

1895-16

Southampton County Chancery - Norfleet, J. Walter vs Atkinson, Vesuvia

exchanging deeds for
interest of a minor

Norfleet, Walter Henry
(a minor)

Prince, J. B. G. A. L.

Norfleet, W. H. (infant)

Pretlow, John Jr.

Prince, J. B. G. A. L.

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

Your complainant J. W. Norfleet,
guardian for W. H. Norfleet. an infant.
humbly complaining, sheweth
unto the court that on the
day of 1876. Henry O.
Cobb of said county, died seized &
possessed of certain lands in
Franklin Co. together with John
Pittman Jr & Jethro Cobb, that
afterwards, to wit, at the Term
of the Circuit Court of said Co.
in a chancery suit therein
pending, the said land was divided
between the joint owners
thereof, & the share of Henry
O. Cobb, viz one fourth allotted
to his children jointly in equal
shares. of which children was
born A. Cobb; that said born
A. Cobb then married your com-
plainant, & shortly afterwards
died, leaving one child. the
said W. H. Norfleet. That after-
wards, in a chancery suit in said
court for that purpose, the
said share of Henry O. Cobb, was

divided among his heirs. & that in
said division lot No 45- on the
map of said town, was allotted to
the said W.H. Norfleet, as is
shown by a decree in said suit,
entered at the May Term 1882
of said Court, a copy of which
is herewith filed, marked exhibit
"A" & prayed to be read as a
part of this bill. That afterwards
to wit, on the day of 188
John Putlaw Jr. being under the
impression that lot No 45- had
been allotted to him in the above
first described division, sold
the same to Mrs Maria Atkinson
& gave her a deed purporting to
be for said No 45, but which,
by an accidental mistake in descrip-
tion, was given for No 44, which
said John Putlaw Jr did not claim
again he having sold it to another
party, a copy of which deed is
filed, marked exhibit "B" &
prayed to be read as a part of
this bill. That the said Mrs
Atkinson, thinking that she
had a good deed for No 45-

proceeded to build thereon, &
now has a nice house on the
land owned by said W.H. Norfuit.
In view of the facts in the case
as above stated, your coun-
sellor thinks it is just
& right that Mrs Atkinson should
have a deed for said lot, but
that she or John Puttaw Jr. should
give the said W.H. Norfuit a fair
cash price therefor, or in
lieu thereof, certain land
in Franklin, of equal value
as the lot on which she has
built, No 45.

In order consideration whereof,
& your counsellor being remedy-
less now in a court of equity,
he prays that the said W.H.
Norfuit, John Puttaw Jr or
Mansie Atkinson be made
parties to this ~~bill~~ bill, & requir-
ed to answer the same, that
a proper guardian ad litem
be appointed for the said
W.H. Norfuit, who shall be
required to answer said bill,
that proper process issue &

all proper orders be made; that
commissioners be appointed to ascertain
report if it will be to the inter-
est of the said W. & H. Norfleet for
a deed to be given to Mrs Atkinson
for said lot. & if so, what a fair
price for same would be, & so
if it be proposed to give land
in lieu thereof, how much &
what land would be a fair
exchange. That all such other
further & general relief may be
granted as may be just & right,
and your complainant will
ever pray, &c.

J. W. Norfleet, Guardian

Virginia Southampton County, to wit
I ~~the day~~ ^{the day} personally appeared
before me, a justice of the peace
for said county, J. W. Norfleet,
guardian of the said W. & H. Norfleet,
the plaintiff in the foregoing
bill, & made oath that he
believes the statements contained
therein are true.

Given under my hand
this 18th day of March 1890.
T. R. Edwards J.P.

148
Norfolk. Guard
in ^{with} Stat. Rules
Atkinson & others

J. H. Norfleet, Guardian - Plff

vs

M. H. Norfleet - an infant,
by J. B. Paine Jr ad litem.

Merwin Atkinson and

John Fulton Jr. - Defs.

In
Chancery.

1890. Mich 11th Process issued to 2nd Mich Rules.

" 2nd Mich Rules - Process ret^d? Executed.

Bills & Ex: filed - J. B. Paine
ad litem.

decrees nisi.

" 1st April Rules: Bills taken for Confession
as to adults - answer of
Edw ad litem filed.
Genl rep: and Cause
set for hearing.

Southampton Circuit Court

May Term 1882

J. Walter Norflut and Walter Henry
Norflut the last named a minor
who sues by the said J. Walter Norflut
his next friend

Plaintiff

against

Richard H. Cobb, Annie Lee Cobb
and Caroline J. Cobb minors

Defetts

In Chancery

This cause was this day again heard on
the papers formerly read, and the report of Com's S.
B. Pretton, W. H. L. Goodman & others which was duly
filed April 24/82 to which said report no exception
has been filed, The Court Confirming said report.
doth adjudge order and decree that the said Richard
H. Cobb, son and one of the heirs at Law of Henry
Cobb dec'd have and hold as his own in fee the
following lots to wit: Lot No 22. Lot No. 67. Lot No. 10.
Lot No 36, Lot No. 58 and Lot No. 47. all of which
said lots are situated in the Town of Franklin
and are indicated by a map of said Town of
Franklin filed in the Chancery Cause of John
Pretton Jr vs Jethro Cobb & others. And the said
Caroline J. Cobb daughter and one of the heirs at
Law of Henry^{V.} Cobb dec'd have and hold as her own
the following lots to wit: Lot No. 57. Lot No. 71. Lot
No 38. Lot No. 37. Lot No 59 and Lot No 48 all of.

which said lots are situated in Town of Franklin and are indicated by said map. And the said Annie Lee Holland formerly Cobb and one of the daughters and heirs at law of Henry V. Cobb decd. (now the wife of Abram Thomas Holland) have and hold as her own the following Lots to wit: Lot no 2, Lot no 76, Lot no 11, + Lot no 17. which said Lots are situated in the Town of Franklin and are indicated by said map or plat; and the said J. Walter Norfleet (who had intermarried with Lora A. Cobb, one of the daughters and heirs at Law of said Henry V. Cobb decd., who has since died, leaving as her only heir Walter Henry Norfleet, a minor and her said husband surviving the said J. Walter Norfleet said husband, shall have and hold as tenant by the Courtesy, for the term of his natural life, remaining in fee to his said son Walter Henry Norfleet, the following Lots to wit: Lot no. 1, Lot no 45, Lot no. 35, Lot no. 55 and Lot no. 60, all of which said Lots are situated in the Town of Franklin and are indicated by the said map or plat. And it is further ordered that Luther R. Edwards be and is hereby appointed a Special Commissioner for the purpose, that he proceed to sell at public auction, the Lot situated in the Town of Franklin in the northward extension of Main Street which said Lot formerly belonged

to Henry V. Cobb decd. is supposed to contain one fourth of an acre more or less and is now vacant, the store house on said lot having been destroyed by the fire which occurred in the said town of Franklin in the month of February 1881 said lot is bounded by 1st Avenue on the South; by 2nd Avenue on the North; by the lot lately owned by H. B. Holland deceased on the west; and by a lane leading from 1st to 2nd Avenue on the East. Before exposing said lot at auction said Commissioner shall sufficiently advertise the same in three or more public places in the County and once a week for four successive weeks in the Franklin Gazette & Norfolk Landmark news-papers. Said lot shall be sold on the following terms to wit: One third Cash, the residue on a Credit of one and two years equal installments the purchaser to execute bonds with sufficient personal security & bearing interest from date for the deferred payments; or the Commissioner may allow said purchaser to anticipate the payment of said bonds & receive the whole purchase money in Cash if tendered, but must retain the title until the further order of this Court. But this decree is to be suspended until the said Luther R. Edwards shall have executed in the Clerk's Office of this Court bond with sufficient personal security in the penalty of two thousand dollars, pay-

able to the Commonwealth and Conditioned for
the faithful performance of this & all other orders
which may hereafter be entered in this suit.
And said Commiⁿ shall report to Court.

A Copy= Teste: B. F. McLemore C. C.

Proff^r Court, Guar^d in
or
wmm

Att^r General & others

Exhibit
"A"

Norfolk Edn
vs. 2nd Decree
Atkinson et al

Southampton Circuit Court.

May Term 1890.

Norfleet Gdn

vs.

Atkinson et als

2nd Decree

This day this cause came on to be heard upon the papers formerly read, & upon the report of A. M. Brownley, A. L. Gardner, C. C. Vaughan, J. P. Gay & P. D. Camp, Special Comrs, to which report no exceptions have been filed, & was argued by Counsel. Upon consideration whereof, the Court doth confirm said report, & doth further adjudge order & decree that J. C. Parker, who is hereby appointed a Special Commissioner for that purpose, proceed to make a deed, with special warranty, of goods & sufficient form, to said Mrs. V. Atkinson, for the interest of the infant W. H. Norfleet, in the said lot No 45 in the bill & proceedings mentioned, and he shall also take from said John Pretton Jr a good & sufficient deed, with general warranty, to said infant W. H. Norfleet, for said lots No 46 & 56, mentioned in said report, in fee simple, & have the same recorded in the Clerk's Office of the County Court of Southampton County, and he shall also collect of said John Pretton Jr the costs of this suit in full, & pay same, and he shall report to this Court at the next term thereof.

A Copy- Test: O. F. McLeans C. C.

Norflut, Guardian

"
v

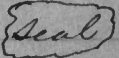
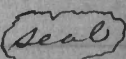
Atkinson + others

Exhibit-

" "
B

This Deed of bargain and sale made this 18th
day of March 1886. between John Pretlow Jr and
Sue E., his wife of the County of Southampton,
State of Virginia, of the first part, grantors, and
Vesuvia Atkinson of said County and State,
of the second part grantee, Witnesseth; that the
said grantors in Consideration of the sum of
Seventy five dollars, to them in hand paid, by
the said grantee the receipt whereof is hereby
acknowledged, do hereby grant, Convey, bargain
and sell with general warranty, unto the said
grantee, the following real property, to-wit: a
Certain parcel or lot of land, lying and situate
in the town of Franklin, said County and State,
and bounded as follows: on the North by fourth
avenue. on the South by 3^d Avenue, on the East by
Lot No 45, on map of Franklin, and assigned
to H. V. Cobb deceased, in the division of the real
property belonging to Pretlow & Cobb. and on the west
by lot No. 43, on said map and assigned to Jethro
Cobb, decd in said division. The lot herein convey-
ed is known and designated on said map as,
and contains a little less than
one fourth acre - and was assigned to the said
Jno. Pretlow Jr. in said division.

Witness the following signatures and seals.

John Pretlow Jr 
Sue E. Pretlow 

State of Virginia:

Southampton County, to wit:

I, L. R. Edwards, a Notary public in and for said County and State, do hereby Certify, that John Pretton Jr, whose name is signed to the writing above, bearing date the 18th day of March 1886 has personally acknowledged the same before me in my said County. And I further Certify that Sue E. Pretton, the wife of the said John Pretton Jr, whose name is also signed to said writing, bearing date as aforesaid, has also personally appeared before me in my said County, and being examined by me privily and apart from her husband, the said John Pretton Jr and having said writing fully explained to her, she, the said Sue E. Pretton acknowledged said writing to be her act and deed, declared that she had willingly executed the same and says that she does not wish to retract it.

Given under my hand this 20th day of March 1886.

L. R. Edwards, N. P.

Southampton County: In the Clerk's Office, March 25th 1886.

The foregoing Deed of bargain and Sale from John Pretton Jr + wife to Vesuvia Atkinson, was

This day received, and, with the Certificate annexed, admitted to record.

Teste: J. P. Prines c. c.

A copy- Teste: B. F. McLenore c. c.

Forfeited. Cdn
of 3 Report of
Carr's
Atkinson

To the Hon C. W. Hill. Judge
of the Circuit Court of South-
ampton County, Va.

We the undersigned, special
commissioners, appointed by
your Honor, by decree entered
in vacation April 15th 1890. in
the suit of Norfleet, Guardian,
vs Atkinson & others now pend-
ing in said court. Respectfully
report, that we have examined
into the matters stated in the
bill & proceedings in said suit.
& think it will be to the best
interest of the infant, W. N.
Norfleet. for a deed to his lot
No 45- to be made to the said
Mrs J. Atkinson, & that John
Pettaw Jr should make a deed
to the said W. N. Norfleet for
lots No 46 & 66 in said town
in lieu of the lot sold to
Mrs Atkinson

Respectfully,

Wm Brownley.

A. L. Gardner.

C. A. Vaughan

J. P. Gay

Ed. D. Camp

} Commissioners

Worshipful Guardian }
vs } In vacation
Atkinson, & others.

This day this cause came on to
be heard in vacation, upon
the bill taken for confessed
as to the adults, John Pullaw Jr
& Desnoia Atkinson, & upon
the answer of J. B. Prince. Edie
ad litem for the infant W. H.
Worshipful was argued by counsel
before consideration whereof.
The court doth adjudge, order
& decree that A. L. Gordon
C. C. Sangham, P. D. Camp,
A. M. Brannan & J. P. Gay,
be & are hereby appointed
special commissioners to inquire
into & report to this court
at the next term thereof.
1st As to whether it will be to
the interest of the infant
W. H. Worshipful to have a deed
for the lot in question, made
to the said Desnoia Atkinson.
2nd If said deed be made.
whether it will be to the in-
terest of the infant to take

clear for other land in Franklin
Va. in exchange for said lot.
& if so. what amount of land
& where situated will be given
for said lot.

3rd Any other matters which
said Board may deem for-
midable, or which they may
be requested to report on by
any body interested.

Respect. Edm
as 31th Decem
at New York

Reford

has 461 + 36

Norfolk. Guardian

4th } Sum

Norfolk Et. als:

1890. 2^d Mich Rules.

Cir: Et:

Executed by delivering
a copy of this Sum to
each of the within.

named parties

March 17 1890

J. W. Williams
Shpp.

X

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *N. H. Norfleet. an infant, by*
J. B. Prince. his Guardian ad litem - Vesuvia Atkinson
+ Geo. Prettow Jr.

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 *3^d* Monday in *March* next, to answer a bill in Chancery
exhibited against *them* in our said Court by *J. H. Norfleet, Gdn.*

And this *they* 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 *11th* day of
March, 1890, in the *11th* year of the Commonwealth.

B. F. McLemore

C. C.

Norfleet

4 3

Atkinson & others

Answer of Guardian
ad litem.

The answer of W. H. Norfleet, by J. B. Prince, his Guardian ad litem. appointed for that purpose, to a bill in Chancery exhibited against him in ~~and~~ said the Circuit Court of Southampton Co. by J. H. Norfleet.

This defendant in answer to said bill or so much thereof as he is advised is material for him to answer answering says: That he, being an infant, shows nothing of his own knowledge of the propriety of the Complainant's bill - and submits his interest to the protection of the Court. And having answered he prays & hence to be dismissed &c.

J. B. Prince
Gdn ad litem.

Worshipful Georgian }
vs } In vacation,
Atkinson & others }

This day this cause came on
to be heard in vacation, upon
the bill taken for confessed
as to adults John Puttall Jr. &
Vesuvia Atkinson, & upon
the answer of J. B. Prince
guardian ad litem for the
infant W. H. Norfleet, & was
argued by counsel.

Upon consideration whereof
the court doth adjudge,
order & decree that A. L.
Gordon C. C. Vaughan, P. D.
Carp. A. M. Bransley & J. P.
Gay, be and are hereby appointed
special commissioners to inquire
into & report to this court,
at the next term thereof,
1st as to whether it will be to
the interest of the infant
W. H. Norfleet to have a deed for
the lot in question made to
the said Vesuvia Atkinson,
2nd If said deed be made, whether
will be the interest of the infant
to take therefor other land

Worshipful. Elders
of } 1st Decree
} in relation
Attorneys - partners

April 10th 1890
To be entered
by clerk of Circuit
Court of San Antonio
Co. County,
C. M. Hill

Recorded Page 382.

in Franklin Co in exchange
for said lot, & if so, what amount
of land & where situated will be
given for said lot; or if not
practical to exchange lands,
what will be a fair cash
value for said lot.

3rd Any other matters which
said Cassio may deem im-
portant, or which they may be
requested to report on by any
party interested.

Franklin Van Left- 6th 1890
Rec'd of J. B. Parker. Special
Carr's in suit of Horfeut Elder
vs Atkinson & others. Lix + ²⁵/₁₀₀
dollars clerk's fee to date in said
suit. One + ⁵/₁₀₀ dollars will tax.
One + ²⁵/₁₀₀ dollars future costs.
+ Five + ²⁵/₁₀₀ dollars fee + tax for
according deed from John Putnam
to W. H. Horfeut. deed from J. W.
Horfeut to J. B. Parker. Lix Carr's
to O. Atkinson. - agreement
between O. Atkinson & John Putnam
Jr.

Rec'd payment Sept. 6. 1890

J. F. McLeure Clerk
J. D. Sell.

Recd of J. C. Parker Special Train's
One & 5-^{up} 100 dollars. Sheriff for
in suit of Hospital Genl as
Atkinson

J. W. Williams
Shiff

¹³⁰
Horsefub Cdn
vs ¹ Report of
² L. L. Cairns
Atkinson ¹⁴⁰

1890. Oct. 13. filed

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

The undersigned, Special
Clerk appointed by the Court at
its May Term 1890, in the suit
of Norfollt Edm vs Atkinson,
respectfully reports that he
has taken a deed from John
Pettow Jr to Wm Norfollt. for
the two lots mentioned in the
report of Clerk's Foreman & return.
and the same recorded. That
he has also made a deed to
Mrs O. Atkinson as directed by
the last decree. both of which
deeds have been recorded as
is shown by the Clerk's re-
ceipt-~~thereof~~ which filed.

James Cairns has accounted
from John Pettow Jr. 30⁷⁵/₁₀₀
the total costs in this case &
paid out the same as follows.
To Clerk costs to date

6.25

Shruff

1.50

Law fee & writ copy

16.50

Recording Deeds

8.25

Future Costs

1.25

For all of which ~~payments~~ are ~~herein~~ filed.
Respectfully,
J. C. Barker. Special Clerk.

30.75

Worshipful Judge }
as } 2nd decree
Atkinson it also }

This day this cause came
and to be heard upon the papers
formerly read, upon the report
of A. M. Browley, A. L. Gordon
C. B. Vaughan, J. P. Gay & P. D.
Camp, Special Masters, to which
report no exceptions have been
filed, & was argued by counsel.

Upon consideration whereof,
the court doth confirm said
report, & doth further adjudge
order & decree that J. B. [unclear],
who is hereby appointed a
Special Commissioner for that
purpose, should to make a
deed, with special warranty, of
good & sufficient force, to said
Mrs S. Atkinson, for the interest
of the infant W. H. Norplut,
in the said lot No 45 in the
bill & proceedings mentioned,
and he shall also take from
said John Pettus Jr. a good &
sufficient deed, with general
warranty, to said infant W. H.

Worshipful, for said late no 46056.
mentioned in said report, in
presimble, show the same
recorded in the clerk's office of
the County Court of Lantham-
ton county. And he shall also
collect of said John Pettas or
the costs of this suit in full,
+ pay same. And he shall
report to this court at the
next term thereof.

Worshipful Edm
as } 2nd Decem
Atkinson it also

To be entered

C. W. White

May 6. 1898

Entered

Norfleet, Guardian,

vs.) Final Decree.

Atkinson, & others.

Special Term, May 22nd 1891.

To be entered.

C. M. J.

Emb. Page 471

Norfleet,Guardian,

vs.)

Atkinson,et als.

This day this cause came on to be again heard upon the papers formerly read, and upon the report of Commissioner J.C.Parker, to which report no exceptions have been filed, and was argued by counsel.

Upon consideration whereof the court doth confirm said report, and it appearing that there is nothing further to be done in this cause, it is ordered that the same be removed from the docket.