1900_02 Southampton County Chancery Booth, Lucy, etals Vs Branch, Dalla

"Land to be divided,
if not, sold, and proceeds
divided among parties
entitled thereto"

Booth, B.F.

Stephenson, Nannie K.
formerly Judkins

Drewry, Alice R.
formerly Judkins

Booth et als.

v. { Bill &c.

Branch Sallie.

1897. 1st. Sept. Rules filed

L. A. Gay, C.C.

Bruce &

JAMES L. McLEMORE,

Attorney-at-Law,

COURTLAND, VIRGINIA.

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

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

Complaining showeth to the Court the following case: That your complainants, Lucy E. Bopth and B.F. Booth her husband, she being formerly Judkins, Nannie K. STephenson formerly Judkins, and Alice R. Drewry formerly Judkins', father John N. Judkins, decd. was in his life time seized and possessed of certain real estate lying in the County of Southampton County, containing 330 acres more or less on Seacock Swamp, and was the same property upon which the said decedent lived before his death, and being so seized and possessed of the said real estate, sometime in the year 189 , the said John N. Judkins departed this life leaving your orators, and Salla Branch, an infant daughter of Bettie E. Branch Deceased, who was before her marriage, Judkins, his only heirs at law.

Your Orators further state that they believe the said real estate is not susceptible of partition in kind among the parties entitiled thereto, but if it is so susceptible, then they desire that same be divided in kind as provided by the statutes in such cases, and if it is not so susceptible then they desire that same be sold and the proceeds divided among the parties entitled thereto, according to their several interest : Your complainants believe and here state that the interest of all parties will be promoted by a sale of the entire subject matter and division of the proceeds of the sale, or by an allottment of part and sale of the residue.

In tender consideartaion whereof, and forasmuch as your complainants are remediless in the premises save in a court of equity, where matters of this kind are alone and properly cognizable, your complainants pray that said Salla Branch, an infant may be made a party defendant to this bill, and required to answer the same under oath: that a proper guardian ad litem may be appointed to defend the interest of the infant in this suit; who shall also answer this bill; that proper process issue; that said real estate be divided between

between the several parties in interest ,if same can be conveniently done,but if ~~not~~ that said real estate cannot be divided in kind,then that same be exposed to sale at public auction,and the proceeds divided among the parties entitled thereto; that all proper orders and decrees may be entered ,enquiries directed,and that all such other, farther and general relief may be granted your complainants as the nature of the case may require or to equity may seem meet.

And your complainants will ever pray &c.

Prince & McLemore

P.Q.

In the County Court of Saint-
anplain County - November Term 1898:

I Hereby certify that J.S. Drury
this day qualified as Guardian
of Sallie Branch an infant giving
bond in the penalty of $250.00 with
security deemed sufficient by the
Court.

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

I certify that the bond given by
J.S. Drury as Guardian of Sallie
Branch is in my judgment of sufficient
amount to protect the amount going into
his hands as Guardian from the sale of
the land by me as Special Com: in the
cause of Booth et als vs. Sallie Brand
and that the security is ample.
Octo. 3rd. 1899. J.L. Stephenson Spcl. Com.
by J.S. McLemore atty.

Booths et als.

(Judge's Certificate

Dated Dec 20, 1894

Supreme Court, evidence by consenting only signed by them and filed in the cause of the cause to be heard before a Vacation decision and decree thereon to be entered in vacation as might be made in term.

To: J. A. Gay,
Clerk of the Circuit
Court of Southampton County.

Chancery Cause of Booths et als versus Salla Branch, Dave by consent

by counsel that the parties, plaintiffs and defendants in the

I, Robert R. Prentis, Judge of the Circuit Court of Southampton, Coun-

Circuit Court of Southampton County, in vacation,
October 20th. 1899.

I, Robert R. Prentis, Judge of the Circuit Court of Southampton, County, do certify that the parties, plaintiffs and defendants in the Chancery Cause of Boothe et als, versus, Salla Branch, have by consent out of Court, evidenced by a writing duly signed by them and filed in the papers of the cause, made the same a Vacation cause for such decision and decree therein to be entered in vacation as might be made in term.

Robt R Prentis

To, L. A. Gay,
Clerk of the Circuit
Court of Southampton County.

Boston March.

vs. } Statement of Facts

Sara Branch, an Infant

Boothe et als.

vs. } Statement of costs

Lava Branch, an Infant.

Sum. 25, copy 13, receipt 18, atty. 10 = 66

Docket 18, Rules 1.00, Entering return 35 = 1.53

Fil. bill 15, Do. Sum. 15, Do. answer of Gdn ad litem 15 = .45

replication 15, Fil. notice 15, Do. Comr's report 25 = .55

Do. Special Comr's report 15, Taking Comr's bond 1.20 = 1.35

Fil. partial account 15, 5 Decrees ea. 3.60 = 3.75

Law costs ea. 40. Fil. away papers 25 = .65

Jany. 8/98 Future Costs about 1.25 1.25

Paid Feby. 5th. 1898. L. A. Gay Clerk $10.19

Sheff. 0.00

Lawyer 16.50

$26.69

Fee of Comr D. F. McLemore 5.00

$31.69

Test: L. A. Gay C.C.

Additional Costs Jun

1 Decree 36 Fil. Comr's report 25

Fil. Clerks Certificate as to qual. of Gdn. 15

Do Stephenson's certificate as to sufficiency of bond 15. 2 Continuances 50. Stale costs 20. Future Costs 250 Total $4.11

Cr. By amt. pd. on future costs 1.25

Paid L. A. Gay C.C. $2.86

pd. 34.50

10.17

$24.36

Received November 21st 1898 of L. A. Gray Clerk
of the Circuit Court of Southampton County
one bond filed in the suit of Boothe et als.
vs. Dalla Branch. Executed by Jas. A. Stephenson
Special Comm. on the 16th. day of Jany. 1898
and payable on the 27th. day of Nov. 1898. it
being to secure part payment for purchase
of The Jno. W. Judkins Farm.

J. A Stephenson

Received November 20th 1899 of L. A. Gay Clerk
of the Circuit Court of Southampton County
for 250.00
One bond, filed in the suit of Booth et als.
vs Dallas Branch, Executrix &c. &c. & Stephenson
Special Comr, on the 16th. day of Jany. 1898
and on demand Nov. 27th. 1899. it being in part
part payment for purchase of the Jno. W. Gadsden
farm

J A Stephenson

Bowthe et al
vs
Report of Com.
Sale of land
Salla Branch

1898. Dec. 20. filed.

Nodoma

To

The Hon. Robert R. Prentis, Judge of the Circuit Court of Southampton County.

B. A. Booth &c. vs. Thos.

v. Report of Sale of Land.

Branch Walla,

The undersigned begs to report that pursuant to a decree entered in this cause Oct. 20th. 1897, the undersigned exposed to public sale on Nov. 27. 1897. on the premises the tract of land in the bill mentioned containing 230 acres more or less, & bounded by lands Miss Clarina Brittle, B. F. Booth & the John Branch & others: One third cash, the remainder in two equal installments, carrying interest from day of sale. At which sale B. F. Booth became the purchaser by bidding therefor the sum of $750.00 and has complied with the terms of said sale.

Your Commissioner thinks the said a good one & recommends that same be confirmed.

Dec. 20. 1897.

Respectfully Submitted

J. A. Stephenson

Spec. Comr.

Bonds for deferred payments filed herewith - J.A.S.

Dorothea et als.
vs} Decree
Dalla Branch.

1897. October 20th.
Enter
Robert R. Prentis

Entd Page 184

Sold Nov. 27. 1897. to B. F. Burton for $750-

Virginia, In Vacation: In the Circuit Court of Southampton County, October 20th. 1897.

Boothe et als.

Vs.

Branch Sally.

This day this cause came on again to be heard upon the papers formerly read, upon the agreement in writing of all of the parties made in vacation, that this cause be submitted to the Judge of the Circuit Court in vacation for such decision and decree therein to be entered as might be made in term, which writing is hereby made a part of the record in this cause, upon the report of Commissioner B. F. McLemore filed October 8th. 1897. To which no exceptions have been taken and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that the said report be confirmed, and it appearing from the said report that the land in the bill and proceedings mentioned cannot be conveniently divided, in any of the modes prescribed by the Statute, doth order that B. F. Boothe who is hereby appointed a Special Commissioner for the purpose, do proceed, after 20 days notice, duly posted

in at least three public places near the lands. To sell the Land in the said bill described at Public sale, on the premises, and upon the following terms, To-wit: One third cash, the remainder of the purchase price upon credit of one and two years. Taking bonds for the deferred payments, carrying interest from day of sale, and retaining title to the said property till all of the purchase money is paid. With option to the purchaser to pay all of the purchase money in cash and take a deed upon the Confirmation of the sale by the Court; in selling said land the Commissioner will reserve one half of an acre comprising the family burial ground, together with the right of ingress and egress to and from the same, But before he shall proceed to sell hereunder he shall execute a bond before the Clerk of the Circuit Court in the Penalty of $1500.00 with approved security, and conditioned for the faithful execution of this or any future decree to be herein entered.

A Copy.

Teste: L. A. Gay C.C.

Recd Jany. 16. 1898, of J. A. Stephenson Special Comr. in Chancery Cause of Baatte et als. vs. Salla Branch, the sum of $25.00 fee in said cause, and also recd. from him the sum of $31.69 costs of the said cause to date.

Jas. L. McLemore
Atty.

31.69
25
$56.69

1-

Estate of Mrs Sam Branch dec'd

T. S. Nicholson Dr.

1897 Jany 20 The date of Mrs Branch's death To amt due me for medical services in her last ~~sickness~~ illness in her last illness $ 41.00

Feb 1st 1897 By 320 lbs of pork at 5 cents paid by Booth & Stephenson 16.00

Bal due to date $25.00

Rec'd of Isaac A. Stephenson. Special Commissioner for sale of land the above $25.00 in full of claim

Sam'l Nicholson M.D.

N

1

Received Jany 28 the 1898 of
J. A. Stephenson spec com the
sum of $41.00 forty one dollars
in full it being my part of
the cash payment of the
J. W. Judkins farm

Lucie E. Boothe
B. F. Boothe

1

To Rec'd Nov. 1. 96 of J. A. Stephens
Admr. the sum of Seventy four Cents.
for pectus of Sale

J. L. W. Lomax

Received Jan Thr 27 1879
of J A Stephenson Spec com
the sum of $64 50 Sixty four
dollars and fifty cents in
full it being my part of
the second payment of the
J W Judkins farm

Lucie E Bowthe

B F Bowthe

Received, Jan. 27th, 1899
of J. A. Stephenson Spec'l
Com. the sum of $64.50
Sixty four dollars and fifty
cents, in full it being
my part of the second
Payment of the
J. W. Judkins, farm

Alice R. Drewry
J. D. Drewry

8

Received Jan 27, 1899
of J. A. Stephenson speed
Corn the sum of $64.50
Sixty four dollars and fifty cents
in full it being my part of the
second payment of the J A Judkins
farm

Nannie Stephenson

9 J A Stephenson

Received Jan 27th 1900
of J. A. Stephenson, Spec'l
com the sum of $67.42
Sixty seven dollars & forty-two
cts it being my part of the
last payment of the J. W.
Jackins farm in full

Lucie E. Boothe
D. H. Boothe

$80.00

Recvd Dec The 15 1899. of J.A. Stephenson Spec Com. ~~Eighty~~ Eighty Dollars

It ~~being~~ part payment of land sold by him as per order Circuit Court of Southampton County

1 D

J. S. Drewry
Gardner for Sala Branch

67 42/100

Recvd of J A Stephenson Spel Con Co
Sixty-seven & 42/100 Dollars in full of my
part of last payment on J C Jackins Land
sold D. F. Cook -
Jany 27-1900.

Alice R. Drewry
J. D. Drewry

Recived Jan 27. 1900 of
J. A. Stephenson sped com
the sum of $ 67.42 sixty seven
dollars & forty-two cts it being
any part of the last payment of
the J. H. Judkins fdm in full

Nannie Stephenson
J. A. Stephenson

Berlin and Ivor District.

Mr. James A. Stephenson Comm'r in suit Baxter's heirs vs. Branch's heirs No. 667

1898. To the Treasurer of Southampton County, Va., Dr.

Subjects of Taxation.	State Tax, 30c. on $100.	State School Tax 10c. on $100.	County Levy. 40c. on $100.	County School Tax. 5c. on $100.	District School Tax. 10c. on $100.	TOTAL TAX.
To ....acres Land, value $.....						
" ..... acres Land, value $.						
" ....acres Land, value $.						
" .....acres Land, value $.....						
" Personal Property, value $. 75~	2 25	75	3 00	37	75	7 12
" Capitation Taxes.....						
" Income.....$.....						
Total.....						
5 per cent. additional.....						36
Fee Bills.....						748
Total.....						

Received payment 15th *day of* May 189 9 A A Cobb *Treasurer.*

BERLIN AND IVOR DISTRICT.

Mr. J. A. Stephenson. Cousin Booth Va Branch + No. 696

1899. To L. R. EDWARDS, Treasurer of Southampton County, Va., Dr

SUBJECTS OF TAXATION,	State Tax, 30c. on $100.		State School Tax, 10c. on $100		County Levy, 40c. on $100.		County School Tax. 5c. on $100.		District School Tax, 10c. on $100.		TOTAL TAX,	
To ____ acres Land, value $												
" ____ acres Land, value $												
" ____ acres Land, value $												
" ____ acres Land, value $												
"Personal Property, value $ 331		99		33	1	32		17		33	3	14
"Capitation Taxes												
"Income $												
Total												
5 per cent. additional												16
Fee Bills												
Total											3	30

Received payment 19 *day of* March 1899 R. M. Edwards Jr *Treasurer.*

67 42/100 Recivd of J. A. Stephenson Spec Com
Sixty seven + 42/100 Dollars in full of Sala J Branch's
pat of last paymnt on J. D. Judkins land sold
B. H. Booth
Jany 27-1900.

J. D. Drewry
Guard for Sala J. Branch

Recd, March 19. 1900 of J. A. Stephenson
Special Dist. the sum of Five & 50/100
Dollars Deed acknowledgment —
Jas L. McLemore
Atty

Rec'd. March 19th. 1900 of J. A. Stephenson Special Comr. in suit of Booth et als. vs. Sarah Branch. an infant. the sum of $2.86 additional Costs due in said suit.

L. R. Gary Clk.

Received Jany 28th 1898 of
J A Stephenson Spece coin the sum
of 41.60 forty one dollars in
full it being my part of
the cash payment of the
J W Jackson farm

Alice R Drewry

Jas. S. Drewry

Received Jan 28. 1898. of
J. A. Stephenson Sped com
the sum of $41.00 forty one
dollars in full it being my
part of the cash payment of the
J. W. Judkins. farm.

5/

Nannie Stephenson
L A Stephenson

Booth et al.
v.
Trial.
Report of Special Agent
Brack Walla

1900 April 3rd
filed

TO THE HON. ROBERT R. PRENTIS, JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY.

Boothe et als.

vs.

Salla Branch.

The undersigned Special Commissioner, appointed by a decree of January 4th, 1898 to collect the purchase money from the sale of the land in the bill mentioned and make to the purchaser a deed, begs to report that the purchaser availed himself of the instalment plan, giving his two bonds for the deferred payments, which have now been fully paid, together with the interest due thereon, and the deed executed to the purchaser, B. F. Boothe.

The Commissioner has disposed of same as follows:

Amount received from sale, first cash payment	$250.00	
,, ,, ,, ,, second ,, ,, ,,	265.00	
,, ,, ,, ,, third ,, ,,	282.00	
To commissions on the purchase price of $750.00		$24.00
,, J. A. Stephenson for crying property		5.00
,, paid J. L. McLemore		✓ 56.69
,, ,, Dr. S. Nicholson		✓ 25.00
,, ,, Mrs. Lucie E. Boothe, Distributee,		✓ 41.00
,, ,, J. L. McLemore for posters		✓ .75
,, ,, Mrs. Lucie E. Boothe, Distributee, sec.payment		✓ 64.50
,, ,, Mrs. Alice R. Drewry ,,		✓ 64.50
,, ,, Mrs . Nannie K. Stephenson		✓ 64.50
,, ,, J.S.Drewry, guard'n for Salla Branch,Distributee,		✓ 80.00
,, ,, Mrs. Lucie E. Boothe, last payment ,,		✓ 67.42
,, ,, Mrs. Alice R. Drewry ,,		✓ 67.42
,, ,, Mrs. Nannie K. Stephenson ,,		✓ 67.42
,, ,, J. S. Drewry, guardian, ,,		✓ 67.42
,, ,, taxes on bond, 1898,		✓ 7.48
,, ,, ,, ,, ,, 1899,		✓ 3.30
,, ,, for writing deed and acknowledgement		✓ 5.00
,, ,, Clerk additional cost		✓ 2.86
,, ,, future cost		.24
,, ,, Mrs Alice R. Drewry Distributee		✓ 41.00
,, ,, Mrs. Nannie K. Stephenson ,,		✓ 41.00
	$797.00	$797.00

Vouchers returned herewith.
March 30. 1900—

Respectfully Submitted,
J. A. Stephenson
Special Commissioner

Form No. 309.

Boothe et als.

vs.

Branch Bella

Jas. A. Stephenson

to } COMMISSIONER'S BOND.

Commonwealth.

1897. 6th Nov. Filed

L. A. Gay C.C.

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 309.

Know all men by these Presents, That we, Jas. A. Stephenson
& B. F. Boothe

are held and firmly bound unto the Commonwealth of Virginia, in the sum of ($1500.00)
Fifteen Hundred Dollars,
to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation, and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our seals, and dated this 6th. day of November one thousand eight hundred and ninety seven.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound Jas. A. Stephenson shall faithfully perform the duties of his office or trust, as Special Commissioner under a decree of the Circuit Court of the County of Southampton pronounced on the 20th. day of October, 1897, in the suit therein depending under the name and style of Boothe &als. vs Bacca Branch or any future decree that may be entered herein

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

Signed, sealed and acknowledged in the presence of

J. A. Stephenson SEAL.
B. F. Boothe SEAL.
SEAL.

In the Clerk's Office of the Circuit *Court of the* County *of* Southampton.

This day B. F. Boothe surety on the above bond, made oath before me, L. A. Gay Clerk of the Circuit Court of the County of Southampton that his estate, after the payment of all his just debts, and those for which he is bound as security for others and expect to have to pay, is worth the sum of $1500.00 dollars.

Given under my hand this 6th. day of November, 1897.

Teste: L. A. Gay Clerk.

Book et al.
1 3 Answr of Gr.
3 ad Citat.
Branch Stella.

The joint answer of John N. Sebrell, Jr., guardian ad litem to the infant defendants, Sallie Branch.

and the answer of the said infant defendants by their said guardian ad litem to the bill of complaint exhibited against them and others in the Circuit Court of Southampton County by Lucy E. Burke and other

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

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

Jno. N. Sebrell Jr.
Gdn. ad litem

Bivins et als.

THE COMMONWEALTH OF VIRGINIA.

vs } Dem. Inchy.

Branch Salla, an infant

1897. 1st Sept. Rules

Prince & McLemore p.q.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon Sallie Branch, an infant

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 September next, to answer a bill in Chancery exhibited against her in our said Court by Lucy E. Boothe and B. F. Boothe her husband, Nannie K. Stephenson and J. H. Stephenson her husband, Alice R. Drewry and J. S. Drewry her husband

And this ~~she~~ 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 24th day of August, 1897, in the 122 year of the Commonwealth.

Teste: L. A. Gay C. C.

Booth et als.

vs } Statement of Rules

Branch Bella

Lucy E. Boothe, and B. F. Boothe her husband, Nannie K. Stephenson and J. A. Stephenson her husband, Alice R. Drewry and J. S. Drewry her husband } Plaintiffs.

vs.

Dalla Branch, an infant, Defendant

1897. 24th. Aug. Process issued 15 1st. Sept. Rules.

1897. 1st. Sept. Rules. Bill filed.

Jno. N. Sebrell Jr. appointed G.D. ad litem 15 infant defendant. Dec. nisi

1897. 2nd. Sept. Rules. Cause set for hearing.

We hereby acknowledge due
& legal service of this notice.

J A Stephenson

Hannie K Stephenson his wife

B F Booth

Lucie Booth his wife

Enoch Price Jr. by ad litem for defendant

J C Drury & Alice R
Drury his wife by
J. W. Lenoir atty.

To, B.F. Boothe, Lucy Boothe, J.A. Stephenson & Jeannie K. his wife
J.S. Drewry & Alice R. Drewry and Dalla Branch infant.

Take notice, that we shall through our Counsel, apply to the Hon. Robert R. Prentis, Judge of the Circuit Court of Southampton County, at his Office in Suffolk Va., on the 4th day of January 1897, for a decree to be entered in the Chan[illegible] of, Boothe et als. v. Branch —

in vacation, preparatory to a final decree.

Your obedient servant,

B. F. Boothe,

Boothe et als.

vs } Decree.

Dalla Branch. an Infant

1898. Janry. 4th. Entd

Robert R. Prentiss.

Entd page 194

Examined

Virginia:

In vacation, in the Circuit Court of Southampton County, January 4th. 1898.

B. F. Boothe et als.

vs.

Lalla Branch et als.

This day this cause came on again to be heard in vacation upon the papers formerly read, upon the report of the sale of the real estate in the bill mentioned, filed this day, to which there are no exceptions taken, and upon the due and legal notice of Plaintiff's intention to apply for this decree having been served upon the parties in interest, including the purchaser, and was argued by Counsel. On consideration whereof, the Court doth confirm the said report of sale, and doth order that the sale as made to said B. F. Boothe be held firm and binding, and doth further order that said special Commissioner J. A. Stephenson, upon receipt of the purchase money, proceed to make to said B. F. Boothe a deed with special warranty for the land in the proceedings mentioned, containing 330 acres more or less, bounded by the lands of Miss Marina Briello, B. F. Boothe, John Branch and others, and report to Court.

A Copy.

Teste: L. A. Gay b.c.

It is consented that the Chancery Cause of Boothe &c. vs Branch may be submitted to the Judge of the Circuit Court of Southampton County, in Vacation, for such decision & decree therein in Vacation as might be made in term. Said cause being now pending in the Circuit Court of Southampton County.

Jno. C. Gibbs J.

Gilliam & Peters for infant defts.

Lucy E. Boothe & R. T. Boothe
Nannie K. Stephenson & J. D. Stephenson
Alice R. Drewry & J. H. Drewry
by Prince & Moore
their Counsel

Boothe et als.

vs.

Branch Sella

This day this cause which has regularly matured at rules came on to be heard upon the bill & Exhibits filed; Answer of J. N. Schreck Jr. guardian ad litem. regularly assigned at Rules. with general replication thereto and was argued by Counsel.

On consideration whereof the Court doth adjudge, order and decree that this Cause be referred to one of the Commissioners of this Court who will enquire and report to Court:

1st. Whether or not the land in the bill and proceedings mentioned can be conveniently partitioned in Kind among the parties entitled thereto?

2nd. If not. Whether two or more of the shares can be laid off together or the same can be partitioned in Kind among the parties in any of the modes prescribed by the Statute, and if not will the interest of the parties be promoted by sale of the entire subject and division of the proceeds - or allotment of part & sale of residue.

3rd. The Annual & fee simple value of the real estate. and the liens thereon if any.

4th. Any other matters deemed pertinent by the Commissioner or required to be stated by any party in interest.

A Copy.

Teste: L. A. Gay G.G.

Boundaries.
vs.
Samuel Sella.

Report of Surveyor
Sept 1st 1873

Commissioner's Office,
Courtland
~~Jerusalem~~, Va., Octo 2 1897

To Sallie Branch an Infant by J.N. Sibrell Jr. Gdn. ad litem
Lucy A Boatter & B.F. Boatter her husband, Alice R. Drewry and
J.S. Drewry her husband Nannie K. Stephenson and
J.H. Stephenson her husband

You are hereby notified that I have fixed upon the 2nd *day of* October 1897 ~~next~~, *if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:*

1st. Whether or not the land in the bill and proceedings mentioned can be conveniently partitioned ~~in~~ Kind among any of the parties entitled thereto.

2nd. If not, whether two or more of the shares can be laid off together, or the same can be partitioned in Kind among the parties in any of the modes prescribed by the Statutes, and if not will the entire interest of the parties be promoted by a sale of the entire subject matter, and division of the proceeds, or allotment of part and sale of the residue.

3rd. The annual off simple value of the real estate, and the liens thereon if any.

4th. Any other matter deemed pertinent by the Commissioner, or required to be stated by any interested party.

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.

We acknowledge due legal service of this Notice
October 2nd - 1894.

J A Stephenson and Jennie K Stephenson
B F Boothe and Lucy E Boothe
Alice R Dewey J S Dewey

Invck Cabell Jr.
Sidn as Atty for Defnt Pltfs.

Seal in pmmns aftr 20 days
1/2 coal bbl, 1 ft
1/2 acre burial ground

Commissioners Office.
Courtland Va Oct 2, 1897

Testimony of Witnesses taken in Courtland Va. October 2nd 1897 in the Chancery Cause of Branch Salla adi: Baathe et als. before ~~Wm. F. Wyatt~~ ~~Wm. Stewart~~ Comr in Chancery.
Present. Enoch Sebrell Jr. Gdn ad litem for Infant.

1st. Witness: John T. Branch, being duly sworn deposes & says.

I am 63 years of age, live near the land & know all the parties to the suit. Salla Brandt being ~~no kin to~~ my niece.

2nd Q. Do you think the land in the bill mentioned containing 33½ acres, can be conveniently divided among all the parties entitled thereto?

A. I dont think it can be, for several reasons: there are four shares, the buildings alone are worth as much as one share; there is only about 35 acres of cleared land, and some of the parties would have no rail timber or fire wood; the land is rolling & lies bad to divide, and I think it would be to the interest of all parties to have a sale & division of the proceeds.

Q. 3. What do you consider a fair cash value of the farm?

A. About $800+

Q. 4. How old is the child Salla Brandt?

A. Eleven years of age.

John T. Branch

A. J. Drake. being duly sworn deposes & says:

I am 52 years of age, know the farm & the parties to the suit.

Q. 1. I have read to you the questions & answers of Mr. John T. Branch, do you or not agree with him?

Ans. I do agree with him in all that he has said.

A. J. Drake

R. E. Burton. being duly sworn deposes says:

I am 32 years of age, & live on the farm this year.

Q. 1. Do you agree with Mr. John T. Branch or not?

Ans. I do. in all of his testimony.

R. E. Burton Jr.

Subscribed and sworn to. Oct. 2. 1897

B. F. McLemore.

Comr in Chancery

Booches Vals:

Ir } Report

Branch

1897. Oct. 8. filed.

L. A. Gray Cl. K.

Commissioner's Office -
Courtland, Va.
Oct. 2. 1897

To the Circuit Court of Southampton Co.,
Pursuant to a decree of said Court, entered at the Sept. Term 1897, in the Chancery Cause of Booths et. als: v Branch - The undersigned Commissioner reports to Court that having issued Notice against the parties, legal service of which has been acknowledged, and is herewith filed. He proceeded: 1st, to take the depositions of John T. Branch and others and 2nd: to take the accounts required by the aforesaid decree. And submits the following:
That the tract of land in the bill and proceedings mentioned, containing 330 acres, cannot be divided in kind among the parties entitled thereto - for reasons appearing in the depositions of Witnesses: - And that it would be to the interest of all parties to sell the entire subject matter, and divide the proceeds according to the rights of the parties interested.
That $800.00 would be a fair Cash value of the said land.
That the child, Sallie Branch, is Eleven years of age.
The deposition of Witness on which this report

is based. a copy of the decree, and the Notice of the time and place of taking the same is herewith filed.

The Annual value of the land is estimated at $50.00.

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

Commissioner's fee
$5.00

Boothe et als.

vs. } Decree

Brack Dalla

Entered Nov. 5. 1877

Robert R Prentis.

Entered Page 187

Virginia:

In Vacation, In the Circuit Court of Southampton County, November 5th. 1897.

Boothe et als.

Vs.

Sallie Branch.

This day this cause which has previously been regularly made a vacation cause, came on to be again heard, and was argued by Counsel, On Consideration whereof, the Court doth adjudge and decree that the decree entered in this Cause on the 20th. day of October 1897. Wherein B. F. Boothe was appointed Special Commissioner to make sale of the land in the said papers mentioned, be amended in this particular only, that in place of B. F. Boothe as Special Commissioner there be inserted the name of Jno. A. Stephenson Special Commissioner, who shall proceed to carry out the provisions of the said decree of October 20th. 1897. in the place of said B. F. Boothe.

A Copy.

Teste: L. A. Gay, C. C.

Booth vals.
vs
Deed
Branch Bells.

1897 Sept 27th
Entered
Robert R. Prentis.

Entd. Page 158

Insert all of the names

Boothe et als.

vs.

Branch Dalla,

This day this cause which has regularly matured about. came on to be heard upon the bill exhibits filed; Answer of Jno. H. Abrell Jr. guardian ad litem, regularly assigned at rules, with general replication thereto and was argued by Counsel.

On consideration whereof the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this Court who will enquire and report to Court:

1st Whether or not the land in the bill and proceedings mentioned can be conveniently partitioned in kind among the parties entitled thereto?

2nd. If not, whether two or more of the shares can be laid off together or the same can be partitioned in kind among the parties in ~~the~~ any of the modes prescribed by the Statute, and if not will the interest of the parties be promoted by sale of the entire subject and division of the proceeds - or allotment of part to one of parties

3rd. The annual rent or fee simple value of the real estate, and the liens thereon if any.-

4th. Any other matter deemed pertinent by the Commissioner or required to be stated by any party in interest.

Origin:

In Vacation. In the Circuit Court of Southampton County.

November 6th. 1837.

Boothe et als.

vs.

Branch Sallade.

Sallade's Trans.

This day this cause which has previously been regularly docketed by consent of parties, on to be again heard, and was argued by counsel. On consideration whereof, the Court doth adjudge and decree that this cause be continued on the 2nd. day of October next, when it is ordered that the Commissioner to whom this cause was referred, do proceed to state an account between the parties, and report the same to the Court, and that the parties do produce before him all such books, papers and writings as may be required by him or either of them, and that he examine on oath such witnesses as may be produced before him by either of the parties, or he may be required by either of them to examine, and that he do state any special matter that may arise on the hearing before him, and which either party may require to be stated, or which he may deem proper to state for the information of the Court.

Boothe et als.

vs.

Branch Sallade.

Sallade's Trans.

Virginia:

In Vacation, In the Circuit Court of Southampton County.

November 5th. 1897.

Boothe et als.

Vs.

Salla Branch,

This day this cause which has previously been regularly made a vacation cause, came on to be again heard, and was argued by Counsel. On consideration whereof, the Court doth adjudge and decree that the decree entered in this cause on the 20th. day of October 1897, whereiñ B.F.Boothe was appointed special Commissioner to make sale of the land in the said papers mentioned, be amended in this particular only, that in place of B.F.Bopthe as Special Commissioner there be inserted the name of Jas. A. Stephenson special Commissioner, who shall proceed to carry out the provisions of the said decree of October 20th. 1897, in the place of said B. F.Boothe.

To the Clerk of the Circuit
Court of Southampton County.

Robert Travis

Virginia. In Vacation: In the Circuit Court of Southampton County.

October 20th. 1897.

Booths et als.

Versus.

Person Sale.

This day this cause came on again to be heard upon the papers formerly read, upon the agreement of all of the parties made in vacation, that this cause be submitted to the Judge of the Circuit Court in vacation for such decision and decree therein to be entered as might be made in term, upon the report of Commissioner P.T.Mclemore filed October 8th. 1897, to which no exceptions have been taken and was agreed by Counsel.

On consideration whereof the Court doth adjudge order and decree that the said report be confirmed, and it appearing from the statute, and the pleadings, and upon the face of the bill that the property cannot be conveniently divided in any of the modes prescribed by the statute, doth order that P.T.Booths who is hereby appointed a special Commissioner for the purpose, do proceed after 20 days notice by posting three notices in three public places near the land, to sell the same at public auction to the highest bidder, on the premises, on the following terms, to-wit: One third cash, the residue in two years, taking bonds for the purchase price of one and two years, from day of sale, and retaining a lien on the land for the purchase money, with power to the Commissioner to resell the same on failure of any purchaser to pay all of the purchase money in cash and take a deed upon the confirmation of the sale by the Court, in said County, in which said land lies and the Commissioner will execute deeds to the purchasers, and report his proceedings to the Court.

Booth et als
Versus
Sale in Franch.
1897 October 20th
Decree

Page 186

Jas. A. Stephenson

Virginia. In Vacation: In the Circuit Court of Southampton County. October 20th. 1897.

Boothe et als.

Versus,

Branch Salla,

This day this cause came on again to be heard upon the papers formerly read, upon the agreement in writing of all of the parties made in vacation, that this cause be submitted to the Judge of the Circuit Court in vacation for such decision and decree therein to be entered as might be made in term, which writing is hereby made a part of the record in this cause, upon the report of Commissioner B.F.McLemore filed October 8th. 1897, to which no exceptions have been taken and was argued by Counsel.

On consideration whereof the Court doth adjudge, order and decree that the said report be confirmed, and it appearing from the said report that the land in the bill and proceedings mentioned cannot be conveniently divided in any of the modes prescribed by the Statute, doth order that B.F.Boothe who is hereby appointed a special Commissioner for the purpose, do proceed after 20 days notice, duly posted in at least three public places near the land, ~~process~~ to sell the land in the said bill described at public sale, on the premises, and upon the following terms, to-wit: One third cash, the remainder of the purchase price upon credit of one and two years, taking bonds for the deferred payments, carrying interest from day of sale, and retaining title to the said property till all of the purchase money is paid, with option to the purchaser to pay all of the purchase money in cash and take a deed upon the confirmation of the sale by the Court; in selling said land the Commissioner will reserve one half of an acre comprising the family burial ground, together with the right of ingress and egress to and from the same. But before he shall proceed to act hereunder he shall execute a bond before the Clerk of the Circuit Court in the penalty of $1500.00 with approved security, and conditioned for the faithful execution of this or any future decree to be herein entered.

To the Clerk of the Circuit Court of Southampton County.

Robert R. Bruce

Virginia:

In Vacation,in the Circuit Court of Southampton County.

January 4th. 1898.

F.T.Boothe et als,

vs,

Sally Branch,an Infant.

This day this cause came on a sale to be heard in Vacation upon the papers formerly read and upon the report of Commissioner, filed the 30th day of December 1897, to which report no exception has been filed, and it appearing to the Court that all the parties in interest have been duly notified of the time and place of taking said account, and it further appearing to the Court that this cause was referred to said Commissioner by decree entered in the clerk's office of this Court on the 30th day of December 1897, and that the sale made by said Commissioner is in all respects in accordance with the terms of said decree, and that the same is fair and reasonable, it is adjudged, ordered and decreed that the said report be and the same is hereby confirmed, and that the sale made by said Commissioner to F.T.Boothe be and the same is hereby confirmed.

And it appearing to the Court that the said F.T.Boothe has complied with the terms of said sale, it is further adjudged, ordered and decreed that the said Commissioner do convey to the said F.T.Boothe the land sold by him as aforesaid, and that the said F.T.Boothe do recover of the said Sally Branch, an infant, the sum of Three Hundred and Thirty dollars and thirty three and one third cents, with interest thereon from the 4th day of January 1898 until paid, and his costs by him about his suit in this behalf expended, and that execution issue therefor.

Boothe et als.

vs,

Sally Branch,an infant.

1898 Jany. 4th. Enter,

Robert R. Martin

Boothe et als.

vs,

Sally Branch,an infant.

Decree

Filed 4th day January 1898.

Teste:

Robert R. Martin

Clerk.

Boothe et als.

vs,

Sally Branch,an infant.

Decree

Filed 4th day January 1898.

Teste:

Robert R. Martin

Clerk.

Virginia:

In Vacation,in the Circuit Court of Southampton County.

January 4th. 1898.

F.T.Boothe et als,

vs,

Sally Branch,an Infant.

This day this cause came on a sale to be heard in Vacation upon the papers formerly read and upon the report of Commissioner, filed the 30th day of December 1897, to which report no exception has been filed, and it appearing to the Court that all the parties in interest have been duly notified of the time and place of taking said account, and it further appearing to the Court that this cause was referred to said Commissioner by decree entered in the clerk's office of this Court on the 30th day of December 1897, and that the sale made by said Commissioner is in all respects in accordance with the terms of said decree, and that the same is fair and reasonable, it is adjudged, ordered and decreed that the said report be and the same is hereby confirmed, and that the sale made by said Commissioner to F.T.Boothe be and the same is hereby confirmed.

And it appearing to the Court that the said F.T.Boothe has complied with the terms of said sale, it is further adjudged, ordered and decreed that the said Commissioner do convey to the said F.T.Boothe the land sold by him as aforesaid, and that the said F.T.Boothe do recover of the said Sally Branch, an infant, the sum of Three Hundred and Thirty dollars and thirty three and one third cents, with interest thereon from the 4th day of January 1898 until paid, and his costs by him about his suit in this behalf expended, and that execution issue therefor.

Boothe et als.

vs,

Sally Branch,an infant.

1898 Jany. 4th. Enter,

Robert R. Martin

Boothe et als.

vs,

Sally Branch,an infant.

Decree

Filed 4th day January 1898.

Teste:

Robert R. Martin

Clerk.

Virginia:

In Vacation, in the Circuit Court of Southampton county.

January 4th. 1898.

B.F.Boothe et als,

vs,

Salla Branch, an Infant,

This day this cause came on again to be heard in vacation upon the papers formerly read, upon the report of the sale of the real estate in the bill mentioned, filed this day, to which there are no exceptions taken, and upon the due and legal notice of plaintiff's intention to apply for this decree having been served upon the parties in interest, including the purchaser, and was argued by Counsel. On consideration whereof, the Court doth confirm the said report of sale, and doth order that the sale as made to said B.F.Boothe be held firm and binding, and doth further order that said special commissioner J.A.Stephenson, upon receipt of the purchase money, proceed to make to said B.F.Boother a deed with special warranty for the land in the proceedings mentioned, containing 330 acres more or less, bounded by the lands of Miss Marina Brittle, B.F. Boothe, John Branch and others, and report to court.

To the Clerk of the Circuit
court of Southampton County.

Robert Francis

BOOTHE et als.

VS DECREE

Partition

SALLA BROWN et als.

Entered ~~April~~ Oct. 6, 1899.

Robert R. Prentis

P 280

BOOTHE et als.

VS

SALLA BRANCH et als.

This day this cause came on again to be heard upon the papers formerly read, and it appearing to the court that by a certificate from the Clerk of the County Court of Southampton, and report of special commissioner coming into his hands. filed in the papers of this cause, that J. S. Drewry has duly qualified as Guardian of Salla Branch a infant, giving bond in the penalty of $250.00 same being sufficient and with surety sufficient to secure the amount and it further appearing to the court that the interest of the said Salla Branch in the proceeds of the sale of the land in the bill mentioned will not amount to $200., the court doth adjudge, order and decree that J. A. Stephenson, special commissioner be and he is hereby authorized and directed to pay over the amount in his hands at this time, or that may hereafter be collected by him as such commissioner belonging to the said infant to her Guardian J.S.Drewry, taking his receipt therefor and report to court.

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4.
M W Rec

X 450.00

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ished

Boothe et als.
vs. Decree
Branch et als.

Entered Apl 3, 1900.

Robert Estill

Enrolled 3 of 4

20

Boothe et als.

vs.

Branch et als.

This day this cause came on again to be heard upon the papers formerly read, upon the report of Special Commissioner, J. A. Stephenson, filed this day, reporting collection of deferred payments from sale of the land in the bill mentioned, execution to the purchaser of the deed therefor and distributions of funds in accordance with a prior decree entered herein, which report is supported by vouchers and to which no exceptions have been taken and was argued by counsel.

On consideration whereof the Court doth approve and confirm the said report, and nothing further remaining to be done in this cause it is ordered that same be removed from docket.