

1898-11

Southampton County Chancery - Day, William vs Exum, Ella et al

Settle land ownership by
direction of court & special commissioner

Story, J. M.

(Byrd, Thomas W.

" , Mayo

" , Orell

" , Derby

" , ?

McLemore, B. F. (G. A. L.)

80

Dary
as 3 Bill
Jenkins Co. English
Lins

To the Honorable C. W. Hill judge of the
Circuit of Southampton County in chancery
sitting

Humbly complaining your Orator
William Day sheweth unto your Honor
that on the 9th day of February 1884 John N
Indkins sold unto your Orator a certain
Tract of land on which he was then
residing and placed him then in possession
containing 325-acres more or less that
that he paid him at the time of the
sale the sum of eighty dollars as part
payment of the said Tract of land
known as The Mills Summit Tract that
he was to pay him the sum of one
Thousand dollars with interest from the
1st of January 1885 and upon the payment
of the said sum of money the said
John N Indkins bound himself to make
to your Orator a deed for the said
Tract of land with general warranty
all of which will more fully appear by
the written contract of the said John
N Indkins with your Orator herewith
filed marked exhibit A and prayed to be
taken as a part of this bill, your Orator
sheweth and states further unto your

Honor that on the 28th of January 1885-
he paid unto the said John N. Jenkins
the sum of eighty dollars as rent and
interest for the year 1885- The said Jenkins
again stipulating to make him a deed on
the payment of one thousand dollars
at the end of the year 1885- all of
which will now fully appear ^{by} the said
John N. Jenkins receipt herewith filed
marked exhibit B and prayed to be taken
as a part of this bill,

Your Orator states that sometime in
the early spring of 1885- John N. Jenkins
departed this life after having first duly
made his last will and testament which
was duly admitted to probate in the
county court of Southampton at the May
term 1885- all of which will now fully
appear by a certified copy of the said will
herewith filed marked C and prayed to
be taken as a part of this bill Your
Orator states that the said John N.
Jenkins departed this life without ever
having made him a deed for the
above said land or his ever having
paid the thousand dollars due for
the same which he is now ready
and willing to do Your Orator states

further, that John W. Snodkins by his said will gave all his estate real and personal to Miss Ella Eames for life and at her death the same to be equally divided between James M. Story and the children of Anna Maria Byrce and that Mrs. ^{five} Anna Maria Byrce has now living ~~four~~ infant children to wit Thomas W. Byrce, ^{Orell Byrce} Mays Byrce, ^{Orell Byrce} Dorcas Byrce and Byrd a child only two months old and has not as yet been given his Christian name

Your Orator states further that since his purchase of this land he has sold to Lemuel Joyner for five hundred dollars one half interest in the same and is willing when he pays the said sum that the commissioners shall convey it to him and he herewith files his written agreement to that effect with Lemuel Joyner and prays that it may be taken as a part of this bill marked exhibit D

Your Orator states that he is now and has been ever since the beginning of the year 1886 ^{nearly} to pay the stipulated one thousand dollars for the said tract of three hundred and twenty five

area of land but some of the division
of John N Jenkins being made ago
he can get no good and value and
and therefore has to invoke the
aid of a court of equity to protect
his title

In the consideration whereof and
inasmuch as John Crator is without relief
at law and only entitled to relief in a court
of equity where such matters are peculiarly
cognizable he therefore prays that James
M. Stong both in his own right and as
administrator of John N Jenkins dec'd
Ella Evans and Thomas W Byrd, Marys
Byrd, Alice Byrd, Dorbin Byrd and

Byrd the five last infants
by some fit and proper person their
guardians all being appointed for that
purpose may be made parties defendants
to this bill and that the court would
compel them as full and perfect answer
make to the allegations therein contained
as if they had been themselves more fully
and specially interrogated, that the court
would appoint a special commissioner
for that purpose who shall upon John
Crator paying to him the sum
of one thousand dollars make to

that him a deed for the said three hundred
and twenty five acres of land and to
such other as your Honor may deem
a portion may be conveyed and that
the court may make all proper orders
to secure the said money to the
remaindermen on the death of the
life tenant Ella Eames and that
the court would grant such other and
general relief the premises considered
as equity may dictate and the nature
of his case may require and as in
duty bound your Honor will ever
prayer me

Shanda n Son J. G.

This is to certify that W. H. Moore has
given the bond with security
approved by me - which was required
of him by decree of the Circuit
Court of Southampton entered
at the May Term 1886 in the
Chancery cause of Exum v. O.
Doy &c. Witness my hand Nov.
3. 1886.

L. B. Prince b. b

Page 2 Score
to.
Exam & als:

Smithsonian Circuit Court, May Term 1886.

Day

Jeff

In Chancery

Exum + ally.

Jeff.

This day this Cause came on to be heard on the plaintiffs bill taken for confessed as to James M. Story, both in his own right and as administrator of John N. Judkins Esq. & Ella Exum, the amount of the five infant Defendants, Thos W. Byrd, Mary Byrd, Grace Byrd, Martin Byrd, and Byrd, five infants by B.T. McLenore, their Guardian ad litem, & general replication thereto, exhibits filed & was argued by Counsel; On Consideration whereof the Court doth adjudge, Order and decree, that Wm W. Moore, who is hereby appointed a Special Commissioner for that purpose, shall on the payment to him of the sum of One thousand dollars, good money of Virginia, by William Jay, make to the said William Jay or such other person as he may desire, & such a portion of the three hundred & twenty five acres of Land, a deed or deeds, with special warranty, for the three hundred & twenty five acres of Land sold by John N. Judkins, in his lifetime, to the said William Jay; and whereas it appears from the will of the said John N. Judkins, that he devised all his Estate, both real & personal, to Ella Exum, for life, and

at her death, to the children of Anna Estlin Byrd
and James M. Strong; the Court with further adjudge,
Order and decree, that the said ^{Wm} W. Moore,
Commissioner as aforesaid, after paying the costs of
this suit and sale, inquire & report to Court whether
any safe investment can be made of the purchased money
left in unincumbered real estate, of twice the value of
the purchased money, as ascertained by its appraised value.
But the said Commissioner shall not proceed to act
under this decree, until he shall have executed in
the clerk's office of this Court a bond in the penalty
of twelve hundred dollars, conditioned for a faithful
performance of this and any other decree entered in this
cause, and a copy of the Certificate of the Clerk that
the Commissioner has executed the bond according
to this decree, shall be left with William Jay, and
the Certificate returned with his report.

A Copy
of the

J. B. Prince, cl

Day

to 3

Examinations

Report of Commissioner

Mr. Moore

Nov 5th 1887



The undersigned commissioners of the court
in the case of Day vs. Exam have
to report that in obedience to a decree
of the court entered in the case at the
May term 1887, they loaned to James M. Story
the sum of \$445.65 he executing his bond to
ella Exam for the same & giving a deed of
trust on the tract of land lying in Southampton
containing 475 acres more or less to secure the
same and your commission herewith returns
along with his report the said bond to court.
The same further directed me to loan to
John P. Morrow the remaining \$465.45 but in
refusing to make the relinquishment he failed to
execute his bond. Your commission has found another
Borrower - in the person of Mr. Samuel A. Bryant
who will give a deed of trust on a certain house
and lot at Jaynsville which has recent been sold
to him (and so has not been exactly) but he
has with files affidavits from men in the vicinity
as to its value. Besides Mr. J. C. Parker is
his attorney and will be present in court
and will represent him and give additional
testimony in favor of Mr. Bryant.

Mr. Bryant promised to keep the house fully insured
for the benefit of his creditors.

Your commission has endeavored to inform himself
as to the security Mr. Bryant offers, and considers it
amply sufficient to satisfy the court and recommends
your honor to direct him to loan the remaining
\$465.45 to Mr. Samuel A. Bryant. Respectfully submitted.

10.4.87

By Wm. H. Moor

Commissioner

Ans: H. Jenkins'
Will

A. Copy -

Southampton County Court: May Term
1885. A. Willing purporting to be the
last will and testament of John N.
Jenkins Decd. was produced in Court
and sworn by the oaths of J. I. Moore,
G. S. Moore and W. J. Biale three of
the subscribing witnesses thereof and
ordered to be recorded as the true last
will and testament of the said
John N. Jenkins Decd.
Teste:

J. B. Prince C.C.

I, John N. Jenkins do this 30th
day of April 1885 will and dispose of all
of my possessions, consisting of all personal
and real estate, in the following
manner.

That Ella Egan
shall own and possess all of the property
herein mentioned as long as she
might live with a right to rent or
use in any way except removing
or selling the timber of said land.

And in these words she shall have a
life right in the property mentioned.
At her death (Ella Egan) I will that
the property shall be equally divided be-

between James M. Story the one part - and
the Children of Anna Stacia Bird the
other part. That is to say, that one half
of all my property shall go to J. M.
Story, the other half to the Children of
Anna S. Bird.

Witness my hand & seal
John A. ^{Mark} Juskins Esq

Witnessed

J. T. Moore Esq
G. S. Moore Esq
W. D. Ryals Esq
John ^{his} _{mark} H. Bryant Esq

Appraisers of J. M. Juskins' will

George Moore

G. S. Story

J. W. Williams

Oris Moore

Any three to act: -

A Copy

Testo -

E. B. Prince C. C.

Miss Ella Exum
letter to Judge Blair

To The Honorable George B. Low
Judge of The Circuit Court of Southampton
in chancery sitting

I am willing and desirous
that one half of The sum of money
to wit \$1000 less The costs of The
suit in The case of Day vs Salkins &c
and now in The hands of W^m W
More commission should be lent to
James M. Story on his giving me a
deed of Trust on a Tract of land
known as The Salkins Tract
containing four hundred and fifty
acres more or less lying in The county
of Southampton and now owned
and occupied by him to secure to
me The payment of Thirty dollars
a year payable annually during
my lifetime with power to The Trustee
to sell The said Story's interest
in The said land on his failure
to pay me The said Thirty dollars
in any year during my lifetime
The said Tract of land is now
incumbered with a deed of Trust
for \$1235 - but The land is
worth \$2500 I am The only party

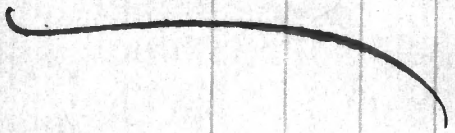
interest in the life estate and at
my death the said sum of
money goes to James M Story and
I desire that the court may
authorize the loan of the above
said sum of money by the
commission to James M Story
signs

Oct 25th 1886

Ellen E. Story

State of Va
Southampton Co To wit
I H. Shands a Court in Chancery for
the circuit court of aforesaid State &
county do hereby certify that Ellen
Story whose name is signed to
the above writing date Oct 25 1886
this day personally appeared before
me and acknowledged the same
to be her signature. Given under
my ^{hand} this 25th day of Oct 1886
H. Shands
Court in Chancery

115
Doy
vs Stat: Rules
Example



In Southampton Circuit Court.
William Day.

Staff

against

J. Inchausti.

Ella Green. J. M. Story, Thos. W. Byrd, Mary Byrd.
Orell Byrd, Robin Byrd, and - Byrd last
five infants.

Deft.

1886.

March 20. Summons to Aple Rules.

Aple Rules. Summons ret'd Ex'd. Bice Exhibits filed. B.F.
McLennan assigned Son as tutor to infants.
Answer of infants by Son as tutor filed.
Gent Replication. and decree nisi v. adults.

May ..

Bice taken for confessed as to adult
deft. - and Cause set for hearing as
to them.

Days ~~79~~ ~~78~~
in 1/2 Bond of H
Carr
Sum ~~75~~

⁶⁹
1886 May 17

Know all men by these Presents, That we *W. W. Moore*,

J. W. Norfleet and J. M. Story —

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of

Twelve hundred

Dollars, to the payment whereof, well and truly to be

made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter-claims or offsets other than legal tender currency of the United States.

Sealed with our seals and dated this

17

day of

May

A. D. 18 *86*

THE CONDITION of the above obligation is such that if the above bound

W. W. Moore, who was appointed a Special Commissioner by a decree of the Circuit Court ^{of Southern District} ~~of~~ at the May Term 1886, in the Chancery suit therein depending styled *Moore vs. Moore*, for certain purposes therein specifically set forth, reference to which said decree is hereby specially and severally made, for said duties —

shall faithfully discharge the duties of *his* office or trust according to law, then the above obligation to be void, or else to remain in full force and virtue.

Signed, sealed and delivered }
in presence of the Court. }

W. W. Moore

J. W. Norfleet

J. M. Story

SEAL

SEAL

SEAL

SEAL

91

Day

on 3 Deere

Ex m. h. als

To be entered
May term 1887
C. M. Hill

✓

Copd

Day

as 3

Exhibit

Deene

This day This cause came on again to be heard on the papers formerly read. The reports of Mr W. M. Moore of the sale of land to Mr Day for one thousand dollars of the tract of 32.5 acres of land and his making him a deed for the same and after paying the expenses of sale and costs of the suit of the sum of \$931.30 cts amount left in his hands for investment and his report of the 21st of April 1887 of what investments he could find for the money and was argued by counsel. On consideration whereof ^{confirming the said reports} the court doth adjudge, order and decree that the said Mr W. Moore deliver to James M. Story one half the sum in his hands to wit the sum of \$465.65 cts upon his executing his bond to Ella Exum for the same and his giving a deed of trust upon the tract of land now held by him of 47.5 acres to secure the payment and conditions to pay her the interest annually and that he send to John Pillow &

the sum of \$465.00 upon his executing
his bond, Ella Exum ~~his bond~~ for
the same and giving a deed of trust
upon a tract or lot of land lying in the
Town of Franklin valued at \$1500
to secure the same and stipulating
in the said deed of trust to pay to
Ella Exum the interest annually
and also commanding to keep the
house or houses on the said lot
insured for at least \$500 and the said
W. W. Moon will return the said bonds
along with his report to court to be
held subject to its order during the
lifetime of Ella Exum who will
see to it that the interest is paid
annually for her support and
maintenance and the court doth
further adjudge, order, and decree,
that borrow of this money pay all
costs of the deeds to secure these bonds

To the Hon E. W. Hill judge of the circuit
Court of the County of Southampton Va

The undersigned special commissioner
W. W. Moore in the case of Day vs
Jackins hims. begs leave to report
that since his last report, made
to the court dated Nov 5th 1884,
he has found a borrower residing
in the county of Southampton, who
in consideration of his lending him ^{the sum} ~~some~~
of four hundred & sixty five dollars
& $\frac{65}{100}$ dollars to execute to him a deed
of trust on unincumbered real estate
lying in the Town of Franklin Va on
the south side of Clay street &
adjoining the lot of A. L. Lombard,
~~where~~ the assessed value of which
is fifteen hundred dollars and the
said owner John Brettow Sr will
agree to keep this house insured
for the sum of \$465, 65^{cts} intill the
said loan is paid.

Your commissioner would advise
the loan of one half of the the
sum of nine hundred & thirty one dollars
& thirty cents as he has heretofore
Recommended ^{to James M. Story} and the ballance to John
Brettow Sr as herein recommended.
Your commissioner hopes that the court
will adopt his report and direct
the loan of the money as above recommended.

as he has been looking around
for 12 months with this money lying
idle in his hands, and has just
found a safe investment to all parties
interested. He state as a reason
why he has not been able to do
so before, because of the stringency
of the order of the Court requiring
such ample security for the loan.
all of which is respectfully
submitted by W. W. Moore Special Commissioner

Supplementary
Report of

W. W. Moore

Special Commissioner

dated Nov 21st 1887

Report of W.W. Moore
Special Commr

July 1st. 95

1895. Sept 27. filed.

To the hon. judge of Circuit Court
of Southampton Co Va

The undersigned begs leave to report
as special commissioner in the suit of
Day vs Exum. that the money was
invested according to first report for
several years as the former paper will
show. On Dec 28th 1894 Mr S. A. Bryant
who borrowed one half the whole amt,
paid in, the amt in full with interest
to said date.

On May the 4th 1895 I again reinvested
it by loaning it to Mr J W Williams
said Williams giving a deed of trust
and bond for the amount four hundred &
& sixty five & $\frac{12}{100}$ dollars,
Two different tracts of land were deeded to
secure the bond, one near Stony's station the
other at Williams & roads as will be
seen specified in the deed filed herewith
together with the bond.

Your commissioner believing the security
to be sufficient respectfully submits the
same.

W. W. Moore special comm

July 1st 1895-

Day 3
No 3

Exam of ab

Report of W. W. Moore

Special Commissioner

Made Feb 15th 1858

Filed April term 1858

C. J. Boyd,

Day

1893

Exum is also The undersigned special commissioner begs leave to report that in addition to the reports he has heretofore made in this cause, that by the decree entered at the May term 1887 he was directed to invest the sum of \$931.30 and pay the interest annually to Ella Exum during her life time and at her death one half of the said sum was to be paid to James M. Story and the other half to the children of Annistic Byrd. Your commissioner now reports that on the 1st of May 1893 Ella Exum departed this life and that this money must now be distributed among the parties entitled by the last will and testament of Geo. N. Jenkins decd.

One half goes to James M. Story and the other half to the children of Annistic Byrd. She had 6 children at the death of Ella Exum, two of which have since died. The four now living, are Elliott M. Byrd age 18 yrs
O. L. Byrd age 16 yrs A. J. Byrd age 14 yrs
S. H. Byrd age 7 yrs.

The court will note that two have died since the death of Ella Exum viz: Lemo. L. Byrd age 3 yrs & Henry M. Byrd age 7 days. Two died previous to her death. J. W. Byrd age 19 yrs & B. O. Byrd age 1 yr.

To make it more explicit we would state that Thomas Byrd and Annistic Byrd ^{his wife} had in all eight children.

Two died before, and two since, the death of Ella Exum, and four are still living.

Your commissioner has the amt. in hand with one years interest and awaits the instruction of this court to pay out the same.

Mr R. E. L. Watkins has qualified as administrator of Ella Exum and claims the interest from Jan 1st 1893 to May 1st 1893. The time of her death, time & moneys amt interest for 4 mos \$18.62
All interest previous to Jan 1st 1893 has been collected and paid over to Ella Exum during her lifetime.

Respectfully submitted by
W. W. Moore
Special Commissioner

Feb 15th 98

Report of W. H. Mann. Com.
in case of

Hay against Exemption

1897. April 7th. Filed

L. A. Hay 4.6.

To the Hon. Judge of Circuit Court of
Southampton Co. Va.

W. W. Moore the undersigned makes
this his last general report to date
no specially com. in case of Hay
against Exum. as filed in the
Clerks Office at Courtland Va.
He would beg leave to report that the
original amt. placed in his hands
for investment was \$931. One half
of this amt. was borrowed and secured
by Jas. M. Story, and still remains in
his hands. The other half (\$465) has been
borrowed by different parties, as the papers
filed in the Clerks office will show.
On Dec. 28th 1894 Mr Samuel H Bryant
paid this amt back to the Com. it
was reinvested May 25th 1895. by loan
to J. M. Williams.

In Aug. it was again
paid in to the com. and \$350 of it was
again reinvested by loan to Allen Brantley
secured by deed of trust on certain property
as mentioned in the deed filed in the
Clerks office. Which is the last invest-
ment that has been made of the said
money. The remaining amt. of \$115. is
in the hands of the com. at the
present time. The interest in all
cases has been promptly collected and
paid to the Miss Ella Exum. up to date
of Jan. 1st 1897

Rept. Submitted
W. W. Moore

April 5th 1897

Day

as 3

Exam

Done

April Term 1898

Enter April 6, 1898

Robert H. Huntis

He consents to
this deed

Shameson
att'y for plaintiff

R. B. Withers
Att'y for the defendant.

Coping for W. W. Moore

Entd - 212 -

Day

as 3 Decem

Exum

This day this cause came on again to be heard on the papers formerly made and the report of W. W. Moore filed at this time of the court and to which no report or exception have been filed and was argued by counsel. The consideration whereon the court doth adjudge and decree that the said report be confirmed and it appearing from the said report that Ella Exum for whom the funds in the hands of Commissioner were held for her support and maintenance during her lifetime departed this life on the 1st of May 1897 it now becomes necessary to distribute the funds in the hands of the said Commissioner according to the last will and testament of John ^{H.} Indikins dec'd. Now therefore the court doth further adjudge order and decree that the said W. W. Moore pay out the sum of \$587.17cts principal and interest as follows that he retain the sum of \$35.00 to pay the further costs now due in this case and to reimburse him for his long care in the management of this estate that he pay to R. G. L. Watkins the sum of \$18.52 as administrator of Ella Exum dec'd that he pay to James M. Story the sum of \$453.21 to A. J. Boyed

father and him at law of his infant
child James K Byrd the sum of \$77.21⁰⁰
to A. T. Byrd father and him at law or
his infant child Henry M Byrd that he
pay to the lawful guardian of Elliott
Byrd the sum of \$77.21⁰⁰, to the lawful
guardian of O. G. Byrd the sum of \$77.21⁰⁰
to the lawful guardian of A. T. Byrd the
sum of \$77.21⁰⁰ and to the lawful
guardian of S. B. Byrd the sum of \$77.21⁰⁰
And report his proceedings to this court
along with his receipts

To the Hon^{ble} George Blow judge of the
circuit court of Southampton

The undersigned special commissioner
begs leave to report, that acting under
a decree of the circuit court of
Southampton, entered at the May term
1884, in the case of Day vs Exum & etc
he received from Wm. Day the sum of
one thousand dollars, & made him a
deed with special warranty for the tract
of land containing three hundred & twenty
five acres, which was owned by
John N. Jenkins, and the following is
a statement of the money received, paid
out, and retained.

Received from Wm Day for land	\$ 1000.00	cts
Commission 5% on 300. 2% on remainder	29.00	
Paid Mess Shorb & Son Geo fu	30.00	
" Clerks fu	7.70	
Retained to pay ^{sheriff} clerk tickets	2.00	68.70
		931.30
Net Balance subject to order of the court for investment.		

Your commissioner reports that so far
he has found no investment for the net
sum of \$931.30 (which is still in his hands)
that exactly or fully answers the specifications
of the decree viz^z that it should be accounted

by twice the amount of unincumbered real estate.
But he herewith files a paper with this
report from Miss Ella. Exum, to whom all
this money belongs for life; desiring
and requesting the court to allow him
to lend one half of the above sum
of \$951.30 to James M. Story upon
his giving her a deed of trust on
a tract of land containing 475 acres
now owned by him, valued at \$2500, &
on which there is a deed of trust for \$1255.00

James M. Story would borrow the other
half & secure it by a deed of trust on a house
and lot in Franklin assessed at \$2263

but has an incumbrance of \$500.00

Another gentleman Dr M. E. Daugherty of
Franklin would borrow one half, and give
a lot of property, consisting of lots & houses
assessed at \$3760.00 on which there is an
incumbrance to the amount of \$1700.

Neither of the above parties are anxious to
borrow. The commissioner has made some
correct enquiries concerning the investment of
this money, but has not advertised it in the
county newspaper; not being so ordered by the court.
And the commissioner states further that
he has given Mr Day a copy of the clerks
certificate that he has executed the bond
required and herewith files the original
certificate with this his report all of which is
respectfully submitted by

Wm. H. Moore Special Commissioner

Day
to 3 Decm
Exam 4th

To be entered
May Term 1886

Geo. A. Brown. J.

✓

Day

on 3

Dece

~~Exhibits~~ to ab

This day This cause came on to be heard on The plaintiffs Bill Taken for confusd as to James M Story both in his own right and as administrator of John N Jenkins decd and Ella Exrux The answer of the five infant defendants Thomas W Byrd, Mayo Byrd, Abell Byrd Dorbin Byrd and Byrd five infants by B. F. McLemore Their guardian ad litem and general replication Thereto exhibits filed and was argued by counsel On consideration whereof The court doth adjudge order and decree That Wm W Moore who is hereby appointed a special commissioner for That purpose shall on The payment to him of the sum of one Thousand dollars good money of Virginia by William Day make to The said William Day and such other person as he may desire and such a portion of the Three hundred and Twenty five acres a deed or deeds with special warrants for the Three hundred and Twenty five acres of land sold by John N Jenkins in his lifetime to The said William Day and whereas it appears

* Enquire and report to Court whether any safe investment can be made of the purchase money left on execution ^{any} real estate of which the value of the purchase money exceeds.

by its appraised value

from the will of the said John N
Indkin That he gives all his estate
both real and personal to Ella Exum
for life and at her death to the children
of Anna Maria Byrd and James M Story
The Court doth further adjudge order and
decree that the said Wm W Moore
commissioner as aforesaid after paying
the costs of this suit and sale ~~and~~ ⁱⁿ ~~this~~
~~proceeding money left by Isaac on said~~
~~deed taking from the house~~ ^{from the} ~~house~~ ^{with}
~~said deed lines to pay to Ella Exum~~
~~as per said return thereon during her~~
~~life annually the first payment to be~~
~~made twelve months after the date of~~
~~the deed and so on until the death of~~
~~the said Ella Exum The said bond is~~
~~to be taken by deed of Trust on real~~
~~estate appraised at least twice the value~~
~~of the money lent with above said~~
~~interest and fees and the said~~
~~commissioner after taking the said bond~~
~~and deed of Trust and having it recorded~~
~~shall return both along with his report~~
~~to court But the said commissioner~~
~~shall not proceed to act under this~~
~~decret until he shall have executed in~~
~~the clerks office of This court a bond~~

in the sum of Twelve hundred dollars
conditioned for a faithful performance
of this and any other duties in this
cause and a copy of the certificate of the
clerk that the commissioner has executed
the bond according to this decree shall
be left with William Day and the certificate
returned with his report

Jenkins Lins

ads 3

Day

Sum of infant dependent
by guardian ad litem

The answer of Thomas W Byrce, Mayo Byrce,
Orell Byrce, Dorbin Byrce and Byr?
five infants The last only two months old and as
yet without Christian names by D. F. M. Lemore
This guardian ad litem to a bill in chancery
in the ancient court of Southampton as Thoms
and others

This defendant for answer to the
said bill or as much thereof as he thinks it
is material for him to answer, answering
says that he knows nothing of the facts
set forth in the plaintiffs bill, but submits
the interests of his wards to the care of
this court whose peculiar duty it is to
protect the rights of infants, and having fully
answered prays hence to be dismissed with
his costs &c

signed by D. F. M. Lemore
Guardian ad litem
Shanks & Son Jr. &c.

Report of Mr. W. M. Munn
Spencer Comm.

To The Hon C. W. Hill judge of The
circuit court of Southampton

The undersigned special commissioner
has leave to report that in obedience
to a decree of The court in The case
of Fay vs Exum return at The term
June 1887 on The favorable report of
The attorneys Messrs Shanks and Low
he caused to Samuel A Boyant
the sum of \$465.75 in Taking his bond
for that amount payable to Ella Exum
and the same secured by deed of Trust
on a Tract or lot of land at Logansville
valued at \$1200 and Samuels
returns The bond to court along
with his report as of which is

Respectfully Submitted by
Wm W Moore Special Commr

Day

15 3

Exm 11 als

Sum

This day This cause came on again to be heard on the papers formerly made and the report of special commissioner William W. Moore of his lending to James M. Long the sum of \$465.75 and taking a deed of trust on 47.5 acres of land to secure the same and returning the bond taken due and payable to Ella Exum and that he had found a borrower James A. Bryant for the residue of the money \$465.75 still in hand to be secured on real estate and was argued by counsel the consideration whereof the court doth adjudge order and decree that the said report be confirmed and that if upon the investigation of the plaintiffs counsel Messrs Wm B. Shands & Son they shall be satisfied that the real estate on which the money is to be loaned is worth twice the value of the sum of \$465.75 then that the said Wm W. Moore shall ~~lend~~ lend to the

said Samuel A Bryant The said
 sum of \$46.50 to taking a bond
 for the same payable to Ella Exum
 conditions to pay the interest
 annually and taking from the
 said Samuel A Bryant a deed
 of Trust on the said land to
 secure the same and insert a
 covenant that the dwelling house
 shall be insured for \$500 per
 annum the policy to be payable
 to Ella Exum and return the bond
 along with his report to court

86

Day

Mr 3 Exum

Exum 426

Bryant

C. W. H. H.

Entered 271

Day
R 3 Final Dress
Ex um & etc

To be entered
Oct 4th 1898
Robert H. Hentis

Entered Page # 226

Day

v2 3 Final Decree

Exhibit 102

This day this cause
came on to be heard on the papers
formerly read, and upon the report
of Special Commissioner W. W. Moore
of the disbursement of the funds
in his hands as directed by a
decree entered in this cause
on April 6th 1888; said disbursements
supported by proper vouchers to
which report no exceptions have
been filed. And was argued
by Counsel, on consideration
whereof, the Court doth adjudge
and decree that said report
be confirmed. and it appearing
to the Court that there is nothing
further to be done in this cause
Ordered that the same be
removed from the docket

Day

or 3 summons
Exempts

1886. App Rules
less: lat

Exemption, March 23rd
1886 by delivering to
Ella Exum + Jas. M.
Stony a copy of this
summons. The other
parties not resident
of this County

L. W. Vick's
skb

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

Ella Fenn. James M. Story
Thomas W. Byrd. Mayo Byrd. Orrell Byrd.
Robin Byrd and — Byrd. last five infants

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court
on the first Monday in *April* next, to answer a bill in Chancery exhibited against *them*
in our said Court by *the Day*

And this

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

WITNESS, J. B. PRINCE, Clerk of our said Court, this *20* day of *March*, 188*6*,
in the *110* year of the Commonwealth. *Teste. J. B. Prince c. b.*

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

*Thomas W. Byrd, Mago Byrd
Orce Byrd, Durbin Byrd, and — Byrd
all infants*

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court
on the first Monday in *April* next, to answer a bill in Chancery exhibited against *them others*
in our said Court by *Mr Doy*

And this

you

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

WITNESS, J. B. PRINCE, Clerk of our said Court, this *20* day of *March*, 188*6*,
in the *110* year of the Commonwealth. *Teste. J. B. Prince C. C.*

acoff. Teste J. B. Prince C. C.

J. Williams
to Bond
W. Moore Comr

Secured by Trust
Deed. of record
in Clerk's Office of
Sampson Co. Ct

Filed May 20th 1895

L. A. Gay C. C.

Recd \$27.90 amt of interest to May 6. 96
W. W. Moore Comr.

to date
July 16/94

On demand I have and promise to
pay to Messrs. Moore, Commissioners in
the Circuit Court of Dox or Deem.
now depending in the Circuit
Court of Southampton County, four
hundred and sixty five dollars.
I waive my homestead exemption
as to this debt. Witness my hand
and seal May 4th 1895.

Recd

J. Williams

Seal

Agg'd 29 Apr 78

Wm W B Shands & Son
Caretton 129

Gentlemen

I'm bringing the Day &
Evening matter before the court for
a decree please try to get a
liberal sent for my extra
trouble in the matter.

The half that belongs to Mary I
never had any trouble with.
But the other I had once to
advertise for a borrower
in Jonathan Duncanson
and it changed hand three
times. Was first loaned to S. H. Bryant
2d time to J. W. Williams and 3d
to Mr Allen Brontley.

#2

I had to make several
trips to Scotland to arrange
the paper with the parties at
Glenferrie offices. Once on a bitter
cold day of winter which made
me sick for a long while.

Please have the judge to note
the facts that I collected just
the interest 1st day of every
January & that Miss Epimus died
1st of May so that 4 mos interest
will belong to the estate of Miss Epimus
and the remainder to the other
fund to be paid to the Board of Miss Epimus
I am sorry to say I am prostrate
in bed and not able to be up
at all. No interest collected since
last January, Yours respectfully
W. W. Meares

Recd of William Day the sum of Eighty
dollars in part ^{payment for} ~~of~~ a parcel or tract of land
lying in the County of Southampton ~~County~~ &
known as the Miller Summer tract and bounded
by the lands of the undersigned, by the Junction
Road & by the lands of Henry Jones Fortin, and
containing by estimation 325 acres more or less
it being the land on which said Day lives,
The price, of which the above acre is or part, is
One thousand dollars, the date of purchase is
January 1st 1884, said One thousand dollars
or the balance due thereon from the date with
interest thereon to be paid one year after date
of purchase - and on the payment of said
sum of One thousand dollars and interest
I hereby bind myself to make and seal
Mr Day a deed with several warranties for
said land. Given under my hand this
real this 9th day of February 1884

Wm. A. E. Eawards

John. A. Jenkins. (Seal)

Ugual V^o
Feb 6th 98

Mr L. A. Gay
Burlington Vt

Dear Sir

Please send by
my nephew George Moore
James M. Story bond that
I may assign it to Mr
J. L. McLernone for payment.
I will return it Saturday
morning.

It will be found among the
papers of Day Vt. Exm.

Yours very respectfully

W. W. Moore

We, the undersigned, hereby certify that
we consider the real estate of S. A.
Bryant, at Joyner'sville, consisting of
dwelling and store house combined and
two acres of land, worth twelve hun-
dred dollars (\$1200.) or more.

W. H. Daughtry.

Jno. W. Beaton,
R. T. Fiers,

Southampton County to wit,

Personally appeared before me
C. C. Ferguson a Justice of the County aforesaid
S^r W. H. Daughtry, J. W. Beaton & R. T. Fiers,
and certified to the above statement,

Given under my hand this the
5th day of Nov 1887 -

C. C. Ferguson J.P.

Report
from
Shanley's Son

To Mr W Moore commissionary
in

We have examined the title to
Samuel A Bryant to the two acre
lot of land at Foyersville and
find that he has a fee simple title
that it is valued at \$1200 and that there
is a judgment lien to about \$70
on it we think the loan is safe
on the terms provided by the
deeds

Nov 18th 1887

Wm B Shandess to L
attorney at law

Day

vs. } Statement of costs

Expense et als.

Day

vs. } Statement of Costs since May 24th. 1886.

Excess et al.

Nov. 5th '86 fil. Lewis report 15, D. Apr. 21st '87. 15, D. Nov. 5th '87

15, D. no date 15, D. July 1st '95-15, D. Apr. 7th '97. 15, fil.

Jas. M. Storgo bond 15, D. J. W. Williams bond 15, D.

Allen Brantley's bond 15, 1 Decree & copy 72, 19 com-
munications \$4.75 Tax costs 40. Filing away papers 25,

Jan. 18th 1898 future costs about \$1.00

Paid Sept. 15th 1898. \$4.50 in part L. A. Day Clerk \$8.47

Teste: L. A. Day L. C.

Miss Sarah & Son Receipt

To Wm. J. Moore of com

11/11/11

May 21st 1881 Received from Mr W
Moore ^{Common} The sum of thirty dollars
in full of fee for chancery suit
brought by Mr Day against Ella
Exum James M Story and others
to get title to land the commission
being directed by the decree to pay
the costs of the suit

Wm B Shandas
attorney at Law

Received February 20th 1884 of Last Jyner
Forty dollars in part of the sum of Two hundred
and dollars to be paid (remaining 160 dollars to be
intent from January 1st 1884 and to be paid January 1st
1885) by said Jyner for one half interest in the Miller
Sumner farm in Southampton County, and on payment
of said Two hundred dollars in full as above written
I agree to make said Jyner a deed for said one
half of said farm. This receipt is subject to all
conditions contained in an agreement then signed
into this ~~day~~ business said Jyner and myself - which
agreement is held by me and which I bind myself
to produce in evidence of proper settlement
between us.

Witness
L. R. Edwards

Wm^h Jyner
Dary
Mark

Recd May 24. 1886 of W. W. Moore Comr,
Seven 7% in account, in full costs due
Clerk in City Court Day & Exam to
L. B. Prater & Co

Received Jan'y. 28th. 1885 - of William Day
Eighty Dollars in full for rent of the Sum-
ner Place for the year 1885 - and should
said Wm. Day be prepared to pay and pay
to me One Thousand Dollars by the end of
the year I promise to make him a deed for
said Land.

John A. Jenkins

April 14th 1898 Received from
W. W. Moore \$20 part of costs
in the case of Day vs Exum
Wm B. Shanks
attly for plaintiff

W. B. Shands

receipt

as atty

for plaintiff

in case of

Day vs Evans

Receipt in full
of
L. A. Gay
Clerk, Circuit Court

Received Oct. 1st. 1898 of Mr.
W. H. Moore Comr. in said of
Gay vs. Evans the sum of
Fors 25/100 dollars balance
Chas's fur in said suit,
L. H. Gay to, to

\$ 4³⁰—

FRANKLIN DISTRICT.

Mr. *W. W. Moss* Com. in Day *25. Even*

No.

1898.

To the Treasurer of Southampton County, Va., Dr.

SUBJECTS OF TAXATION.	State Tax.		State School Tax.		County Levy.		County School Tax.		District School Tax.		TOTAL	
	30c. on \$100.		10c. on \$100.		40c. on \$100.		5c. on \$100.		7½c. on \$100.		TAX.	
Toacres Land, value \$.....												
“acres Land, value \$.....												
“acres Land, value \$.....												
“acres Land, value \$.....												
“ Personal Property, value \$931.....	2.79		93		3.72		4.7		7.1		8.62	
“ Capitation Taxes.....												
“ Income\$.....												
Total.....												
5 per cent. additional.....												
Fee Bills.....												
Total.....												

Received payment.....

day of

Oct.

1898

J. C. Parker

Treasurer.

302.80
 6.84
 308.84

3

Received of H. H. Moore special
 commissioner the sum of three
 hundred and two + $\frac{8}{100}$ dollars
 being amount in full due to
 me as lawful guardian of the
 four living children of M. E. & T.
 and Annista Byrd, viz. Elliott Byrd,
 O. E. Byrd, A. T. Byrd, and S. H. Byrd
 as per order of the Circuit Court
 of Southampton County at its
 April term 1898.

(The amount of six + $\frac{4}{100}$ dollars
 being reserved to pay taxes due
 on the same.)

April, 12, 1898.

F. F. Jones

Guardian for

(A. T. Byrd children)

Elliott Byrd

Viz: S. E. Byrd

A. T. Byrd

S. H. Byrd

$$\begin{array}{r}
 \$ 17.70 \\
 92 \\
 \hline
 18.62
 \end{array}$$

Received of H. H. Moore special
 commissioner the sum of seventeen
 + $\frac{7}{100}$ dollars being the amount
 in full due to me as administrator
 of Miss Ella Oxum deceased
 (as per order of Circuit Court
 of Southampton County) from the
 said H. H. Moore.

Ninety two cents being reserved
 to pay proportionate amount
 of taxes assessed on the original
 amount of bonds in the hands
 of the commissioner.

April, 12, 1898.

H. H. Moore,
 Comr.
 Ella Oxum.

Receipt of
J. M. Story

J. M. Story

Franklin, Va., Feb 12th 1898

Recd of W. W. Moore Special Comr,
(~~\$467.35~~) Four hundred & sixty five &
16⁵⁴ for Dollars its being in full of
Acct due from him as Comr
J. M. Story

151.40
3.02

154.42

Received of H. H. Moore special commissioner
the sum of one hundred and
fifty one + $\frac{4}{100}$ dollars being amount
in full due to Mr. A. T. Byrd
father and heir at law of his
two infant children Cosmo K. Byrd
and Henry M. Byrd as per order
of the Circuit Court of Southampton
County at its April term 1898.
Three + $\frac{7}{100}$ dollars being reserved to pay
taxes on the same.

April 12, 1898.

R. S. Martin
Att for A. T. Byrd

Final report
of H. W. Moore
Special Comm
in case of

Day
vs

Exum

1898. 4 Oct. Final
L. A. Esay

Day
26

Report of W. W. Moore commr.

Exam

To the Hon R R Proutis judge of Circuit
Court for Southampton Co Va

Your undersigned commissioner reports
that acting under a decree ~~made~~^{by the} above
court on April 6th 1898 he paid out
the funds in his hands as follows

Total amt in hand	\$987.17
Paid cost &c	41.96
" R E L Watkins admr for Ella Evans	12.62
" J. M. Story	463.30
" A. D. Byrds attorney	154.46
" L. S. Jones guardian of Elliott, G. S. A J and S A Byrd	308.84
	<u>\$987.17</u>
	\$987.17

Receipts for all of which
payments are herewith filed

Oct 3/98

Respectfully submitted

W W Moore commr.

Amount of principal
interest

\$ 31.80

55.87

Amount to be distributed

\$ 87.17

at 5% per annum

38.00

to be paid out

\$ 45.17

pay Ella Esom

18.52

pay to Jas M. Story

46.32

" " A. T. Byrd

77.21

" " A. T. Byrd

77.21

" " Elliston Byrd, Jr

77.21

" " O. J. Byrd

77.21

" " A. T. Byrd

77.21

" " S. H. Byrd

77.21

945.15

945.17

\$350. ⁰⁰

On demand for value received, I owe
and promise to pay W. H. More, Commissioner
in the Chancery, Suit of Doy vs. Executors,
pending in the Circuit Court of Southampton
Co, Three Hundred and fifty and no cents
I waive my Homestead Exemption as to this
debt. Witness my hand and seal July 16.
1896.

Witness:

B. F. McLeamore

Pa. J.

J. M. L. More

Jan. 1. 1898

his + Brantley Seal

For value received, I hereby assign this bond
to Jas S. W. Lemon, without recourse.
Dec 30, 1897.

W. W. Moore Commissioner

Heem 13 or an 11y

10. } 13 only

W. W. Moore Comr.

1896. 16 - July 1897

L. A. Gay & Co.

465:7525

in full

On demand I promise to
pay to Ellen Exum the sum of
four hundred and ~~sixty~~ ^{five} dollars
and seventy five cents for value
received and hereby waive the
benefit of all homestead exemptions
as to this bond as witness my hand
and seal This 21 day of Nov 1887

Saml A Bryant,

Esq.

Recd Dec 20th / 888 twenty eight + $\frac{44}{100}$ dollars being
amt of interest due to Dec 1st. 1888. W. W. Moore special ^{commissioner}

Recd Jan 1st of S. A. Bryant \$27.93 being amt of
interest due on the within bond to Jan 1st 1890

W. W. Moore ^{commissioner} special

Recd Jan 1, 92 of S. A. Bryant \$27.93 being amt due
as interest on the within bond to date

W. W. Moore ^{commissioner} special

Recd Jan 1st 93 of S. A. Bryant $27 + \frac{93}{100}$ dollars being amt
of interest to date on the within bond.

W. W. Moore ^{commissioner} special