1898 - 09 Southampton County - Chancery Davis, Alice $ 1 9th et als Vs Davis, Alice L. Admrx et als

Davis
Hancock
Moore
Bishop
McCoy

Conditional Sale to
be Confirmed + proceeds
arising properly applid
under order, Re infants
share

Davis, Sallie D.
Davis, J E C
Davis, Aggie
Davis, Mary Alice
Davis, Ida May
Davis, O Kay Nonnie

Davis, Alice L.
Davis, Richard E. dec'd
Hancock, A L.
Moore, Mary A.
Davis, Elizabeth
Bishop, Ora D.
Bishop, James
McCoy, Emma J.
McCoy, Jno M.
Davis, Edillie L.
Davis, Sallie L.
Davis, Sallie D
Davis, J. E C.
Davis, Aggie L.
Davis, Mary Alice
Davis, Ida May
Davis, O'Kay Nonnie

Davis, Geo ve.

vs. { Bill & Exhibits.

Davis et als.

1897. 1st. Sept. Rule for L. A. Guy, & c.

W. J. SEBRELL.
ATTORNEY-AT-LAW,
COURTLAND, VA.

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

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

In Chancery.

Humbly complaining sheweth unto Your Honor your complainant, Alice S. Davis, guardian of Sallie D. Davis, J. E. C. Davis, Aggie L. Davis, Mary Alice Davis, Ida May Davis and Okey Nonie Davis, that on the 18th day of November 1885, Eli W. Davis and Emma Davis, his wife, of the said county bargained and sold, granted and conveyed unto Richard E. Davis, the father of the said infants, all that certain tract of land lying in said county, containing 50 acres, more or less, and bounded by the lands of Wat Stephenson, Ben Hicks and others, subject to certain conditions and reservations mentioned in the deed of bargain and sale from the said Eli W. Davis & wife conveying the said tract of land to the said Richard E. Davis, a copy of which said deed is herewith filed as "exhibit A" and prayed to be read as a part of this bill; that being so seized and possessed of the said tract of land, the said Richard E. Davis sometime

thereafter, to-wit, in or about the year 1889, departed this life, intestate, leaving a widow, the said Alice S. Davis, and the following children, to-wit, Ora P. Davis, who has since intermarried with James Bishop, Emma J. Davis, who has since intermarried with John McCoy, Willie L. Davis, Stella L. Davis, Sallie D. Davis, J. E. C. Davis, Aggie L. Davis, Mary Alice Davis, Ida May Davis, and Okey Nonie Davis, (the last six now under 21 years of age) as the heirs-at-law and distributees of his estate; that sometime after the death of the said Richard E. Davis, to-wit, at the April term 1889 of the County Court of said County the said Alice S. Davis qualified as administratrix of the estate of the said Richard E. Davis, dec'd., as will appear from a copy of the order of said Court hereunto filed as "Exhibit B" and prayed to be read as a part of this bill; that your complainant is advised and, therefore, so states that there are no debts outstanding against the estate of the said Richard E. Davis, save & except the debts made charges on the said tract of land by the said deed from the said Eli W. Davis & wife

to the said Richard E. Davis; that in or about the year 1886 the said Emma Davis departed this life, and that sometime during the year 1893 the said Eli W. Davis, also, departed this life, leaving a last will & testament, a copy of which is herewith filed as "Exhibit C" and prayed to be read as a part of this bill; that your complainant is advised, and therefore so states, that there are no just or legal debts outstanding against the estate of the said Eli W. Davis; that all the a[redacted] amounts of $36.- each provided by the said deed from the said Eli W. Davis & wife to the said Richard E. Davis to be paid annually during the life-time of the said Eli W. Davis & Emma Davis, his wife (excepting for the fractional part of the year 1893 in which said Eli W. Davis died) have been fully paid to the said Eli W. Davis, two of the said sums of $36. each having been paid by the said Richard E. Davis in his life-time, and the remaining five sums of $36. each having been paid by the said Alice S. Davis, since the death of the said Richard E. Davis, as will appear from receipts herewith filed as exhibits, marked respectively D. E. F. G. H. I and J. and prayed to be

read as part of this bill; but that the amount of $600.00 provided by said deed to be paid to the estate of the said Eli W. Davis, after his death and made a charge on the said land by the said deed, has not been paid, but still remains a charge on the said land, according to the terms and provisions of the said deed; that the said Eli W. Davis, by his will, gave and devised the said tract of land to the said Alice S. Davis, but your complainant is advised that he could give to her only such interest as he had in the said land, and that as the only interest he had therein was the debt due and made a charge thereon by the said deed, that the said will, in effect, simply gives to the said Alice S. Davis the debt due to the said Eli W. Davis and made a charge on the said land by the said deed; that, therefore, the said tract of land belongs to the said children of the said Richard E. Davis, subject to the dower-interest therein of the said Alice S. Davis, and the said debt made a charge thereon by the said deed, same now belonging to the said Alice S. Davis, under and by virtue of the will of the said Eli W. Davis. That your complainant has conditionally sold the said tract of

land to A. L. Hancock, of said county, in the sum of $700.00, provided your Honor will confirm the sale; that the said sale is, in the opinion of your complainant, a very good one and to the interest of all the parties, especially, the said infants, for the following reasons:- That five of the said infants - all save one - are girls and are living with their mother, the said Alice S. Davis, in the city of Norfolk, who, by her toil in sewing and such like work, with such assistance as they can render, is providing support, and clothing for them as best she can; that being females they are unable to cultivate the said land themselves, and are living too far from it to look after it; that the buildings, already in a dilapidated condition, are becoming worse each year, and are fast going to decay; that the said infants have no other property whatever, either real or personal, and are, therefore, unable to add the needed improvements to it; that they derive no annual revenue or assistance from the said land, that last year they did not get enough rent for it to pay the taxes on it; that while they thus now derive no benefit from the said land, the $700. for which it has been con-

ditionally sold would be of great benefit and assistance to them; for that while their mother, the said Alice S. Davis, owns the greater part or interest in the said land, she would use the entire $700. indiscriminately for her said children as for herself, and would use the same in providing a home, board, clothing and educational advantages for them. That in the event of the death of the said infants, their aunts, Mary R. Moore and Elizabeth Davis, would be their heirs and distributees, & that the rights of no person would be violated by the said sale. In tender consideration whereof & inasmuch as your complainant is without remedy save in a Court of Equity where such matters are properly cognizable, your complainant prays that the said Alice S. Davis in her own right & also as admrx. of Richard E. Davis, decd., R. L. Hancock, Mary R. Moore, Elizabeth Davis, Ora P. Bishop, James Bishop, Emma J. McCoy, Jno. McCoy, Willie L. Davis, Stella L. Davis, Sallie D. Davis, J. E. C. Davis, Effie L. Davis, Mary Alice Davis, Ida May Davis & Kay Nonie Davis be made parties defendant to this bill and required to answer the same, though answer under oath is hereby waived; that a proper guardian ad litem be appointed to defend the rights of the said infants, that the said additional sale be confirmed & the proceeds arising therefrom properly applied under the order of this honorable

Court, that process issue, and that all proper orders and decrees be made, and for all such other further relief, as the nature of the case may require or to Equity shall seem meet.*

And your complainant will ever pray &c.

W. J. Sibell p.q. Alice S. Davis, Cdn

Virginia,

Southampton County, Court:

I, Jas. L. McLemore, a Com'r. in Chancery of the Circuit Court for the County aforesaid do hereby certify that Alice S. Davis, C'dn &c., whose name is signed to the forgoing bill, has personally appeared before me in my said County, and made oath that the statements and allegations therein contained are true to the best of her knowledge and belief—

Given under my hand this 18th day of September 1897.

Jas. L. McLemore
Com'r. in Chancery

* Notice is hereby given that the Court will be asked to allows a reasonable attorney's fee to the plaintiff's attorney for his services in this suit.

This Deed made this 18th. day of November 1885. between Eli W. Davis and Emma. his wife of one part and Richard E. Davis, of the second part, Witnesseth: That in Consideration of the hereinafter recited premises the parties of the first part do grant & convey with General Warranty unto the said Richard E. Davis and his heirs forever- the following tract of land, situated in Southampton County Va. to wit: All that Certain tract of land upon which the said Eli W. Davis now resides Containing 150 acres more or less, bounded by the lands of R. E. Davis, Hat-Stephenson, Bin Hicks & others, But this grant is made with the following express reservations and Agreements, to all of which the said R. E. Davis Consents, as is evidenced by his signing, sealing and acknowledging this deed, Viz: The said Eli W. Davis & Emma, his wife, are to occupy the Mansion house, and have free use of the garden, Horse Lot, Yard &c. so long as they live, the said R. E. Davis is to pay the sum of $36.00 to the said Eli W. Davis, annually so long as he may live, the first payment to become due Dec. 25th, 1886. and after the said Eli W. Davis' death, then the said sum is to be paid to Emma Davis, should she survive Eli W. Davis, so long as she may live, annually, and at the death of both the said Eli W. Davis and Emma his

wife. The said Richard E. Davis is to pay to the Estate of Eli W. Davis the sum of Six hundred dollars - and both the amounts agreed to be paid annually. and the amount agreed to be paid at the death of both the said Eli W. Davis & Emma Davis are hereby made an express charge upon said Tract of land.

Witness the following signatures & seals

Eli W. Davis (Seal)

Emma Davis (Seal)

Richard E. Davis (Seal)

Southampton County: In the Clerk's Office Nov. 18th 1885 The foregoing deed of bargain and sale from Eli W. Davis & wife to R. E. Davis. was this day received and acknowledged by Eli W Davis and Richard E. Davis to be their act and deed. And Emma Davis. the wife of the said Eli W. Davis personally appeared before me in my said Office - and being examined by me privily and apart from her said husband and having the aforesaid deed fully explained to her. She the said Emma Davis acknowledged the same to be her act and deed. declared that she has willingly executed the same, and does not wish to retract it. Whereupon said deed is admitted to record.

Test: J. B. Prince C.C.

A Copy.

Test: B F McLemore C.C.

In the name of God. Amen. I. Eli H. Davis of the County of Southampton & State of Virginia being of sound and disposing mind. hereby revoking all former Wills by me at any time Made. do make this my last Will and testament. after first paying all of my just debts, and in consideration of my board and her kindness to me in my old age &c.

I give to my daughter in-law Alice S. Davis, Widow of My Son R. E. Davis my home tract of land to do with as she please, and I leave the tract known as the Thomas Davis tract to be put up at public auction and sold. and the proceeds of the sale is to be equally divided to Alice S. Davis. Mary R. Moore. and Elizabeth J. Davis. I give to my Grand daughter Ora P. Davis my sideboard & my Clock I give to my Grand-daughters Emma Jane Davis. and Lucy Stella Davis. I hereby name A. F. Gardner as Executor of my last Will and testament.

In Witness whereof I have hereunto set my hand and seal this 17th. day of April A.D. 1891

Witness
J. J. Whitehead his mark
A. F. Gardner

Eli H. Davis (Seal)

In Southampton County Court Nov. 29th 1893

A writing purporting to be the last Will and testament of Eli W. Davis, decd. was produced in Court and proved by the oaths of A. F. Gardner and J. T. Whitthas the subscribing Witnesses thereto and ordered to be recorded as the last Will and testament of the said Eli W. Davis, decd.

Test: B. F. McLemore C.C.

A Copy.

Test: B F McLemore clk

Exh. "B"

Davis, Eli W. dec.
Copy of Eli W. Davis' Will
Davis et als.

Misc B. 21 - page 648

Davis's Gdn. &c

vs.

Davis et als.

Answer of Alice S. Davis, admrx. Richard E Davis, dec'd.

1897. 2nd Sept. Rules filed

L. A. Gay & Co.

The answer of Alice S. Davis, admrx. of Richard E. Davis, decd., to a bill of complaint exhibited against her and others in the Circuit Court of Southampton County by Alice S. Davis, Gdn. of Sallie D. Davis, J. E. C. Davis, Agnes L. Davis, Mary Alice Davis, Ida May Davis and Okey Nannie Davis.

This respondent saving and reserving to herself the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as she is advised that it is material she should answer, answers says,

That after having qualified as admrx. of the said Richard E. Davis, this respondent used diligent efforts to ascertain if there were any debts outstanding against his estate, and found that there were none except that made a charge on the land in the bill mentioned, by the deed from Eli W. Davis & wife to the said Richard E. Davis.

That so far as this respondent knows or is advised, the allegations in complainants bill are true. And this respondent denies all fraud, unlawful combination & confederacy, and having answered complainants' bill, prays to be hence dismissed with her costs in this behalf expended, and she will ever pray &c.

Alice S. Davis,
admrx. of Richard E. Davis, decd.

The answer of Sallie D. Davis, J. E. C. Davis, Aggie L. Davis and Mary Alice Davis, infant defendants over fourteen years of age, to a bill of complaint exhibited against them & others in the Circuit Court of Southampton County by Alice S. Davis, Guardian &c —

These respondents, saving & reserving the benefit of all just exceptions to said bill, for answer thereto, or to so much thereof as they are advised it is material they should answer, answer and say, That while not of full age, yet having arrived at the age of fourteen, and over, they think they know something of their rights & interest in the premises. They believe that the statements in said bill are true & that it would be to their interests for the said sale, which they believe to be a good one, to be confirmed by the Court. And now having answered complainant's bill, they pray to be hence dismissed &c.

Sallie Davis
Aggie L Davis
Mamie Davis
J E C Davis

Virginia,
City of Norfolk, to-wit,
This day personally appeared before me,

At Ashburn a justice of the peace ~~N.P.~~ in and for the city & state aforesaid, Sallie D. Davis, F.E.C. Davis, Effie L. Davis and Mary Alice Davis, whose names are signed to the foregoing answer and made oath that the statements therein contained are true to the best of their knowledge and belief - Given under my hand this 21st day of September 1897.

At Ashburn J P
~~N.P.~~

Davis, &c.
vs.
Davis et al.

Answer of infant defendants one fourteen years of age.

The answer of Alice S. Davis, in her own right, to a bill of complaint exhibited against her & others in the Circuit Court of Southampton County by Alice S. Davis, &c. &c. &c.—

This respondent saving and reserving to herself the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as she is advised that it is material she should answer, answers and says:—

That the allegations in the complainant's said bill are true, so far as she knows or is advised; that the sale referred to in said bill is, in the opinion of this respondent, a good one & to the interests of all parties concerned therein, and that the same should, therefore, be confirmed by the Court; that while this respondent, [redacted] she is advised and believes, owns considerably the larger part or interest in the tract of land mentioned in complainant's bill and that the interests therein of the children of the said Richard E. Davis, decd., is comparatively small, still this respondent does not wish to be exacting with them, and is perfectly willing that the purchase-price, to-wit, the said $700-, (after the same shall have been collected) shall be divided or distributed, under the order of the Court, among the parties entitled thereto in such way as the Court may deem right and just, or is willing for the same to be

invested in a home for lunacy and children in Norfolk, or Newport News, or elsewhere as they may desire and to the Court shall seem fit.

Respondent denies all fraud, unlawful combination, & confederacy, & having answered complainant's bill, prays to be hence dismissed &c.

And respondent will ever pray &c.

Alice J Davis

Davis, Adm. &c.
vs.
Davis et als.

Answer of Alice J. Davis, in her own right.

1897. 2nd Sept. Rules filed.
L. A. Gay, C.C.

The answer of Ora P. Bishop & James Bishop, Emma J. McCoy and John McCoy, Willie L. Davis and Stella L. Davis to a bill of complaint exhibited against them and others in the Circuit Court of Southampton County by Alice S. Davis, &c. &c.

These respondents saving & reserving to themselves the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as they are advised that it is material they should answer, answer and say:—

That so far as they know, the allegations in complainant's bill are true; that they believe the sale therein referred to is a good one, and to the interests of all parties concerned, and, therefore, that the same should be confirmed by the Court; these respondents are perfectly willing that the said sale be confirmed and that the purchase-money arising therefrom, to-wit, the said sum of $700.00 be divided or distributed, under the order of the Court, among the parties entitled thereto, in such way as the Court may think right and just, or that the same may be invested in a home for the said Alice S. Davis, and her said children by the said Richard E. Davis, dec'd., in Norfolk, Newport News, or elsewhere as they may desire and to the Court may seem meet.

These respondents deny all fraud, unlawful combination & confederacy, and having answered

complainants bill, pray to be hence dismissed &c.
And these respondents will ever pray &c.

Osa. P. Bishop.
James. S. Bishop
Emma McCoy
Jno. P. McCoy
Stella L. Davis
Willie L Davis

Davis, Osa.
vs.
Davis et al.

Answer of Osa P. Bishop,
James Bishop, Emma McCoy
John P. McCoy, Stella
L. Davis & Willie L. Davis

The answer of Wm. Shands, guardian ad litem for the infant defendants, Sallie D. Davis, J. E. C. Davis, Affie L. Davis, Mary Alice Davis, Ida May Davis and Okey Nonie Davis, and the answer of the said infant defendants by Wm. Shands their guardian ad litem, to a bill in equity exhibited against them & others in the Circuit Court of Southampton County by Alice S. Davis, guardian of the said infants, Sallie D. Davis, J. E. C. Davis, Affie L. Davis, Mary Alice Davis, Ida May Davis and Okey Nonie Davis.

For answer to the said bill, the said G'dn. ad litem answers & says that he knows nothing about the allegations in the said bill contained; and the said infant defendants by their said guardian ad litem answer & say that, being infants of tender years, they know nothing sufficiently about the matters mentioned in the said bill, and, therefore, commit their interests to the protection of the Court. And now having answered, they pray hence to be dismissed &c.

Wm. Shands
G'dn. ad litem for Sallie D. Davis, J. E. C. Davis, Affie L. Davis, Mary Alice Davis, Ida May Davis & Okey Nonie Davis.

over for affidavit.

Virginia,

Southampton County, to-wit:

This day personally appeared before me, Jno. T. Ebrell Jr., a Notary Public in & for the County & State aforesaid, Wm. Shands, Gdn. ad litem for Sallie D. Davis, J. E. C. Davis, Effie L. Davis, May Alice Davis, Ida May Davis and Okey Nonie Davis, & made oath that the statements contained in the foregoing answer are true to the best of his knowledge & belief. Given under my hand this 25th day of Sept. 1897.

Jno. T. Ebrell Jr. N.P.

Davis, Gdn.
vs.
Davis et al.

Answer of Guardian ad litem.

Davis Gdn. 52;

vs } Deeree

Davis et als.

1898- April 5th

Entered this -

Robert R. Prentiss

Entd - 204 -

W. J. Sebree, D.C.

In the Circuit Court of Southampton County.
April Term 1898.

Davis Gdn, &c.,

vs.

Davis et als.

This day this cause came on to be further heard upon the papers formerly read, and upon the report of Commissioner B. F. McLemore, filed March 7th 1898, to which report there is no exception; and was argued by Counsel. On consideration whereof, the Court doth re-commit the said report to the said Commissioner, with instruction to take the depositions of the Witnesses upon which his report is based, and return the same to this Court.

A Copy,

Teste: L. A. Gay C.C.

Davis, Gdn. &c.

vs

Notice

Davis, et. als:

1898. July 21.

July 9th 1898.

We acknowledge legal service of this notice.

Ora P. Bishop

James S. Bishop

John R. McCoy

Emma J. McCoy

Willie L. Davis

Stella L. Davis

Alice S Davis

In her own right & also as admx. R. E. Davis, dec'd.

R. L. Haney & C/K

Wm Shands Gdn. ad litem

Executed July 7 1898 by delivering a copy of this notice to Elizabeth Davis

J. W. Williams

Sheriff

COMMISSIONER'S OFFICE,

Courtland, Va., July 6" *189 8.*

To Alice S. Davis Gdn. of Sallie D. Davis, J. E. L. Davis, Aggie L. Davis, Mary Alice Davis, Ida May Davis & Otley Nonie Davis. } *Plaintiffs*

Vs:

Alice S. Davis in her own right & also as Admx of A. E. Davis dec'd. A. L. Rhames & A. A. Bishop, & Annie Bishop, Emma J. McCoy, & John McCoy, Willie L. Davis, Stella L. Davis, Mary A. Moore, Elizabeth Davis, Sallie D. Davis, J. E. L. Davis, Aggie L. Davis, Mary Alice Davis, Ida May Davis & Otley Nonie Davis, the last six infants by Wm. Shands Gdn. ad litem. } *Defendants*

You are hereby notified that I have fixed upon the 21" *day of* July *1898.* ~~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. What is the interest of the infant defendants in the tract of land in the bill mentioned, and what the value of the said interest? and what the value of the entire tract?

2nd. Whether the interests of the infants would be promoted by the sale in the bill mentioned.

3rd. Whether the rights of any person, or persons, would be violated by the said sale.

and you are notified that on the said 21" day of July 1898, I shall take the depositions of witnesses as a basis of my report, as

required to be taken by a decree of Southampton Circuit Court, rendered at the April *term. 189 8, 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.

D. F. McLemore, *Commissioner.*

To the Sheriff of Southampton County to execute.

Davis, Gdn &c.
vs. Ex notice -
Davis et al.

Executed July 9. 1898
by delivering a true
copy of the within notice
to Mary R. Moore
in person

C. W. Rogers
Sergt C.C.

$.50 & fees paid

COMMISSIONER'S OFFICE,

Courtland, Va., July 6" 1898.

To Alice S. Davis, Gdn. of Sallie D. Davis, J. E. L. Davis, Aggie L. Davis, Mary Alice Davis, Ida May Davis and Okey Nomie Davis. } Plaintiffs

vs.

Alice S. Davis in her own right & also as Admx of A. E. Davis dec'd. A. L. Babcock, Ora O. Bishop, James Bishop, Emma J. McCoy & John McCoy, Willie L. Davis, Stella L. Davis, Mary A. Moore, Elizabeth Davis, Sallie D. Davis, J. E. L. Davis, Aggie L. Davis, Mary Alice Davis, Ida May Davis, & Okey Nomie Davis, the last six infants by Wm. Shands Gdn. ad litem. } Defendants

You are hereby notified that I have fixed upon the 21" day of July 1898. if fair, if not, the next fair day thereafter (Sunday excepted) to take and settle, at my office, the following accounts, to wit:

1st: What is the interest of the infant defendants in the tract of land in the bill mentioned: and what the value of the said interest: and what the value of the entire tract:

2nd: Whether the interests of the infants would be promoted by the sale in the bill mentioned?

3rd: Whether the rights of any person, or persons, would be violated by the said sale.

And you are notified that on the said 21" day of July 1898, I shall take the depositions of Witnesses as a basis of my report as required to be taken by a decree of Southampton Circuit Court, rendered at the April term. 1898, 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.

D. F. McLemore, Commissioner.

To the ~~Sheriff of Southampton County~~ Sergt. of Charlottesville to execute, as to Mary R. Moore who resides in said City.

The Depositions of A. F. Gardner and others taken before B. F. McLemore, a Commissioner in Chancery of the Circuit Court for Southampton Co. in obedience to a decree of said Court, entered at the Sept. Term 1897, in the Cause of Davis, Gdn &c. v Davis et. als: to be used as a basis for a report in said Cause required by the decree aforesaid. July 21. 1898.

Present: W. J. Sebrell, atty for Parties

The Witness A. F. Gardner, being duly sworn deposes and says:

Q. What is your age, residence and occupation and do you know the parties to the suit and the lands in the bill mentioned.

A: My age is 53 years. resides in Southampton County. Am a farmer by occupation. Know the parties to the suit and the land in the bill mentioned.

Q: What is the interest of the infant defendants in the tract of land? & what is the value of said interest. and the value of the entire tract?

A: The interest of the infant defendants is a fee simple interest subject to the dower of Mrs Alice S. Davis - and a debt of $600.00, which was made a charge on the said land by the deed from Eley N. Davis wife to R. E. Davis. filed as an Exhibit in this Cause. Their interest, therefore, is of small or very little value. The whole land is worth about $700.00.

Q: State whether the interest of the infants would be promoted by the sale of the land in the petition mentioned, and your reasons?

A: I think it would be to the interest of the infants to sell the land. the land is rented out annually it rents for very little. and the property is depreciating in value. the amount of rents being insufficient to keep the fence up. and there being no other source of revenue with which to keep it up. the owners reside so far from the farm that they cannot give any personal attention to it. I think the land will sell for more now, than it will later on, and that the amount they will get from the sale of the land will be of greater benefit to the infants than the rents they are likely to receive. I think the bid of R.L. Hancock, of $700.00 is all the land is worth. and that it would be to the interest of the owners to see to him at that price.

Q: State whether the interest of any party would be violated by such sale?

A: No. they would not.

And further this deponent saith not.

H. H. Gardner

The Witness Jas. L. Laird, being duly sworn, deposes as follows:

Q: What is your age, residence and occupation, do you know the parties to the suit, and the land in the bill mentioned

A: My age is 64 years - reside in Southampton County, a farmer by occupation, know the parties to the suit and the land in the bill mentioned.

Q: Have you heard the testimony of A. F. Gardner, given in his deposition in this case, and if so. State whether or not you agree with him in the views expressed by him, and whether or not you corroborate the same?

A: I have heard his deposition - and fully agree with him and corroborate all he has said.

And further this deponent sayeth not.

James L. Laine

50c
50¢

The interrogatories in the foregoing depositions agreed on by me.

Wm. Shands

G'd'n. ad litem for the infant defts.

Southampton County - to wit:

I, B. F. McLemore, a Commissioner in Chancery of the Circuit Court for the County aforesaid, State of Virginia, do certify that the foregoing depositions of A. F. Gardner and Jas. L. Laine were this day taken sworn to and subscribed before me, for purposes therein specified, pursuant to notice hereto annexed.

Given under my hand this 21st day of July 1898.

B. F. McLemore
Comr in Chancy.

Davis, Gori &
" } Depositions & Report.
Davis, et. al.

Commissioner's Office -
Courtland Va.,
July 21st 1898.

To the Circuit Court of Southampton County :-

Pursuant to a decree of the Circuit Court of said county, entered on the 5th day of April 1898, in the Chancery cause of Davis Gdn. vs. Davis et als., the undersigned Commissioner, after legal notice which was duly served on some of the parties and legal service thereof acknowledged by the others, on the 21st day of July 1898, took the depositions of witnesses, A. F. Gardner and James C. Laine, which are herewith returned as required by said decree. The Commissioner would most respectfully re-affirm and re-iterate his Report filed in this cause on the 7th day of Mch. 1898, and returns the said depositions as a basis for the same. Deeming it pertinent, the Commissioner would state specially, that Alice S. Davis, the widow of Richard E. Davis, dec'd., is now 51 years of age.

All which is respectfully submitted.

B. F. McLemore
Comr in Chancy

Commissioner's fee
$5.00

Witness fees:
A. F. Gardner - 50¢
Jas. C. Laine - 50¢

Davis et als.

vs. } Spa:

Davis et als.

1898. July 21st

Ecaulcd.

J.W. Williams

Supt

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON James L. Lassiter, W. H. Stephenson and A. D. Gardner.

to appear before ~~the Judge of our County~~ B. F. McLemore, Comr. in Chancery Circuit Court of Southampton, at the Courthouse thereof, on the 21st day of July ~~term~~, 1898, to testify and the truth to speak on behalf of Davis & Others in a certain matter of controversy in our said Court depending and undetermined between Davis & others, plaintiff, and Davis & others, defendant. And this ~~the~~ shall in no wise omit, under the penalty of the law. And have then there this writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 6th day of July, 1898, in the 122 year of the Commonwealth.

TESTE:

B. F. McLemore C. C.
D. C.

Davis, Gdn. etc.
vs.
Davis et als.

R. L. Hancock's request for deed to be executed to Mollie Hancock.

August 23.rd 1898.

To

Mr. A. F. Gardner,

Special Commissioner in the Chancery suit of Davis Gdn. &c. vs. Davis et als., depending in the Circuit Court of Southampton County:-

I hereby request and direct you to make to Mollie Hancock the deed which you, as special commissioner in above mentioned suit, were directed and ordered to make to me, with special warranty, by decree entered therein on the 30th July 1898, and you will collect and receive from her the $700.00 as purchase price for the same.

Very respectfully,

P. L. Hancock

Davis. Gdn. &c.

vs. } Slatington et al.

Davis et als.

Davis, Gdn. &c.

vs. } Statement of Costs

Davis Et als.

Three Summ. 75. 10 Copies $1.50. receipt for all three 5¢. atty. 10= 3.08

Docketing 18. Rules $1.00 Entering release 35. fee bills 15. D. Et 35= 2.03

Copy Et. $1, 15. fil. 5 answers 75. replication 15. fil. 2 Comrs reports 50= 2.05

3 Decrees & 2 copy $1.80 Rec. con 40. Issuing 2 bonds. 20= 5.00

Filing away papers 25. Return Costs $2.50 = 2.75

Aug 23rd 1898 Paid L. A. Gay Clerks fee $15.41

J.W. Williams Shff. 4.70

Aug. 23rd 1898. Paid, W. J. Sebrell, atty. Sergt, & bailiffs fee 2.00

" " " Paid, W. J. Sebrell, atty. Land &c. 16.50

$38.61

Geo. B. & W. McLemore Jrs. paid. B. F. McLemore 10.00

Witness A. F. Gardner, 1.00 A. F. Gardner

J. L. Lane 1.00 James L. Lane

W. W. Stephenson 50= W. W. Stephenson .50

$51.11

August 1st, 1898.

Note: L. A. Gay C.C.

($35.00)

Received Aug. 23rd 1898 of A. F. Gardner, special commissioner in suit of Davis, G'd'n &c. vs. Davis et al., Thirty five & no/100 Dollars in payment of atty's fee ordered to be paid to me by decree entered in said cause on the 30th July 1898, in vacation.

W. J. Sebrell, atty.

COMMISSIONER'S BOND.

Davis Gdn. et.

vs.

Davis et als.

A. F. Gardner

to

Commonwealth.

1898. 15th. August. Filed

L. A. Gaylord.

Know All Men by These Presents, That we, A. F. Gardner

and A. M. Adkins & R. J. Williams

are held and firmly bound unto the Commonwealth of Virginia in the sum of ($1000.00)

One Thousand ~~~

Rec'd August 31st 1898, of A. H. Garden, Special Comm'r in suit of Davis Ed'r &c vs Davis, $589.89, on account of amount ordered to be paid me by decree entered in said suit on the 30th July 1898.

Alice S Davis

Davis. Ltr. &c.

vs } Copy Order of Genl. of Admr. of R.E. Davis dec'd.

Davis et als.

Ext "B"

2

Order B. page 562

In the County Court of Southampton County.
April term 1889.
On motion of Alice S. Davis, Widow of Richard E. Davis, decd. who made oath according to law and together with J. B. Davis as her security - who justified on oath as to his sufficiency - entered into and acknowledged a bond in the penalty of two hundred dollars - conditioned as the law directs. Which bond is ordered to be recorded. Certificate is granted the said Alice S. Davis for obtaining Letters of Administration on the Estate of said decedent, in due form. and on motion of said Administratrix E. M. Davis, A. F. Gardner and Erasmus Vick are appointed appraisors - who being duly qualified, will appraise the ~~Real~~ Estate of said decedent & return the same under their hands as the law directs.

A Copy.

Teste: B F McLemore Cl

Davis, Gdn &c.
vs. Notice.
Davis et als.

July 9th 1898
We acknowledge legal service of this notice.
Ara. P. Bishop
James S. Bishop
John B. McCoy
Emma J McCoy
Willie L Davis
Stella L Davis
Alice S Davis
In her own right & also,
as admrx R. E. Davis, dcd.
P. L. Hancock
Wm Shands Gdn ad litem

Executed July 2nd 1898 by delivering a copy of this Notice to Alice S Davis
W. M. Williams
Sheriff

To Alice S.David, in her own right and also as administrartix of Richard E.Davis deceased,R.L.Hancock,Mary R. Moore, Elizabeth Davis,Ora.P.Bishop,James Bishop,Emma J.McCoy,John McCoy,WillieL.Davis, Stella L.Davis, and Sallie D. Davis,J.E.C.Davis,Aggie L. Davis,Mary Alice Davis, Ida May Davis,and Okey Nomie Davis,the last six infants by William Shands guardian ad litem.

Take notice that on the 30th day of July 1898,in the town of Suffolk, Va.,at the office of Honorable Robert R.Prentis in said town,I shall move the Judge of the Circuit Court of Southampton County for a decree in vacation,in the chancery cause styled Davis guardian &c.vs Davis et als.,panding in the said Court,to accept the bid of R.L.Hancock of $700.00 for the land in the bill in said suit mentioned,to make sale of the same to him firm and binging,and to distribute the proceeds arising therefrom to the parties entitled thereto.

Very respectfully,

Alice S. Davis, Guardian of
Sallie D. Davis J.E.C. Davis,
Aggie L. Davis, Mary Alice Davis,
Ida May Davis & Okey Nomie Davis.

By Counsel.

Davis gdn &c.

vs. 3 Notice

Davis et ux.

Executed July 2, 1898
by delivering a true
copy of the within
notice to Mary R.
Moore in person

C. W. Rogers
Sergt C C.

$.50 fee paid
C. W. R.

To Alice S.Davis in her own right,and also as administratrix of Richard E.Davis, deceased,R.L.Hancock,Mary R.Moore,Elizabeth Davis, Ora P.Bishop, James Bishop,Emma J.McCoy,John McCoy, Willie L.Davis,Stella L.Davis,and Salie D.Davis,J.E.C Davis,Aggie L.Davis, Mary Alice Davis,Ida May Davis and Okey Nomie Davis,the last six infants by William Shands guardian ad litem.

Take notice that on the 30th day of July 1898 in the town of Suffolk, Va., at the office of Honorable Robert R.Prentis ,in said town,I shall move the Judge of the Circuit Court of Southampton County, for a decree in vacation in the chancery cause styled Davis guarddian,&C vs Davis et als, pending in the said court,to accept the bid of R.L.Hancock of $700.00 for the land in the bill in said suit mentioned,to make sale of the same to him firm and binding,and to distribute the proceeds arising therefrom to the parties entitled thereto.

Very respectfully,

Alice S. Davis, Guardian of
Sallie D. Davis, J.E.C. Davis,
Aggie L. Davis, Mary Alice Davis,
Ida May Davis & Okey Nomie Davis.

By Counsel.

Davis, Guardian

vs

Davis et al

1897. 1st Sept. Rules

Ord. 6x

We acknowledge legal service of this summons.

James Bishop.

Ora P. Bishop

Emma J. McCoy

John P. McCoy

W. L. Davis

Stella L. Davis

W. J. Sibole p.q.

THE COMMONWEALTH OF VIRGINIA, Cty. of Norfolk City.

To the ~~Sheriff of Southampton County~~ --Greeting:

WE COMMAND YOU THAT YOU SUMMON Alice L. Davis, in her own right & also as Admrx. of R. E. Davis, dec'd, R. L. Hancock, Ora V. Bishop & James Bishop, Emma E. McCoy & John McCoy, Willie L. Davis, Stella L. Davis, Mary R. Moore, Elizabeth Davis, Sallie D. Davis, J. E. L. Davis, Aggie L. Davis, Mary Alice Davis, Ida May Davis, & Okey Nonie Davis, the last six infants by Wm. Shands, 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 1st Monday in Sept. next, to answer a Bill in Chancery exhibited against them in our said Court by Alice L. Davis, Gdn. of Sallie D. Davis, J. E. L. Davis, Aggie L. Davis, Mary Alice Davis, Ida May Davis, and Okey Nonie Davis.

And this they 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 26th day of August, 1897, in the 122 year of the Commonwealth.

Teste: L. A. Gay C. C.

Davis Executor
vs } Sum. In chy.
Davis et als.

1897. 1st Sept. Rules
Ben Ex.
Executed August 30th
1897, by delivering
a copy of the within
Sps. to Mary R. Moore
in person.
C W Rogers
Sh. t. c. c.

THE COMMONWEALTH OF KENTUCKY

W. T. Sebree p. q.

THE COMMONWEALTH OF VIRGINIA, Co. of Charlottesville

~~To the Sheriff of Southampton County~~ --Greeting:

WE COMMAND YOU THAT YOU SUMMON Alice S. Davis in her own right & also as admrx. of R. E. Davis, dec'd, R. L. Hancock, Ora F. Bishop, & James Bishop, Emma J. McCoy, & John McCoy, Willie L. Davis, Stella L. Davis, Mary R. Moore, Elizabeth Davis, Sallie D. Davis, J. E. C. Davis, Aggie L. Davis, Mary Alice Davis, Ida May Davis, & Okey Nonnie Davis, the last six infants by Wm Shands, 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 1st Monday in Sept. next, to answer a Bill in Chancery exhibited against them in our said Court by Alice S. Davis, Gdn. of Sallie D. Davis, J. E. C. Davis, Aggie L. Davis, Mary Alice Davis, Ida May Davis, and Okey Nonnie Davis.

And this they 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 26th day of August, 1897, in the 122 year of the Commonwealth.

Teste: L. A. Gay C. C.

Davis Guardian

vs. } Sum. In chy.

Davis et als

1897. 1st Sept. Rules

Dis. Ct.

Executed Sept. 2nd 1897 by delivering a Copy of this Sum: to R. L. Hamm Cook, Elizabeth Davis & Wm Shands Jr. and Lilian.

L. L. Hatfield Sheriff
for J. R. Williams
Sheriff.

W. J. Bevis p.q.

(3)

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU THAT YOU SUMMON Alice S. Davis, in her own right & also as Admrx of R. E. Davis, dec'd, R. L. Hancock, Wm F. Bishop & James Bishop, Emma J. McCoy & John McCoy, Willie L. Davis, & Tilla L. Davis, Mary R. Moore, Elizabeth Davis, Sallie D. Davis, J. E. C. Davis, Aggie L. Davis, Mary Alice Davis, Ida May Davis, & Okey Nomie Davis, the last six infants by Wm Shands, 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 1st Monday in Sept next, to answer a Bill in Chancery exhibited against them in our said Court by Alice S. Davis, Gdn. of Sallie D. Davis, J. E. C. Davis, Aggie L. Davis, Mary Alice Davis, Ida May Davis, and Okey Nomie Davis.

And this they 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 26th day of August, 1897, in the 122 year of the Commonwealth.

Teste: L. A. Gay C. C.

Davis, Gdn. &c.

vs. } Statement of Rules

Davis et als.

Alice S. Davis, Gdn. of Sallie D. Davis, J. E. C. Davis, Aggie L. Davis, Mary Alice Davis, Ida May Davis & Okey Nomis Davis } Plaintiffs

vs.

Alice S. Davis in her own right & also as Admrx of R. E. Davis dec'd, R. L. Hancock, Ora P. Bishop & James Bishop, Emma J. McKay & John McKay, Willie L. Davis, Stella L. Davis, Mary R. Moore, Elizabeth Davis, Sallie D. Davis, J. E. L. Davis, Aggie L. Davis, Mary Alice Davis, Ida May Davis & Okey Nomis Davis, the last six infants by Wm Shands Gdn. ad litem } Defendants

1897. 26th. Aug. Process issued to 15 September Rules

1897. 15th. Sept. Rules. Process returned executed

Bill and Exhibits filed.

William Shands appointed Gdn. ad litem for infant defendants.

Decree Nisi vs. adult defendants

1897. 2nd. Sept. Rules. Bill taken for confessed as to adult defendants and cause set for hearing as to them.

Answer of Alice S. Davis in her own right and as Admrx of Richard E. Davis, filed.

Davis, Gdn. et al.

vs. } Decree.

Davis et als.

To be entered -

Sept. 29. 1897

Robert R. Prentis

Enlid Page 179

W. J. Schnell D.C.

Davis Alice S. &c. of Sallie D. Davis, J.E.&-
Davis, Aggie L. Davis, Mary Alice Davis,
Ida May Davis, & Okey Nonnie Davis.
vs. } Decree.
Davis Alice S. in her own right, & also as
Administratrix of Richard E. Davis, decd,
R.L. Hancock, Mary R. Moore, Elizabeth-
Davis, Ora P. Bishop, James Bishop, Emma J.
McKay, Jno. McKay, Willie L. Davis, Stella-
L. Davis, Sallie D. Davis, J.E.& Davis, Aggie-
L. Davis, Mary Alice Davis, Ida May Davis,
and Okey Nonnie Davis, the last six infants
by Wm Shands, guardian ad litem -

This day this cause came on to be heard
upon Complainants bill & Exhibits therewith
filed, the answer of the infant defendants by
guardian ad litem, the separate answer of the
infant defendants over fourteen years of age,
the answer of Alice S. Davis, in her own right
and, also, as Admrix, of Richard E. Davis, decd,
the joint answer of Ora P. Bishop, James Bishop,
Emma McKay, Jno. P. McKay, Stella L. Davis,
and Willie L. Davis, taken for confessed as
to the other adult defendants, upon whom process
has been duly served, they also failing to
appear and plead, answer or demur to the
said bill, and the same 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 enquire into and report to the Court, 1st What is the interest of the infant defendants in the tract of land in the bill mentioned, and what the value of the said interest; and what the value of the entire tract?

2nd. Whether the interest of the infants would be promoted by the sale in the bill mentioned;

3rd Whether the rights of any person, or persons, would be violated by the said sale. Which several inquiries the Commissioner will make and report to the Court, together with any matter specially stated deemed pertinent by himself or required to be so stated by any interested party.

A Copy.

Teste: L. A. Gay C.C.

Davis

v } Notice

Davis et. als

1898. Mch 7.

"A"

We acknowledge legal service of this notice, Feby. 24th 1898.

Wm. L. Davis

Stella L. Davis

Emma J. McCoy

Jno. O. McCoy

I

Commissioner's Office,

~~Jerusalem~~ Courtland, Va., Feb 21" 1898.

To Alice S. Davis. R. L. Nance & M. Mary R. Moore, Elizabeth Davis. Ora P. Bishop. Jas. Bishop. Emma J. McCoy. Jno. McCoy. Willie L. Davis. Stella L. Davis, Sallie D. Davis, J. E. B. Davis. Agg ie L. Davis. Mary Alice Davis. Ida May Davis. & Phy Nance Davis the last six infants by Wm Shands, Guardian ad litem.

You are hereby notified that I have fixed upon the 7th day of March next, if fair, if not, the next fair day thereafter (Sunday excepted) to take and settle, at my office, the following accounts, to wit:

1st. What is the interest of the infant defendants in the tract of land in the bill mentioned. The value of said interest and the value of the entire tract?

2nd. Whether the interest of the infants would be promoted by the sale in the bill mentioned.

3rd. Whether the ~~interest~~ rights of any person or persons would be violated by the said sale.

required to be taken by a decree of Southampton Circuit Court, rendered at the September term, 1897, 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

~~WM. H. PARKER~~, Commissioner.

To the Sheriff of Southampton County to execute.

Davis

v } Notice

Davis et: als:

1898. Mch 7."

"B"

We acknowledge legal service of the within notice, [redacted]. 24th 1898—

Arca. P. Bishop.

James Bishop

Alice L. Davis,

In her own right & as adm of R. E. Davis dec'd.

I

Commissioner's Office,

Jerusalem, Va., Feb 21 1888

To Ora P. Bishop & Jas. Bishop
Alice S. Davis, in her own right
and as Admx of R. E. Davis, dec'd - & others.

You are hereby notified that I have fixed upon the 7th *day of* March
next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:

1st What is the interest of the infant defendants in the tract of land in the bill mentioned - the value of said interest and the value of the entire tract?

2nd Whether the interest of the infants would be promoted by the sale in the bill mentioned.

3rd Whether the rights of any person or persons would be violated by the said sale.

required to be taken by a decree of Southampton Circuit Court, rendered at the September *term, 188*7*, 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.

Sergt. Newsport News

To the ~~Sheriff of Southampton County~~ to execute.

Davis

" } Notice

Davis

1898. Mch. 3rd.

I hereby swear that I delivered a true Copy of the within notice to Mary R. Moore in person on this February the 21st 1898'

C. W. Rogers

Sworn to before me

A. P. Bibb

Notary Public

Commissioner's Office,

~~Jerusalem~~, Va., Feb 15th 1898

To Alice S. Davis - Mary R. Moore et. als:

You are hereby notified that I have fixed upon the 7th *day of* March *next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:*

1st That is the interest of the infant defendants in the tract of land in the bill mentioned the value of said interest and the value of the entire tract?

2nd Whether the interest of the infants would be promoted by the sale in the bill mentioned.

3rd Whether the rights of any person or persons would be violated by the said sale.

required to be taken by a decree of Southampton Circuit Court, rendered at the September *term, 1897, 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.~~ Sergt of Courtland Va.

Davis

v } Notice

Davis

1898. March 7th

Executed by delivering a copy of this notice to each of the following named to wit. N. L. Hand, Elizabeth Davis & Wm Shands Executor of Estate

J. M. Williams Sheriff
March 7 98

(3)

Commissioner's Office,

Jerusalem, Va., Feb 21 1898

To R. L. Hancock and Elizabeth Davis Sallie D. Davis. J. E. C. Davis. Aggie L. Davis, Mary Alice Davis. Ida May Davis and Okey Nonie Davis. last six infants, by Wm Shands, Gdn ad litem.

You are hereby notified that I have fixed upon the 7th *day of* March *next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:*

1st What is the interest of the Infant defendants in the tract of land in the bill mentioned. the value of said interest and the value of the entire tract.

2d Whether the interest of the Infants would be promoted by the sale in the bill mentioned.

3 Whether the rights of any person or persons would be violated by the said sale

required to be taken by a decree of Southampton Circuit Court, rendered at the September *term, 1887, 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.

Davis and C. }
v } Spa:
Davis.

1878. March 7.
County Court.

Ejectment
Jno. Williams
Sheff

4

(3)

700
1400
466.66

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON James L. Lane, N. N. Stephenson and A. F. Gardner

to appear before the Judge of our County Court of Southampton County, at the Courthouse thereof, on the 7th day of March, 1898, to testify and the truth to speak on behalf of Davis and C.

in a certain matter of controversy in our said Court depending and undetermined between Davis and C., plaintiff, and Davis, defendant,

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

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 24th day of February, 1898, in the 122 year of the Commonwealth.

TESTE: B. F. McLemore, C. C.

Davis. Gdn ff.
vs } Report.
David et: al[illegible].
1898. Mch 7. filed.

Commissioner's Office.
Courtland, Va.
March 7th. 1898.

To the Circuit Court of Southampton Co.

In obedience to a decree of the Circuit Court of the County aforesaid, entered at the Sept Term 1897. the undersigned Commissioner reports to Court. that on the 15th day of February 1898, he issued Notice against the several parties to this suit. appointing the 7th day of March 1898 as the time. and his Office, in Courtland as the place for taking the accounts ordered by the aforesaid decree. and commanding them to attend. that said Notice has been duly served on some of the parties, and legal service thereof acknowledged by the others. said Notices are herewith filed. The Commissioner also issued Subpoenas against Jas. C. Land. W. W. Stephenson and A. F. Gardner, as Witnesses in the Cause. that said Witnesses attended in obedience to said Subpoena. and upon their evidence. (they having been duly sworn) the Commissioner bases this report. Wherefore the following report is submitted:.

1st. The interest of the children of R. E. Davis in the tract of land of which he (R. E. Davis)

died seized and mentioned in the Plaintiffs' bill.
is a fee simple interest in the entire tract subject
to the dower interest of their Mother, Mrs Alice D.
filed as Exh. "A". Davies, subject to the charge of $900 mentioned in deed from Ely Stephenson to R.E. Davies. The said tract of land contains 150 Acres,
more or less, and is estimated as being worth,
as a whole, $700.00, and the value of the
Childrens interest is two-thirds of that amount
subject to the said charge, together with their distributive interest in the dower,
or $466.66. That it will be to the interest of
the infants to sell the land at the price
agreed upon, to wit $700.00. and that the
rights of no person or persons will be violated
by such sale.

Respectfully Submitted.
B. F. McLemore
Clerk in Chancery.

Commis fee $5.00

Witness fees.
W. W. Stephenson - 50c
Jas. L. Lane - 50c
A. F. Garner - 50c

Davis Gdn &c.,

vs.

Davis et al.

Report of Comr.

A. F. Gardner.

1896. 4th. Oct. Filed

L. A. Gay C.C.

Davis Gdn. &c.,

vs. } Report of Com'r. A. F. Gardner.

Davis et al.

In this cause the Commissioner would respectfully report that pursuant to decree entered in this cause, in vacation, on the 30th day of July 1898, he has collected from the purchaser the sum of $700.00 for the land in the bill & proceedings mentioned, and has fully disbursed the same according to the direction of the said decree, as will more fully appear from statements and receipts hereto annexed as a part of this report.

Your Commissioner would further report that at the written request of R. L. Hancock filed among the papers in this cause he ~~executed~~ from Mollie Hancock the above mentioned sum of $700.- and executed to her a deed for the said land with special warranty. There is nothing further to be done in this cause.

Respectfully submitted,

A. F. Gardner

Statement on next page.

Statement of money collected and disbursed by A. F. Gardner, Special Comr. in suit of Davis Gdn vs. Davis et als, pursuant to decree entered therein in vacation on the 30th day of July 1898.

Amo. purchase money collected from Mollie Hancock		$700.00
To com's: on $700	23.00	
" paid legal cost of suit -	51.11	
" " W. D. Sibrell, att'y fee ordered to be paid by said decree	35.00	
" " stamps on deed to purchaser	1.00	
" " Alice S. Davis according to direction of said decree	589.89	
	$700.00	$700.00

Davis Alice S., Gdn of Sallie D. Davis, J.E.C. Davis, Affie L. Davis, Mary Alice Davis, Ida May Davis & Okey Nonie Davis.

vs. Decree.

Davis Alice S. in her own right, & also as administratrix of Richard E. Davis, dec'd., R.L. Hancock, Mary A. Moore, Elizabeth Davis, Ora P. Bishop, James Bishop, Emma J. McCoy, Jno. McCoy, Willie L. Davis, Stella L. Davis, Sallie D. Davis, J.E.C. Davis, Affie L. Davis, Mary Alice Davis, Ida May Davis, and Okey Nonie Davis, the last six infants by Wm. Shands, guardian ad litem -

This day this cause came on to be heard upon complainant's bill, & exhibits therewith filed, the answer of the infant defendants by guardian ad litem, the separate answer of the infant defendants over fourteen years of age, the answer of Alice S. Davis, in her own right and, also, as admr'x. of Richard E. Davis, dec'd., the joint answer of Ora P. Bishop, James Bishop, Emma McCoy, Jno. P. McCoy, Stella L. Davis and Willie L. Davis, taken for confessed as to the other adult defendants, upon whom process has been duly served, they still failing to appear and plead, answer or demur to the said bill, 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 inquire into and report to the

Court, 1st What is the interest of the infant defendants in the tract of land in the bill mentioned, and what the value of the said interest; and what the value of the entire tract?
2nd Whether the interest of the infants would be promoted by the sale in the bill mentioned;
3rd Whether the rights of any person or persons, would be violated by the said sale — Which several inquiries the Commissioner will make and report to the Court, together with any matter specially stated deemed pertinent by himself or required to be so stated by any interested party.

Davis, Gin &c.
3
vs. 3 Decree.
Davis et al.

Is be entered-
Sept 29 1877
Robt Strudwick

Entd Page 179
W. D. Bibb N.G.

Davis Gdn. &c.,

vs. Decree.

Davis et als.

Enter this—

Oct. 4, 1898.

Entered Page #225

Davis Gdn. &c.,

vs. } Decree.

Davis et als.

This day this cause came on to be further heard upon the papers formerly read, and upon the Report of A. F. Gardner, Special Commissioner, this day filed by leave of the Court, showing collection and disbursement of the purchase-price for the land in the proceedings mentioned according to direction of decree herein entered, in vacation, on the 3d day of July 1898, same being supported by proper vouchers, 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 that nothing further remains to be done in this cause, it is ordered that the same be removed from the docket.

Davis Gdn &c.,
vs. 33 Decree.
Davis et als.

1898 April 5th.

Enter this -

Robert P. Ellis

Copying

Entd. - 204 -

W.D. Bissell, P.Q.

Davis Gdn. &c.,

vs. } Decree.

Davis et als.

This day this cause came on to be further heard upon the papers formerly read, and upon the report of Commissioner D. F. McLemore, filed March 7th 1898, to which report there is no exception, and was argued by Counsel. On Consideration whereof, the Court doth re-commit the said report to the said Commissioner, with instructions to take the depositions of the witnesses upon which his report is based, and return the same to this Court

Davis Gdn. &c.,

vs. } Deed

Davis et als.

Enter July 30, 1898

Robert R. Lewis

W. J. SEBRELL.
ATTORNEY-AT-LAW.
COURTLAND, VA

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

In Vacation:

In the Circuit Court of Southampton County, July 30th 1898:

Davis, Gdn &c., vs. Davis et als. } Deare.

This day this cause came on to be further heard, in vacation, after reasonable notice to the defendants of the complainants intention to apply for this decree, parties upon the papers heretofore read, and the report of Commissioner B. F. McLemore, made pursuant to the decree of April 5, 1898 this day filed by leave of the Court, and the depositions of witnesses therewith filed, to which report there is no exception, and was argued by Counsel.

On consideration whereof, and it appearing to the Court that the offer of $700.00 of R. L. Hancock for the land in the bill and proceedings mentioned is a fair one, and that the sale of the same to him at that price is to the interest of all parties concerned, the Court doth adjudge, order and decree that the said offer be accepted, and the sale of the said land to the said

R. L. Hancock at the said price of $700.00 be firm and binding between the parties. And the Court doth further adjudge, order and decree that A. F. Gardner, who is hereby appointed special Commissioner for the purpose, collect from the said R. L. Hancock the said sum of $700.00; and out of the same pay, first, the legal costs and expenses attending this suit and sale including in addition to the fee fixed by decree of $15.00 a fee of $35.00, to W. J. Sebrell, attorney for the plaintiffs in this suit; and, secondly, pay to Alice S. Davis, devisee under the will of Eli W. Davis, the sum of $600.00, same being the charge upon said lands made in the deed from said Eli W. Davis & wife to Richard E. Davis mentioned in complainant's bill; and, thirdly, pay to Alice S. Davis, widow of Richard E. Davis, deceased, the sum of $20.34 same being the present value of the dower of the said widow, Alice S. Davis, who is 51 years of age, as shown by the report of Commissioner McLemore, in $33.33⅓ which is 1/3 of the surplus from the sale of said land after paying the said charge of $600.; and the balance, if any, the said Commissioner will pay out in equal shares

to the children of said Richard E. Davis, as follows, that is to say, 1/10 of such balance to Ora P. Bishop, 1/10 to Emma J. McCoy, 1/10 to Willie L. Davis, 1/10 to Stella L. Davis, and the remaining 6/10 to the lawful guardian of the infants, Sallie D. Davis, J.E.C. Davis, Effie L. Davis, Mary Alice Davis, Ida May Davis and Okey Nonie Davis. But the said Commissioner will not pay the same to the said guardian, until said guardian shall have executed before the Clerk of this Court a bond, with approved security, in the penalty of $100.±, conditioned for the faithful application of the fund, and for the management and preservation of any property or securities in which the same may be invested, and for the protection of the rights of all persons interested therein, whether such rights be vested or contingent. And the Court doth further adjudge, order and decree that the said Commissioner, after collecting from the said A.L. Hancock the said sum of $700., execute to him a deed, with special warranty, for the tract of land mentioned and described in complainants bill. But the said Commissioner will not pro-

ceed to execute this decree, until he shall have entered into bond, with approved security, before the Clerk of this Court, in the penalty of $1000.- Conditioned for the faithful discharge of his duties under this, or any subsequent decree in this cause.

And the said Commissioner will make report to this Court.

Robert R. Prentis.

To the
Clerk of the Circuit Court
of Southampton County.

#36.

Read & Mc Alaine
& Davis the sum of Forty
six dollars in full of
Interest as agreed betwen
R E Davis & myself by deed
& bargain & sale, & of record
in the Clerks Office of Southampton
County.
January 1st 1889.

his
E Eli X D Davis
mark

Witness.
Edwd O Davis
A. H. Gardner

$36.00

Received January 1st 1886 of R.E. Davis Thirty six Dollars in full payment & interest as agreed by deed of bargain & sale from myself to the said R.E. Davis

Witness
Edwin O. Davis
A. F. Gardner

his
Eli X O. Davis
mark

$36.00

Rec'd Jan 1st 1890 of Alice S. Davis the sum of thirty six Dollars in full payment of Interest as agreed by deed & bargain of sale between R.E. Davis dec'd & myself.

his
Edd W. Davis
mark

Witness
Edd W. Davis
A. F. Gardner

$36.00

Recd of Mrs Alice S. Davis the sum of thirty six dollars in full of Interest as agreed between R.E. Davis & myself by deed of bargain & sale, and record in the clerks office of Southampton County.

Eli W. Davis
his
X
mark

Jany 1st 1891.

Witness

W.C. Stephenson

A.T. Gardner

$36.00

Recd of Mrs Alice S. Davis the sum of thirty six dollars in full of interest as agreed between R. E. Davis Myself by deed of bargain & Sale, and of record in the clerks office of Sonichampelon County. Jany 1st 1893.

his
Witness X Eli W X Davis
mark

Col. McCoy
Dr. H. Gardner

$36.00

Rec'd of Mrs Alice S. Davis the sum of thirty six dollars in full payment of Interest as agreed between R. E. Davis & myself by deed of bargain & sale, and of record in the clerks office of Smithampton county.

Jany 1st 1892

his
Eli W. X Davis
mark

Witness
W. L. S. Stephenson
A. F. Gardner

$136.00

Rec'd January 1st 1887
of R E Davis the sum
of thirty six Dollars in
full payment of Interest
according to deed of agreement
between the said R E Davis
& myself & recorded in the
Clerks Office of Sacramento
County.

Witness
E W Davis
A. H. Gardner

his
E Li H O. Davis
mark