Whaleyville belonging to the estate of Moses E.Horton.		2.60
	By cash from the sale of 19 bags of peanuts, which were appraised at $152.		$121.90
	By one bureau (appraised value).		2.50
	By 6 chairs (appraised value).		1.50
	By 2 plows (appraised value)		1.50
	By 1 cultivator (appraised value).		1.00
	By I cart and wheels (appraised value)		$20.00
	By 1 buggy. (appraised value)		10.00
	Debts. (none yet paid.)		
	To due J.C.Russell, funeral expenses	103.50	
	" " B.H.Doughtie for merchandise	17.08	
	" " T.O.Knight " "	21.69	
	" " J.T.Horton for land plaster.	9.00	
	" " John K.Riddick for cotton seed	12.00	
	" " Dixie Guano Co.note with interest on same from Dec.1,1917.	52.70	
	" " Admr. for auto hire.	5.00	
	" " Appraisers fees.	4.50	
	" " Notary Public.	1.50	
	" " G.E.Bunting, Clerk, fee on qualification.	3.50	
	" " F.E.Parker for cotton seed	2.50	
	" " Brantley Horton for labor after he became 21 yrs. (per agreement.)	175.00	
	" " Cost of administration (estimated)	25.00	
	By amount in which the personal estate is lacking to cover debts.	331.97	$171.97
		$332.97	$332.97

We the undersigned appraisers
of estate of Moses E Horton
appraise the above mentioned
as follows.

1 Bureau -		2.50
6 plain chairs	@ 50	1.50
2 pillows	@ 75	1.50
1 Cullwolter		1.00
1 Cook outfits.		20.
1 Buggy -		10
15-20 lbs. (19 Bags. returned		
Peanuts	@ 10 -	1.52.
Cash. Book of Mortgages		2.60
		$191.10

Signed

appraisers

for Baum
E A Brothers
C L Parker.

June 2 - 1918

FAIRLIE F. BRINKLEY, being duly sworn, deposes as follows:

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

A. Fairlie F. Brinkley, 47, Nansemond County, Virginia, farmer.

Q. Do you know the parties to this suit, or the children of Moses E. Horton?

A. I do, Julius T. Horton is now dead and he left some children, then Catherine Eason, Herbert O. Horton, Newton S. Horton and the youngest one by his second wife is Brantley Horton. These are all of them, and his wife, Mary E. Horton is now living.

Q. Are you familiar with the land of which Moses E. Horton died, seized and possessed?

A. I am familiar with the farm.

Q. What do you think would be a fair price for this land?

A. About twenty-five dollars per acre. There is right much woodland land to it, and he sold a piece of it off a few years ago, and I don't know how much he sold.

Q. What would it rent for per year?

A. I don't believe it would rent for one hundred ($100.00) dollars in the condition it is in. Right at these war times, I don't know whether it could be rented at all in the condition it is in, but at normal times, it would not rent for over eighty or ninety dollars.

And further this deponent saith not.

Fairlie F. Brinkley.

J. C. Russell, being duly sworn, deposes as follows:

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

A. J. C. Russell, 38 yesterday, Whaleyville, Nansemond County, Virginia, Blacksmith and Undertaker.

Q. You have brought a suit against E. E. Wagner, Sheriff, to have sold the Moses E. Horton farm, will you please state the exact amount of your claim?

A. The estate owes me one hundred and three dollars and fifty ($103.50) cents with interest thirty days from November, 1917. All of this work is done on thirty days time.

Q. Are you familiar with this farm?

A. I am.

Q. What would you say is the fee simple and annual value of the land of which Moses E. Horton died, seized and possessed?

A. I think about twenty-two dollars and fifty ($22.50) cents per acre would be a fair price, and I understand that there is around seventy-five or eighty acres. I would think eighteen hundred ($1800.00) dollars would be a fair price for this farm. It is run down and the buildings are in a bad condition. It is well located though, within one and one-half miles from Whaleyville, and near the graded school and the depot, and money seems to be plentiful, therefore, it might sell for over that. It is hard to tell what it will bring at these times, but I do not think that it ought to bring less than eighteen hundred ($1800.00) dollars.

Q. I will read to you all the names of the parties to this suit, state whether these are all interested in the land?

A. Well, I am well acquainted with all, and I can tell you the names of all. The ones you have read are all. His wife, Mary E. Horton

is living,and he has four children,Herbert O. Horton,Newton S. Horton,Catherine Eason and Brantley Horton are his children. He had one more son,Julius Horton that died and left some children, which were,of course,the grand-children of Moses E. Horton,but I understand that they were cut out of the will. Of course,that will take care of itself. I don't know much about the will.

Q. State what you think the farm would rent for in the condition that it is in now?

A. I think it would rent for about seventy-five dollars.

Q. Is there anything else you wish to say about this?

A. Well,I am pretty sure,and I almost know of my own knowledge that he did not leave personal property enough to pay his debts,and that is why I had to bring suit for the sale of the land.

And further this deponent saith not.

J. L. Burrell

C. W. Neal,being duly sworn,deposes as follows:

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

A. C. W. Neal,34,My home is at Whaleyville,Virginia,Machinist.

Q. Are you familiar with the Moses E. Horton farm?

A. I have been knowing this place now going on seven years.

Q. Tell me about its location?

A. It is located about one and one-half miles from Whaleyville,near the graded school and near the depot.

Q. What is the condition of the place now?

A. It is run down pretty badly,and in bad shape and the buildings are in a bad condition.

Q. What do you think would be a fair price for the farm at public

sale?

A. I have talked the matter over with several even today,and I think, basing it on what land has done,eighteen hundred ($1800.00) dollars would be around what it would sell for,but it is hard to tell what land will sell for now,and if this should suit anybody, it would bring twice that as quick as it would bring eighteen hundred ($1800.00) dollars. The location will sell this farm. I have heard of one man that really wants it,and I know that if he desides to buy it,the price would not stop him. He has plenty of money,and the small amount he would pay for a place like this,even if it sold for thirty-five hundred ($3500.00) dollars,he would not miss it,so I say that it might bring twenty-five hundred or three thousand dollars. I think from eighteen hundred to two thousand dollars is a fair price for the property.

Q. What would you think this property would rent for in its present condition?

A. It is in such a condition that it would be hard to say what it would rent for. It might rent any where from fifty to one hundred dollars per year. A tenant would not want to put it in a condition that it ought to be in in order to bring any rent.

Q. Are you acquainted with the parties to this suit?

A. Well,three of them do not live there and some of them I have never met,but I know that Mrs. Mary E. Horton is his wife,and that you have all of the children parties to this suit. Of course,there is one dead that I never knew. I understand that he left some children.

And further this deponent saith not.

E. W. Neal

In the name of God,Amen:

I,Moses E. Horton,of Nansemond County,do make this my last will and testament as follows:

1st. I give and bequeth unto my daughter,Catherine Eason the sum of $1.00.

2. I give and bequeth unto my two sons,Herbert Horton and Newton Horton each the sum of $1.00.

3. I give,bequeth and devise unto my beloved wife,Mary E. Horton,my entire tract of land,known as my home tract together with all my house hold and kitchen furniture of all and every kind,all farming utensils and implements,buggy and horse and one mule,or any mule or horse which I may possess at my death,and all and any chattel property to have and to hold in fee simple during her natural life,at her death,or should she marry,then all of the above described land,chattels and property of all kind shall revert to my four children,viz: Catherine Eason,Herbert Horton,Newton Horton and Brantley Horton and to be severally and equally divided among them. I desire and request that my son,Brantley Horton,shall live and have a home at the homestead during his minority. I hereby appoint William G. Jackson executor of this my will. I hereby revoke all previous wills and codicils hitherto made by me.

Witness my hand this,the 13th day of July,1910.

(Signed) Moses E. Horton.

Witnessed by E. C. Brooks
R. W. Baker.

J. C. Russell, who sues on behalf of himself and such other creditors of Moses E. Horton, deceased, who shall come in and seek relief by and contribute to this suit.....Complainants

vs. PETITION

E. E. Wagner, Sheriff and as such personal representative of said Moses E. Horton, Mary E. Horton, Herbert O. Horton, Mrs. Herbert O. Horton, Newton S. Horton, Mrs. Newton S. Horton, Catherine Eason, Mumford Eason and Brantley Horton.....Defendants

Your petitioners, Mary E. Horton, widow of Moses E. Horton, Herbert O. Horton, Newton S. Horton, Catherine Eason and Brantley Horton, represent unto your Honor the following case:

1. That Thos. H. Willcox and S. E. Everett were Special Commissioners in this case, appointed to sell the land mentioned in the proceedings; that same was properly sold by the said Commissioners and after paying the claims against the estate of Moses E. Horton, there was remaining in the hands of the said Thos. H. Willcox and S. E. Everett, Special Commissioners, the sum of $2020.00, which said sum belonged to your petitioners.

2. That a decree was entered in this cause on the 10th day of March, 1919, directing the said Special Commissioners, Thos. H. Willcox and S. E. Everett, to take a deed of trust from D. F. Jackson, purchaser of the said land sold by the said Commissioners in this cause, securing a bond for the balance of the purchase price of said property for the sum of $2020.00, payable to the order of the Court in this cause, and the interest on said bond was directed to be paid to Mary E. Horton as long as she lived and at her death the said amount was to become the property of Herbert O. Horton, Newton S. Horton, Catharine Eason and Brantley Horton.

3. That,in addition to the deed of trust above mentioned, the said D. F. Jackson had to put a second deed of trust on the said property for the sum of $775.00 to pay the claims against

the estate of Moses E. Horton and the costs of this suit, which said sum was borrowed from the Bank of Whaleyville, Whaleyville, Virginia, with the endorsement of S. E. Everett; that the said D. F. Jackson failed to pay the interest on the $2020.00 ~~as well filed~~ and failed to pay the $775.00, moved away from the premises and gave notice that he could not take care of the claims on the same.

4. That W. F. Knight was Trustee in the second deed of trust, executed by D. F. Jackson and wife, dated March 15th, 1919, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Deed Book 89, page 244, and the said W. F. Knight, Trustee, duly advertised the said property and sold the same on the 6th day of February, 1926, for the sum of $3,405.00, which said purchase money has been paid to the said W. F. Knight, Trustee and the said trustee has executed a deed conveying the said property to Annie M. Blackwell. the purchaser of the said property at the said sale; that the said W. F. Knight, Trustee, now has in hand the sum of $2,020.00 with the interest thereon, and desires to pay the same to the parties entitled thereto; that your petitioners are the only parties interested in the same and they are all adults and have agreed among themselves as to the settlement of the $2,020.00 and interest.

5. That Mary E. Horton, widow of Moses E. Horton, has a life right in the $2,020.00 and interest, and the said Mary E. Horton and all parties concerned have agreed to have that life right commuted and paid to the said Mary E. Horton, and the remainder to be divided among your petitioners entitled thereto, which division should be as follows:

In the hands of W. F. Knight, Trustee,
to be divided among your petitioners.....$2,020.00

Brought from page 2.....		$2,020.00
Life right of Mary E. Horton, widow of Moses E. Horton, at the age of 72 years.....	$ 657.40	
The remainder equally to the following: heirs of Moses E. Horton:		
Herbert O. Horton.....	340.65	
Newton S. Horton.....	340.65	
Catherine Eason.....	340.65	
Brantley Horton.....	340.65	
Balanced.....	$2020.00	$2020.00

6. That a final decree was entered in this cause on the 14th day of June, 1919, confirming the report of the said Commissioners, Thos. H. Willcox and S. E. Everett, which report showed that the said money was invested as set out above in decree entered March 10th, 1919, and the said cause was stricken from the docket; that your petitioners ask that this cause be reinstated on the docket and that an order be entered, directing the said W. F. Knight, Trustee, to pay the said sum of $2020.00 with accumulated interest on the same, to the widow and heirs of Moses E. Horton as above set out, and on the presentation of receipts of all parties concerned for the said sum of $2020.00, with accumulated interest, the honorable Clerk of this Court be directed to cancel the said bohd and release the deed of trust securing the same and deliver the bond to the said W. F. Knight, Trustee, as his voucher as Trustee.

7. That since the last decree in this cause the said Special Commissioner, Thos. H. Willcox, has died, and your petitioners ask that S. E. Everett, one of the Special Commissioners in this cause, make a final report to the Court, showing what has been done in this cause and ask that the same be stricken from the docket. S. E. Everett — Mary E Horton

W. F. Knight, Trustee

Newton S. Horton by
H. O. Horton Wilcox Cooke
Catherine Eason Attys
Brantley Horton

IN THE CIRCUIT COURT OF

NANSEMOND COUNTY, VIRGINIA:

J. C. Russell etc.

vs. PETITION

E. E. Wagner etc.

Filed the 8 day of March, 1926.

J. L. M

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

J. C. Russell,who sues on behalf of himself, and such other creditors of Moses E. Horton, deceased,who shall come in and seek relief by and contribute to this suit.....Complainant.

vs. In Chancery

E. E. Wagner,Sheriff,and,as such,personal representative of said Moses E. Horton, Mary E. Horton,Herbert O. Horton,Mrs. Herbert O. Horton,Newton S. Horton,Mrs. Newton S. Horton,Catherine Eason,Mumford Eason and Brantley Horton.....Defendants.

Your complainant,J. C. Russell,who sues on behalf of himself, and such other creditors of Moses E. Horton,deceased,who shall come in and seek relief by and contribute to the expenses of this suit,respectfully represents:

(1) That Moses Horton died the 2nd day of November,1917, leaving practically no personal estate and also a will,which was probated on the 10th day of December,1917,and recorded in Will Book No. 7,page 252. A certified copy of said will is attached to this bill and marked Exhibit "A",and asks to be made a part of said bill.

(2) That at the January term of Court,1918,E. E. Wagner, Sheriff of Nansemond County,was ordered to take possession of the estate of Moses E. Horton and administer the same with the will annexed.

(3) That the said Moses E. Horton died owning a very little personal property,which is not sufficient to pay his indebtmess, but the said Moses E. Horton died seized and possessed of certain real estate situated in Cypress District,Nansemond County,Virginia, containing one hundred and twenty-five acres,more or less,and bounded by the lands of Mills Rodgers,the Thomas Riddick estate, the land known as Wilsy Parker land and the estate of Thomas W. Savage and others,and being the same land conveyed to the said Moses E. Horton by deed dated the 17th day of July,1867,executed

by John Perce,and recorded in the Clerk's Office of the Circuit Court of Nansemond County in Deed Book No. 1,page 287.

(4) That your complainant,J. C. Russell is a creditor of the estate of Moses E. Horton,deceased. The said J. C. Russell buried the said Moses E. Horton,and that the estate now owes your complainant one hundred and three dollars and fifty ($103.50) cents, and your complainant has been informed by E. E. Wagner,Sheriff of Nansemond County,and,as such personal representative of the estate of Moses E. Horton,deceased,that there are many other bills,amounting to a great deal more than he has realized from the sale of the personal property of Moses E. Horton.

(5) That your complainant,J. C. Russell knows that Moses E. Horton left a very little personal property,and there can be but a very small amount to come into the hands of the Administrator with which the bills of the creditors against the estate of Moses E. Horton,deceased,can be paid,therefore,your complainant prays that the real estate above described,of which Moses E. Horton died,seized and possessed,be sold to pay the debts of the said Moses E. Horton,deceased. And your complainant,J. C. Russell, further asks that this be referred to one of the Commissioners of your Honorable Court,and that the said Administrator render an account,as Administrator,before the said Commissioner,and that the said Commissioner take proof of the debts against the estate.

(6) That the said Moses E. Horton left all of his property is his said will to the following parties:

Mary E. Horton,Catherine Eason,Herbert Horton,Newton Horton and Brantley Horton.

In consideration whereof,your complainant prays that the said and Mrs. Herbert A. Horton, Mrs Newton Horton, and Mumford Eason parties above, be made parties defendant to this bill,and required to answer the same,but on their oaths,and that the Administrator be required to render an account before the Commissioner,and proof of debts be taken,and that the land be sold to pay the debts of Moses E. Horton,deceased; and that your complainant may have all

further and other and general relief in the premises as the nature of his case may require, or to equity shall seem meet.

Notice is hereby given that the Court will be asked to allow a reasonable fee to your complainant's counsel conducting this case.

J le Russell
Complainant.

H C Turrell
Counsel.

J. C. Russell

vs. Bill.

E. E. Wagner,et als.

J. C. Russell etc
vs. Bill
E. E. Vaquez etc

Filed April 15, 1918
L. O. Bradsby, Clerk

LAW OFFICES
Everett & Hutton
SUFFOLK, VA.

S. E. EVERETT
ATTORNEY AT LAW
SUFFOLK, VA.

COMMONWEALTH'S ATTORNEY
FOR NANSEMOND COUNTY

Rule Notes

J.C.Russell et als.

V. In Chancery:

E.E.Wagner,Sheriff,et als.

Process issued April 11,1918,returnable to April Rules Third Monday 1918,

Third Monday April Rules,1918.Process returned executed,bill filed and decree nisi.

May Rules,1st Monday,1918.Decree ni si confirmed and cause set for hearing.

G. D. Crosby, Clerk

Kuh Notes;