1932-021
Nansemond Co (Suffolk) Chancery Causes: Willis Council vs Magnolia Lodge No 177 Independent Order of Good Samaritans & of Samaria

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY;

Willis Councill, Complainant.

vs MEMORANDUM.

The Magnolia Lodge, No. 177 Independent Order of Good Samaritans and Daughters of Samaria and Willis Councill, Trustee, Defendants.

To

The Clerk of the above mentioned Court:

Please issue process, in the above style cause and make the same returnable to the first Rules in April, 1932.

Willis Councill is a farmer living in Nansemond County, his farm is located on the N &W Railroad and the Washington Ditch that runs to the swamp.

Given under my hand this 34th, day of March, 1932.

John H. Fulcher

Attorney for Willis Councill.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND

COUNTY;

Willis Councill, Complainant.

vs.

The Magnolia Lodge, No. 177 Independent Order of Good Samaritans and Daughters of Samaria and Willis Councill, Trustee,

Defendants.

Memorandum.

Filed this the 25th day of March 1932
John H. Powell, Clerk
By Evelyn Hartz D.C

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 300. Code 1919, Sec. 6061

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, *Greeting:*

WE COMMAND YOU, That you summon The Magnolia Lodge, No. 177 Independent Order of Good Samaritans and Daughters of Samaria and Willis Councill, Trustee

to appear at the Clerk's office of the Circuit Court of the County of Nansemond at the rules to be held for the said Court on the first Monday in April, 19 32, to answer a bill in chancery, exhibited against him in our said Court by Willis Councill

And have then there this writ. Witness John H. Powell, Clerk of our said Court, at the court-house, the 25th day of March, 19 32, and in the 156th year of the Commonwealth.

John H. Powell, Clerk.
By Evelyn Harris, D.C.

Original

Form No. 300

Executed on the 25th day of March.
1937, within the County of Nansemond, State of Virginia, by delivering a true copy of the within summons, notice, in writing, to
Wiles Counsell, Trustee in person,
E B Rawles
Sheriff of Nansemond County
By
Deputy Sheriff of Nansemond County

Wiles Counsell

vs. } SUBPOENA IN CHANCERY

The Magnolia Lodge No 177 Independent Order of Good Samaritans and Daughters of Samaria and Wiles Counsell, Trustees

....., *p.q.*

To First Mon - Sept Rules,
Nansemond Circuit Court.
Sol Pl

Everett Waddey Co. Stationers and Printers Richmond, Va. } Form No. 309—Special Commissioner's Bond. Va. Code 1919—Sec. 6266

Know all Men by these Presents, That we John H. Fulcher and Willie Banks

are held and firmly bound unto the Commonwealth of Virginia in the sum of Two hundred and 00/100 Dollars

to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves, our heirs, exeeutors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation.

Sealed with our seals, and dated this 17th day of June, one thousand nine hundred and thirty two

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound John H. Fulcher shall faithfully discharge his duties as Special Commissioner, under decree of the Circuit Court of the County of Nansemond pronounced on the 16th day of June 1932, and any future decree that may be entered herein in the suit therein depending under the name and style of

Willis Council

vs.

The Magnolia Lodge No. 177, Independent Order of Good Samaritans and Daughters of Samaria and Willis Council

and shall account for and pay over, as the Court may direct, all money that may come into his hands as such Commissioner,

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

Signed, sealed and aeknowledged in the presenee of

John H. Powell

Evelyn Harris

John H. Fulcher [SEAL]

Willie Banks [SEAL]

[SEAL]

In the Clerk's Office of the Circuit *Court of the* County of Nansemond

This day Willie Banks

surety on the above bond, made oath before me John H. Powell, Clerk of the Circuit Court of the County of Nansemond that his estate, after the payment of all his just debts and those for which he is bound as security for others and expects to have to pay is worth the sum of Two hundred dollars.

Given under my hand, this 17th day of June 1932

Witness: Evelyn Harris

John H. Powell Clerk.

Form No. 309.

John H. Faulcher
and
Willie Banks

to } SPECIAL COMMISSIONER'S BOND

Commonwealth

No 127
Filed June 17, 1932.
John H. Russell - Clerk
See Official Bond
Book No 4 Page 89

$15.00

Received of John #. Fulcher, Special Commissioner in the case of Willis Councill vs. Magnolia Lodge No. 177, the sum of Fifteen ($15.00) Dollars, for making Commissioner's report.

William M. Dickson
Commissioner in Chancery.

Oct 6 1932
Suffock Co

John H. Fulcher p. q.

Copy of Costs
Taxed in the Suit of:

Willis Councill

vs.

The Magnolia Lodge No. 177, Independent Order of Good Samaritans and Daughters of Samaria and Willis Councill, Trustee.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA

	Writ Tax	$1.50	
	Clerk's Fee	8.00	
	Sheriff's Fee	.50	
	Attorney		
	Commissioner		
	Printer, for Order of Publication, etc.		
Required	Deposit for Court Costs		$10.00
		$10.00	$10.00

Date of Judgment or Final Decree 193

Paid July 8th 1932
John H. Powell, Clerk
By Evelyn Harris D. Clerk

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY;

Willis Councill, Complainant.

vs. REPORT OF SPECIAL COMMISSIONER.

The Magnolia Lodge No. 177 Independent Order of Good Samaritans and Daughters of Samaria and Willis Councill, Trustee, Defendants.

To the Honorable Circuit Court of Nansemond County, Virginia:

The undersign, John H. Fulcher, Special Commissioner, duly appointed by the decree entered in this cause on the 16th, day of June, 1932, respectfully submits the following report:

That pursuant to a decree entered on the 8th, day of July, 1932, in this cause, your Special Commissioner did properly execute and deliver to Willis Councill a deed to the following discribed property: "All that small tract, piece or parcel of land situated lying and being in Cypress District, Nansemond County, Virginia, containing two acres more or less lying on the South side of the Seaboard and Roanoke Railroad(Seaboard Air Line R.R.) and adjoining the lands of Rufus Porter, Susan Booth and the said Railroad, except the burial ground and graveyard on the said land, which is reserved to James Reid and his heirs, with the privlege to the said James Reid and his heirs of going to and from the same" on the 9th, day of July, 1932.

Your Special Commissioner further reports that pursuant to the aforesaid decreetal order entered in this cause on the 8th, day of July, 1932, your Special Commissioner paid to the Clerk of the Circuit Court ten ($10.00) dollars and to William M. Birdsong fifteen ($15.00) dollars and for which amounts your Special Commissioner exhibits herewith the receipts of the said Clerk and William M. Birdsong for the aforesaid amounts, and your Special Commissioner retained thirty ($30.00) dollars for his services as counsel in this cause, which amount was allowed your Special Commissioner, in the decree entered in this cause on the 8th, day of July, 1932, The property in question sold for fifty five [illegible] dollars

Your Special Commissioner further reports that after paying out the aforesaid amounts, pursuant to the aforesaid decreetal order, there remains in your Special Commissioner hands no funds or property of any nature whatsoever as a result of this cause. All funds having been paid out by your Special Commissioner by order of this Court.

There being no other funds remaining in your Special Commissioner hands and no other funds to come in as a result of this cause your Special Commissioner prays that he may be discharged from further duties and liabilities as such in this Cause.

Respectfully submitted,

John H. Fulcher

Special Commissioner.

VIRGINIA:

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

Willis Councill, Complainant.

vs.

Magnolia Lodge No. 177 Irdependant Order of Good Samaritansnand Daughters of Samaria and Willis Councill, Trustee, Defendants.

REPORT OF SPECIAL COMMISSIONER.

1932 Octo. 18th. filed.
J.L.M.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND. COUNTY.

Willis Councill, Complainant.

vs. DECREE.

The Magnolia Lodge No.177 Independent order of Good Samaritans and Daughters of Samaria and Willis Council, Trustee, Defendants.

This cause came on this day to be heard on the papers formerly read, and on the report of John H. Fulcher, Special Commissioner, this day filed to which no exception has been taken and was argued by counsel.

On consideration whereof; it appearing to the Court, from the said report that the said John H. Fulcher, Special Commissioner, pursuant to the decree ~~and order~~, entered in this cause on the 16th, day of June, 1932, did on the 27th, day of June, 1932, at 11:00 A.M. in front of the Nansemond County Courthouse sell at public auction to Willis Councill, for fifty five ($55.00) dollars, the following property: " all that small tract, piece or parcel of land situated lying and being in Cypress District, Nansemond County, Virginia, Containing two acres more or less lying on the South side of the Seaboard and Roanoke Railroad (Seabord Air Line Railroad) and adjoining the lands of Rufus Porter, Susan Booth and siad railroad, except the burial ground and graveyard on the said land, which is reserved to James Reid and his heirs, with the privlege to the said James Reid and his heirs of going to and from the same,"

he being the highest bidder for the said property, the said sale is hereby adjudged, ordered and decreed, confirmed and the said John H. Fulcher, Special Commissioner, shall execute and deliver to the said Willis Councill a Special Warrenty Deed for the said property, and it is further adjudged, ordered and decreed that the said Special Commissioner, shall pay to the Clerk of the Nansemond County, Circuit Court of Virginia, $10-, for his Costs and fees in this suit, to William M. Birdsong, Commissioner in Chancery, $15, for his service in this suit and to John H. Fulcher, attorney, $30-, for his services in conducting this suit.

And the further hearing in this cause is continued.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Willis Councill, Complainant.

vs.

The Magnolia Lodge No.177, Independent Order of Good Samaritans and Daughters of Samaria and Willis Councill, Trustee,
Defendants.

DECREE.

Enter this 8 day of July, 1932.

Jas. L. Whitmore,
Judge.

Chancery Order
Book 6, Page 508

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Willis Councill, Complainant.

vs. Special Commissioner's Report.

The Manolia Lodge No.177, Independent Order of Good Samaritans and Daughters of Samaria and Willis Councills, Trustee, Defendants.

To the Honorable Circuit Court of Nansemond County, Virginia:

The undersign Special Commissioner, duly appointed by the decree entered in this cause on the 16th, day of June, 1932, respectfully submits the following report;

That pursuant to a decree entered on the 16th, day of June, 1932, your Special Commissioner, posted handbills of the sale of the following property:

"All that small tract, piece or parcel of land situated lying and being in Cypress District, Nansemond County, Virginia, containing two acres more or less lying on the South side of the Seaboard and Roanoke Railroad (Seabord Air Line Railroad and adjoining the lands of Rufus E. Porter, Susan Booth and said Railroad, except the burial ground and graveyard on the said land, which is reserved to to James Reid and his heirs, with the privilege to the said James Reid and his heirs of going to and from the same;" one in front of the Nansemond County Courthouse, one in front of the Samaritans' hall on Pine street, in the city of Suffolk, Virginia, a sister lodge of the extinct Lodge No. 177, and three on the above discribed property, as well as passing numbers to parties that might have been interested in said property; on e of the same handbillis is hereby attached to this report.

Your Special Commissioner further reports that pursuant to the aforesaid decreedal order entered in this cause on the 16th, day of June 1932, and the said advertisement, did on the 27th, day of June, 1932, at 11:00 A.M. in front of the Nansemond County Courthouse thereof sell at public auction to Willis Councill the said property for fifty five ($55.00) dollars cash, the said Willis Councill being the highest bidder for the said property.

Your Special Commissioner further reports, that the fifty Five ($55.00) dollars which represents the purchase price paid for the said property is being held by your Special Commissioner to be disbursed as the Honorable Court shall direct; that William M. Birdsong, Commissioner in Chancery has not been paid for services,

that the Clerk of the Nansemond County Circuit Court, costs and fees will amount to about ten ($10.00) dollars, that John H. Fulcher, the attorney conducting this suit has not been paid for his services.

Respectfully submitted:

John H Fulcher

Special Commissioner.

A SALE OF REAL ESTATE.

Pursuant to the terms of a decree entered on the 16th, day of June, 1932 by the Circuit Court of Nansemond County, Virginia, in a certian Chancery suit ~~/~~ pending therein in which Willis Councill is complainant and the Magnolia Lodge No. 177, Independent Order of Good Samaritans and Daughters of Samaria and Willis Councill, Trustee, are defendants, I, the undersign Special Commissioner, shall on the 27th, day of June, 1932, at 11:00 A.M offer for sale at public auction to the highest bidder, in front of the Nansemond County Courthouse, in the City of Suffolk, Virginia, the following discribed real estate to wit:

All that small tract, piece or parcel of land situated lying and being in Cypress District, Nansemond County, Virginia, containing two acres more or less, lying on the South side of the Seaboard and Roanoke Railroad (Seaboard Air Line Railroad) and adjoining the lands of Rufus E. Portter, Susan Booth and the said Railroad, except the burial ground and graveyard on the said land, which is reserved to James Reid and his heirs, with the privilege to the said James Reid, and his heirs of going to and from the same.

The aforesaid land was conveyed to Gilbert Holland, John T. King, Joseph Councill,,Willis Councill and Issac King, Trustees, for the Magnolia Lodge, No. 177 Independent Order of Good Samaritans and Daughters of Samaria, by a deed from James Reid and Litha his wife, which deed is dated the 4th, day of ~~June~~ Feb., 1884, and is recorded in Deed Book No. 15 at page 107, in the Clerk's Office of [redacted] Nansemond County, Virginia;

Terms: Cash.

John H. Fulcher, Special Commissioner.

I, John H. Powell, Clerk of the Circuit Court of Nansemond County, Virginia, do hereby certify that the bond required by the above mentioned decree has been duly given.

John H. Powell Clerk,
of the Nansemond County Circuit Court.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Willis Councill, Complainant.

vs

Magnolia Lodge No.177 Independent Order of Good Samaritans and Daughters of Samaria and Willis Councill, Trustee, Defendants.

Special Commissioner's Report.

1932 July 8. Filed.
J.L.M.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Willis Councill, Complainant.

vs.

The Magnolia Lodge No. 177, Independent Order of Good Samaritans and Daughters of Samaria and Willis Councill, Trustee, Defendant.

This cause came on this day to be heard upon the papers formerly read, the report of William M. Birdsong, Commissioner in Chancery and the depositions of witnesses, taken before the said Commissioner, which report was filed on the 28th, day of May, 1932, and to which no exception has been taken, and was argued by counsel.

On consideration whereof, and it appearing to the Court in the Commissioner's report, that a small tract, piece or parcel of land, situated, lying and being in Cypress District, Nansemond County, Virginia, containing two acres more or less, lying on the South side of the Sea Board and Roanoke Rail Road, and adjoining the lands of Rufus E. Potter, Susan Booth and the said Railroad, was conveyed by James Reid and Litha his wife to Gilbert Holland, John T. King, Joseph Councill, Willis Councill and Issac King, Trustees, in trust for the use of Officers and Members of the Magnolia Lodge No. 177, Independent Order of Good Samaritan and Daughters of Samaria by Deed dated the 4th, day of February, 1884, to which reference is hereby specially made.

That the said Lodge has become extinct, and Willis Councill is the only surviving member or distributee of the said extinct Lodge and he is properly before the Court, and that it would be to Willis Councill's interest to have the aforesaid real estate sold and an investment of the proceeds, pursuant to section No.46 of the Code of Virginia.

That the rights of no person will be violated by such sale and investment of the proceeds.

That the proceeds from the sale of this property would go first to the payment of the costs and expenses in the conducting of this suit, and the balance of the proceeds would be invested under the authority of this Court.

The Court doth adjudge, order and decree that the said report of the said Commissioner be confirmed.

It is further adjudged, ordered and decreed, that John H. Fulcher, ~~who~~ is hereby appointed Special Commissioner for the purpose of selling the aforesaid real estate of the said extinct Lodge, at public auction to the highest bidder for cash, and the same sale is to be confirmed by this Court, after which, he is to deliver to the purchser a good and sufficient deed of bargian and sale, with special warrenty, ~~and~~ Before the said John H. Fulcher, shall enter upon his duties as Special Commissioner, he shall ~~into~~ execute, a bond with surity approved by this Court in the sum of $200., conditioned upon the faithful performance of ~~said duties.~~ his duties under this, and any future decree that may be entered herein.

And the further hearing of this cause is continued.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Willis Councill, Complainant.

vs.

The Magnolia Lodge No. 177,
Independent Order of Good Samaritans
and Daughters of Samaria and
Willis Councill, Trustee,
Defendant.

Decree.

Chancery Order
Book 6 - Page 502

Enter this 16 day of June, 1932.

J. L. W. Moore
Judge.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Willis Councill.....Complainant

v. REPORT OF COMMISSIONER IN CHANCERY

Magnolia Lodge No. 177, Independent Order of Good Samaritans and Daughters of Samaria, and Willis Councill, Trustee.....Defendants.

TO THE HONORABLE JAMES L. McLEMORE, JUDGE:

The undersigned, William M. Birdsong, Commissioner in Chancery for the Circuit Court of Nansemond County, having had referred to him for report a decree in the above-styled matter entered on the 8th day of April, 1932, duly gave notice to all parties and also posted a copy of the notice on the premises of Magnolia Lodge No. 177, Independent Order of Good Samaritans and Daughters of Samaria, and also had posted a copy of said notice on the premises of a similar Lodge located on Tynes Street, in the City of Suffolk, Virginia; that on the 29th day of April, 1932, between the hours of Ten O'Clock A. M. and Five O'Clock P. M., at the office of the undersigned, he will take and settle the inquiries called for in said decree, in pursuance to said decree; that your Commissioner attended at the time and place aforesaid, and took the depositions of Willis Councill, which depositions are filed herewith and made a part of this report; and your Commissioner reports the inquiries as follows:

(1) That by deed dated the 4th day of February, 1884, James Reid and Litha, his wife, conveyed to Gilbert Holland, John T. King, Joseph Councill, Willis Councill and Isaac King, Trustees, in trust for the use of the officers and members of

Magnolia Lodge No. 177, Independent Order of Good Samaritans and Daughters of Samaria, in said County, the following property, to-wit:

"A small tract, piece or parcel of land aituate, lyinf and being in Cypress District, Nansemond County aforesaid, containing Two acres, more or less, lying on the South side of the Seaboard and Roanoke Railroad, and adjoining the lands of Rufus E. Potter, Susan Booth and the said Railroad- (the said James Reid (of P) reserving and excepting the burial ground & Graveyard on the said land, with the privilege to the said James Reid and his heirs of going to and from the same) together with all and singular the appurtenances belonging to the same."

The said tract of land is still held as aforesaid.

The said Lodge does not own any personal property.

(2) It appears from the record in this case that all of the Trustees and all of the Members of Magnolia Lodge No. 177, Independent Order of Good Samaritans and Daughters of Samaria, are dead, with the exception of Willis Councill, and it will be to his interest to have the real estate aforesaid sold and investment of the proceeds, pursuant to Section 46 of the Code of Virginia.

(3) The rights of no person will be violated by such sale and intestment of the proceeds.

(4) The only surviving member, or distributee, of the said extinct Lodge is Willis Councill, and he is properly before the Court.

(5) The proceeds from the sale of this property would go first to the payment of costs and expenses in the conducting of this suit, and the balance of the proceeds would be invested under authority of the Court.

Respectfully submitted:

William M. Birdsong

VIRGINIA: IN THE CIRCUIT

COURT OF NANSEMOND COUNTY.

Willis Councill

v. REPORT OF
COMMISSIONER IN
CHANCERY

Magnolia Lodge No. 177,
Independent Order of
Good Samaritans and
Daughters of Samaria.

Filed: May 28/32
John H Powell-Clerk

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Willis Councill, Complainant.

vs.

The Magnolia Lodge No. 177, Independent Order of Good Samaritans and Daughters of Samaria and Willis Councill, Trustee,

Defendants.

This cause came on this day to be heard upon the complainant's bill upon process sepd on Willis Councill Trust, and Exhibits filed herewith; and was argued by counsel;

On consideration whereof, the Court doth adjudge, order, and decree that this cause be refered to one of the Commissioner in Chancery of this Court who is directed to inquire and report to this Court as follows:

(1) All the estate, real or personal, belonging to the extinct Lodge known as Magnolia Lodge No., 177, Independent Order of Good Samaritans and Daughters of Samaria; and what is its fee simple and annual value.

(2) Whether the interests of the parties to this suit will be promoted by a sale of the real estate mentioned in the complainant's bill, or any part thereof and an investment of the proceeds of the sale in other property.

(3) Whether the rights of any person will be violated by such sale and investment.

(4) Who are the surviving members or distributees of the said extinct Lodge, and who are all the persons who are or can be in anyway interested in this suit, and whether all are properly before the Court in this cause.

(5) What will be a fair compensation to be allowed to the counsel for the complainant for his services in instituting and conducting this suit, which said inquires the said Commissioner shall make, after first giving notice of the place and time thereof to all parties or their counsel, and report the same to the Court, along with any matter specially stated deemed pertinent by himself, or which may be required by any person interested to be so stated. It is further ordered that the Commissioner to whom this case is referred shall post a copy of this decree on the premises of Magnolia Lodge #177 Independent order of Good Samaritans & Daughters of Samaria, and also on the premises of the Similar Lodge located on Jones Street.

Virginia:

In the Circuit Court of Nansemond County.

Willis Councill,
Complainant.

vs.

The Magnolia Lodge No. 177, Independent Order of Good Samaritans and Daughts of Samaria and Willis Councill, Trustee,
Defendants.

Entd April 8. 1932
J. L. M. Lewis

DECREE OF REFERENCE.

Enter this 8th day of April, 1932. in Chancery Order Book 6: Page 488

THIS DEED, Made the 4th day of February, in the year of our Lord one thousand eight hundred and eighty four, between James Reid (ofP) and Litha, his wife of the County of Nansemond in the State of Virginia of the one part, and Gilbert Holland, John T. King, Joseph Councill, Willis Councill and Isaac King, Trustees for the purposes hereinafter named, of the other part,-

WITNESSETH: That in consideration of the sum of Seventy-five (75) dollars the said James Reid (of P) and Litha, his wife do grant with general warranty, unto the said Gilbert Holland, John T. King, Joseph Councill, Willis Councill and Isaac King, Trustees and their successors in office, the following real estate, to-wit:

A small tract, piece or parcel of land situate, lying and being in Cypress District, Nansemond County aforesaid, containing Two acres, more or less, lying on the South side of the Seaboard and Roanoke Railroad, and adjoining the lands of Rufus E. Potter, Susan Booth and the said Railroad- (the said James Reid (of P) reserving and excepting the burial ground & Graveyard on the said land, with the privilege to the said James Reid and his heirs of going to and from the same) together with all and singular the appurtenances belonging to the same-

In trust for the use of the officers and members of Magnolia Lodge, No. 177, Independent Order of Good Samaritans and Daughters of Samaria, in said County.

"Exhibit A."

And the said James Reid covenants that he has the right to convey the said land to the said grantees, that the said grantees shall have quiet possession of the said land, that he has done no act to encumber the said land, and that he will execute such further assurances of the land, as may be requisite.

Witness the following signatures and seals-

James (his x mark) Reid (of P) (SEAL).

WITNESSES: F.H.RAWLES. Litha (her x mark) Reid (SEAL).

STATE OF VIRGINIA,

County of Nansemond, To-wit:

I, Peter B.Prentis, a Commissioner in Chancery of the

Circuit Court in and for the County aforesaid in the State of Virginia, do certify that Litha Reid, the wife of James Reid (of P) whose names are signed to the writing above, bearing date the 4th day of February, 1884, personally appeared before me, in the county aforesaid, and being duly examined by me privately and apart from her husband, and having the writing aforesaid fully explained to her, she the said Litha Reid, acknowledged the said writing to be her act and declared that she has willingly executed the same, and does not wish to retract it.

Given under my hand this 4th day of February, eighteen hundred and eighty-four (1884).

Peter B.Prentis, Commr. in Chy.

VIRGINIA:

County of Nansemond, to-wit:

I, Peter B.Prentis, a Commissioner in Chancery of the Circuit Court in and for the said County in the State of Virginia, do certify that James Reid (of P) whose name is signed to the writing above, bearing date the 4th day of February, 1884, has acknowledged the same before me in the county aforesaid.

Given under my hand this 4th day of February, 1884.

Peter B.Prentis, Commr. in Chy.

In the Clerk's Office of Nansemond County Court the 22nd day of July,1885-This deed was presented, with the certificates annexed, and admitted to record. Teste:

Peter B.Prentis, Clerk.

A COPY,-Teste: G.E.Bunting, Clerk.

By S.J.Parker ,D.C.

"Exhibit A."

James Reid (of F) & wife

To { Deed of
R & Sale

Trustees of Magnolia
Lodge &c.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Willis Councill.....Complainant

v. NOTICE TO TAKE DEPOSITIONS

Magnolia Lodge No. 177, Independent Order of Good Samaritans and Daughters of Samaria, and Willie Councill, Trustee.....Defendants.

TO THE PARTIES TO THE ABOVE SUIT:

Extract from decree entered on the 8th day of April, 1932:

"On consideration whereof, the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners in Chancery of this Court, who is directed to inquire and report to this Court as follows:

(1) All the estate, real or personal, belonging to the extinct Lodge known as Magnolia Lodge No. 117, Independent Order of Good Samaritans and Daughters of Samaria; and what its fee simple and annual value.

(2) Whether the interests of the parties to this suit will be promoted by a sale of the real estate mentioned in the complainant's bill, or any part thereof and an investment of the proceeds of the sale in other property.

(3) Whether the rights of any person will be violated by such sale and investment.

(4) Who are the surviving members or distributees of the said extinct Lodge, and who are all the persons who are or can be in any way interested in this suit, and whether all are properly before the Court in this cause.

(5) What will be a fair compensation to be allowed to the counsel for the complainant for his services in instituting and conducting this suit, which said inquiries the said Commissioner shall make, after first giving notice of the place and time thereof to all parties or their counsel, and report the same to the Court, along with any matter specially stated deemed pertinent by himself, or which may be required by any person interested to be so stated. It is further ordered that the Commissioner to whom this case is referred shall post a copy of this decree on the premises of Magnolia Lodge No. 177 Independent Order of Good Samaritans and Daughters of Samaria, and also on the premises of the similar Lodge located on Tynes Street."

YOU ARE HEREBY NOTIFIED AND WILL PLEASE TAKE NOTICE: That, on Friday, April 29th, 1932, between the hours of Ten O'Clock A. M. and Five O'Clock P. M., at the office of William M. Birdsong, 207 National Bank of Suffolk Building, the undersigned will proceed to execute the said decree; that if the taking of said accounts be not commenced, or, if commenced be not completed, on the said date, adjournment will be taken from day to day, at the same place and at the same time until the matter is concluded.

Given under my hand this 13th day of April, 1932.

William M. Birdsong
Commissioner in Chancery.

Due sufficient and legal service of the above is hereby accepted by me -

Willis Counsill

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Willis Councill.....Complainant

v. DEPOSITIONS

The Magnolia Lodge No. 177, Independent Order of Good Samaritans and Daughters of Samaria..... and Willis Councill, Trustee.....Defendants.

The depositions of Willis Councill taken before me, William M. Birdsong, a Commissioner in Chancery for the Circuit Court of Nansemond County, in the State of Virginia, pursuant to notice duly served on the defendants, at the office of William M. Birdsong, in the National Bank of Suffolk, Building, on the 29th day of April, 1932, between the hours of Ten O'Clock A. M. and Five O'Clock P. M., to be read as evidence on behalf of Willis Councill, in a certain suit depending in the Circuit Court of the County of Nansemond, in the State of Virginia, wherein Willis Councill is Complainant and The Magnolia Lodge No. 177, Independent Order of Good Samaritans and Daughters of Samaria and Willis Councill, Trustee, are defendants.

Present: John M. Fulcher, Attorney for Complainant.

Willis Councill, being duly sworn, deposes as follows:

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

A. Willis Councill; age 71; occupation, general labor work; live on the canal near tank on the Norfolk & Western, in Nansemond County, Virginia.

Q. You have brought a suit against Magnolia Lodge No. 177, Independent Order of Good Samaritans and Daughters of Samaria, and Willis Councill, Trustee?

A. Yes.

Q. Does this Lodge own any real estate?

A. Yes, a certain tract of land containing about two acres, located in Cypress District between Suffolk and Magnolia on the old road about 300 yards from the highway.

Q. Are there any buildings of any kind on this land?

A. Not now. There used to be a hall on there, but they carried it away piece by piece and there is nothing there now on the land.

Q. How long has the building been destroyed?

A. All of thirty (30) years.

Q. And there has been no building of any kind on this property since then?

A. No, sir.

Q. Who owns this piece of property?

A. The Trustees of Magnolia Lodge No. 177.

Q. Who are the Trustees?

A. Myself, Willis Councill; Joseph Councill; Gilbert Holland and John King.

Q. How many of these Trustees are now living?

A. Not one but me. I have written everywhere and tried to find out and they are all dead so far as I can find out.

Q. Who was this land purchased from?

A. Jim Reid, in about 1884.

Q. Is the Magnolia Lodge No. 177 active at this time?

A. No, sir, it has been out of existence. We purchased that property somewhere about 1881 or 1882, something like that. We were about one or two years paying for it, paid for it in installments, and we held there where we were for about three years, something like that, and then after we paid for this place we went over there and built a little hall somewhere about 1884 and then we held there, stayed together there about three or four years, something like that, and then commenced to go down one by one and after a while there did not anybody meet there at all. We stayed there until about 1890 and then went clear out of existence.

Q. You are interested in buying this property, are you not?

A. Yes, sir.

Q. For what purpose do you want this property?

A. In the first place I want to take care of my burying ground there. I might cultivate a part of it but I want some protection for my graveyard, and I don't know just what I will do with the land.

Q. There is a graveyard there, and you have some people buried in there?

A. Yes.

Q. Is there anyone else buried in the cemetery outside of your relatives?

A. Yes, old man Jim Reid is buried there, the man we bought the place from.

Q. About how many people are buried there?

A. I suppose as many as 15 or 20 in my time and I don't know how many more.

Q. About how many members did you have when you purchased this piece of land?

A. I don't think it was over fifteen(15).

Q. How much did you pay for the piece of land?

A. I think it was $150.00.

Q. Is there any timber on it?

A. Yes, big trees, it has a branch around it and there was a graveyard there, my family are buried there.

Q. Are the trees on there now?

A. We cut the trees down to kind of keep the graveyard open.

Q. Is that the only piece of land they ever owned?

A. All they ever owned.

Q. Do you think the interest of all parties concerned in this land would be promoted by a sale of it?

A. I don't understand the question, the last part of it.

Q. Do you think the interest of all parties concerned in this land would be promoted-

A. What do you mean by promoted?

Q. Would it be to their advantage?

A. There are no members but me and I would like to have it sold.

Q. Do you think anybody's interest would be violated?

A. No.

Q. Who are the surviving members of the Lodge?

A. No members at all but me, none outside of me.

Q. What do you consider a fair annual and fee simple value for that property?

A. It has no rental value. It would not be worth more than $50.00 to me.

Q. Is there any land there that could be cultivated?

A. Yes.

Q. About how much?

A. About one acre or one and a fourth acres, something like that. There was more but the branch takes it up.

Q. If this property was sold, who would be entitled to the proceeds from the sale?

A. I don't know.

Q. Don't you think you should be entitled to some of it?

A. I am the only surviving Trustee, or member.

Q. As I understand from you, there are no members living? All trustees and members are dead?

A. Yes, sir, all but me.

Q. How about the Sister Lodge, would they have any interest in the property?

A. None in the world.

Q. How about the Parent Lodge in Richmond?

A. Not a bit in the world.

Q. Did they help you pay for it?

A. No, sir, the fifteen members paid for that property themselves.

Q. Have any of the officers from Richmond been down here to see you all about it since the Lodge went down?

A. No, sir.

And further this deponent saith not.

Willis Councell

/7/

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

I, William M. Birdsong, Commissioner in Chancery for the Circuit Court of Nansemond County, Virginia, do certify that the foregoing depositions of Willis Councill were duly taken, reduced to writing and signed before me.

In witness whereof I have hereunto set my hand this 29th day of April, 1932.

William M. Birdsong
Commissioner in Chancery for the Circuit Court of Nansemond County, Virginia.

VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Willis Councill

v. DEPOSITIONS

The Magnolia Lodge No. 177, Independent Order of Good Samaritans and Daughters of Samaria, and Willis Councill, Trustee.

1932 June 16. Filed.
Hom.

WILLIAM M. BIRDSONG
ATTORNEY AT LAW
SUFFOLK, -:- VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY;

Willis Councill, Complainant.

vs. DECREE

The Magnolia Lodge No. 177, Independent Order of Good Samaritans and Daughters of Samaria and Willis Councill, Trustee, Defendants.

This cause came on this day to be heard on the papers formerly read and on the report of John H. Fulcher, Special Commissioner, this day filed, to which report there is no exception and was argued by counsel.

On consideration whereof the said report is hereby approved and confirmed, And it appearing from the said report and exhibits filed therewith that the said Special Commissioner pursuant to the decreetal order, entered in this cause on the 8th, day of July, 1932, did execute and deliver to Willis Councill, a deed to the following discribed property: (the purchase price of $55.00 having been paid in cash) "all that small tract, piece or parcel of land situated lying and being in Cypress District, Nansemond County, Virginia, containing two acres more or less lying on the Sout side of the Seaboard and Roanoke Railroad (Seaboard Air Line R.R.) and adjoining the lands of Rufus Porter Susan Booth and the said Railroad, except the burial ground and graveyard on the said land, which is reserved to James Reid and his heirs, with the privilege to the said James Reid and his heirs of going to and from the same" on the 9th, day of July, 1932, and he also paid to the Clerk of the Circuit Court of Nansemond County, Virginia, ten ($10.00) dollars, to William M. Birdsong fifteen ($15.00) dollars and retained for himself thirty ($30.00) dollars for his services as counsel in this cause as directed in the decreetal order entered on the 8th, day of July, 1932, it is hereby adjudged, ordered and decreed that the Special Commissioner, John H. Fulcher, in this cause, is hereby discharged from further duties and liabilities, and nothing further remaining to be done in this cause it is ordered that the same be removed from the docket.

VIRGINIA:

IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

Willis Councill, Complainant.

vs.

Magnolia Lodge No. 177
Independent Order of Good
Samaritan and Daughters of
Samaria, and Willis Councill,
Trustee, Defendants.

. Decree .

Enter this 18th day of October,
1932.

Jas. L. McLemore.
Judge.

ENTERED IN CHANCERY ORDER
Book 7; Page 1

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY;

Willis Councill, Complainant.

vs. PETITION.

The Magnolia Lodge, No. 177 Independent Order of Good Samaritans and Daughters of Samaria and Willis Councill, Trustee, Defendants.

To the Honorable Circuit Court of Nansemond County, Virginia:

Your petitioner respectfully represent that he is the only surviving member of the Magnolia Lodge No. 177, Independent Order of Good Samaritans and Daughters of Samaria, which Lodge was organized more than fifty years ago; and,

That subsequent to the organizing of the said Lodge, your petitioner with others were appointed as trustees for the said Lodge; and,

That on the 4th, day of February, 1884, the hereinafter discribed property was conveyed by deed to your petitioner and others as trustees for the use of the above mentioned Lodge, the same property is discribed as follows, to wit:"A small tract piece or parcel of land situated, lying and being in Cypress District, Nansemond County, containing two acres, more or less, lying on the South side of the Seaboard Railroad, and adjoining the lands of Rufus E. Potter, Susan Booth and the said Railroad", a certified copy of which deed is herewith filed and marked ,"Exhibit A", and prayed to be read as a part of this petition; and,

That the aforesaid Lodge has become extinct and has been for more than five years; and,

That your petitioner became a member of the said Lodge when it was first organized and remained a member until it became extinct, and during all the years of the said Lodge's existence, and while so be a member paid all dues and assesments and has received nothing in return for the same, your petitioner verily believes that the hereinbefore discribed property should be sold at public auction and after the payment of the costs in this suit, that the remainder of the proceeds should be turned over to your petitioner or that a Special Commissioner should be appointed by this Honorable Court and the same piece of land conveyed to your petitioner upon condition that he should pay all costs in this suit, the latter being the most preferable, on account of your petitioner's deceased relatives are intered on that portion which

was formerly used for burial purpose; and ,

That the said piece of land was used by the said Lodge during its existance, for a meeting place of its members, as it had a building erected thereon, but it has long since tumbled down and the said land stands today free and clear of all encumbrances.

Wherefore, and for as much as your petitioner is without remedy save in a Court of Equity, where matters of this kind are cognizable, he prays that the Magnolia Lodge No.177, Independent Order of Good Samaritans and Daughters of Samaria and Willis Councill, Trustee may be made party defendants to this petition and required to answer the same but not under oath, the oath being expressly waived; that proper process may be issued and that a Special Commissioner may be appointed to either sell the said land at public auction, after paying the costs of this suit the proceeds be turned over to your petitioner or that the said land be conveyed direct to your petitioner, on conditions that he shall pay all costs of this suit, and that a reasonable fee be allowed counsel for your petitioner for filing and conducting this suit, that all such other, further and general relief be accorded your petitioner as the nature of his case may require and to Equity seem meet and your petitioner shall ever pray for.

Willis Councill
Petitioner.

John H. Fulcher
Counsel for Willis Councill.

VIRGINIA:

IN THE CIRCUIT COURT OF NAMSEMOND COUNTY;

Willis Councill, Complainant.

vs.

The Magnolia Lodge No. 177, Independent Order of Good Samaritans and Daughters of Samaria and Willis Councill, Trustee,

Defendants.

PETITION.

Filed this the 25th day of March 1932
John H. Powell, Clerk
by Evelyn Harris D.C.

JOHN H. FULCHER
ATTORNEY AT LAW
SUFFOLK, VIRGINIA.