1897_04 Southampton County Chancery Barham, J. L. et als Vs Deardon, Jas. J. Vendee

"In partition if possible if not it to be sold and proceeds be divided among parties entitled"

Saunders, Maria J.
Saunders, D. R
Warrell, Jeptha
Warrell, Albert C.

Warrell, J. T.
Darby, Paul
Warrell, Rosanna
Hall, Florence, infant

Parham J. L. Vendeet &c.

v. { Bill & Ex.

Darden J. J. et als.

1896. 21st. July Term.

L. A. Gay b. b.

JAMES L. McLEMORE,

Attorney-at-Law,

COURTLAND, VIRGINIA.

Everett Waddey Co., Stationers and Printers, Richmond, Va.

To the Honorable Robert R. Prentis, Judge of the Circuit Court of Southampton County , Virginia.

Complaining,showeth unto the Court,your complainants,J. L. Barham,vendee of Martha J. Roundtree,formerly, Worrell,and D. R. Roundtree her husband,and of Jeptha L. Worrell and Albert C. Worrell,respectfully represent,that Elias R. Worrell,who departed this life intestate, sometime in the year I8 ,was at the time of his death seized of a tract of land lying in the said County of Southampton,containing 82 I/2 acres,more or less,and bounded by the lands of J.L.Barham,Mrs, Chas. Knight,Jas. J. Darden the Seaboard & Roanoke Railroad & others.and that at the time of his death he left surviving him,the following heirs and distributees at law: Martha J. Roundtree,Jeptha L. Worrell,Albert L. Worrell/J.T.Worrell,Paul Derby Roxanna Worrell and Florence Hall,the last being an infant,all of which parties represent equal interest in said real estate of Elias R. Worrell.

That Martha J. Roundtree,Jeptha L. Worrell and Albert C. Worrell,by deeds duly recorded,have sold their interests to J.L.Barham, as will appear from the original deeds herewith filed as parts of this bill,marked "A" "B" & "D". That Jas. J. Darden has purchase,and now owns the shares of J.T.Worrelland Paul Derby as will appear from copies of the deeds to him, filed herewith as exhibits marked "E" & "F".; that Florence Hall is an infant under 2I years of age.

Your Complainant,believes that under the circumstances,the said real estate is not susceptible of partition in kind among the parties entitled thereto,if it is however,he desires the same to be done, and if it is not,then he desires the same to be sold and the proceeds divided among the parties entitled thereto,according to their respectiv rights;the shares of the infant to be held as the law directs. Should the property not be divisable in kind,your complainants believes and here states that the interest of those who are entitled to the said

real estate or its proceeds, will be promoted by a sale of the entire tract of land, or by a sale of part and allottment of the residue.

In tender consideration whereof, and forasmuch as your complainant is remediless in the premises save by the aid of a Court of Equity, where matters of this kind are alone and properly cognizable, your complainant prays that the said Jas. J. Darden vendee of J.T. Worrell, and of Paul Derby, and Roxanna Worrell and Florence Hall, the last one, an infant, be made parties defendants to this bill, and required to answer the same on their oaths; that a proper guardian ad litem, be appointed to defend the interest of the infant defendant in this suit, who shall also answer this bill; that the said real estate be divided between the several parties entietled thereto, and your compalinant's part, allotted to him, and in case the said real estate cannot be partitioned in kind, then that the same be exposed to sale, and the proceeds of such sale be divided among the parties entitled thereto; that all proper orders and decrees may be entered, and proper enquiries directed, and that all such other, and farther relief may be granted your complainant, as the nature of his case may require, or to equity may seem meet. Notice is hereby given that the Court will be asked to allow out of any funds coming under its control, reasonable fees to plaintiff's Counsel conducting this cause. And your complainant will ever pray &c.

J. L. Darden, Vendee.

Prince & McLaurin

Counsel for Plaintiff.

Jas. T. Harrell wife
To } D.T.B.S.
J. J. Darden

Exhibit "E".

1896. 2nd July Rules filed
L. A. Gay C.C.

This Deed made the 18th day of September in the year 1895 between Jas I Worrell and Emaline M Worrell his wife of the first part and Jas J Darden of the second part, all of Southampton County Virginia. Witnesseth: that in consideration of the sum of One hundred and fifty Dollars paid to the said J I Worrell and E M Worrell his wife by the said Jas J Darden the said Jas I Worrell and Emeline M Worrell his wife doth grant unto the said Jas J Darden All of their entire interest the said or ihayr had in the land Jas I Worrell hired from his mother in the whole of her land in two pieces said to contain eighty three acres more or less bounded by the lands of Mr Beale and Mrs Knight J L Barham J J Darden and others and after Jas I Worrell hired said land he made a Deed of Trust to his wife Emeline M Worrell on said land and this Deed is entered to to convey the whole of their rights in fee simple with general warranty to said Jas J Darden Witness the following seals and signatures this day and date first above written

Witness

Jas I Worrell his mark (Seal)

E M Worrell her mark (Seal)

Virginia: Southampton County

I Wm Beaton a Notary Public for the County aforesaid in the State of Virginia do hereby certify that Jas I Worrell

and E M Worrell his wife whose
names are signed to the writing
above bearing date the 18 day of September
1895 personally appeared before me and
acknowledged the same. In my County
aforesaid
Given under my hand this 18th day of September
1895

W. M. Beaton
Notary Public

Virginia
In the Clerks Office of the County
Court for Southampton County Court
Sept 20 1895 this Deed was presented
and with the certificate annexed
admitted to record
Teste: B. F. McLemore C.C.

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35
30
165

Mr. B. F. McLemore
County Clerk of
Southampton Va

Mr. B. F. McLemore County Clerk of Southampton County.

Dear Sir:-

You will please furnish Copies of deeds of B.F.S. from Martha J. Worrell, Jupetha L. Worrell and Albert L. Worrell to J. L. Barham to be marked Exhibits "A." "B." "D." and Copies of deeds from J. J. Worrell and Paul Darby to Jas. J. Darden to be marked Exs "E." & "F." Is to be used as Exhibits in Chancery Suit of Barham-Vendee Vs Darden Vendor.

Respectfully
L. A. Gay C.C.C.

Daniel R. Ramsdell and
Martha J. Ramsdell his wife
J. & J. Deed B 15.
J. L. Barham

Exhibit "K"

1896. 2nd July Rules Filed
L. A. Gay C.C.

This Deed of Bargain and Sale made this 7th day of March 1896 from Daniel R Roundtree and Martha J Roundtree his wife to J L Barham all of the County of Southampton and State of Virginia Witnesseth That for and in consideration of One hundred and fifty Dollars in hand paid to the said Daniel R Roundtree and Martha J ~~his~~ wife, the receipt of which is hereby acknowledged the said Roundtree and wife as aforesaid doth bargain & sell and by these presents doth ~~grant~~ convey ~~with~~ unto the said J L Barham and his heirs forever their entire undivided interest in all of the real estate of which the late Ira Worrell died seized and possessed with all appurtenances thereto attached with exception of one quarter of an acre on which the family burying ground is located said real estate is situated near Newsoms Va and bounded by the lands of Lenna Beale the said J L Barham and others and one other tract bounded by Lenna Beale Jas Hunt & L P Seal and the said D R Roundtree & Martha J Roundtree doth warrant and defend the title to said real estate

As Witness our hands and seals this day and date above written

Daniel R Roundtree Seal

Marth J Roundtree Seal

Virginia: Southampton County to wit:
I B F Knight Jr a Justice of the Peace in and for the County & State aforesaid do certify that Daniel R. Raundtree and Martha J Raundtree his wife whose names are signed to the above writing bearing date on Mch 7th 1896 acknowledged the same before me in my County aforesaid
Given under my hand this 7th day of March 1896
B F Knight Jr J.P.

Virginia
In the Clerks Office of the County Court for Southampton County Mch 16th 1896 This Deed was presented and with the certificate annexed admitted to record
Teste: B F McLemore C.C.

Jephtha Worrell wife
To } D.B.&S.
J.L. Barham

Exhibit "B"

1896. 2nd Jury Rules Filed
L.A. Gay. C.C.

This Deed of Bargain & Sale
made this 7th day of November 1894
from Jeptha L Worrell and Lula M.
Worrell, his wife grantors of the first
part, to J. L. Barham, all of the County
of Southampton, State of Virginia
Witnesseth. That for and in consi-
deration of the sum of one hun-
dred and twenty five Dollars, paid
by the said J. L. Barham to said
Jeptha L. Worrell & Lula M. his wife
the receipt of which is hereby ack-
owledged, the said Jeptha L. Worrell
& Lula his wife, doth bargain and
sell and by these presents doth convey
with general warranty unto the said
J. L. Barham and his heirs forever all
of their right title and interest pros-
pective and otherwise in and to a
certain tract or parcel of land of
which the late Dra. Worrell (his mother)
died seized and possessed, containing
One hundred, acres more or less,
lying near Newsoms Va. and bound-
ed by lands of Lemma Beal J. L.
Barham, S end R R & hereby warrant
and defend the title to same.
As witness the following signatures & Seals.

Jeptha L. Worrell (Seal)
Lula M. Worrell. (Seal)

Virginia

Southampton Co: To. Wit:
I. Thos. A. Bishop, a Justice of the Peace for the County aforesaid in the State of Virginia, do certify that Jeptha L. Worrell and Lula Worrell his wife whose names are signed to the above writing bearing date on 7th day of November 1894, has acknowledged the same before me in my County aforesaid.
Given under my hand this 7th day of Nov. 1894.

T. A. Bishop J.P. [Seal]

Southampton County. In the Clerks Office Nov 7th 1894
The foregoing Deed from J. L. Worrell & wife to J. L. Barham was this day received and with the certificate annexed admitted to record.
Test- B. F. McLemore C.C.

Albert L. Worrell.
J. } D.B.P.S.
J. L. Barham

Exhibit "D"

1896. 2nd July Rules Filed
L. A. Gay & Co.

This Deed of Bargain and sale made this 22" day of February 1896 from Albert C Worrell to J. L. Barham both of the County of Southampton & State of Virginia, Witnesseth: That for and in consideration of the sum of One hundred and thirty five dollars cash in hand paid by the said J. L. Barham to the said Albert C Worrell the receipt of which is hereby acknowledged, the said Albert C Worrell doth hereby bargain and sell and by these presents, doth convey with general warranty, unto the said J. L. Barham and his heirs forever all of his the said Albert C Worrell's right, title and interest in all of the said estate with all appurtenances thereto attached, of which the late Miss Liza Worrell died, seized and possessed said land lying near Newsoms Va. and bounded by lands of J. L. Barham, Lenna Beale & Seaboard & Roanoke Rail Road and one other tract bounded by said Lenna Beale, L. J. Seal & Jas Hunt, and the said Albert C Worrell doth warrant and defend the title to said interest

As witness my hand & seal this day & date above written

Albert C. Worrell Seal

State of Va
County of Southampton to wit:

I B F Enright Jr a Justice of the Peace in and for the County & State aforesaid do certify that Albert C Worrell whose name is signed to the above writing bearing date on Feby

22" 1896, acknowledged the same bfore me
in my County aforesaid
Given under my hand this 22" day of Feby 1896
B T Knight Jr. J.P.

Virginia
In the Clerks Office of the County Court
for Southampton County Feby 25" 1896 This
Deed was presented and with the certificate
annexed admitted to record
Teste B T W Lewis C.C.

This Deed made 20th day of Feby
in the year 1896 between Junius
D. Durby and Nannie B. Durby his
Wife the grantors of the first part
and Jas J. Darden the grantee of the
second part all of Southampton
County Virginia. Witnesseth that
in consideration of the sum
of one hundred and twenty five
Dollars having been paid to the
said Jas J. Darden the receipt of
which is hereby acknowledged.
The said J.D. Durby and N.B. Durby
his wife doth grant unto the
said Jas J. Darden the grantee all
of their entire interest or right
they now have or ever may have
in the Land which they Hired by
the Death of his grand mother
Mrs Ira Worrell Died which stands
on the Land Book in the name
of Elias R. Worrell but really
belonging to Mrs Ira Worrell Died
which she hired from her Father
Jas Worrell Died said Land is in two
pieces Nineteen and one half acres
more or less lying between S.P.—
Seals Sr and the S&E R.R Road and one
other piece Forty three Acres more or less
on which Elias R Worrell now
lives and bounded by the lands
of Mrs Lemuel Jas. L. Barham J.D.
Ferguson and others in all of

both pieces Eighty two and one half acres more or less. and the said Junius P. Derby and Nannie B. Derby his Wife Covenants to warrant generally the Right and Title to the above right to the said Land. Witness the following signatures and Seals this Day first above Written

Witness Junius P. Derby (seal)
Nannie B Derby (seal)

Virginia.
Southampton Co To Wit.
I Richard Howard a Notary Public for the County aforesaid in the State of Virginia do certify that Junius P. Derby and Nannie B. Derby his wife whose Names are signed to the above writing bearing date on the 20th day of February 1896 have acknowledged the same before me in my County aforesaid.
Given under my hand this 20th day of February 1896.

Richard Howard
Notary Public

Virginia
In the Clerk's Office of the County
Court for Southampton County
Feby 24th 1896. This Deed was presented
and with the certificate annexed.
Admitted to record.
Teste. B. F. W. Lemmon C.C.

Eliza L. Lisk "H"
1896. 2nd Feby Rules Filed
L. H. Gay C.C.

Jemima P. Darby wife
I. } 873.75
J. J. Darden

Virginia:

In Vacation, in the Circuit Court of Southampton County, August 31st. 1896

J.L. Barham, Vndr &c.

Vs.

J.J. Darden et als.

This day this cause, which has regularly matured at rules came on to be heard in vacation, upon the bill and exhibits filed, the answer of John N. Sebrell Jr., guardian ad-litem, regularly appointed at rules for the infant defendant, with general replication thereto, bill taken for confessed as to the adult defendants, and was argued by counsel.

On Consideration whereof, and it appearing to the Court that defendants have been had due and legal notice of plaintiff's intention to apply for this decree in vacation, doth adjudge, order and decree, that the papers in this cause be referred to one of the Commissioners of this Court, who is directed to enquire into and report to Court-

1st. Whether the real property in the bill mentioned can be conveniently divided in kind between the several parties entitled to shares therein.

2nd If the same cannot be conveniently divided in kind, whether any party will take the entire property and pay therefor to the other parties, such sums of money as their interest therein may entitle them to.

3rd. And if the same cannot be conveniently divided in kind and if no party will take the entire property and pay the others for their shares, whether the interest of those who are entitled to the said

property or its proceeds will be promoting by a sale of the entire property, or by allotment of part and sale of the residue.

4th. The fee simple value of the said land.

Which several enquiries the said Commissioner shall make and to the Court report together with any matters specially stated ~~by any party~~ deemed pertinent by him any, or required to be stated by any party interesting.

A Copy.

Test: L. A. Gay C.C.

Entered
page 86

Barham, Vaden, &c.
vs.
Barham et als.

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315

Barham, Vendee
v } Notice.
Dardan, Vendee

1896. Sept. 10.

We acknowledge due and legal service of this notice.
Sept. 4th. 1896.

Roanner Worrell
Jas J Darden
J. L Barham, by
Price & Lemon
attys.
Jno. Kerr Jr.
Gilliam & Gilliam

Commissioner's Office,

Courtland
Jerusalem, Va., ~~Sept. 3~~ Sept 3. 1896

To J. L. Barham, Vendee of Martha J. Rountree formerly Worrell & D. R. Rountree, her husband, and of Jeptha L. Worrell and Albert C. Worrell.

vs

J. J. Dardon Vendee of J. T. Worrell and of Paul Derby and Roxana Worrell and Florence Hall, an infant, by J. N. Sebrell Jr Gdn ad litem.

You are hereby notified that I have fixed upon the 10th day of Sept 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 real property in the bill mentioned can be conveniently divided in kind between the several parties entitled to share therein.

2nd If the same cannot be conveniently divided in kind whether any party will take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to.

3rd If the same cannot be conveniently divided in kind, and if no party will take the entire property and pay the others for their shares. Whether the interest of those who are entitled to the said property or its proceeds will be promoted by a sale of the entire property, or by allotment of part and sale of the residue.

4th The fee simple value of the said land.

With any other matters specially stated deemed pertinent &c.

required to be taken by a decree of Southampton Circuit Court, rendered ~~at~~ the 31st of Augt ~~term~~, 1896, 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.

B. F. McLemore

Commissioner.

To the Sheriff of Southampton County to execute.

Barham Vendee &c.
Ex } Report.
Darden. Vendee &c.
1896. Sept. 10. filed.

L. A. Gay b.b.

Commissioner's Office.
Courtland, Va.
Sept. 10th 1896.

To the Hon: Robt. R. Prentis. Judge of the Circuit Court of Southampton County:

In obedience to a decree of the said Court entered the 31st day of August 1896, in the Chancery Cause of Barham, Vedden & Darden, Vendors &c als: the undersigned Commissioner reports to the Court that on the 3rd day of September 1896. he issued Notice against the several parties to this Cause, requiring them to appear before him, at his Office, in Courtland, on the 10th day of September 1896. at which time and place he should proceed to enquire into and report the Accounts called for by the aforesaid decree., that legal service of said Notice has been acknowledged, and is herewith filed. Whereupon the Commissioner, having first examined E.J. Darden and C.F. Ferguson as witnesses, Gentlemen who reside at Newsoms, in the immediate vicinity of the land. and know it well. proceeded to enquire — 1st: Whether the real property in the bill mentioned can be conveniently divided in kind between the several parties entitled to share therein. 2nd: If the same cannot be divided in kind, Whether any party will take the entire property. and pay therefor to the other parties, such sums of money as their interest therein may entitle them to. 3rd. If the same cannot be divided in kind. and if no party will take the entire property and pay the others for their shares. Whether the interest of the parties concerned will be promoted by a sale of the entire matter. &c. — Submits the following report: That the land cannot

be divided in kind among the parties. the tract contains only 82 Acres. would have to be divided into seven Shares. No sale timber or firewood on the place except a few acres on the extreme South west corner. all the balance being in open land. the lots would contain less than twelve acres, each. without improvements of any kind and too small to improve. No party has offered to take the whole subject matter and pay the other parties a reasonable price for their Shares. but the Commissioner is advised that all of the adults prefer a sale of the land at public Auction. and in as much as there are several parties who are anxious to own the land. and will be bidders therefor. the Commissioner respectfully recommends a sale of the entire property. and division of the proceeds among those entitled thereto. according to their respective right. Fee Simple Value of land is estimated at $800.00

Respectfully Submitted.
B. F. McLemore.
Com'r in Chancery.

Commissioner's fee
$5.00 on file.

Barham, Verdun
vs. Answer of
Edw. ad litem.
Darden J.J. et al.

1896. 1st. Aug. Rule filed.

The Answer of John N. Sebrell, Jr., guardian ad litem to the infant defendants Florence Hall.

and the answer of the said infant defendants by their said guardian ad litem, to the bill of complaint exhibited against them and others in the Circuit Court of Southampton County by J. L. Barham, Agnes, and others.

For answer to the said bill the said defendants by their guardian ad litem, answer and say, that being of tender years they do not know what their true interest is in relation to the subject matter of the said bill, nor do they know whether the statements therein contained are true or not. They confide the protection of their interest to the care of this court. And the said guardian ad litem to the said infants, defendants, for answer to the said bill, answers and says, that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the said infant defendants.

And Now having fully answered, these defendant pray hence to be dismissed with their reasonable costs, &c.

Jno. N. Sebrell Jr.
Gdn ad litem
Florence Hall
By Jno. N. Sebrell Jr. Gdn ad litem

Form No. 309.

Barham. Vndie

vs.

Darden Vndie et als.

J. L. McLemore

to { COMMISSIONER'S BOND.

Commonwealth.

1896. Oct. 7th filed

Everett Waddey, Stationer and Printer, Richmond, Va. } Form No. 309.

Know all Men by these Presents, That we J. L. McLemore and J. B. Prince are held and firmly bound unto the Commonwealth of Virginia, in the sum of Fifteen Hundred Dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligaiton, and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our seals, and dated this 7th day of Oct. one thousand eight hundred and ninety six.

The condition of the above Obligation is such, That if the above bound J. L. McLemore shall faithfully perform the duties of his office or trust, as Special Commissioner under a decree of the Circuit Court of the County of Southampton, pronounced on the 28th day of September, 1896, in the suit therein depending under the name and style of Barham, Vendee, vs. Darden, Vendee et als

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

Jas. L. McLemore SEAL.

J. B. Prince SEAL.

SEAL.

In the Clerk's Office of the Circuit Court of the County of Southampton:

This day J. B. Prince surety on the above bond, made oath before me L. A. Gay, Clerk of the Circuit Court of the County of Southampton, that his estate after the payment of all his just debts, and those for which he is bound as security for others, and expect to have to pay is worth the sum of Fifteen Hundred dollars; whereupon the said bond is admitted to record according to law.

Given under my hand this 7th day of Oct. 1896.

Teste: L. A. Gay Clerk.

We acknowledge due and legal service of this notice. August 15. 1896 -

Jas J. Darden

Roanner Worrell

Jno. Stubbs Jr.

Alfd Sad Upton -

Barham Darden
1 Rec. 3 Notice
Darden Subs re.

To, Jas. J. Darden, Trustee of J. T. Worrell & Paul Darby, and Roxanna Worrell & Florence Hall the last an Infant by Jno. A. Scherer, Jr. Esq. ad litem.

Take notice, that we shall through our Counsel, apply to the Judge of the Circuit Court of Southampton County, at his Office, in Suffolk, Va., in Vacation, on the 21st day of August 1896, for a decree to be entered in the said Chancery cause of J. L. Barham, Trustee Vs. Jas. J. Darden, Trustee et als. now pending in the said court, preparatory to a final decree.

Aug. 10. 1896.

Respectfully,

J. L. Barham Trustee of Martha E. Rountree & R. Rountree & Estelle L. Worrell & Albert C. Worrell. by Francis & McLemore Counsel

Barham. Vendue re

vs. } Statement of Rules

Darden, Vendue et als.

Inv

J.L. Barham Vendee of Martha J Randtree, formerly Morrell. and D.R. Randtree. her husband and of Jeptha L. Morrell and Albert L Morrell } Plaintiff

Vs.

J.J. Darden Vendee of J.T. Morrell and of Paul Derby and Rosanna Morrell and Florence Hall. the last one an infant under 21 years by J.N. Sebrell Jr. Gdn. ad litem } Defendants } In Chy.

1896. 13th July Process Ifsd. to 3rd, July Rules.

" 3rd. " Rules. Process returned executed as to adult defendants, Bill & Ex. filed. Decree nisi as to adult defendants J.N. Sebrell Jr. appointed Gdn. ad litem to infant defendant.

1896. 1st Aug. Rules, Bill taken for confessed as to adult defendants, answer of Gdn. ad litem with general replication filed, and Cause set for hearing

1

Barbacan, Trustee
vs. Final Report
Barden, Trustee &c.

1896. 12th Nov. Filed

L. N. Gay Esq.

To the Honorable Robert R. Prentis, Judge of the Circuit Court.

The undersigned special Commissioner who was appointed at the September term of the said Court, in the Chancery cause of Barham, Vendee Vs. Darden Vendee &c. to make sale of the land in the bill mentioned and who has sold the same, as reported on the 25th. day of October 1896 begs to report that he has collected the said sum of $800, from the purchaser, J. L. Barham, and has executed to him a deed with special warranty for the land aforesaid. That of the funds coming into his hands from the sale of said real estate he has paid as follows:

Amount received from sale of the land,		$800.
To Commissions on $800.	$21.	
" paid Auctioneer,	3.50	
" paid for posters,	1.	
" paid for writing deed as Commr.	10.	
" paid Costs of the suit,	34.85	
" paid fee to Prince & McLemore,	35.	
Total costs and expenses,	$105.35	105.35
		694.65
Amount to be distributed among the heirs,		$
To J.L. Barham, 3/7 of $694.65	297.69	
" Jas. J. Darden 2/7 of $694.65	198.46	
" Roxanna Worrell 1/7 of $694.65	99.23	
" the Guardian of Florence Hall 1/7 of $694.65	99.27	
See Decree of Nov. 5. 1896.	$694.65	$694.65

Vouchers returned with this report.

November 16, 1896. Respectfully Submitted,

Jas. L. McLemore

Special Commissioner.

At the time of the payment by J.L. Barham of the purchase price for the land, he had bought all of the interests in the estate save the infants, and instead of paying me the money, gave me their receipts, and only paid me in cash, the costs of the suit, and the sum $99.27 the share of the infant, Florence Hall. He also gave me receipts from the owners of the other shares showing that he had bought them, and paid for the same, which receipts from J.J. Darden and Roxanna Worrell, are herewith returned.

Respectfully Submitted,

Jas. L. McLemore

Special Commissioner.

Received of J. L. McLemore Special Comr. in the above mentioned cause Ninety Nine 27/100 Dollars, same being the share from said estate to Miss Elsie Worrell and paid as shown by the above report, due to my ward Florence Hall.

Jas. R. Wood
Guardian ad Litem

/

$125.00

Rec'd Oct 29th 1896 of
J. L. Barham his Bond for
One hundred & twenty five Dollars dated this
day and executed even with this date
it being pay ment in full for
My interest in Legal Estate
owned by My Mother Ira Worrell
dec'd

Roxanner Worrell

Newsom P.O.
Oct 13th 1846

Rec'd of L. L. Barham three Hundred Dollars
in full payment for the two slaves owned
by me in Lenoir County by Ira T.
Price Known Deed by me Newsom P.O.
said slaves I bought of Jas. T. Brown & Paul
Darby

Jas J Darden

We acknowledge due and legal
service of this notice
October 26/1896

(J.J.D.) Jas. J. Dardess
By J.R.D.

(Romaine H.) Romaine Harrell
Jno. C. Gabriel Jr.
Gdn. ad litem

To: Jas. J. Darden, Trustee of J. T. Worrell & Paul Derby, and Roxanna Worrell & Florence Hall the last an Infant by J. W. Sibrell Jr. Gdn ad litum—

Take notice, that we shall through our Counsel, apply to the Judge of the Circuit Court of Southampton County, at his office, in Suffolk, Va., in Vacation, on the 6th day of Nov. 1896, for a decree to be entered in the said Chancery cause of Barham Trustee vs. Jas. J. Darden Trustee etals. now pending in the said court, preparatory to a final decree.

Respectfully,

J. L. Barham trustee of Martha J. Rountree & W. Rountree, Justus L. Worrell & Albert C. Worrell by Parker & Wilson Counsel.

To the Honorable Robert R. Prentis, Judge &C.,

Your Commissioner, appointed by a decree of the Circuit Court of Southampton entered in the Chancery cause of Barham Trustee vs. Barden Trustee. at the Sept. Term 1896, to make sale of the real estate in the bill mentioned, begs to report that after duly advertising the time place and terms thereof as required by the said decree, he exposed to sale the said real estate, bounded and described as follows: Lying on North Side Seaboard & Roanoke Ry, about one mile north of Newsoms containing 8 1/2 acres. bounded by lands of J.S. Barham, Jas. J. Barden, Chas. Knight et al &c. at Newsoms, Va., on Saturday, October 24 th. 1896, at which sale so made, J.L. Barham became the purchaser by bidding therefor the sum of ~~$~~ $600- that being the highest bid therefor, and is ready to make the payments upon the confirmation of the ~~decree of the~~ report by the Court.

Your Commissioner thinks the sale a fair one, and knows of no reason why the same should not be confirmed.

October 24, 1896.

Respectfully Submitted,
Jas. L. McLemore
Special Commissioner.

Your Commissioner begs to state specially that after this property had been knocked out to J.L. Barham, and at the suggestion of the Special Commissioner, he raised his bid to the sum of $800. instead of $600. as above reported. This your Commissioner thinks is a good price for the land, and most respectfully recommends that the sale at $800. be confirmed.

Respectfully Submitted.
Jas. L. McLemore
Special Commissioner.

Barbara Veader
vs Reynolds
et al
Dorcas Veader

1896 Oct. 28th filed.

L. A. Gray, C.C.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON J. J. Darden Vendee of J. T. Worrell
and of Paul Darby and Romanna Worrell and Florence Hall.
the last one an infant under 21 years - by J. N. Sidwell Jr.
Gdn. 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 3rd Monday in January 1896 ~~next~~, to answer a Bill in Chancery exhibited against them in our said Court by J. L. Barham Vendee of Martha J. Rountree formerly Worrell and D. R. Rountree, her husband and of Jepitha L. Worrell and of Albert L. Worrell.

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

Witness, L. A. GAY, Clerk of our said Court, at the Courthouse, this 13th day of January, 1896, in the 120 year of the Commonwealth.

TESTE: L. A. Gay, C. C.

J. L. Bathum Vandeventer

Vs. } Sum. In Chy.

J. J. Darden Vandeventer et als.

1896. 2. July Rules.

Cir. Ct.

Executed July 17th
1896 by delivering
a copy of this Sum^s
to each of the
within named Def^ts
Lis Defendant

R. D. Moore D.S.P.
for F. W. Williams
(S) Sheriff

Fee 1.75
Prince & McLemore p.q.

Barham, Vendee

vs. } Statement of Costs

Dardon Vendee et als.

Barham. Vendu.

VS. } Statement of Costs

Dardon. Vendu et als

Sum. 25. 6 copies 78. receipt 18, atty. 10. Docket. 18 = 1.49

Rules 1.00, entering return 35. fil. Bill 15. Dr. Et. 25 = 1.75

Copy Exhibits 1.65, filing 8 reports. 45, fil. answer. 15 = 2.25

replication 15 rc. 15, taking bond 1.40 3 Dem't Copy 2.16 = 3.71

Tax Costs rc. 40. filing 2 day papers 25 = 65

Future Costs, about 1.00 = 1.00

Paid L. A. Gay Docket $ 9.85

Sheriff. 1.50

Paid P & M. Costs rc. 16.50

$29.85

Fee of Comr. B. F. McLemore 5.00

$34.85

Barham, Vendee,

Vessus. Decree.

Darden et als.

Enter this, August 31, 1896.

Robert Lewis

Virginia:

In Vacation, in the Circuit Court of Southampton County,

August 31st. 1896.

J. L. Barham, Vendee &c.

Versus.

J.J.Darden et als.

This day this cause, which has regularly matured at rules came on to be heard in vacation, upon the bill and exhibits filed, the answer of John N. Sebrell Jr., guardian ad litem, regularly appointed at rules for the infant defendant, with general replication thereto, bill taken for confessed as to the adult defendants, and was argued by Counsel.

On consideration whereof, and it appearing to the Court that defendants have had due and legal notice of plaintiff's intention to apply for this decree in vacation, doth adjudge, order and decree, that the papers in this cause be referred to one of the Commissioners of this Court, who is directed to enquire into and report to court-

1st. Whether the real property in the bill mentioned can be conveniently divided in kind between the several parties entitled to shares therein.

2. If the same cannot be conveniently divided in kind, whether any party will take the entire property and pay therefor to the other parties, such sums of money as their interest therein may entitle them to.

3. And if the same cannot be conveniently divided in kind and if no party will take the entire property and pay the others for their shares, whether the interest of those who are entitled to the said property or its proceeds will be promoted by a sale of the entire property, or by allotment of part and sale of the residue.

4. The fee simples value of the said land

Which several enquiries the said commissioner shall make and to the Court report together with any matters specially stated deemed pertinent by himself, or required to be stated by any party interested.

To the Clerks of the Circuit Court of Southampton County

Robt R Travis

Barham, Vendee.

vs. Decree.

Darden, Vendee &c.,

Filed 28, September 1896.

Robt R Prentis.

Entered Page 99=

Barham, Vendee, &c.

Versus.

Darden, Vendee &c.

This day this cause came on to be heard upon the paper formerly read, and upon the report of Commissioner R. F. McLemore filed September 10, 1896, to which no exceptions have been take and was argued by Counsel. On consideration whereof, and it appearing from said reprt that partition cannot be conveniently made in any of the modes provided by law, doth adjudge, order and decree that O. B. Prince and J. L. McLemore be and they are hereby appointed special Commissioners, (either of whom may act) who are directed, after first advertising the time place and terms of sale for 15 days in three or more public places to expose the land in the bill and proceedings mentioned to public sale in the town of Courtland, or at Newsoms as to them may seem best, to the highest bidder, and for cash, and said Commissioners will report to Court.

But before they or either of them shall proceed to act hereunder they shall enter into a bond before the Clerk of this Court with good security, in the penalty of $1500. with conditions to perform this or any future decree that may be entered herein.

as to 1/3 of the purchase price, the remainder in two equal installments, payable in one & two years from day of sale, at option of purchaser to pay all the purchase money at time of sale, subject to right of redemption

Barham, Vendee

Vs. Decree

Darden Vendee et als.

Enter, Nov. 5, 1896.

Robt. Davis.

Ent. J. page 112

Virginia:

In vacation, in the Circuit Court of Southampton County.

November 5th 1896.

Barham, Vendee,

Vs.

Darden, Vendee et als.

This day this cause came on again to be heard, in vacation, upon the papers formerly read, upon the report of Special Commissioner Jas. L. McLemore, filed Octo. 26th 1896, to which no exceptions have been taken, upon the notice to the defendants of the plaintiff's intention to apply for this decree, and was argued by Counsel. On consideration whereof, the Court doth confirm the said report of the Special Commissioner, and doth order that the sale therein reported to J.L. Barham, be made firm and binding, and doth further order that Jas. L. McLemeore, special Commissioner as aforesaid, make to said purchaser a deed with special warranty for the tract of land bought by him, upon the receipt of the purchase price of $800. And out of the funds in his hands, pay first the costs of this suit, including a fee of $35. to plaintiff's Counsel, Prince & McLemore, and the residue pay out to the several parties entitled thereto as follows: 3/7 of said amount to J.L. Barham vendee of Martha J. Roundtree, of Jeptha L. Worrell and Albert C. Worrell; 2/7 to Jas. J. Darden vendee of J.T. Worrell and Paul Derby, and 1/7 to Roxanna Worrell, and 1/7 to the guardian of Florence Hall, and report to Court.

Robert C. Travis

To the Clerk of the Circuit Court of Southampton County.

Barham, Vendee,

Vs. Decree.

Darden Vendee et als.

Enter,.March 1897.

Barham, Vendee,

Vesrsu.

Darden Vendee et als.

This day this cause came on again to be heard upon the papers formerly read, and upon the report of special Commissioner Jas. L. McLemore, filed November 12, 1896 reporting receipt from J.L. Barham of the purchase price for the land bought by him, the execution to him of a deed with special warranty for the same, the disbursement of the funds coming into his hands, among the parties entitled thereto, supported by proper vouchers, to which report no exceptions have been taken, and was argued by Counsel. On consideration whereof, the Court doth Confirm and approve the said report, and nothing further remaining to be done herein, it is ordered that the same be removed from the docket.