1886-21 Southampton County Chancery - Rogers, Virginius etals vs Turner, Ruth and James T. minors - by Prince, J. B. G.A.L.

partition of estate

Rogers, Lelia
Claud, B.B.
" Margaret

To the Hon: Geo: Blow, Judge of the Circuit Court for Southampton County.

In Chancery.

Humbly complaining, sheweth unto your Honor, your complainants, Virginius Rogers and Celia, his wife, and B. B. Cleland and Margaret, his wife, that J. E. P. Turner was in his lifetime seized and possessed of certain real estate lying in the county of Southampton, containing by estimation 1000 acres, more or less, and also, of one undivided moiety in 10 acres, more or less, including the Store-house and buildings thereon, lying in Southampton County, and being so seized and possessed, the said J. E. P. Turner, some-time in the year, A. D., 1882, died intestate, leaving Celia Turner, who has since intermarried with Virginius Rogers, Margaret Turner, who has since intermarried with B. B. Cleland, and Ruth and James T. Turner, his only children and heirs at law. The said Ruth and James T. Turner are infants under the age of twenty-one years. And your complainants further state that the said real estate is, as they believe, susceptible of partition among the parties entitled thereto, but if it cannot be so divided, then your complainants desire that

the same may be sold and the proceeds divided among the adult and the infant parties according to their respective rights; the shares of the infants to be held as directed by the Statute in such case made and provided. Should the property not be divisable in kind, Complainants believe and here state, that the interests of those who are entitled to the said real estate, or its proceeds, will be promoted by a sale of the whole of the same, or by an allotment of part and sale of the residue. Forasmuch, therefore, as your Complainants are remediless in the premises save by the aid of a Court of equity, they pray that the said Ruth and James I. Turner, infants, may be made parties defendants to this bill and required to answer the same by guardian ad litem; that a proper guardian ad litem be appointed in this cause for said infants who shall answer this bill on oath; that the said estate be divided between the parties ~~entitled thereto~~, or else that it be sold and the proceeds divided, in case it be indivisible in kind; that all proper orders and decrees may be made, accounts taken and enquiries be directed, and that all such other, further, general and

special relief as in the premises may be just and right may be granted.

And your Complainants will ever pray &c., May it please the Court, &c.

Wm. H. Parker, p.c.

The joint and separate answer of Ruth and James I. Turner, infants under the age of twenty-one years by J.B. Prince, their guardian ad litem, asigned to defend them in this suit, to a bill of complainant exhibited against them, in the Circuit Court for the County of Southampton, by Virginius Rogers and Lelia, his wife, and B. B. Leland and Margaret, his wife.

The respondents reserving to themselves the benefit of all just exceptions to said bill, for answer thereto, or to so much thereof as they are advised that it is material they should answer, by their said guardian ad litem answer and say:—

That they are infants of tender years, and by reason of their infancy, are incapable of understanding, or of taking care of their rights and interests. They, therefore, by their said guardian commend themselves and their rights and interests to the protection of the Court, and pray that

no decree may be pronounced which will tend to their prejudice.

And having fully answered, the said respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray, &c.

L B Price

Edw Adkins
"

Rogers wife & others
vs
Bill &c.
Answers

1884 August Rules.

Parlin & C.

To Ruth and James T. Turner, infants under 21 years of age, by J.B. Prince their guardian ad litem.

You are hereby notified that I shall on the 26th day of September A.D., 1884, apply to the Judge of the Circuit Court for the County of Southampton, at his residence in the City of Norfolk, for a decree in vacation in the Chancery cause therein depending styled Rogers & wife &c &c vs Turners, directing a Commissioner of the said Court to enquire whether partition of the land in the proceedings mentioned can be conveniently made, and if not, whether the entire subject can be allotted to any party who will accept it, and pay therefor to the other parties such sums of money as their interest therein may entitled them to, or whether the interests of those who are entitled to the subject, or its proceeds, will be promoted by a sale of the entire subject, or allotment of part and sale of the residue, and also, directing the said Commissioner to enquire what is the fee simple value of the said land and make report to Court, together with any other

matters deemed pertinent by himself to be stated, or which may required to be so stated by any interested party, and return along with his report to Court the evidence upon which he bases his opinion.

Given under my hand this 22nd day of September A. D., 1884.

Virginius Rogers.
Lelia Rogers
B. B. Cleland
Margaret Cleland
By
Wm. H. Parker, their
Counsel.

To the Sheriff of Southampton County to execute.

I acknowledge service of this notice.
Sept 22. 1884.

Ruth & James T. Turner
by D. B. Parker Gdn
ad litem.

Turner Pl.
vi 3 notices
Turner Pl.

Rogers deed
to 3 lewis Bros
Jamers.

1885. Sept 19.

Know all men by these Presents, That we I B Prince and M W. Turner

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Fifteen Hundred Dollars, 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. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter-claims or offsets other than legal tender currency of the United States.

Sealed with our seals and dated this 19 day of September A. D. 18 85.

THE CONDITION of the above obligation is such that if the above bound

I B Prince who was appointed a Special Comr. by a decree of the Circuit Court of Southampton Entered at the May Term 1885 in the chancery suit therein depending Styled Ropustipe vs Turner — for certain purposes —

shall faithfully discharge the duties of his office or trust according to law, then the above obligation to be void, or else to remain in full force and virtue.

Signed, sealed and delivered in presence of the Court.

I B Prince SEAL

M W Turner SEAL

SEAL

SEAL

Rogerscope
vs
Turner

Report of Comr. L.B. Prince

In pursuance of a decree of the Circuit Court of Southampton Circuit Court rendered at May Term 1885, in above styled suit, I sold at public auction at Jerusalem Sept 21. 1885. the stone house and lot now occupied by Geo W. Turner, after having duly advertised the same - and at sale so made Geo W. Turner became the purchaser by bidding therefor the sum of five hundred and ninety dollars. The purchaser was entitled to one half of the property - and I paid him one half of the contingent until $147.50 -
He paid me in cash $147.50. out of which I paid the costs of the suit - as follows -

		$147.50
To commissions	$20.80	20.80
" auctioneer	5.00	
" posters	1.50	
" Costs Clerk.	4.50	
" atty for taxed	16.50	48.30
Bal in my hands -		$99.20

To be distributed among the heirs at law of J.R.P. Turner dec'd. I also return the bond of G.W. Turner for $295. due in twelve months - The sale is a good one and I recommend its confirmation -

The advertisement is also returned.

Respectfully submitted.

Oct 14. 1885.

To Judge Cir Ct.

L B Bruce.
Comr.

Respondentia
vs
Damages.

Report of Comr.
L B Bruce

1885. Oct 15. Fees
$3.00

87 ~~147~~

Rogers Devise &c.,

vs } Decree

Farmers &c.,

Nov: Term 1884.

To be entered.

Geo. Bloss

Entered

101

Rogers & wife &c
&c
Farmers

This day this cause came on to be heard on the Complainants bill and the answer of the infant defendants by J. B. Prince their guardian ad litem, and was argued by Counsel. On Consideration whereof, the Court doth adjudge, order and decree that one of the Commissioners of this Court be appointed to enquire whether partition of the land in the proceedings mentioned can be conveniently made, and if in his opinion, it cannot be, whether the entire subject can be allotted to any party who will accept it, and pay therefor to the other parties such sums of money as their interests therein may entitle them to, or whether the interests of those who are entitled to the subject or its proceeds, will be promoted by a sale of the entire subject, or allotment of part and sale of the residue. And the the Court doth further adjudge, order and decree that the said Commissioner shall also enquire what is the fee-simple value of the said land, and report to Court the facts upon which his opinion is based.

Rogers scribe
vs Ex Rept
Innerarity

1886. Nov 6.
Filed.
L B & P Co

Rogers & wife
vs Supp Report-
Turner-

In this cause I submit following report.

Balance in my hands	$99.20
To pd atty fee	50.00
	$49.20

1/4 to Ruth Turner.	$12.30	
1/4 " J.T. Turner	12.30	
1/4 " B.B. Blandwife	12.30	
1/4 " V. Rogers wife	12.30	$49.20

I collected from Geo W. Turner only one half of the bond for deferred payment, he being entitled to one half as part owner.

Bond	295.	
Interest	13.27	
	$308 27	
1/2 paid me.	$154. 14	
1/4 to Ruth Turner	$38.53	
1/4 to J.T. Turner	38.53	
1/4 to B.B. Blandwife	38.53	
1/4 to V. Rogers & wife	38.53	$154.14

I have made a deed to purchaser.
I have paid amounts due Ruth & J.T. Turner to Geo W. Turner their Son- and have amounts due B.B. Bland wife & V. Rogers wife in my hands as their atty- There is nothing further to be done in this cause.

Nov 5. 86. Respt submitted

To Judge Cir Ct. Southampton- J.B. Prince Comr

Rogers & wife & others

Vs } Decree

Turner & others

This day this Cause Came on to be heard on the Papers formerly read on the report of J. B. Prince Special Commissioner filed October 16th 1885. and also on the report of the Commissioners T. E. Peete, O. R. Bryant, J. J. Woodward and David Turner filed October 19th 1885. to which said reports no exceptions have been filed and was argued by Counsel. On Consideration whereof the Court doth approve and confirm the said reports, and doth adjudge order and decree that J. B. Prince Special Commissioner as aforesaid out of the balance remaining in his hands be and is hereby directed to distribute the same to the Parties in this Cause according to their respective interest. That the bond due for the balance of the Purchase money for the property sold under a former decree rendered in this Cause may be collected by the said J. B. Prince Special Commissioner as aforesaid of George W. Turner the Purchaser thereof before its maturity. Should the said George W. Turner so desire to pay the same and in such event the said J. B. Prince Special Commissioner shall execute

to the said George W. Turner a deed with Special Warranty; ~~and report his proceedings under this decree to Court~~ and after collecting said bond the fund shall be distributed between the parties interested as aforesaid and the said Prince will report his proceedings under this order to Court.

Rogers &c vs &c Thos
To
Decree
Turner &c Thos

May Term 1886.
To be entered

Geo. W. Ford.

Rogers & wife
vs
Turners

Decree.

This day this cause came on to be further heard on the papers formerly read, on the report of T. E. Peete, B. R. Bryant, J. J. Woodard and David Turner, Commissioners appointed at the last Term of the Court to divide the land of J. E. P. Turner, in the proceedings mentioned, with metes and bounds, between the parties entitled thereto; and on the report of J. B. Prince, Special Commissioners, reporting sale of the Store house and lot in the proceedings mentioned, according to the terms of the decree entered in this cause at the last term of the Court, to which said reports no exceptions have been filed, and was argued by Counsel. On Consideration whereof, the Court doth approve and confirm the said reports, and doth adjudge, order and decree that the said report, showing a division and allotment of the land of which the said J. E. P. Turner died seized and possessed, and mentioned and de-

scribed in the proceedings of this cause be made firm and binding between the parties; and, the Court doth further adjudge, order and decree that, J.B. Prince, Special Commissioner, aforesaid, distribute the balance in his hands, arising from the sale of the said Store house and lot, (after paying costs of this suit) among the parties entitled thereto according to their respective interests; and that he also withdraw the bond of Geo: W. Turner for $295.00 filed in this cause, leaving his receipt with the clerk of this Court, and collect the same when it becomes due and pay to the parties entitled their respective shares thereof, and report to Court his proceedings hereunder in order to a final decree.

Rogers wife
vs
Decree
Summons

1885-Nov Term.
To be entered.
Wm. T. Bland

Received Nov 8. 1886 of I. B. Price
fifty dollars and on in full
of fee in Chancery suit of Rogers
Swope vs Turner.

Wm H. Parker.

" "

Received of D. B. Prince Comr in
Chancery Suit Rogers &c. vs Turner-
Fifty and 83/100 dollars in full
Payment due from Sale of Town
House Lot at Hebron for Ruth
Turner-

Geo. W. Turner Admr-
Hebron

B. F. McLemore's

receipts

Rec.d Febry 11th 1886. of J.B. Pierce, Spec.l Com.r
Ten & no/100 dollars - fee for making report
in the suit of Rogers trips & Dumore -

B.F. McLemore
Com.r in Chy

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON Ruth Turner & James T. Turner infants - by J. B. Prince their Guardn. ad litem -

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 August next, to answer a bill in Chancery exhibited against them in our said Court by Virginius Rogers & Lelia his wife — B. B. Cland & Margaret his wife —

And this they shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this 28th day of July, 188 .

in the 109th year of the Commonwealth.

Test. J. B. Prince C.C.

Rogn Dist. Ct. als:

T. } Summons
P. } in Div

Summons.

1884. Augt. Rules
Cir: Ct

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON Ruth Turner & James T. Turner minors, by J. B. Prince their Guardian ad-litem

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 August next, to answer a bill in Chancery exhibited against them in our said Court by Virginius Rogers & Lelia his wife, B. B. Cland & Margaret his wife

And this they shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this 28th day of July, 1884, in the 109th year of the Commonwealth.

Teste. J. B. Prince C. C.

Received Sept 21. 1885 of L B Prince Comr
in Chancery suit of Rogers Cope vs Turner
five dollars, an attorneys fee for selling
land in said suit.

Watkins & Williams

Jerusalem, Va., Sept 15 1888

Mr. B Poleard et al's Dr.

To J. B. Prince

Clerk of the Circuit Court of Southampton County.

1887			
Nov.		To fees in suit of J. C. J. Doe	$3 33
May		Filing as per 25. Dem ser fp 72.	97
		Cert ser fp 40. abs mise 40	80
			65 09

Received of L. B. Prince Comr in Chancery suit Rogers vs Turner Fifty-four 83/100 dollars in full of amt due from sale of store house lot at Hebron for Jos T. Turner —

Geo. W. Turner Admr

Gdn.

Rogers et ux et als
vs
Dicus
Trespass

1885 May Term

To be entered.

Geo Blow

Entered 121

Rogers et ux et als

vs

Turners

Decree

This day this cause came on to be further heard on the papers formerly read, the report of Commissioners, M^c Lemore, filed April 1885, under the decree of November Term 1884, to which report there is no exception, and was argued by Counsel. On Consideration whereof, the Court doth approve and confirm the said report, and doth adjudge, order and decree that J. J. Woodard, T. E. Peete, David Turner & Dr B. R. Bryant, who are hereby appointed Commissioners for the purpose, any three of whom may act, having been first duly sworn, do proceed to lay off and divide the tract of land of which J. E. P. Turner died seized and possessed, containing 678 acres, be the same, however, more or less, in the County of Southampton, adjoining the lands of Geo. W. Turner, B. A. Davis, P. S. Thomas and others; into four equal parts, having regard to quality and quantity and assign one of four said parts to each of the Children of the said J. E. P. Turner, dec'd, namely: to Lelia Turner, now Lelia Rogers, one fourth part; to Margarett Turner, now Margarett Leland, one fourth part; To

Ruth Turner one fourth part, and to James T. Turner one fourth part: and that, they make report of their proceedings under this decree to Court. And the Court doth further adjudge, order and decree that J. B. Prince be and he is hereby appointed a Commissioner to make sale of the undivided interest, (the same being one moiety) of the said J. C. N. Turner in a certain store-lot, at Hebron, Southampton County, containing 10 acres of land, more or less, with all necessary buildings and improvements thereon, and owned jointly by the said J. C. N. Turner and his brother, Geo: W. Turner, either privately or publicly, and on such terms as to the said Commissioner, Prince, may seem most advantageous to the parties concerned. But the said J. B. Prince is not to proceed to act under this decree as such Commissioner until he shall have entered into bond, with personal security, before the Court or the Clerk thereof in vacation, to be approved by the Court or Clerk, in the penalty of $1500. Conditioned and payable as prescribed by law; and the said Commissioner shall not advertise the sale of the said undivided interest without first ob-

taining a certificate from the Clerk that the bond required by this decree has been executed, and the certificate or a copy thereof shall be appended to the advertisement. And the said Commissioner is directed to report his proceedings under this decree to Court.

Southampton Circuit Court Nov:
— Term 1884 —

Rogers & wife & als:
vs
Turner } Dec'r } In Chy

This day this cause came on to be heard on the complainants bill and the answer of the infant defendants by J. B. Prince their guardian ad litem. and was argued by counsel— On consideration whereof the Court doth adjudge order and decree that one of the commissioners of this Court be appointed to inquire whether partition of the land in the proceedings mentioned can be conveniently made and if in his opinion it can not be had whether the entire subject can be allotted to any party who will accept it and pay therefor to the other parties such sums of money as their interest therein may entitle them to, or whether the interest of those who are entitled to the subject or its proceeds will be promoted by a sale of the entire subject, or allotment of part and

Sale of the residue and the Court doth further adjudge order and decree that the said Commissioners shall also enquire what is the fee simple value of the said land and report to Court the facts upon which his opinion is based,

A Copy Test J B Grimsley C.C.

Recorded this 5th day of Dec 1870

J B Grimsley C.C.

X

Lodgers Attachment:
vs
Notice
Turner's
1885. March 27th

Executed March 10th
1885 by delivering to each
of the within parties a
copy of the within Summons

G. W. Vick Sh'ff
per W. W. Boyce
Sheriff

Commissioner's Office,

Jerusalem, Va. October 20th 1885

To Virginius Rodgers and Lelia Rodgers his wife- B.B. Bond and Margaret C. Bond his wife, James S. Turner & Ruth Turner the last two infants by J.B. Prince their Guardian ad litem.

You are hereby notified that I have fixed upon the 21st day of March next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:

First: Whether partition of the land in the proceedings mentioned can be conveniently made, and if in my opinion, it cannot be whether the entire subject can be allotted to any party who will accept it and pay therefor to the other parties such sums of money as their interest therein may entitle them to, or whether the interest of those who are entitled to the subject or its proceeds will be promoted by a sale of the entire subject or allotment of part and sale of the residue.

Second: To enquire what is the fair simple value of the said lands and report to court the facts upon which my opinion is based

required to be taken by a decree of Southampton Circuit Court rendered at the November term, 1884, 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.

R. D. McLemore

Commissioner.

To the Sheriff of Southampton County to Execute.

Rogers et. ux. et. als
vs
Sp'a
Turners

1885. March 21st

Executed Mar. 13th
1885. by delivering to Geo
W Turner & Jno Barnes
a copy of the within
summons. G. W. Vick Sh
for W. W. Briggs
Shff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON James H. Barnes, and George H. Turner

to appear before B. F. McLEMORE, a Commissioner in Chancery for the Circuit Court of Southampton county, at his office, in Jerusalem, Va., on the 21" day of March 188 S, to testify and the truth to speak on behalf of Virginius Rogers trustee & others

in a certain chancery suit in our said court depending and undetermined between

Virginius Rogers trustee & others — Plaintiffs

and

Jas. T. and Ruth Turner Defendants

and this they shall in no wise omit under penalty of law. And have then there this writ.

Witness, B. F. McLEMORE, Commissioner of our said Court, at his said office, this 26" day of Febry 188 S, in the 109 year of the Commonwealth.

Teste: B. F. McLemore

Comr in Chancery

The Depositions of Geo. W. Turner and others taken before B. F. McLemore a Commissioner in Chancery for the Circuit Court of Southampton County, pursuant to Notice hereto annexed at my Office in Jerusalem on the day of March 1895 to be read as evidence in a certain Chancery suit now pending in the Circuit Court of said County, under Style of "Rogers trustee, &c. v Turner &c".

The Witness Geo. W. Turner, being duly sworn, deposes as follows: Viz:

Q: What is your age, where do you reside, and do you know the lands in the proceedings mentioned?

A: My age is fifty five years - reside in this County, near the lands mentioned and know the premises well. the same being owned by my deceased brother, of whom I am Administrator.

Q: Do you think the said lands can be divided in kind, among the parties entitled.

A: I do not think the Store House lot can be divided. there being only 10 acres upon which the Store House, Ware House and Gin House stands.

and the Estate of J. E. P. Turner owning
⅓ interest. the remaining one-half
would have to be divided in four parts -
and would be worthless.

Q: What do you consider the fee simple
value of the Store lot?

A: I think it is worth about six hundred
dollars.

Q: Do you think the interest of the parties
would be promoted by a sale of the Store
lot?

A: I do.

Q: What have you to say about dividing
the farm?

A: I think the farm can be divided
very easily.

Q: You think, then that the interest
of all the parties would be promoted
by a sale of the Store lot, and division
of the farm?

A: I do.

Q: What in your opinion is the fee
simple value of the said farm?

A: About three thousand dollars -

And more this deponent saith not.

Geo. W. Turner

The witness Jas. H. Barnes being duly sworn deposes as follows: viz:

Q: What is your age - where do you reside and do you know the lands in the proceedings mentioned?

A: My age is fifty four years - reside in this County and know the lands in the proceedings mentioned -

Q: Do you think the lands can be divided in kind among the parties entitled thereto?

A: I think the farm can be divided among the heirs - but do not think the Store lot can be. The Store House lot contains only 10 acres upon which the Store House Cotton Gin and Ware House stands. this lot is owned jointly by Geo. W. and Jas. E. P. Turner. the one-half owned by the Estate of J. E. P. Turner would have to be divided into four shares and would be worthless.

Q: Do you think the interest of the parties concerned would be promoted by a sale of the Store lot and division of the farm?

A: I do -

Q: What is your opinion, is the fee simple value of the said real Estate?

A: I think the Store lot is worth about five or six hundred dollars, and the farm

is worth, I should think, about twenty five hundred dollars.

And further this deponent saith not.

Jas. D. Barnes

Sworn to and subscribed before the undersigned, this 21st day of March 1885.

B. F. McLemore

Com'r in Chancery

An Account of the fee simple value of the real Estate whereof J. E. P. Turner died seized and possessed - required to be taken by a decree of the Circuit Court of Southampton County entered at the November Term 1884. —

678 acres of land, valued at		$3000.00
½ Interest in 10 acres of land - situate at Hebron upon which is a Store house Ware-house and Office valued at $600. —		300.00
		$3300.00

Rogers. Et. Ux. et. al
vs
Report
Sumners

1885. March 25. filed

2

Commissioners Office
Jerusalem. March 21st 1885—

To the Circuit Court of Southampton County.

Pursuant to a decree of the Circuit Court of Southampton County rendered at the November term 1884. in the Chancery suit of "Rogers et. ux. et. als against Turners." - the undersigned, one of the Commissioners of said Court, begs leave to report: That on the 20th day of February 1885. he issued Notice to the parties, Plaintiffs and Defendants, informing them, that on the 21st day of March 1885. he would proceed to take the Accounts called for in said decree at which time and place they were required to attend. he also issued Subpoenas against Jos. W. Turner and Jas. A. Barnes. requiring them to appear at his Office, in Jerusalem, on the said 21st day of February 1885. as witnesses - that said Notice and Subpoenas have been returned to your Commissioner by the Sheriff, duly executed. and are herewith filed. that the depositions of said witnesses were taken by, and subscribed and sworn to before your Commissioner, and are herewith filed, and prayed to be read as part

of this report. That the Commissioner has made an account showing the number of Acres of land in the proceedings mentioned, and the fee simple value of the same. which account is also filed herewith, and shows that James E. P. Turner, at the time of his death, was seized in fee of 678 acres of farm lands valued at $3000.00 _ and one-half (1/2) interest in 10 Acres of land and buildings thereon, known as the Store lot. (the other half being owned by Geo. W. Turner brother of the decedent) which is, in the opinion of your Commissioner, worth $1000.00 _ said lot has upon it a Store House. Ware-House and Cotton Gin, and is situate in the upper part of this County at the X roads known as Hebron and near Hebron Baptist Church. The witnesses examined by the Commissioner, estimated this lot as being worth only $600.00, which is, in the opinion of the Commissioner. (and he knows the premises well) considerably less than its real value. _

From all the evidence before the Commissioner, as well as from his own knowledge of the premises. he is of opinion

that the tract of 678 acres can easily be divided among the parties entitled, that the interest of all concerned will be promoted by a sale of the store lot for the following reasons. viz: That only one-half of said lot belongs to the Estate of decedent. that all of the buildings are situated upon one corner of said lot. that it would be impossible to divide it into two shares without giving to one of said two shares, all of the buildings. and that the other of said two shares would be worthless. The Commissioner therefore respectfully recommends a sale of the Store lot. and division of the farm, believing that the interest of all parties concerned will be promoted thereby. The Commissioner is satisfied that the above plan meets the approval of the adult parties to the suit, and also of the Guardian of the minors. No party interested has expressed to your Commissioner any desire to purchase any part of said property.

Comr's fee. $10.00 paid B.F.M.

A.H. Barnes - Wdw $1.00

G.W. Turner " 1.00

Respectfully Submitted

B.F.M. Lemon

Comr in Chancy

ch. to plaintiffs -

Rogers ads
vs
Turner & others

This day this cause came on to be further heard on the papers formerly read and the report of Comr. J. B. Price showing calculation and disbursement of ~~sale the purchase money for Lot No~~ Lot No. and was argued by Counsel. On consideration whereof, the said report is confirmed, no exceptions being filed to the same - and nothing further appearing necessary to be done, this suit is ordered to be removed from the docket.

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Rogers Ellipse Jr. 98

vs Z. Matl. Rules

Turner's Jr.

In Southampton Circuit Court.

Virginius Rogers & Lelia his wife
B. B. Cland & Margaret his wife — Pltffs. — In Chancery.
against
Ruth Turner and James T. Turner, both minors — Defts

1884.

July 28 Summons issd to Aug Rules.

Aug Rules. Bill & Exhibits filed. L. B. Prince assigned Gdn ad litem to infant defts. Answer of Infants filed. Gen'l Replication. Decree nisi vs Defts.

Sept. Rules. Cause set for hearing as to defts.

By virtue of a decree of the Circuit Court of Southampton County entered at the May Term 1885 appointing J.J. Woodard. T.E. Pete, David Turner & B.R. Bryant - Commissioners - to divide up the lands of J.E.P. Turners Estate between his four Children - We, the said Commissioners beg to report as follows, to wit:

We have had the said lands Surveyed and have divided them into four parts of equal value and have assigned by lot, to

Mary E. Claud (formerly Turner) the Home Place containing Sixty three & 7/10 (63 7/10) acres marked on Surveyors Plat "Lot No 1" - and also a parcel containing Twenty five (25) acres for wood & Rail timber - and we give her or the owner (in future) of this Twenty five Acres & Home Place the privilege of a passway around the out edges of Lots, Nos. Two & Three (2 & 3) - to & from the Lots marked No 1.

The value of these Two parcels we place at $650.00

To James T. Turner we give the parcel known as "Harris Place" marke on Plat Lot No. 2 containing Two hundred & two & 1/4 (202 1/4) acres - valued at $650.00.

To Lelia Turner now Rogers - we give the "Old Turner Place" marked on Plat Lot No. 3 - containing Two hundred & two & 1/4 (202 1/4) acres - valued at $650.00.

To Ruth Turner - we give the "Ramsey Place"

marked on Plat Lot No. 4. containing one hundred and forty (140) acres valued at $650.00.

For particulars as to metes & bounds see survey herewith enclosed.

Most respectfully submitted

T E Pate

B R Bryant

~~J. J. Woodard~~

David his X mark Turner

Commissioners

Filed for record
at 3 o'clock P.M.
January 19th 1887

Recorded Oct 19. filed

("Ramsey Place")

140 acres

Ruth Turner

Lot No 4

Pine (6) cor.

N 67¾ E 27.00 chains

Dead Cedar (6) & Cor

2027¼ Acres

N 9½ E - 55-20 chains

Sgum (4) Cor

Pine (8) Cor

Allegum & Pine Cor P.S.T & W.E. Leigh

3 Dogwood

Hickory (1) corner of H. Musgrave & W.E. Leigh

Ellis Ponder

R. Oak (24) in g.w. To line

("Old Turner Place")

Lot No 3

Lelia Rogers

4.00 chains

N 11¾ E 3.98 chains

S 83½ E 32.65

Lot No 2 = 202 & acres ("Harris Place")

James T. Turner

P.S. Thomas

Mulberry

Cor No 1

Lot No 1 = 23½ acres

Mary E. Claud

N 3 E 26.38

Road

Cor Mulberry

Pine (2) Cor

J. Sledge's Estate

Lot No 3

Mary E. Claud

Pine (2) Cor

J. Sledge's Estate

S. gum (4) Cor

Lot No 2 = 202 & acres

J. Sledge's Estate

S. gum (10) Cor for J.W. Turner

Lot No 1 = 63 7/10 Acres

Mary E. Claud

B.A. James

S. gum (10) Cor

Holly (6) cl.

Pine (20) cl.

Road

Blk gum (10) Cor.

scale

10 chains = 1 inch

The above Plat represents the lands of J.E. P. Turner's Estate - Situated in Southampton Co. Va near Hebron Church - Surveyed and divided between his children by Commrs. appointed by the Circuit Court at its May Term 1885

Surveyed Sept 14th 1885

R. Kindred

Surv.