1861-06 Southampton County-Chancery Drewry, Samuel vs Everett, William M's adm'r.

Estate settlement

others- Everette, Ann E.
Everette, Mamie
Everette, Virginia D.
Everette, Susan L.
Everette, Ella L.

~~37~~ 39.

Drewry
v. } Papers
Everett's adm^{rs}

1861 Nov.

Decree &c

$\frac{1}{2}$ $\frac{1}{3}$ Bill

Everett adv: &c

1839 September Rules

To the Hon. Judge of the Circuit Court of
Southampton County — In Chancery

Humbly complaining sheweth your complainant Samuel Drewry, who sues for himself and all other creditors of William M Everett decd. who may prove their debts and contribute to the cost of this suit — That sometime since, in the month of June last, the said William M. Everett of the County aforesaid died intestate, leaving a small personal estate which has gone into the hands of his administrator, of about the value of two thousand dollars, and real estate, consisting of three separate parcels or tracts of land in the County aforesaid — one tract known as the Cattle-head tract containing 431 acres — one known as the Little tract containing 207 acres — and the other known as the Hunting tract containing 160 acres, according to the several deeds conveying said land and of record in the Clerks office of the County aforesaid — Your complainant also states that the said Everett died indebted to him in the following sums of money to wit — Bond due July 22d 1868 in the sum of $616.17 — bond due Decbr 25th 1868 in the sum of $76.80 — bond due Decbr 25th 1869 in the sum of $79.60 — account due Janry 1st 1869 in the sum of $81.57 — account due June 13th 1869 in the sum of $40.87 — and account due Janry 1st 1860 in the sum of $ as will appear from the said several bonds and accounts herewith filed as part of this bill — That the said Everett died considerably indebted to others, which said debts, his personal estate in the hands of his admr will be entirely insufficient to pay — That William S Goodwyn of the County of Greensville has qualified as admr of the said Everett, who left at his death, a widow Susan E Everett and four children, to wit — Fannie, Virginia M, Lucian S, and

Ella S. Everett, all of whom are minors - In consideration of the facts before stated, Your complainant prays that William S Gordon admr of William M Everett dcsd E. Everett, Staunton, Virginia N. Lemon S, and Ella S, Everett, the last four of whom are minors by some fit and proper person to defend their interest in this suit; be made defendants to this bill - that they answer the same, and that your Honor will order all proper accounts to be taken, and direct a sale of the real estate before mentioned, subject to the dower of the said Ann E Everett, and application of the proceeds of sale according to law and the rights of the parties And grant to your complainant such other relief in the premises as justice and equity may demand - And he will as in duty bound ever pray &c -

W. S. Gordon

atty

Dixon
Combined
Everett adv

Know all men by these presents these presents that we W. S. Goodwyn & F. F. Ridley are held and firmly bound unto the Commonwealth of Virginia in the just and full Sum of two thousand dollars good and Lawful money of Virginia, to the payment whereof well and truly to be made we bind ourselves our heirs. Executors and administrators jointly and severally firmly by these presents. Sealed with our Seals and dated this 17 day of September 1860

The Condition of the above obligation is Such that whereas in a Suit in Chancery depending in the Circuit Court of Southampton County between Samuel Drewry who Sues for &c. Plaintiff and William S Goodwyn admr. of William M Everett dec'd & others Defts. by a decree entered in the said Suit on the 3rd. day of May 1860 the above bound W. S. Goodwyn was appointed Commissioner for certain purposes therein expressed. Now if the said W. S. Goodwyn shall faithfully discharge the duties of his trust under the said decree or any other decree hereafter entered in the cause then the above obligation to be void or else to remain in full force & virtue—

Signed Sealed & acknowledged
before me 3

W. S. Goodwyn (Seal)
F. F. Ridley (Seal)

Donny ne
to 3 Exemplen
Canellé cat nos

1860 d. 10. Nov. 8.

Downey &c
vs
Everitt's admr &c

exceptions to Commissioners Report

Delia M Beckman who has proved a fiduciary debt as the said Wm M Everitt a guardian of $2494.38 cts appears by his attorney and excepts to the report of the commissioner returned the 2nd of April 1860 for this reason to wit that the commissioner has allowed the admr Wm S Goodwyn credit for an account pair Edwin Phipps of $50 and Samuel Downey pair ~~one bond~~ of $79.50 cts and one bond pair Wm S Goodwyn of $131.50 cts that these are debts of the 4th class and should not be paid while the is paid which is of the 3d class. that the account should be recommitted and these thrown out or else she will not receive her debt and therefor she asks that the said accounts may be all recommitted to the said commissioner with instructions to report these debts according to the rights of all the creditors interested

Executed by delivering all the within
named parties Copy of this Summons.

Robt. M Warren D.Q. for
W. W. Wright Sheff.

Dr. 1.00
Exam. Ch.
Contra 1.50
1859 Sept. Rules

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON Wm S Goodwyn admr: Wm M. Everett Ann E Everett. Nannie Everett. Virginia M Everett Susan S Everett & Ella F Everett

to appear at the Clerk's office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in September next —, to answer a bill in chancery exhibited against them in our said Court by

Samuel Drewry who sues for himself & all other Creditors of Wm M. Everett

and have then and there this writ. *Witness*, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this 19 day of July 1859, in the 84 year of the Commonwealth.

L R Edwards Clk

Bevy &c

Answer of

2 3 advers.

Exceptio advers &c

1859 Sept. Rules

To the Hon: Judge of the Circuit Court
of Southampton County — In Chancery —

Answer of William S. Godwyn admr: of William M Everett, to a bill of complaint exhibited against him and others by Saml. Young &c — This respondent saving and reserving to himself &c in answer to said bill, says — that he has qualified as admr: of Wm M Everett, and believes the facts as stated in the bill, are true — that this respondent has already ascertained debts against the estate of the said Everett to the amount of about $4000 — and that he has no expectation that the proceeds of sales of the whole estate of the said Everett, both real and personal, will be equal to that amount — That he expects to sell the personal property belonging to the estate about the expiration of the present year, and will then be prepared to render such accounts as may be directed by the Court — And having answered prays to be dismissed the Court &c —

W. S. Godwyn
admr: &c —

Southampton County to wit —

This day personally appeared before me, a Justice of the peace of the County aforesaid, W. S. Godwyn who made oath that the facts contained in the above answer are true to the best of his knowledge and belief — Given under my hand this day of in the year 1869 —

J. P.

Drewry vs Hus

2 3 Comr: Reports

Executrix adm:

1860 Nov: 8

Drewry &others
v
Everette admr: &c

Commissioners Report

Pursuant to a decree of the Court at May term 1860, the undersigned Commissioner beg leave to report that he sold the real estate therein mentioned on the 17th September 1860 according to the directions of the decree and that James Drewry became the purchaser of the Whitehead tract at the sum of $600.00 - Joseph H Borlow of the Redding tract at the sum of $175.00 and Abner C Everett of the Bittle tract, sold subject to her right of dower at $35.00 - James Drewry, the purchaser of the Whitehead tract, paid the money for the same, and the other purchasers executed bonds, which are herewith filed - to wit the bond of Joseph H Borlow and H. L. Borlow in the sum of $175.00 and the bond of A. C. Everett and Jos. H. Borlow in the sum of $35.00 - The Comr: further reports that John C Gray who is entitled to receive the money and bonds above stated is willing to receive the said bonds as money - The following statement is submitted -

Amt sale of Whitehead tract		$600.00
To Commission on $810.00 - whole amt sale -	$28.30	
" Attys: fee for exhibit &c -	30.00	
" Comr: Bounds fee -	20.00	
" Costs fee	9.00	
" Sheriffs fees -	6.30	
" writing three deeds - reserved	18.00	
" Amt for future costs of exhibit reserved	8.00	
" paid auctioneer at sale	2.30	
" " Sheriffs bond Tax for 1860 -	10.04 =	143.34
Amt bal: due		$461.66
Interest thereon from the 17th Sept to Nov: 7th -		3.83
Amt two bonds above -		210.00
Whole amt bal: due —		$673.49

Respectfully submitted
M. S. Brodnax - Comr.

Decay &c

$\frac{2}{3}$ $\frac{3}{3}$ Amount of
in fonts

Eventually &c

1859 Sept. Rules

To the Hon. Judge of the Circuit Court of
Southampton County — In Chancery —

The answer of Annie Everett, Virginia W Cur-
-tt, Lucon L Everett and Ella L Everett, infant chil-
-dren of Wm. M. Everett decd: by L. B. Edwards their
guardian ad litem, to a bill of complaint against
them and others, exhibited by Saml. Bassy &c —

These respondents saving and reserving to themselves
&c — in answer to said bill, say — that they have no
knowledge of the facts stated in the bills, and sub-
-mit their interest to the care and protection of the
Court — And having answered pray hence to be dismiss-
-ed the Court with their costs expended in this behalf

L R Edwards Gdn P.

SOUTHERN ARGUS PRINT, NORFOLK.

Commissioner's Office,

Jerusalem, January 18th 1860

To Samuel Drewry who sues for himself and all other creditors of William M. Everett dec'd. who may prove their debts and contribute to the costs of this suit. Plaintiff

against

William S. Goodwyn Admr. of William M. Everett, Ann E. Everett, Nannie, Virginia, M., Susan S. & Ella L. Everett by their guardian ad litem L. R. Edwards. Defendants.

YOU ARE HEREBY NOTIFIED, That I have fixed upon the 21st day of February 1860, to take and settle, at my Office, in the Town of JERUSALEM, the following accounts:

1st An account of the transactions of W. S. Goodwyn, administrator of W. M. Everett dec'd.

2nd An Account of the outstanding debts against the estate of the said Everett and their dignity and priority of payment.

3rd An Account shewing the real and annual value of the real estate of which the said Everett died seized and possessed.

Required to be taken by the decree of Southampton Circuit Court, rendered on the 8th day of November 1859, in a Suit in Chancery depending in said Court, in which you are parties Plaintiffs and Defendants; at which time and place you are required to attend.

GIVEN UNDER MY HAND, as Commissioner in Chancery of the said Court, the day and year first aforesaid.

Henry S. Arnaud, COMMISSIONER.

To the SHERIFF of Southampton County to Execute.

Mr Saml Drury & others
against
Everetts Admr.

1859 Sept-5 Summ. on 6 parties vs Everett $3.00
1860 Jany " Notices on 7 parties vs do 3.50
6.50

Recd payment of W S Goodwyn Comr.
R. M. Arrowsmith Sply
Ebff

Saml. Drury &

1859 To Clerks Southampton Cir. Ct. Dr.
1869 May. To fees in suit v. Everetts ex. to this time . . . 19.01
L R Edwards Clk

1860 November 8th Received of Wm S. Goodwyn Commissioner in the Chancery Cause of Drury &c. vs. Everetts admr. &c. &als the sum of twenty Dollars for making up several accounts in the said cause

Henry L Stowell Comr
in Chancery

Everette Wm M Ct

M. Lewis M Evans Esq

To WM. W. BRIGGS, Sheriff of Southampton County, Dr.

1860.

		Dollars.	Cents.
To Tax on 305	Acres of Land,	10.	04
" " "	County Levies,		
" " "	White Male over 21 years of age,		
" " "	Male Free Negro between 21 and 55 years of age,		
" " "	Slaves above 12 years of age,		
" " " $	Personal Property, Moneys and Credits,		
" " " $	Interest received,		
" " " $	Income of Fees of Office,		

Received 8th day of Novr 1860 of J W L Goodwyn Cent. Dollars,

in full of above tax account.

Ro. M Lewis D.S.

Drewry

v } Stat.: Rules

Overitto com 4P.

1860 May

Blk	℔ 9.01
Stff	6.50
Com H. ...	20.00
Law. ...	31.50
	℔ 67.01

In Southampton Circuit Court.

Samuel Drewry who sues for himself & all other Creditors of William M Everett dec^d who may prove their debts and contribute to the costs of this suit.

against.

William S Goodwyn admor: of William M Everett dec^d Ann E. Everett, Nannie, Virginia W. Susan S. & Ella S. Everett

1859 July 19^th Summons issued &c.

" Sept. R. Sum^s. Ret^d Executed. Bill filed. G.R. Edwards assigned Gu^n ad litem to Infants Defts. Nannie, Virginia W. Susan S. & Ella S. Everett Ans. of Infants & of Deft Goodwyn with. G. Rep. To ans. Infants. D. Nisi v. Defts. Ann E Everett.

" Oct. R. 1^st Monday. Bill taken for confessed as to Deft. Ann E Everett.

" " " Last Monday. Cause set for hearing on bill taken for confessed as to Deft. Ann E. Everett. and as to Defts. Goodwyn & Infants on their ans^r &c.

Nov. T. Decree for account.

1860 Apr. 2 Report.

1860 May " Decree for Sale &c.

" Nov T. Decree &c.

1861 " " Decree Final

Henry Wilson

vs

Decree

Ernestine admix

Oct: 7. 1861

To be entered

R. H. B.

1861. November Term

Henry Porter

Nov: Term 1861-

i 33

Crenetta admr: a

This day this cause come on finally to be heard on the papers formerly read together with the report of Comrs: Proceedings made pursuant to the order of Nov: Term 1860, filed during the Term, to which no exception has been filed. and it was argued by Counsel- On consideration whereof the Court; with the consent of parties, doth approve and confirm the said report

Drawing

No. 3 Lewis Report

Everetts admr. yals

1860 April 2d

The Estate of Wm H. Erwin dec'd
In acct with W. S. Goodwyn, his administrator

1859			Dr		Cr	
Dec	16	By Amount of cash Sales for negro this Day			1360	00
		" " " Benjamin Turner for rent			35	00
		Do amt paid Sheriff Execution	447	21		
		" " " Sheriff taxes 59	32	80		
		" " " W. J. Niemeyer account	40	05		
		" " " R. M. Carr "	13	38		
		" " " Edwin Phipps services 1859	50	00		
		" " " Saml. Drewry Negro hire 1859	79	50		
		" " " Same account	30	83		
		" " " Same "	33	99		
		" " " W. S. Goodwyn Negro hire 1859	131	50		
		" " " J. C. Ivey account	13	50		
		" " " Thomas W. Bell "	38	68		
		" " " Benja. Turner "	25	67		
		" " " A. N. Williams "	5	00		
		" " " W. H. Walker "	5	00		
		" " " John Barham "	1	13		
		" " " R. Dunn "	3	75		
		" " " Jos. H. Barham "	15	00		
		" " " Three appraisers account	3	00		
		" " " Capt. Myers "	1	50		
		" " " Attorney's fee for defending Chancery Suit	30	00		
1860						
June	16	" Commissions on $2159.62 at 5 per cent	107	98		
"	"	By amt of Credit Sales of Chattel property due this Day			764	62
		Do paid Clerks fees	5	77		
"	"	" balance due estate	1018	18		
			2159	62	2159	62
"	"	By balance due estate brought down with Interest from this Day			1018	18

Respectfully Submitted, Henry C. Howard Clk

2nd Account of the outstanding debts against the estate of the said Everett and their dignity and priority of payment.

3rd Class				
A Debt due from the decedent as guardian of Delia M. Beckman the 31st December 1858	231	06		
Interest thereon to the 19th June 1860	18	32		
			249	38
4th Class				
An Account due Jos. H. Basham 10th March 1859	19	00		
Interest thereon to the 19th June 1860	1	36		
			20	36
An account due Branch Rives & Co 1st July 1859	40	05		
Interest thereon to the 19th June 1860	2	34		
			42	39
An account due Branch Rives & Co 31st May 1859	15	54		
Interest thereon to the 19th June 1860		98		
			16	52
An account due S. T. Ridley 1st August 1859	42	44		
Interest thereon to the 19th June 1860	2	26		
			44	70
A Bond due S. T. Ridley 1st Sept. 1858	6	37		
Interest thereon to the 19th June 1860		66		
			7	03
A Bond due Jas E. Pelton 1st January 1857	50	25		
Interest thereon to the 19th June 1860.	10	43		
			60	68
An account due W. S. Goodwyn 1st Jany 1859	21	50		
Interest thereon to the 19th June 1860	1	21		
			22	71
Amount carried forward.			2708	77

Amount brought over			2708	77
Accounts due Saml. Drewry 1st Jany 1859	49	36		
Interest thereon to 19th June 1860	4	35		
			53	71
Accounts due Saml. Drewry 1st Jany 1858	53	51		
Interest thereon to 19th June 1860	7	93		
			61	44
Bond due Saml. Drewry 1st July 1858	616	17		
Interest thereon to 19th June 1860	71	82		
			687	99
Bond due Saml. Drewry 25th December 1858	76	50		
Interest thereon to 19th June 1860	6	81		
			83	31
Account due Saml. Drewry assignee of Edwin Phipps 1st Jany 1859	53	00		
Interest thereon to 19th June 1860	4	68		
			57	68
Balance of account due Thomas H. Megehee 14th March 1859	12	00		
Interest thereon to 19th June 1860	1	34		
			13	34
Account due Darden & Vick 1st Jany 1859	6	79		
Interest thereon to 19th June 1860		59		
			7	38
Account due Darden & Vick 1st Jany 1860	2	94		
Interest thereon to 19th June 1860		8		
			3	02
Total Amount of Debts with interest inclusive up to the 19th June 1860.			3676	84

Respectfully Submitted.
Henry S. Howard Comr.

2nd An account of the outstanding debts against the estate of the said Everett and their dignity and priority of payment.

3rd Class

A Debt due from the decedent as guardian of Delia M. Beckman the 31st of December 1858. 604 58
Interest thereon to the 19th June 1860 53 40

656 98

4th Class

An account due Jos H. Barham 10th March 1859 19 00
Interest thereon to the 19th June 1860. 1 36

20 36

Amount due from the decedent as Commissioner under a Decree of the County Court to make sale of William A Slaves the property of Delia M Beckman as per report 1st Jany 1856. 143 75
Interest thereon to the 19th June 1860 38 19

1825 43

Account due Branch Rives & Co. 1st July 1859 40 08
Interest thereon to the 19th June 1860. 2 34

42 39

Account due Branch Rives & Co 31st May 1859 15 54
Interest thereon to the 19th June 1860. 98

16 52

Account due F. F. Ridley 1st August 1859 42 44
Interest thereon to the 19th June 1860. 2 26

44 70

Bond due F. F. Ridley 14th Sept. 1858. 6 37
Interest thereon to the 19th June 1860 66

7 03

Amount Carried forward 2613 41

Amount brought over			2613 41
Bond due Jas. E. Peters 1st January 1857	50 25		
Interest thereon to the 19th June 1860	10 43		
			60 68
Account due M. S. Goodwyn 1st June 1859	21 30		
Interest thereon to the 19th June 1860	1 21		
			22 71
Amounts due Saml. Drewry 1st June 1859	49 36		
Interest thereon to the 19th June 1860	4 35		
			53 71
Accounts due Saml. Drewry 1st June 1858	53 37		
Interest thereon to the 19th June 1860.	7 93		
			61 44
Bond due Saml. Drewry 1st July 1858	61 17		
Interest thereon to the 19th June 1860	7 82		
			68 99
Account due Saml. Drewry Assignee of Edwin Phipps 1st June 1859	53 00		
Interest thereon to the 19th June 1860	4 68		
			57 68
Balance account due Thomas H. Urquhart 14th March 1854.	12 00		
Interest thereon to the 19th June 1860	1 32		
			13 32
Account due Dauden & Vick 1st June 1859	6 75		
Interest thereon to the 19th June 1860.	59		
			7 38
Account due Dauden & Vick 1st June 1860	2 94		
Interest thereon to the 19th June 1860	8		
			3 02
Bond due Saml. Drewry 25th December 1858	76 50		
Interest thereon to the 19th June 1860.	6 81		
			83 31
Total amount of Debts with interest inclusive to 19th June 1860			3664 87

Respectfully Submitted
Henry S. Howard, Com.

3rd An account showing the Real and annual Value of the real estate of which the said Everett died seized and possessed.

Whitehead tract of Land the Real Value		$800.00
Do " " " " Annual Value	$40.00	
Jarrett Jakins tract of Land the Real Value		300.00
Do " " " " Annual Value	30.00	
Wm Jenkins " " " " Real Value		150.00
Do " " " " Annual Value	00.00	
Amt assigned to Widow as her Dower in the Lands of her Dec'd husband		
Total Real Value of Lands		$1250.00
Total Annual Value of Lands	$ 70.00	

Respectfully Submitted
Henry S. Howard, Com.

Commissioner's Office
Jerusalem March 3rd 1860.

To the Circuit Court of Southampton County.

Pursuant to a Decree of the Circuit Court of Southampton County, rendered in the 8th day of November 1859, in a suit pending in said Court between Drewry for &c plaintiff Everett's admr & als defendants, the undersigned, one of the Commissioners of the said Court, to whom was referred for settlement the several accounts required to be taken by the said Decree, on the 18th day of January 1860, issued notice against the several parties requiring them to attend the settlement and taking of the said several accounts at his office on the 21st day of February 1860, which were returned to the said Commissioner duly executed, and posted a notice of the same at the Courthouse door of this County and in the late neighbourhood of the decedent Everett. Your Commissioner then made up the foregoing accounts. The Commissioner made up the accounts of the Debts in two ways "A" & "B."

In the account "A" the whole amount due by the Decedent to Delia M. Beckman is reported as a fiduciary debt and in "B." The amount due by the decedent to Delia M. Beckman for the Sale of William, a slave sold by him as Commissioner is reported as a fourth Class Debt as will be seen by the said accounts.

The Commissioner states specially at the request of the administrator that the only claims due his intestate found amongst his papers are a bond against B. C. Everett for $150.17. due April 1st 1855, which cannot be collected and a small account against Edwin Harris against which he holds an offset for a larger amount.

The Commissioner further reports that after the completion of the said accounts he retained them in his office ten days for the examination of the parties, which with the notice and decree are herewith returned.

Given under my hand as Commissioner aforesaid, the day and year first aforesaid.

Commissr $ 20.00 Henry S. Howard Com.

Inviato
a Z Comm. Rapporto

Circolo addiz.le

1861 Nov. 4.

Henry Orthis
vs
Emmette admr: &c

Commissioners Report

Pursuant to the decree of Ch: Term 1860 the undersigned Commissioner has been to report that he paid to John L Irby and his wife Delia the sum of $466.49- and also paid over to the same parties the two bonds in his hands, to wit- one executed by Jos. H. Borlond and Henry T Borlond in the sum of $178.00- and the other executed by A. C. Emmette and Jos. H Borlond in the sum of $38.00, and files herewith the receipt of the said Irby for the same- The undersigned further reports that he has made and executed to the purchasers of the real estate in the proceedings mentioned. to wit- James Henry & Jos. H. Borlond and Chas L Emmette good and sufficient deeds of bargain and sale for the same with special warranty-

all of which is respectfully submitted

W. S. Goodwyn Comr:

Drug bottles

2 3 dozen

Emetic adm:

To be entered

R. H. B.

May 20. 1860

Decree order
2
Emmette admr &c

This day this cause come on again to be heard on the papers formerly read together with the report of Commissioners S. L. Pond and F. Bickly, and the report of Comr. Howard, made pursuant to the decree of November Term 1839, to which said reports no exceptions have been filed and cause argued by Counsel - On consideration whereof the Court doth order, adjudge and decree that the said reports be confirmed; and that N. L. Goodwyn who is hereby appointed a Comr. of the Court for the purpose, after having advertised the time and place of sale for at least thirty days, at the Court House and other public places in the County of Southampton, do proceed to sell at public auction in front of the Court House of said County on some Court day, the real estate of which N. M. Emmette died seized and possessed and in the proceedings mentioned, to wit - the White Oak tract - the Austins tract and the Bittle or Williams Austins tract; subject to the right of dower of Ann E Emmette in the last named tract - and that said Comr; after reserving in cash so much of the proceeds of sale as will pay the expenses of the same and the costs of this suit; Take from the purchaser or purchasers, for the balance of the proceeds of sale, bonds with good personal security, payable six months after date, to bear interest from the day of sale - and report his proceedings together with the said bonds to Court - But the said Commission is not to act under this decree until he shall have executed in the Clerks office, bond with good security in the penalty of $2000 - conditioned for the faithful performance of his duties and trust under this ~~decree~~ decree or any other decree entered in this cause -

Bacon notes

2 3 notes for Lucas

Cranch & Dr

Nov. Co. 1859.

To be entered.

R. H. Baker

1859 November Court

Swayne
v
Everett's admr &c

Decree—

The bill of the plaintiff having been taken for confessed as to the defendant Ann E Everett, and the cause coming on this day to be heard on the bill, answer of the defendant N. S. Swayne admr of W. M Everett, and the answer of the infant defendants Virginia W, Susan S, Minnie and Ella S Everett by their guardian ad litem L. B. Edmonds, general replication to said answers and exhibits filed, was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that Samuel Swayn, James Swayn, H. S Riddle Jesse S Burbow and N. L. Pond, any three of whom may act, be and they are hereby appointed Commissioners of this Court, and that said Commissioners as soon as practicable, proceed to lay off and assign to Ann E Everett widow of W. M Everett dec'd, one just and equal third part of the real estate of which the said W. M Everett died seized and possessed, having regard to value, to be held and enjoyed by the said Ann E Everett for and during her life as dower—and that said Commissioners report their proceedings under this decree to Court—And the Court doth further adjudge, order and decree that a Commission of this Court issue the following accounts, to wit: 1st— an account of the transactions of N. S. Swayne as admr of W. M. Everett dec'd:- 2d— an account of the outstanding debts against the estate of the said Everett and their priority as to priority of payment— 3d an account ~~of the~~ the real and annual value of the real estate of which the said Everett died seized and possessed—which said accounts the said Commissioners is directed to audit, state and report to Court: with any matters specially stated, deemed pertinent by himself, or which may be required to be so stated by either of the parties—

Drawing notes

2 3 Beam

Counter adm:

To be entered

R. H. Baker

1810 Nov.

Drury Withers
v
Everette admr: &c

Nov: Term 1860

Came

This day this cause come on again to be heard on the papers formerly read, to-gether with the report of Comr: Goodwyn made pursuant to the order of May Term 1860, ~~heretofore~~, filed during the Term to which no exceptions have been filed, and was argued by Counsel - On consideration whereof the Court, with the consent of parties, doth approve and confirm the said report; and doth adjudge, order and decree that the said Commissioner N. S. Goodwyn, pay to John C Drury "and his wife Delia the sum of $466.49 x reported in his bond, and also pay unto and deliver to the said Drury, the two bonds in his report mentioned - to wit - the bond executed by Jos. H. Borbond and H. S Borbond in the sum of $178:00, and the bond executed by A. C. Everette and Joseph H Borbond, in the sum of $33:00 - And the Court doth further adjudge, order and decree that the said Commissioner, N. S. Goodwyn make and execute to the purchaser of the land in the proceedings mentioned good and sufficient deeds for the same, with special warranty, and report his proceedings to Court in order to a final decree —

x 466:49

Drawer 5 in 5

to 5 Copy Desks

Everett Cabinet 5

Whitehead	$ 60.00
Lockhart	175.00
Crum	35.00
	$ 615.00

Southampton Circuit Court, May term, 1860.

Samuel Drewry who sues for himself and all other creditors of of William M. Everett dec'd. who may prove their debts and contribute to the cost of this suit Plff

against

Wm. S. Goodwyn admr of Wm. M. Everett dec'd Ann E. Everett, Mamie, Virginia M., Susan E. & Ella S. Everett Defts

This day this cause came on again to be heard on the papers formerly read together with the report of Commissioners W. S. Pond and T. T. Ridley and the report of Commissioner Howard made pursuant to the decree of November term 1859, to which said reports no exceptions have been filed and was argued by Counsel, On consideration whereof the Court doth order, adjudge and decree that the said reports be confirmed and that W. S. Goodwyn who is hereby appointed a Commissioner of the Court for the purpose, after having advertised the time and place of sale for at least thirty days, at the Courthouse and other public places in the County of Southampton, do proceed to sell at public auction in front of the Courthouse door of said County on some Court day the real estate of which W. M. Everett died seized and possessed, and in the proceedings mentioned to wit, the Whitehead tract, the Judkins tract, and the Bittle or William Judkins tract, subject to the right of dower of Ann E. Everett in the last named tract, and that said Commissioner after reserving so much of the proceeds of sale as will pay

the expenses of the same, and the costs of this suit take from the purchaser or purchasers for the balance of the proceeds of sale bonds with good personal security payable six months after date, to bear interest from the day of sale and report his proceedings together with the said bonds to Court - But the said Commissioner is not to act under this decree until he shall have entered in the Clerks' Office bond with good security in the penalty of $20.000 conditioned for the faithful performance of his duties and trust under this or any other decree hereafter entered in this cause

A Copy

Henry S. Howard, D.C.

Clk	$ 9.01
Sheff	6.50
Com Howard	20.00
Law's	31.50
	$ 67.01

Delivery for Lt
vs. } Copy of Lease.
Wm. M. Evans Cadet Lt

Southampton Circuit Court, November 8th 1859.

Samuel Drewry who sues for himself and all other creditors of William M. Everett dec'd who may prove their debts and contribute to the cost of this suit.

Pltff

against

William G. Goodwyn admr of William M. Everett dec'd Ann E. Everett, Jannie, Virginia M., Susan E. & Ella L. Everett Defts.

The bill of the plaintiff having been taken for confessed as to the Defendant Ann E. Everett and the cause coming on this day to be heard on the bill, answer of the defendant W. G. Goodwyn, admr. of Wm. M. Everett, the answer of the infant defendants Virginia M. Susan E., Jannie and Ella L. Everett by their guardian ad litem L. L. Edwards, general replication to said answers and exhibits filed, was argued by Counsel: On consideration whereof, the Court doth adjudge, order and decree that Samuel Drewry, James Drewry, T. T. Ivey, Jesse D. Barham and L. L. Read, any three of whom may act, be and they are hereby appointed Commissioners of this Court and that said Commissioners as soon as practicable proceed to lay off and assign to Ann E. Everett widow of Wm. M. Everett dec'd her just and equal third part of the real estate of which the said Wm. M. Everett died seized and possessed having regard to value to be held and enjoyed by the said Ann E. Everett for and during her life, as dower. And that the said Commissioners report their proceedings under this decree to Court. And the Court doth further adjudge, order and decree that the Commissioner of this Court take the following accounts: 1st An account of the transactions of W. G. Goodwyn as administrator of W. M. Everett dec'd. 2nd An account of the outstanding Debts against the estate of the said Everett, and their dignity and priority of payment. 3rd An account showing the real and annual value of the real estate of which the said Everett died seized and possessed. Which said Accounts the said Commissioner is directed to audit, state and report to Court with any matters specially stated deemed pertinent by himself, or which may be required to be so stated by either of the parties.

A Copy, Teste J. Howard, D.C.

Partition
&
Everetts Admr &c

Commissioners Report

Pursuant to the annexed decree of the Circuit Court, the undersigned Commissioners by leave to report that on the 15th December 1859. they met for the purpose of laying off the dower of Elmira E. Everett in the real estate of her deceased husband Williams M Everett; and ascertained that the said Everett died seized and possessed of the following real estate to wit-

Whitehead tract	containing	431 acres
Judkins tract	"	160 "
Bittle tract	"	207 "

The Commissioners laid off and allotted to Elmira E. Everett as her dower in said real estate, the Bittle tract of land, containing 207 acres, bounded by the lands of Francis T Riddick John J. Crump dec'd: and the Judkins tract - and also a small portion of the land belonging to the Judkins tract, lying on the East side of the public road, and bounded by the said road the Indian Branch, and the boundary line of the Bittle tract and containing about 5 acres - making in all allotted to the said E. E. Everett 212 acres, which they consider an equal and just third part of said real estate, having regard to value.

All of which is respectfully submitted

Norfleet L. Pond

L. [illegible]