1891_15 Southampton County - Chancery Magett, E.C et als Vs Magett, Ezra

Carfirm sale of Tinsla

Magett, George
Magett, Robert L.
Gillette, J.E. +
Gillette, Lucy A. his wife
Hatton, G Trustee for
Magett, Ezra infant

To

The Hon. C. N. Hill Judge of the Circuit Court of Southampton County.

Complaining showeth unto your Honor, your orators E. B. Magee George H Magee Robert L. Magee J. E. Gillette and Lucy O Gillette his wife who was formerly Magee and G. Hatton Truster for &c, that Ezra Magee the infant son of E.B. Magee, one of your orators, is seized of a 1/4 undivided interest in 1128 Acres of land situated on the Three Creeks in Drewryville District, Southampton County, that 1/3 of his said interest in the tract as aforesaid is vested, while the remaining two thirds is subject to a life estate therein of his father E.B Magee; that said Ezra Magee has two brothers and a sister now living to wit: George H Magee, R. L Magee and Lucy O Gillette in each of whom is a 1/4 interest in the said tract of land subject to like conditions as the share of the infant Ezra Magee, all of which will appear by reference to the Will of Mrs Dolly Neal. a Copy of which, marked X. is herewith filed.

Your Complainants state further that on February 20th 1889 as will appear by a Copy of the deed herewith filed marked "Y" they conveyed their interest in certain timber then

standing on said tract of land and particularly described in said deed for the sum of $3500. subject however so far as the interest of the infant Ezra Magee is concerned to the approval of this Court; that in said deed it is provided that the sum of $1000, shall not be paid to the grantors or parties entitled thereto until the interest of Ezra Magee is ascertained by one of the Commissioners of this Court, that the amount thus withheld is considerably more than the said infants share; that the said infant is now almost twenty years old and is unable to complete his education, having no personal property whatever save his interest herein referred to. That the sale is a good one is shown by the fact that all the adults in interest have gladly consented to the sale and conveyed their interest by the aforesaid deed.

Your complainants further state since the sale of the timber as aforesaid W.T. Deal & Co. to whom the said timber was sold, have assigned all their effects to G. Hatton Trustee for the benefit of their creditors, and among the property thus assigned is the timber sold by your orators; that said G. Hatton Trustee &c. is willing to pay to the Guardian of Ezra Magee the amount he is entitled to as soon as the same is as-

certained by a Commissioner as aforesaid.

That in the event of Ezra Maget's death under twenty one years, E.C. Maget, his father and one of your Complainants, would be his sole heir at law.

Forasmuch therefore as your orators are without remedy save in this honorable Court, they pray that Ezra Maget may be made a party defendant to this bill and required to answer the same, that a proper guardian ad litem be assigned to protect the interests of said infant, that the said sale of the timber as aforesaid be confirmed; that a Commissioner be appointed to ascertain the said defendants interest in the estate as aforesaid, and that all such further and general and special relief may be granted as the nature of the case may require or to equity may seem meet. And your Complainants will ever pray &c.

E.C. Maget
George H. Maget.
Robert L. Maget

Jas. L. McLemore p.q.

State of Virginia
County of Southampton to wit

This day personally appeared before me, the undersigned, Clerk of the Circuit Court of Southampton County, Geo H. Maget

one of the Complainants in the foregoing bill and made oath that he believes the statements therein contained are true.

Given under my hand this the 29 day of April 1891.

B. F. McLemore Clerk.

Mayet et als.
vs. Bill and Exhibits
Mayet

McLemore D.C.

Writ Prohibition? Mandamus – Dues Warrants –
Injunction – Habeas Corpus – Specific per-
formance – Contribution – Case & Vi et armis –
Suit vs RR for damages – defence – Con=
tributory negligence – Mistakes – Equity
When – Partition – Suit for – what is –
do – Infants how represented – Execution
suit how instituted – Reference to Com=
missioner – What to do for sale of Lim=
ber on Infants Lands – Rule of evidence
in Civil Cases – in Criminal – When
an Issue out of Chancery may be
awarded –

Magistrals.

vs. Inchy

Maget

Answer of Gov

ad litem

The answer of W. J. Sebrell Guardian ad litem to Ezra Mayes an infant under 21 yrs of age to a bill in Equity exhibited against him and others in the Circuit Court of Southampton County by E. C. Mayes & als. Plaintiffs.

This respondent for answer to the said bill says, that he knows nothing of the facts stated in said bill thereof but so far as he knows & believes, he is of opinion that the sale of the timber in question is decidedly to the interest of all parties concerned, he submits, as in duty bound he ought, all questions to the protection and determination of this Court. And having fully answered he prays hence to be dismissed with his reasonable cost &c.

W. J. Sebrell
Gdn ad litem

Sworn to and subscribed before me this the day of April 1891.

B. F. McLemore C.C.

Mayet + als: 172

" Stat: Rules

Mayet

E. C. Mayet. Geo. H. Mayet.
R. L. Mayet. J. E. Gillette & Lucy
C. Gillette, his wife. and
G. Hatten, Trustee } Pltffs

vs

Ezra C. Mayet - a minor.
by W. J. Sebrell his Gdn ad litem } Defts.

1891. Mch 30. Proc ispd to 2 apl Rules.
" 2" apl Rules. Proc Executed. W. J.
Sebrell appt Gdn ad litem.
Bill & Ex: filed.
days min
" 1 May " Answer of Gdn ad litem
filed. Gen. Repl + Cause
set for hearing.

Will of
Dalley Rene
a Copy

Exhibit "X"

In the name of God Amen. I Daley Neal, being of Sound mind and in the enjoyment of reasonable health do make and publish this my last Will & testament hereby revoking all other wills by me made at any time before this.

Item 1st I desire all my just debts paid.

Item 2nd I loan to the present wife of E. L. Magee and third of the judgment lien in my favor against said E. L. Magee which is secured by a deed of Trust from said Magee & wife recorded in the Clerks office of Southampton, the said one third to be enjoyed by the present wife of said Magee during her life free from any debts or demands against the said E. L. Magee and at her death the said one third I devise to the children of E. L. Magee equally, upon the condition that the said E. L. Magee is not to be forced to pay any of said debt during his life, except what he may choose to pay.

Item 3rd I loan to E. L. Magee during his life the other two thirds of the lien debt in my favor against him more particularly described in Item 2nd and at his death I devise & bequeath the said two thirds to his children equally: the loan to E. L.

Maget it is my will & intention, is to be free from any debt or demand against said E.b. Maget, and the said E.b. Maget is empowered & requested to make such advances out of this two thirds to any of his children as he may feel able to do at any time provided that the shares of all shall be kept equal.

Item 4th I give & bequeath to Lucy Maget daughter of E.b. Maget my bureau with the looking glass thereto attached and all my silver & glassware, and my filly called Fanny.

Item 5th I give & bequeath to Geo. Maget son of E.b. Maget: my horse called Mary Thom.

Item 6th I give & bequeath to Robt Lee & Ezra b Maget, sons of E.b. Maget the balance of my horses, with this proviso, that E.b. Maget may use said horses until the said sons shall be large & old enough to use & employ the same, and should the said stock be destroyed or injured in the use of said E.b. Maget, then it is my will that he shall replace them by others equally as good.

Item 7th I give & bequeath to my sister Polly Harris my two large Hams & their

contents, also my chamber sitting chairs.

Item 8th I give & bequeath to my niece Nannie Hammonds two feather beds, with the clothing for same & two bed steads.

Item 9th I give & bequeath to Dolly Ann Fox my large mantel looking glass.

Item 10th I nominate and appoint my nephew E.L. Magett, my Executor, and I request of the Court not to require any security of him in qualifying as my Executor. Witness my hand and seal Sept 23rd 1874.

Dolly Neal (Seal)

Acknowledged in
the presence of
James E. Sewell
William N. Sewell

In consequence of the changes which have taken place in the condition of my property since the execution of my will and testament on the 23rd day of September A.D. 1874, I Dolly Neal do hereby make and ordain this addition or codicil to my said last will and testament and desire this to be a part thereof.

Item 11th My sister Polly Harris having departed this life since the execution of my

said Will, the personal property mentioned in Item 7th of said Will. I do hereby give and bequeath to my niece Martha Jane Grizzard wife of Joseph Grizzard.

Item 12th — All the residue of my estate of every kind whatsoever, real, personal or mixed, I give bequeath and devise as follows to wit: One third of said residue to Louisa J. Magett wife of E. L. Magett during her life, and at her death to go in equal portions to the children of said E. L. Magett, this devise or bequest is subject in all respects to the terms and conditions imposed on the property mentioned in Item 2nd of my said original will.

Item 13th — The other two thirds of said residue I hereby give bequeath and devise to my said nephew E. L. Magett during his life and at his death to his children in equal shares. And this bequest or devise is subject in all respects to the terms and conditions imposed on the property mentioned in Item 8th of my said original will.

Witness my hand and seal this 16th day of September A.D. 1879.

Signed and acknowledged in presence of us, both present together
Jas. E. Sorrell
Jas. D. Turner

Dalley Neal (Seal)

At a County Court held for the County of Southampton on the 18th day of September 1882. This Will and testament of Dolly Neal decd and the Codicil thereto annexed were presented to the Court for proof and the said Will was proved by the oaths of James E Sewell and William H. Sewell the subscribing witnesses thereto; and the Codicil was proved by the oaths of James E Sewell and John I Turner, the subscribing witnesses thereto, whereupon the said Will & Codicil are ordered to be recorded, and on the Motion of Eldridge L Mayes, the Executor therein named who made oath according to law and entered into and acknowledged a bond in the penalty of Fifteen hundred dollars conditioned as the law directs (Cash with out security the Will directing that none should be required and the Court requiring none) which bond is ordered to be recorded. Certificate is granted the said Eldridge L Mayes for obtaining a probat of the said Will and Codicil in due form.

Teste L. R. Edwards C C

A Copy

Teste B. F. McLemore C C

Hill at
Dalley Mine
area

Exhibit "X"

Mayr et als.

vs. In Chancery

Mayer

Answer of Ezra

Mayer a minor over 14

The answer of Ezra Magett a minor over
14 years of age to a bill of complaint exhibited
against him & others by Eb. Magett & als in the
Circuit Court of Southampton County.

This respondent, saving & reserving
For answer to said bill says: That the facts
as set out in said bill he believes to be
true; that he is old enough to know some-
thing of his interest, and he thinks the sale
made a good one, decidedly to the interest
of all concerned and therefore hopes it
may be confirmed by the Court and
having fully answered he prays hence
to be dismissed

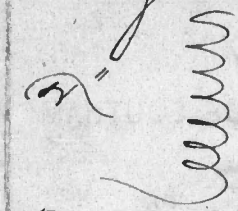
E. E. Magette Jr.

Virginia
County of Southampton to wit:

This day personally appeared before
me the undersigned a ~~Justice of the Peace~~
for the County of Southampton and State aforesaid
Ezra E. Magett and made oath that the statements
made in the foregoing answer are correct
to the best of his knowledge and belief.
Given under my hand this the 2 day of May
1891.

R. F. Barham Jr.

Mayr & als:



Summ:

Mayr

1891. Apl Rules

Lein: Let:

McLennan Dy.

Executed by delivering
a copy of this Summons
W. J. Scott
April 4th 1891
J. W. Williams
Sheff.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON Ezra E. Mayck - a minor by W. J. Sebrell - his 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 3d Monday in April 1891 ~~next,~~ to answer a Bill in Chancery exhibited against him in our said Court by E. E. Mayck - Geo. H. Mayck - R. L. Mayck - J. E. Gillette & Lucy C. Gillette his wife and G. Hatton, Trustee -

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

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 30 day of March, 1891, in the 115th year of the Commonwealth.

Teste: B. F. McLemore C. C.

Southampton Circuit Court: May Term 1891.

Mayet & als

vs

Decree

Mayet.

This day this Cause came on to be heard upon the bill and Exhibits filed. the answer of the infant defendant by C. J. Sebrell his Gdn ad litem, general replication thereto and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that one of the Commissioners of this Court take evidence touching the advisability of the sale made by the adult parties hereto of the timber on the standing timber on the tract of land on which E. C. Mayet now resides. and also what is the interest of the infant Ezra Mayet in the $3500.00 the purchase price of the said timber, and report to Court at once. And by consent of parties in open Court this is made a vacation cause.

A Copy - Teste: B. F. McLemore cc

1

COMMISSIONER'S OFFICE,

COURTLAND, VA., May 6 1891

To E. C. Mayet. Geo. H. Mayet. R L. Mayet. Lucy A. Gilliette & J. E Gilliette, her husband. and G. Hallin Thurston. and Ezra C. Mayet a minor, by W. J. Sebrell his Gdn ad litem.

You are hereby notified that I have fixed upon the 11th *day of* May *next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:*

Evidence touching the advisability of the sale of the timber on the farm on which E. C. Mayet now resides. made by the adult parties to this suit.

2d What is the interest of the minor E. C. Mayet in the $3500.00 the purchase price of said timber

required to be taken by a decree of Southampton Circuit Court, rendered at the May *term, 1891, 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.

B. F. McLemore *Commissioner.*

To the Sheriff of Southampton county to execute.

We acknowledge
legal service of this notice.
Jas L. McLemore Atty
for Pltff.
W. J. Tidwell, Gdn. ad litem &c.

The Depositions of B. E. Worrell & others taken by B. F. McLemore, Commissioner in Chancery of the Circuit Court of Southampton County. to be read as evidence in a suit pending in said Court under style of Wagst, et: als: vs Wagst. May 11. 1891.

The Wit'n of B. E. Worrell being sworn deposes as follows:

Q: What is your age, residence and occupation. and do you know the parties to the suit. and the Timber on the E.C. Wagst tract of land?

A: My age is 55 years. reside in Southampton County. am a Farmer & Merchant. Know the parties to the suit and timber on the plat mentioned.

Q: Do you, in your judgment. consider $3500.00 a reasonable price for the said Timber?

A: I do. I consider the timber well sold. And further this deponent saith not.

Benj. E. Worrell

The Wit'n of R. F. Barham being sworn deposes as follows:

Q: What is your age, residence and

occupation. and do you know the parties to this suit

A: My age is 55 years - reside in Southampton County - am a farmer. and know the parties to the suit

Q: Do you know the Timber in the Bill mentioned, and if so, what would you consider a fair price for it?

A. I know the Timber - lies on the adjoining farm. and consider $3500.00 a good price for it.

And more this deponent saith not.

R. F. Barham

Mazet et: als:
vs } Report.
Mazet
1891. May 11. filed

Commissioner's Office.
Courtland, Va.
May 11th 1891.

To the Circuit Court of Southampton Co.
Pursuant to a decree of said Court.
entered the 5th day of May 1891, in
the Chancery Cause of Mayo + als:
vs. Mayo. the undersigned Com=
missioner reports to Court, that hav=
ing issued Notice to the parties.
(legal service of which has been ac=
knowledged. and is herewith filed)
he proceeded this day, to examine
witnesses touching the sale of the
timber in the bill and proceedings
mentioned. and also to ascertain
what was the interest of the minor,
Ezra C. Mayo. in said timber.
Upon the evidence of Messrs
B. E. Worrell and R. F. Barham
(whose depositions are herewith filed)
the Commissioner is satisfied that
the sale, made by the adult parties, of
the timber hereinbefore referred to
is a good one, that $3500.00 is the
true value of said timber. and there=
fore recommends that said sale be
confirmed, so far as the same refers

to the minor. Ezra C. Mayer. and that G. Hallan, Sheriff, be directed to pay over the balance in his hands to the Guardian of said Mayer. The interest of Ezra C. Mayer the minor, in the lands sold, is 1/4 of $3500.00 - or $875.00 - subject to the life estate of E.C. Mayer Sr. in two thirds of said sum of $3500. - which, said life estate. according to the tables in such case made and provided, is $952.00 - the said E.C. Mayer Sr. being 67 years of age - making the interest of said Minor, at present equal to $637.00 or 1/4 of $2548.00, the true amount to be divided, after deducting the present value of the life estate of E.C. Mayer Sr.

Respectfully Submitted.
B. F. McLemore
Comr in Chancery

Comrs fee $5.00
ch Plff.

The Commissioner, deeming it pertinent to state specially that at the time of the death of Mrs Dolly Neal, there was a Deed of Trust on the tract of land devised by her to E.C. Magee wife, for life, and at their death, to their children, that said the debt secured by said Trust deed amounted to $ and interest to be added. that the object in selling the timber on the land was to raise money with which to pay off and discharge the said indebtedness. that the sum of $2500.00 collected by the said parties, has been applied in that direction. And that Ezra C. Magee the minor, should be required to pay an equal amount, with the other parties interested, in satisfaction of said debt. Should the Court decree, the interest of the minor will be 1/4 of $7228.00 or $1807.00.

Respectfully Submitted
B. F. McLemore
Comr in Chy

This Deed made July 20. 1889, between E.G. Magee and Louisa J his wife Geo. H. Magee J. Ezra Gillette and Lucie D his wife and Robert L Magee of one part and W.F. Deal, Geo R. Frank and J.B. Frank partners in business under style of W. F Deal & Co of the other part. Witnesseth- That in consideration of Thirty five hundred dollars to be paid in cash, the remaining two thousand to be paid in two equal payments of one thousand dollars each, the first to be paid

apl 1

Jany 1st 1890 and the second to be paid July 1st 1891 both carrying interest from Jany 1- 1889 till paid, the said parties of the first part have sold and conveyed unto the parties of the second part, all the standing pine, white and and ash timber down to ten inches across the stump, except the oak timber in the low grounds that is suitable for stave timber, on the tract of land upon which E.G. Magee now lives containing 1128 acres be the same more or less, bounded by the lands of J.M. Bartlett, Wm Brown Miss Agnes Applewhite, B.F. Applewhite, Percy Barham and the three Bros Co. It is agreed that the said parties of the second part shall have six years to get up

said timber and shall have the right to create mills tramways or a railroad to cut and remove not only this timber, but any timber adjoining this farm, and also the right to remove said mill tramway railway &c. It is agreed that out of the last payment the interest of the infant chier of E.C. Magee viz Ezra C. Magee, may be ascertained, the said parties of the second part shall pay the same in whatever manner the Circuit Court of Southampton may direct, and W.E. Worrell who now holds a bond secured by a deed of Trust on this farm by affixing his signature to this deed consents to the sale made herein, upon the express condition that the purchase money shall be paid first to the payment of his bond.

Witness the following signatures & seals

E.C. Magee (Seal)
Louisa J. Magee (Seal)
Geo H. Magee (Seal)
R.L. Magee (Seal)
J.E. Gillette (Seal)
L.O. Gillette (Seal)
Benja E. Worrell (Seal)

Virginia
Southampton County to wit:
I John D Turner a Justice of the peace for the County aforesaid in the State of Virginia do certify that J. E. Gillette & Lucy C Gillette whose name are signed to the writing above bearing date Feby 20-1889 have acknowledged the same before me in my County aforesaid.
Given under my hand Feby 21-1889.
John D Turner J.P.

It is understood that the right of way for rail road or tram way mentioned in the above writing shall not run nearer than one hundred & fifty yards of the residence of Mr E. B. Maget.
W. F. Deale & Bro.

State of Virginia
Southampton County To wit:
I John D Turner a Justice of the peace for the County aforesaid do certify that E. B. Maget & Louisa J. his wife. Geo D Maget and Robt L. Maget whose names are signed to this writing above dated Febry 20th. 1889 have acknowledged the same before me in my County

aforesaid.
Given under my hand this 21st
Febry 1889.

John D. Turner J.P.

Southampton County. In the Clerk's
office May 11- 1889.
The foregoing Deed from E.C. Mayo &
wife &c to W.F. Deal & Co was this
day received and with certificates
annexed admitted to record.

Teste B.F. McLemore C.C.

A Copy
Teste P.M. Howard D.C.

May 11 1889
To } Deed from
Deal & Co

Exhibit "A"

Exd. & ret'd

Magello Falls

No. 3 Statement

of

Magello. Louis McLewis

To

The Hon. L. H. Hill Judge of the Circuit Court of Southampton County.

Your Comr. since filing his report in this cause on May 11th 1891, which report has been confirmed by Decree of June 10th 1891. has ascertained that there was an error in the same relative to the amount of money now in the hands of G. Hatton Trustee &c. which error your Comr. was induced to make by reason of a payment recently made by Mr Hatton, and of which his information was at the time ignorant. Your Commissioner in light of the present facts begs to report that the amount in Mr G. Hatton's hands, instead of $1000. as was previously reported is now $721.74 and that the interest of the Infant Ezra L. Magee jr. in the aforesaid sum of $721.74 amounts to $146.96 instead of $182.50 as was previously reported.

Respectfully Submitted

B. A. McLemore

Comr in Chancery

July 21. 1891.

Statement of Bonds and payments made thereon.

1889 from W. F. Deal & Co. to E. B. Mayette & others

Febry	20.	Amt of purchase	$3500 00	
	"	By amt. paid in cash		$1600 00
		Balance due.	$2000.00	
March 1890	20	Int. on $2000.00 from ~~Febry 20/89~~ Jany 1. 89	146 66	
			$2146 66	
"	"	By Cash from W. F. Deal & Co.		500 00
"	20	Balance due.	$1646 66	
Dec.	22	Int. on $1630. from March 20/90	74 10	
			$1720 76	
"	"	By amt pd to R. E. Warnell by G. Hatton.		1000.
"	"		720 76	
1891 Jany	1.	Int. on $703.00 9 days	1 08	
			$721 84	
		By amt. Costs in Suit		30 42
		Amt. now in hands of G. Hatton	$691 42	
		and now to be distributed.		
		Amt. rec'd by Mr. E. B. M. $500. less interest paid to R. E. Warnell. $394. leaving in Mr. M's hands $116. which amount must be added to the $673.98 in making distribution.	116 00	
			$807 42	
		Due Mr. E. C. M $219.47 - 116.00 = 103.47	219 47	
		" Mrs L. O. Gillette 1/4 of $789.98 =	146 66 1/4	
		" Mr. Geo H. Mayette 1/4 of $789.98 =	146 66 1/4	
		" " Rob. Mayette 1/4 of $789.98 =	146 66 1/4	
		" " R. E. Warnell Gdn E. C. M. jr. 1/4 of $789.98 =	146 66 1/4	
			807 42	
			$789.98	

And of the total amount of $789.98 Mr. E. B. Mayette would be entitled to $224.88 but he has already received on that amt $116.00 which must of course be deducted leaving $98.88 as his balance.

Magette et als.
vs. Report
of Wm. H. Edmonds
Magette

To The Hon. C.W. Hill Judge of the Circuit Court of Southampton.

Pursuant to a decree rendered July 24th 1891 in the Chancery cause of Mayette et als. vs. Mayette. directing G. Hatton Trustee &c. to pay me $146.96 as Gdn. of Ezra Mayette jr. I would beg to report the following: That in accordance with the decree as aforesaid I have received from Mr. G. Hatton the sum of $146.96 as of Aug 1891. and placed the same to the credit of my ward.

Respectfully Submitted
Benj. Edwards

Mayhtals

v

Decree

Mayhtt

June 10, 1891.

~~May 22.~~ 1891.

Jobs entered.

C Wt

Maget et al.

vs. Decree.

Maget Edw et.

This day this cause came on again to be heard upon the papers formerly read and upon the report of Com. B. F. McLemore filed May 11. 1891. ascertaining the interest of the infant Ezra Maget Jr to be $182.00 after paying off a Deed of Trust upon the property to which report there are no exceptions and was argued by Counsel. On consideration whereof, and the Court doth adjudge order and decree that G. Hatton Trustee out of the One thousand Dollars now in his hands, pay first the cost of this suit, each party in interest bearing such a proportion of the costs as their share bears to the entire amount to be divided. then pay to Benj. E Worrell Gdn of Ezra Maget $182.00 less his share of the cost & the remainder pay over to the adult parties as follows: to E.C. Maget Jr. $272.00 to Geo. K. Maget $182.00 to R. L. Maget $182.00 to Lucy O'Gilvie $182.00 less their pro rata part of the costs. but the amounts due to the adult parties may be paid to them without regard to Comr McLemore's report should they so desire. Said Hatton will take their receipt and report to Court for final decree.

Statement of Costs

Summ. 25. Cop. 13. Rule. 18. Atty 10.	.06
Dock. 18. Rule 50. Ent Rel 35. fil bill 15.	1.18
Fil Ec. 15. Rule 50. Ent. Return Fil. Dep. 15	80
2 Decree + Copies 1.44, Cop. Exhibits .25	3.69
Decree + cop. Dismissing Suit .42. Tax. Costs + cop .20	1.12
Filing away Papers	.25
	$7.70
Sheriff	.50
Comm	5.00
Lay. &c.	16.50
	$29.70
Dem + copy	.72
	$30.42

Magistrals.

vs. Decree

Magistrals

1891. May Term

To be stricken.

C. M. L.

Ent. page 161

Mayer et als

v.

Mayer

Decree.

This day this cause came on to be heard upon the bill and exhibits filed, the answer of the infant defendant by W. J. Sebrell his guardian ad litem, general replication thereto and was argued by Counsel. On consideration whereof the Court doth adjudge, order, and decree that one of the Commissioners of this Court take evidence touching the advisability of the sale made by the adult parties hereto of their interest in the standing timber on the tract of land on which C. L. Mayer now resides and also what is the interest of the infant Ezra Mayer in the $3500- the purchase price of said timber and report at once to Court. And by consent of all parties given in open Court this is made a vacation cause

Mayette et als.

vs. Decree

Mayette

1891. July 24

To be entered

In vacation

CWH

Magette et als
vs. Decree
Magette

This day this cause came on again to be heard upon the papers formerly read and upon the Statement made by Comr. B. F. McLemore showing an error in his report filed May 11th 1891. and was argued by Counsel. On consideration whereof and the Court being of opinion from the said Statement that the report of May 11th 1891 is erroneous so far as it reports on the amount in the hands of G. Hatton Trustee &c. doth set aside and annul the decree entered in accordance with said report on June 10th 1891. and being satisfied from the aforesaid Statement, that the interest of the infant Ezra L. Magette jr. in the $721.74 amounts to $146.96 doth order that the said G. Hatton Trustee &c. out of the funds in his hands, after first paying the costs of this suit, pay to R. E. Wansell Gdn of the said infant Ezra Magette jr. the sum of $146.96 instead of $182.00 as reported in the erroneous report as aforesaid: and ordered to be paid by the Decree of June 10th 1891. take his receipt therefor; and said Wansell Gdn. will report to Court.

Mayette et als.
vs. Decree
Mayette

1891. November Term
To be entered
C D L

Entered

Magette et als.

vs. Decree

Magette.

This day this cause came on again to be heard upon the papers formerly read, and upon the report of Benja. Wrenn Esq Com'r of C. C. Magette jr. reporting that G. Walton Foster had paid to him the sum of $146.96 as directed by Decree of July 24th 1891. No one appears by counsel. On consideration whereof the Court doth confirm the said report and nothing further remaining to be done in this Cause it is ordered that the same be dismissed from the docket.