1891 - 12 Southampton County Chancery - Knight M.T (Guardian) vs Britt, Orphans

Sale of real estate to support Children

Britt, Ada
" , Addie
" , Walter H.

Britt, Ada
" , Addie
" , Walter H.
Cogsdale, James
" , Virginia

53

Knight. Gov

Vs

Comm Report.

Britts Orphans

1888. Oct. 26. filed

Commissioner's Office,
(Courtland) - Jerusalem, Va.,
Oct., 22nd: 1888.

To the Hon: C.V. Hill, Judge of the Circuit Court for Southampton County.

In pursuance of a decretal order of the Circuit Court for the County of Southampton, entered at the May Term 1888, in a cause in Chancery in the said Court depending between M.J. Knight, Guardian, &c., Complainant, and Ada, Addie and Walter N. Bell, minors, defendants, an office copy of which decree is hereto annexed, the undersigned, one of the Commissioners of the said Court, to whom was referred the enquiries, —

1st: Whether or not the interests of the infant defendants will be promoted by a sale of the land in the bill mentioned or any part thereof.

2nd: Whether the rights of any person will be violated by such sale, together with any matter specially stated deemed pertinent by himself, or which may be required to be stated by any interested party, would respectfully report that, on the 5th: day of September 1888, he issued notice to the parties Concerned, as will appear by the notice herewith returned, requiring them to appear at his office in the town of (Courtland) - Jerusalem, Va., on the 25th:

day of September 1888, when he would proceed to execute the said order, — and they failing to appear on that day, the same was continued until October 3rd: 1888, at which time the depositions of witnesses, herewith returned as a part of this report, were duly taken, in obedience to process, hereto annexed; that, in the opinion of the undersigned, the facts set forth in the Complainant's bill are substantially proved; and that, a sale of the land in the proceedings mentioned would be to the interests of the infants and the rights of no one would be thereby violated. With the exception of a small log-cabin, there are no improvements on the land at all; and, consequently, the annual rental is only $35.00, — a sum too inadequate to meet the necessary wants of three needy Children. But, if it should be sold for a fair price, the interest on the money arising therefrom judiciously invested would, in its present unimproved condition, according to the evidence upon which this report is based, exceed its annual rental; and, thus the interests of the infants would be necessarily advanced by the sale. The witnesses, who have testified in the cause, are familiar with the land and with the condition of the parties, one

of them having once owned it, — they all think the land would sell well.

Respectfully Submitted,

Wm H Parker,

Commissioner in Chancery.

Commissioners Fee.

$10.00 charged to Plaintiff

Witnesses.

J. M. Corbitt. 74 cts

Wm H Beaton. 74. cts.

The Depositions of J. M. Corbitt and others taken before me, Wm. H. Parker, a Commissioner in Chancery for the Circuit Court of Southampton County, pursuant to notice hereto annexed, at my Office in the town of (Courtland,) Jerusalem, on the 22 nd: day of October 1888, between the hours of 9 O'clock A. M., and 5 O'clock P. M., to be read in evidence in behalf of the plaintiff in a certain suit depending in the Circuit Court of Southampton County, wherein M. J. Knight G'd'n &c., is plaintiff and James Cogsdale wife and others are defendants.

Present.

W. J. Sebrell — Counsel for plaintiff.

J. B. Prince G'd'n ad litem for infant defendants.

The witness J. M. Corbitt being duly sworn deposeth and saith as follows:

Ques. What is your age, occupation, residence and do you know the parties to this suit?

Ans. I am 59 years old, Merchant and farmer, live at Boykins, Southampton County, and know the parties to this suit.

Ques: Do you or do you not know the land in the bill mentioned?

Ans: Yes. I know every foot of it, having

formerly owned it.

Ques: Are there any Considerable improvements on said land?

Ans: Nothing but a little log Cabin.

Ques: Do you know of any rights of any party or parties that would be violated by a sale of said land?

Ans: I do not.

Ques: Do you think the interest on the money for which the land would sell, would exceed the rent of the land in its present condition?

Ans: I think it would if sold at a fair price.

Ques: Do you think that the interest of the infant Defendants would be promoted by a sale of said land and a proper use or investment of the money arising from such sale?

Ans: I think they would.

And further this deponent saith not.

(Sd) D. W. Corbitt

The witness, Jonas R. Bryant, being duly sworn, deposeth and saith as follows:

Ques: What is your age, occupation, residence and do you know the parties to this suit?

Ans: I am 39 years old, farmer, live in Smith-ampton County, near Boyland, and know the parties to this suit.

Ques: Have you heard the deposition above just given by J. M. Corbitt, and, if so, do you corroborate the same?

Ans: I have heard it and I corroborate it. And further this deponent saith not.

J. R. Bryant

State of Virginia, County of Southampton, Towit:

I, Wm. H. Parker, a Commissioner in Chancery of the Circuit Court for the County of Southampton, in the State of Virginia, do hereby certify that the foregoing depositions of J. M. Corbitt and J. R. Bryant were duly taken, sworn to and subscribed before me at the place and time mentioned therein and in the caption thereto, pursuant to the annexed notice.

In witness whereof, I have hereto set my hand on this 22nd. day of October 1888.

Wm. H. Parker,

Commr in Chancery.

Knights Gdi &c

vs

Summons

Bill &c

Executed Sept. 24th 1888
by delivering a copy of
this Summons to each of the
within named parties

R. D. Moore Deputy
for J. H. Williams Sheriff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON J. M. Corbitt, Wm M. Beaton and Thos R. Bryant

me, a Commr in Chancery of the Circuit

to appear before ~~the Judge of our~~ Court of Southampton County, at ~~the Courthouse thereof,~~ at my office in the Town of Jerusalem on the 25 day of Sept, 1888, to testify and the truth to speak on behalf of M. J. Knight, Jr'dn etc—

in a certain matter of controversy in our said Court depending and undetermined between Said M J Knight, Jr'dn as aforesaid, plaintiff, and Ada, Addie and Walter H Bell, minors, defendants.

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

WITNESS, ~~B. E. McLEMORE, Clerk~~ Wm H Parker, a Commr in Chancery of our said Court, at the Courthouse, this 22 day of Sept, 1888, in the 113 year of the Commonwealth.

TESTE:

Wm H Parker, Commr in Chancery.

Knight, G'dn &c.

vs

Smith

Bill, &c.

Served copy on each one of the parties in person on the 18th day of October 1888

R D Moore
Dep Sheriff
for
J. W. Williams

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON J. M. Corbitt, Wm. M. Beaton and Jonas R. Bryant -

to appear ~~before the Judge of our~~ Wm. F. Parker, a Commr in Chancery for the Circuit - Court of Southampton County, ~~at the Courthouse thereof,~~ at his office in the Town of (Courtland) - Jerusalem on the 22" day of October 1885 ~~Term~~, to testify and the truth to speak on behalf of

M. J. Knight, Gdn &c -

in a certain matter of controversy in our said Court depending and undetermined between said

M. J. Knight Gdn &c -, plaintiff, and

Jas. Boyd and wife, defendants.

And this ~~Thou~~ shall in no wise omit under the penalty of the law. And have then there this writ.

WITNESS, ~~B. F. McLEMORE, Clerk~~ Wm. F. Parker, a Commr in Chancery of our said Court, at the Courthouse, this 13 day of October 1885, in the 113 year of the Commonwealth.

TESTE:

Knights filed
To Notice

Britt Carpenters

Executed Sept 18th 1888 by delivering copies of this Notice to B. F. McLemore Guard of Libel

J. W. Williams Sheff

Jas. Cogdale & Virginia, his wife, Send notice to them.

Commissioner's Office,

Jerusalem, Va., Sept. 5th 1888

To W. J. Knight, G'd'n of Ada, Addie and Walter H. Britt, and Ada, Addie and Walter H. Britt.

You are hereby notified that I have fixed upon the 25th day of September next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:

1st: Whether the interests of the infant defendants will be promoted by a sale of the lands in the bill mentioned, or any part thereof;

2nd: Whether the rights of any person will be violated by such sale; which enquiries the said Commissioner will make and report to Court, together with any matter specially stated deemed pertinent by himself, or required by any interested party, to be stated

required to be taken by a decree of Southampton Circuit Court, rendered at the May term, 1888, 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 said Court, the day and year first aforesaid.

Wm. H. Barker,
Commissioner.

To the Sheriff of [illegible] County to execute.

Knights Gdn.

v. Decree

Britts Orphans

Aleoly

In Southampton Circuit Court May Term 1888.

Knight Gdn.

v. Decree.

Britts Orphans.

This day this cause came on to be heard upon the complainants amended bill taken for confessed as to the adult defendants, the answer of the infant defendants above 14 years of age, the answer of the infant defendants by gdn ad litem and was argued by counsel. On consideration whereof the court doth adjudge order and decree that it be referred to one of the commissioners of this court to ascertain and report to this court.

1st Whether the interest of the infant defendants will be promoted by a sale of the land in the bill mentioned or any part thereof.

2nd Whether the rights of any person will be violated by such sale, which inquiries the said Commissioner will make report to court together with any matter specially stated deemed pertinent by himself or required by any interested party to be so stated.

A Copy Teste. B. F. McLemore cc

Knight, Edw 1650
" Fr
Bills Orphans
Clerk $11.37 paid 12 7m
Sh'ff 3.80 pair gent. shtt
Advs. 33.00 pair Bl's (2 Suits)
Comb. 5.00 13 F m pond
Witness 2.96 recpt to be sent by Knight
$56.13

Knights Gdn Ty
vs Summons
Britt &c

1884 April Rules

1

2

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON Ada, Addie & Walter H Britt all minors

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 April next, to answer a bill in Chancery exhibited against them in our said Court by M. J. Knight Son of Ada, addie and Walter H. Britt

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

WITNESS, J. B. PRINCE, Clerk of our said Court, this 18th day of March, 188X, in the 108th year of the Commonwealth. Teste. J. B. Prince

54

Knight, Edw &c.

v. } Decree.

Brill &c.

Nov. Term 1887.

To be entered -

Prince Pearsall, p.q.

Knight, Gdn &c - }
vs. } Decree.
Britt &c }

This day this cause came on to be heard upon the complainants' bill, the amended bill, taken for confessed as to the adult defendants, the answer of the infant defendants by D.B. Prince their guardian ad litem, the depositions of witnesses and was argued by counsel. On consideration whereof, and it appearing to the Court that the interest of the minors would be promoted by a sale of the land in the proceedings mentioned, the Court doth adjudge, order and decree that W.J. Sebrell, who is hereby appointed a Commissioner for the purpose, do proceed, after having duly advertised the time, place and terms of sale by notices posted at five or more public places in the County of Southampton, to sell the Real Estate in the bill & proceedings mentioned, consisting of a parcel of land of about 108 3/4 acres & adjoining the lands of Dennis Bryant, Dr. W.P. Sebrell, Elbert Pope & others, upon the following terms, to-wit: One third cash; one third on a credit of twelve months and the residue on a credit of two years from the day of sale, the credit instalments to bear interest

from the day of sale; taking from the purchaser bond with good personal security for the deferred payment, and the title to be retained till the further order of the Court. But the said W.J. Sibrell, Commissioner, shall receive no money under this decree until he shall enter into bond with sufficient security before the Clerk of this Court, in the penalty of $, and conditioned for the faithful discharge of his duties hereunder. And the said Commissioner shall make report to Court; and a copy of the certificate from the Clerk of this Court that the bond required by this decree has been given shall be appended to the advertisement of sale, and the certificate shall be returned with his report to Court.

Knight, Geo -

vs. Decree.

Britt Orphans.

May term 1888.

To be entered -

C Mott

J

Prince & Sebree, p.q.

Knight, Edw - }
vs. } Decree.
Britt's Orphans.

This day this cause came on to be heard upon complainants amended bill, taken for confessed as the adult defendants, the answer of the infant defendants above 14 years of age, the answer of infant defendants by Guardian ad litem, & was argued by Counsel. On consideration whereof, the Court doth adjudge, order and decree that it be referred to one of the Commissioners of this Court to ascertain & report to this Court,

1st Whether the interest of the infant defendants will be promoted by sale of the lands in the bill mentioned or any part thereof.

2nd Whether the rights of any person will be violated by such sale,

which inquiries the said Commissioner will make & report to Court, together with any matter specially stated deemed pertinent by himself, or required by any interested party to be so stated.

The Depositions of Dr Geo. W. P. Cole & others taken before me, B. F. McLeyard, a Commissioner in Chancery for the County Court of Southampton, pursuant to Notice hereto annexed. at the Office of W. J. Sebrell in the town of Jerusalem. on Saturday April 26th 1884 between the hours of 10 A. M. and 6 P. M. of that day to be read as evidence in a certain Chancery suit pending in the Circuit Court of Southampton County. wherein N. J. Knight Guard'n is Plaintiff and Ada, Addie & Walter Britt are Defendants -

Present: W. J. Sebrell, Atty for Plaintiff
J. B. Pinner, Gd'n ad litem.

The Witness: Geo. W. P. Cole, being duly sworn deposes as follows:

1st Question: What is your age, where do you reside, and do you know the parties to this suit?

Ans - My age is 27 Years - reside at Boykins, Va. and know the parties to the suit. -

2d Q: Do you, or do you not know the land in the bill mentioned?

Ans. I do -

3d Q: Do you think the interest of the infant Defendants would be promoted by sale of said land? and a proper use or investment of the proceeds arising from such sale?

Ans: Yes Sir: I do -

Q: Do you know of any rights of any party or parties that would be violated by such sale?

Ans: I do not.

Q: Do you know whether or not the infant Defendants are possessed of any Considerable Personal Estate?

Ans: I know that having Medical accounts against some of the Defendants, I have applied to their Guardian to settle, and have been told by him that there were no funds in hand.

And further this Deponent sayeth not.

Geo. H. P. Poole

The Witness Jas. M. Corbitt, being duly sworn deposes as follows:

Q: What is your age, where do you reside and do you know the parties to this suit?

An: My age is 55 years, reside at Boyles ville and know all the parties to the suit.

Q: Do you or do you not know the land in the bill mentioned?

And: Yes, I know every foot of it having formerly owned it.

Q: Are there any Considerable improvements on said land?

Ans: Nothing but a little log Cabin.

Q: Do you know of any rights of any party or parties that would be violated by a sale of said land?

An: I do not.

+ Q: Do you know whether or not the infant Defendants are possessed of sufficient personal Estate to enable them to add, building, improvements &c to said land?

+ Ans: I do not think they are. about last Christmas, I applied to Mr Knight, their Guardian, for a settlement of Store Accounts I held against the Defendants and was told by him that there were no funds in hand, with which to pay any debt against his wards.

Q Do you think the interest on the money for which the land would sell, would exceed the rent of the land in its present condition?

Ans I think it would.

Q: Do you think that the interest of the infant Defendants would be promoted by sale of said land, and a proper use or investment of the money arising from such sale?

Ans: I think they would.

And further this deponent saith not.

J. W. Corbett

Comm'r's fee $5.00

Witness

J. M. Corbett. $0.50
Milago --- 24
74
E. H. Cole. $0.74.

Chg to Plaintiff.
"

Virginia

South'ampton County, To Wit:

I, B. A. McLemore, Comm'r in Chancery for the County Court in the said County and State, do hereby certify that the foregoing depositions of Dr Geo'g N. Cole and Jas M. Corbitt were duly taken, sworn to and subscribed before me, at the time and place, and for the purpose therein mentioned.

Given under my hand this 26th day of April A.D. 1884.

B. A. McLemore

Com'r in Chancery

Knight's Guard's
vs
Dickerson's Heirs

Exhibit
1884. Apl 26th Filed
B. A. McL. D.C.

Knight, Edw &c.
v. 3/3 Decree.
Britt Orphans.

Nov. Term 1888.

To be entered.

C Mott
Nov 9, 1888

320

Bruce v Sibbett.

Knight Gdn &c. Decree.

vs.

Britts Orphans.

This day this cause came on to be further heard upon the papers formerly read and upon the report of Comr. Wm. H. Parker, filed Oct. 26th 1888, 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 it appearing to the Court that the interest of the infants would be promoted by a sale of the land in the proceedings mentioned, the Court doth adjudge, order and decree that J. B. Prince and W. J. Sebrell, who are hereby appointed special Commissioners for the purpose, do proceed after having duly advertised the time, place and terms of sale, to sell the Real Estate in the bill & proceedings mentioned, consisting of a certain tract or parcel of land lying in Southampton County, containing 108¼ acres, more or less, and adjoining the lands of Dennis Bryant, Elbert Pope and the tract of land late owned by Dr. W. P. Sebrell, decd., upon the following

terms, to-wit: One third Cash, one third on a credit of twelve months, and the balance on a credit of two years from day of sale, the purchaser to execute bond with approved security for the deferred payments and the title to be retained till all the purchase money is paid. But the said Commissioners will not proceed to execute this decree till they shall have entered into bond before the Clerk of this Court, with approved security, in the sum of $1500 conditioned for the faithful discharge of their duties hereunder, and a certificate from the Clerk that the bond required by this decree has been given shall be appended to the advertisement of sale and returned along with the Report to Court. And said Commissioners will make report to Court.

Knight, Gdn

to

Comm'rs. Bond

Brills. Orphans

1888. Nov. 14. Filed

Recorded page 8.

Know all men by these Presents, That we W. J. Sebrell. J. B. Pruiett and Thos. E. Sebrell

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 14 day of November A. D. 1888.

THE CONDITION of the above obligation is such that if the above bound W. J. Sebrell, who was appointed a Special Commissioner, by decree of the Circuit Court of Southampton County, entered at the Nov Term 1888, in the Chancery Cause of "Knight. Gdn &c Wills' Orphans." to sell the real Estate in the Bill and proceedings mentioned. containing 108 1/4 acres. adjoining the lands of Dennis Bryant. & others. upon the terms prescribed by said decree., shall well and truly perform the duties required of him under the aforesaid decree and those of any other decree which may be entered in this Cause..

~~shall faithfully discharge the duties of~~ ~~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.

W. J. Sebrell. SEAL

J. B. Pruiett SEAL

Thos. E. Sebrell SEAL

SEAL

Know all men by these Presents, That we M. J. Knight - W. H. Deal & B. F. McLemore

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of six 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.~~ Confirmed Warrants Bonds of this State

Sealed with our seals and dated this 8 day of November A. D. 18 90

THE CONDITION of the above obligation is such that if the above bound M. J. Knight

Guardian of Ada, Addie & Walter Britt.

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.

M. J. Knight - SEAL

W. H. Deal SEAL
mark

B. F. McLemore SEAL

Knights Widows &c
of
Britts Orphans

Report of Comte
J. B. Prince
H. J. Schell.

Knight Gdn &c
vs
Butte Orphans

Report of Comrs
J. B. Prince
H. J. Sibell

In this cause the Commissioners report that pursuant to decree entered herein at the Nov term 1888 they exposed to sale by public auction, after having given due notice of time, place and terms of sale, the real estate in the proceedings mentioned at which said sale M. J. Knight became the purchaser of said real estate in the sum of $400, and that the said M. J. Knight is anxious to anticipate the credit instalments and to pay in cash the full purchase price of $400 and take a deed for said land; that your Commissioners regarding the sale as a good one would recommend its confirmation and that they be allowed to collect from the said M. J. Knight the purchase price of $400, and execute to him a deed for said land with special warranty.

All which is respectfully submitted.

J. B. Prince
H. J. Sibell

Filed Cir Ct.
Jefferson Co } Comrs

Received Nov. 7th 1890 of D.B. Price & W.J. Sebrell, Commissioners in suit of Knight Gdn &c. vs. Britt's Orphans, Ten & 3/100 Dollars on a/c of land of my ward, Ada, Addie & Walter Britt, sold under decree in said suit.

M. J. Knight

Guardian &c.

Britt Good

vs Summons

Cogdale Jr.

1884- Sept: Rules

Executed Augt 28. 1884
by delivering a copy of
the summons to Jno. Cogdall &
& Virginia A. ~~Francis~~ Cogdale.

P. Carow D.S.
for A.W. Briggs
Chf

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON James Cosgodale & Virginia A, his wife, and Ada, Addie & Walter H. Britt, the last three minrs

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 an amended bill in Chancery exhibited against them in our said Court by M. J. Knight Gdn of Ada, Addie & Walter H. Britt

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

WITNESS, J. B. PRINCE, Clerk of our said Court, this 18th day of August, 1884, in the 109th year of the Commonwealth.

Teste. J. B. Prince C. C.

Rec Nov 8. 1890 of L. B. Prince & W.
J Scheer Comm in Knight Gdn vs
Butts orphans. three hundred &
Eleven & 87/100 dollars in lieu
of bulance due mess Gdn to
Butts orphans in said suit.

M. Jr Knight Gardian

Knights Gds
in 3. Report

Britt orphans

1891. May 4

Knights Exr
vs
Britts Orphans

Report of Comrs I B Price and W. J. Sebrell.

In this cause your Comrs submit the following report. That pursuant to decree of Nov Term 1890 they have collected from M. Knight the sum of $400. purchase price for the land in the proceedings mentioned and have disbursed the same as follows:

By amt received		$400.00
To Comrs.	$17.00	
" amt for deed	5.00	
" Costs of Suit	56.13	
" pd Exr (2 Receipts)	321.87	$400.00.

We have executed to the purchaser a deed with Special Warranty for the land and there is nothing further to be done in this suit.

Respectfully submitted

I B Price
W J Sebrell } Comrs.

May 4. 1891.

To Judge Cir Ct. Southampton Co. Va

Knight Bdn &c
vs
Britts Orphans

Decree -

This day this cause came on to be further heard upon the papers formerly read and upon the report of Commissioners J.B. Prince and N. J. Sebrell filed during the term by leave of the court and reporting sale of the real estate in the proceedings mentioned to which report there is no exception and was argued by counsel. On consideration whereof the court approving and confirming the said report and the said sale, doth adjudge, order & decree that the said Commissioners J.B. Prince and N. J Sebrell collect from the purchaser N. J Knight the purchase price of $400 and execute to him a deed for said land with special warranty - And the court doth further adjudge, order & decree that the said Commissioners J.B. Prince and N. J. Sebrell after collecting the said sum of $400 pay therefrom the cost of this suit & the balance to the guardian of the infants Ada, Addie & Walter Britt taking receipts for the amounts thus

said and return the same along
with their report to this Court and
order to a further decree, but the
said commissioners will not pay
over the said balance to the said
guardian until he shall have
executed bond or site approved
security before the clerk of this
court in the penalty of $600. and
condition according to law.

Knight Hdw Co
vs
Butts Appliance

49

Decree

Ex 12 entered
Nov term 1890.

CMD

Nov 6, 1890

Ent

Knights Sons
of 3 Degree

Britt Oxham

1891. Nov Term

To be sentenced.

Cmd

Nov 6, 1891

Entered

Knight Gdn

vs

Deane.

Britt Upham

This day this Cause came on to be again heard on the papers formerly read, the report of Comrs Bruce Schurz, filed May 4. 1891. reporting Collection of the purchase money - for the land sold in these proceedings - Credit the sum of $400. the proper disbursement of same, supported by vouchers - the Execution of deed to M. J. Knight, with Special warranty, to which there is no Exception - and was argued by Counsel - On Consideration whereof, the said report is confirmed - and nothing further appearing necessary to be done in this Cause the same is ordered to be removed from the docket.

The joint and separate answer of Ada, Addie and Walter H. Britt, infant defendants over the age of fourteen years, to a bill in Chancery exhibited against them & others in the Circuit Court of Southampton County, by M. J. Knight, Gdn of said Ada, Addie & Walter H. Britt.

For answer to the said bill, the said Ada, Addie and Walter H. Britt answer and say that, though under full age, they believe they know what are their interest in the matters referred to in said bill; they believe the statements in said bill are true, & that it will be to their advantage to sell the land as therein prayed for.

And now having fully answered, they pray hence to be dismissed &c.

Ada H. Britt.
Signed Walter H. Britt
Addie Britt

City of Norfolk,

This day personally appeared before me, Wm D. Smithall ——, a N.P. for the City of Norfolk, [redacted], Addie & Walter H. Britt & severally made oath that they believe the statements in foregoing answer to be true.

Given under my hand this 24th day of March 1888.

Wm D. Smithall N.P.

North Carolina }
Henderson County }

This day personally appeared before me Dan Hodges Notary Public for the State and County aforesaid Alex W. Britt and made oath that he believe the statements in foregoing answer to be true- Given under my hand & official seal this 18th day march 1888.

Dan Hodges Notary Public

Knight. Edd
vs
Britt Oakhams

Answer of defendant
Defendant.

1888. April 30. filed -
B. F. M. a.c.

57

Knight: Gov^r:

vs 3 Stat: Rules

Britt &c:

In Southampton Circuit Court.

M. J. Knight, Gdn of Ada, Addie & Walter H. Britt — Pltffs.

against.

James Cogdale & Virginia a his wife, Ada, Addie & Walter H. Britt - last three minors. — Defts.

In Chancery.

1884 Aug 18 Summons issd to Sept: Rules.

" Sept Rules. " ret'd Ex'd. Amended bill filed. I. B. Purvis assigned Gdn ad litem to infant defts. Answer of infants filed. Gen'l Replication thereto. Decree nisi vs adult defts.

" Oct Rules. Cause set for hearing.

Knights-Gov Vs

vs Gl. Statutes Rules

Britts orphans

In Southampton Circuit Court.

M. J. Knight, Gdn of Ada, Addie and Walter H Britt. Plff

against

Ada, Addie and Walter H. Britt. all minors. Defts

In Chancery.

1884
Mch 18. Summons to Apl Rules.

Apl Rules. I B Prince assigned Gdn ad litem to infant defts.
Bill filed, and answer of Gdn ad litem.
Decree nisi vs Defts. Genl Replication to answer.

May " Bill taken for confessed as to defts.
and Cause set for hearing.

Knight, Q'dr &c.
v. Chauey.
Brill

Amended bree. &c.

Debree, p. 9.

To Hon: George Blow, Judge of the
Circuit Court for Southampton—
In Chancery.

Humbly complaining sheweth unto Your Honor by way of amended bill your Complainant M. J. Knight, Guardian of Ada, Addie and Walter H. Britt, infants under 21 years of age that the said infants are seized in fee-simple of a certain tract or parcel of land lying in Southampton County, containing 108¼ acres, more or less, & adjoining the lands of Dr. W. P. Sebrell, Dennis Bryant, Elbert Pope and others.

Now your complainant is advised and therefore alleges that the interest of the said infants will be greatly promoted by the sale of the said land; that the said land is almost entirely destitute of buildings and improvements and therefor rents for very little — the highest rent your Complainant being able to realize therefrom being about $35 per year, that in consequence of the limited, if not impoverished circumstances of the said infants they are not able to add improvements to the

said land or to place thereon necessary buildings, and that therefor it is annually deteriorating in value; that the interest on the money for which the land owned sell owned exceed the rent of the land & that in consequence of the tender years of the said infants it is all important that their estate be as available as possible, so as to provide for their education and support. That Virginia A. Cogsdale, formerly Britt, the wife of James Cogsdale, is the only heir of the said infants in the event of their death. In consideration of all which, your complainant prays that said James Cogsdale and Virginia A., his wife, and Ada, Addie & Walter H. Britt, the last three infants, be made parties defendant to this bill and compelled to answer its allegations, that some fit & proper person be assigned guardian ad litem to defend the interest of said infants; and that your Honor will decree the sale of the said land and the investment of proceeds upon such terms & conditions as will best promote the interest of the said infants & that all such further relief may

be given as in the premises is just and right.
And your complainant will ever pray &c—

C. J. Sebrell, p.q.

The joint & several answer of Ada, Addie & Wallie H. Britt, infants by D. B. Prince their guardian ad litem to ~~an~~ amended bill in Chancery exhibited against them by M. J. Knight, &c., in the Circuit Court for Southampton County.

These respondents saving & reserving &c., for answer to said bill say that they are infants, and being such know nothing of the facts alleged in said bill. They therefore submit their rights to the protection of this Court having answered pray hence to be dismissed &c.

D. B. Prince,
G'd as Litem

Sworn to before me, Nov 3d 1884.
B. F. McLemore D.C.

To the Hon. George Blow,
Judge of Circuit Court for Sonchampton:

Humbly complaining sheweth unto Your Honor your complainant M. J. Knight, Guardian of Ada, Addie and Walter H. Brill, infants under 21 years of age, that the said infants are seized in fee simple of a certain tract or parcel of land lying in Sonchampton County, containing 108¼ acres, more or less, and adjoining the lands of Dr. W. P. Sebree, Dennis Bryant, Elbert Pope, and others.

Now your complainant is advised, and therefore alleges that the interest of the said infants will be greatly promoted by the sale of the said land; that the said land is almost entirely destitute of buildings and improvements, and, therefore, rents for very little — the highest rent your complainant being able to realize therefrom being about $35— per year; that in consequence of the limited, if not impoverished, circumstances of the said infants they are not able to add improvements to the said land or to place thereon

necessary buildings, and that, therefore, it is annually deteriorating in value; that the interest on the money for which the land would sell owned exceed the rent of the land, and that in consequence of the tender years of the said infants it is all important that their estate be as available as possible, so as to provide for their education and support. In consideration of all which, your Complainant prays that the said Ada, Addie and Walter H. Britt, infants under 21 years of age may be made defendants to this bill, and that they by a guardian ad litem to be assigned them, be required to answer the allegations of this bill, and that your honor will decree the sale of the said land and the investment of the proceeds upon such terms & conditions as will best promote the interest of the said infants, and that all such other further relief may be given as in the premises is just and right.—

And your Complainant will ever pray &c.

W. J. Isbell, p. q.

The joint and several answer of Ada, Addie and Walter H. Britt infants by J.B. Prince their G.d'n ad litem to a bill in Chancery exhibited against them by W.J. Knight, &c. in the Circuit Court for Southampton County.

These respondents saving and reserving for answer to said bill say that they are infants and being such know nothing of the facts alleged in said bill. They therefore submit their rights to the protection of this Court and having answered pray hence to be dismissed &c.

J.B. Prince, G'd'n ad litem.