1901-09 Southampton County - Chancery - Ferguson, E.T. Vs Warrell, Emeline M. et als

"Partition if convenient,
if not sale and proceeds
to be distributed according
to terms of statute."

Warrell, James T.
Ferguson, Emelet
Ferguson, J.T.
Ferguson, Elizabeth
Ferguson, A.C.
Ferguson, Jeff D.
Gray, Sallie J.
Gray, B.R.
Newsom, Mary
Newsom, Lucinda
Vick, Henry
Vick, Mattie
Vick, Hattie
Vick, Percy
Vick, Annie

} infants

Ferguson

vs. } Bill & Exhibits.

Worrill et als.

1900. 2nd Aug. Rules filed

L. a. Hay 6.4

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

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

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

In Chancery:

Humbly complaining sheweth unto your Honor your complainant, E.F. Ferguson that in or about the year 1879 your complainant's father, Elbert W. Ferguson departed this life, leaving a last will and testament, which has been duly probated in the County Court of Southampton, and a copy of which is herewith filed as Exhibit A., and prayed to be read as a part of this bill, and leaving, also, a widow, Sallie C. Ferguson, and the following children, to-wit: Emeline M. Worrell, née Ferguson, wife of James T. Worrell, Ember P. Ferguson, wife of J.T. Ferguson, Elizabeth R. Ferguson, wife of A.C. Ferguson, Jeff. D. Ferguson, Sallie J. Gray, née Ferguson, wife of R.R. Gray, Mary Newsom, née Ferguson, wife of Dimrod Newsom, Georgetta Ferguson, Juanita C. Ferguson, Willie W. Ferguson, Martha C. Vick, née Ferguson, wife of Henry W. Vick, and your complainant, E.F. Ferguson. That the said Albert W. Ferguson

by his said will gave and devised to his said widow, during her life, and, after her death, to his said children, in fee-simple, that certain tract or parcel of land, upon which he, the said Elbert W. Ferguson, resided at the time of his death, same being situate in the County of Southampton, containing 101½ acres, more or less, and bounded by the lands of J.L. Worrell, R. Howard and others, as will appear from the said copy of his said will, filed as Exhibit A. in this cause. That the said widow, Sallie C. Ferguson, departed this life on the 28th day of March in the year 1900. That, in or about the year 1894, the said Georgella Ferguson died intestate, above 21 years of age, unmarried and without issue. That, in or about the year 1897, the said Juanetta C. Ferguson, also, died intestate, above 21 years of age, unmarried and without issue. That, in or about the year 1895, the said Willie W. Ferguson, also, died intestate, above 21 years of age, unmarried and without issue. That, in or about the year 1891, the said

Martha C. Vick died intestate, above the age of 21 years, leaving a husband, Henry W. Vick, and the following children, to-wit: Mattie Vick, Hattie Vick, Percy Vick, and Annie Vick, who are all under 21 years of age. That in the year 1898, your complainant, in addition to the interest in said tract of land then owned by him, purchased all the interest therein of all the other children of the said Elbert W. Ferguson, dec'd., except the interest of the said Martha C. Vick, dec'd., then, and now, held and owned by her surviving husband, Henry W. Vick, and her said children, Mattie Vick, Hattie Vick, Percy Vick and Annie Vick, as will appear from a copy of the deed conveying same, herewith filed as Exhibit B. and prayed to be read as a part of this bill. That the said tract of land is not, as your complainant believes, susceptible of partition among the parties entitled thereto, but, if it is, then your complainant desires the same to be divided and your complainant part allotted to him in kind among the parties entitled thereto, or your complainant is willing to take the entire subject matter and pay to the other interested parties such sums as their interest therein may

reasonably entitle them to receive; but, if neither of these can be properly and satisfactorily done, then your complainant desires the said lands to be sold and the proceeds divided among the interested parties, according to their respective rights.

In consideration whereof, and 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 Emeline M. Worrell, James D. Worrell, Emelah P. Ferguson, J. D. Ferguson, Elizabeth R. Ferguson, A. C. Ferguson, Jeff D. Ferguson, Sallie J. Gray, B. R. Gray, Mary Newsom, Daniel Newsom, Henry C. Vick, Mattie Vick, Hattie Vick, Roy Vick and Annie Vick - the last four infants - may be made parties to this bill and required to answer the same, though answer under oath is hereby waived; that a proper Gdn. ad litem be assigned the infant defendants to defend their interests in this suit; that proper process issue; that partition be made of the said tract of land, if the same can be conveniently done, and your complainant's part allotted to him; but, if same cannot be so done, then that there may be allotment or sale

of the said tract or parcel of land, and distribution of the proceeds, according to the terms of the statute. That all proper orders be made, and inquiries directed, and that all such other, further relief may be granted, as the nature of the case may require, or to Equity shall seem meet. And your complainant will ever pray.

May it please the Court &c.

E. F. Ferguson

W. J. Sebrell, p.q. 3

Emeline M. Worrell et als.

In } Equity D.C.U.S.

Elbert F. Ferguson

Ex. "B"

This Deed, made this 15th day of November, in the year one thousand eight hundred and ninety eight, between Emeline M. Worrell, Emb't F. Ferguson, Elizabeth R. Ferguson, Jefferson D. Ferguson, Sallie J. Ferguson & Mary F. Ferguson, James P. Worrell, J. T. Ferguson, A. B. Ferguson & Virginia A. Ferguson, grantors of the first part, and Elbert F. Ferguson grantee of the second part.

Witnesseth: That in consideration of the sum of Six Hundred ($600.00) Dollars, the said E. M. Worrell, E. F. Ferguson, E. R. Ferguson, J. D. Ferguson, S. J. Ferguson, & M. F. Ferguson, Jas. P. Worrell, J. T. Ferguson, A. B. Ferguson, & Virginia A. Ferguson, grantors doth grant unto the said Elbert F. Ferguson, Grantee with General Warranty, all of their entire interest in the Land belonging to the estate of their late Father E. W. Ferguson Dec'd, containing one hundred & one acres more or less & bounded by the lands of J. L. Worrell, Sallie Ferguson, R. Howard & G. H. Simmons. The said E. M. Worrell, E. F. Ferguson, E. R. Ferguson, J. D. Ferguson, Sallie & M. F. Ferguson, Jas. T. Worrell, J. T. Ferguson, A. B. Ferguson & Virginia A. Ferguson, Covenants that they have the right to convey the said land to the grantee; that they have done no act to incumber the

said Land; that the grantee shall have quiet possession of the said Land, free from all encumbrances, and that they, the said parties of the first part will execute such further assurances of the said Land as may be requisite.

Witness the following signatures and seals.

Emeline M. Worrell her mark (Seal)
Enlet D. Ferguson his mark (Seal)
Elizabeth R. Ferguson her mark (Seal)
Jeff D. Ferguson (Seal)
Sallie J. Ferguson her mark (Seal)
Mary F. Ferguson her mark (Seal)
Jas. T. Worrell his mark (Seal)
J. T. Ferguson (Seal)
N. B. Ferguson (Seal)
Virginia A. Ferguson (Seal)

State of Virginia,
County of Southampton, } To wit:

I, Richard Nugard a Notary Public for the County aforesaid, in the State of Virginia, do certify that Emeline M. Worrell, Enlet D. Ferguson, Elizabeth R. Ferguson, Jefferson D. Ferguson, Sallie J. Ferguson & Mary F. Ferguson, Jas. T. Worrell, J. T. Ferguson, N. B. Ferguson & Virginia A. Ferguson whose names are signed to the writing hereto annexed, bearing date the 15th day of November

1898, have acknowledged the same
before me in my County aforesaid
Given under my hand this 15th day of November
1898.

Richard Howard N.P.

County of Southampton, to wit:
In the office of the Clerk of the County Court
for the County of Southampton the 21st
day of Nov. 1898. this deed was presented,
and, with the certificate and Stamp of
Internal Revenue amounting to one dollar
thereto annexed, admitted to record.

Teste: B. F. McLemore Clerk

A Copy.

Teste: L. N. Gay D.C.

Ferguson

vs/ Costs

Worrell et als

Ferguson E. F.

vs. } Stat: of Costs

1900 Worrell et als.

Aug. 13th Sum. 25. 13 cop Leg. receipt 18. atty. 10. Docket 18= 2.40

Rules 1.00. return 35. fil. bill 15. Do. Exhibits 15 1.65

copy Exp. 1.25. fil. ans. 15. Do notice 15= 1.55

replication 15. fil. report of Comr in chy. 25= .40

Taking Expl. Comrs hours 1.40. 2 diems 1.25= 2.65

Tax Costs 40. fil. away papers 25= .65

Future Costs about $1.50 = 1.50

12/15/1900 Pd. by Wm. Sebrell Expl. Comr L. A. Gay Clerk $10.80

Sheff 6.50

Lawre 16.50

$33.80

Fee of Comr J. N. Sebrell & Said Investigation 5.00

$38.80

Teste: L. A. Gay C.C.

Ferguson
vs
Worrell et al.
Notice.

We acknowledge legal service of this notice - Aug. 25th 1900.

her
E. M. X Worrell
mark
witness
W. B. Griffin

her
Emlet X Ferguson
mark
witness
J. E. Larson

A. L. Ferguson

her
Mary X Larson
mark
witness
J. R. Worrell

her
Lincie X Larson
mark
witness
J. R. Worrell

J. B. Rhine Jr.
Sheriff

We acknowledge legal service of this notice - Aug. 25th 1900 -

her
Sallie X Gray
mark
witness
A. F. Harris

R. B. Gray

her
Henry M X Vick
mark
witness
A. F. Harris

her
Elizabeth X Ferguson
mark
witness
J. Phillians

A. L. Ferguson

J. D. Ferguson

E. M. Worrell

W. B. Griffin

To Emeline M. Worrell, J. T. Worrell, Emmett P. Ferguson, James T. Ferguson, Elizabeth R. Ferguson, A. C. Ferguson, Jeff D. Ferguson, Sallie J. Gray, B.R. Gray, Mary Newsom, Sinnie Newsom, Henry A. Vick, Mattie Vick, Hattie Vick, Percy Vick, and Annie Vick — the last four infants, by J.B. Privott Jr., their guardian ad litem.

You are hereby notified that on the 17th day of September 1900, I shall apply to the Hon. R. R. Prentis, Judge of the Circuit Court of Southampton County, at his office in Suffolk Va. Va., for an interlocutory decree, referring it to one of the Commissioners of the said Court to ascertain and report to the Court whether or not partition can be made, according to the terms of the statute, of that certain tract of land mentioned and described in the bill in the chancery suit of Ferguson vs. Worrell et als., now depending in the said Court, in which I am plaintiff and you are defendants.

Very respectfully,
E. T. Ferguson,
by Counsel.

COMMISSIONER'S BOND.

Ferguson

vs

Worrell et als

W. J. Sebree

to

Commonwealth.

Know All Men by These Presents, That we, Wm J Sebrell

and Jas. E. Sebrell

are held and firmly bound unto the Commonwealth of Virginia in the sum of ($150.00)

One Hundred and Fifty ~~Hundred~~ no/100 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 17th day of October one thousand ~~eight hundred and ninety~~ 900

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound Wm J Sebrell

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 3rd day of October, 1900 ~~189~~, in the suit therein depending

under the name and style of Ferguson vs. Worrell et als, or any subsequent decree in this cause

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

Signed, sealed and acknowledged in the presence of

W.J. Sebrell, SEAL

James E Sebrell SEAL

SEAL

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

This day James E. Sebrell

surety on the above bond, made oath before me, L. A. Gay Clerk

of the ~~Circuit~~ Court of the county of Southampton, and State of Virginia, 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 One Hundred

Fifty ~~Hundred~~ no/100 dollars.

Given under my hand this 17th day of October, ~~189~~ 1900

Teste: L. A. Gay, Clerk.

Ferguson,
v. } In Chancery.
Worrell et als.

Report of special
Comr. W. J. Worrell.

1900. 1st Dec. Filed

Ferguson,
vs. } Report of special Com'r. W. J. Sibrell.
Worrell et als.

In this cause, the undersigned special commissioner would report to the Court that recently, -to-wit, at a regular term of the County Court of Southampton County, held in and for said County, on the 15th day of October 1900, Richard Howard qualified as guardian of the infants, Mattie, Hattie, Percy and Annie Vick, giving bond in the penalty of $450.00, with Adelaide D. Bailey as his surety; and that, in the opinion of the Commissioner, the said penalty and the said surety are amply sufficient for the security of the sum of $25.92 now in the hands of the special Commissioner in this suit, and due to the said infants. The special Commissioner would, therefore, recommend that an order be entered in this cause, authorizing him to pay over to the said Richard Howard, guardian of the said infants, the said sum of $25.92 now in the hands of the said special Commissioner, and due to the said infants as aforesaid.

Respectfully submitted,
W. J. Sibrell, special Commissioner.

Ferguson,

vs.

Worrell et als.

Answer of the infant defendants by their Gdn. ad litem.

The answer of Mattie Vick, Hattie Vick, Percy Vick and Annie Vick, infants under twenty one years of age, by J.B. Prince Jr., their Gdn. ad litem, duly assigned at rules to defend them in this suit, to a bill of complaint exhibited against them & others in the Circuit Court of Southampton County by E.F. Ferguson, complainant.

These respondents 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 they are infants of tender years, and they therefore submit the protection of their interest in this suit to the Court—

And now having answered, they pray to be hence dismissed with their costs in this behalf expended &c. & they will ever pray &c.

J B Prince Jr.
Gdn ad litem

Ferguson
v. Notice.
Worrell et als.

We acknowledge legal service of this notice
Nov. 20/1900.
James T. Worrell
Emeline M. Worrell
J. D. Ferguson
A. C. Ferguson
Elizabeth R. Ferguson
Sallie F. Gray
R. B. Gray
H. W. Nick

Witness R. H. Ferguson this his mark

Witness R. Ferguson this his mark

witness as to H. W. Nick:-
W. J. Worrell.

Mary Ferguson
Witness Blank
C. F. Ferguson

Lucia Ferguson
Witness
C. F. Ferguson

L. L. Ferguson
Emlet P. Ferguson
J. R. Worrell

J. B. Power Jr.
Edw. de Kleine

To Emeline M. Worrell, J. J. Worrell, Emelet P. Ferguson, James T. Ferguson, Elizabeth R. Ferguson, A. C. Ferguson, Jeff. D. Ferguson, Sallie J. Gray, B. Elgray, M. Newsom, Lincial Newsom, Henry W. Vick, Mattie Vick, Hattie Vick, Percy Vick, and Annie Vick — the last four infants, by J. B. Prince Jr., their guardian ad litem.

You are hereby notified that on the 1st day of December 1900, application will be made to the Hon. Robert R. Prentis, Judge of the Circuit Court of Southampton County, at his office in the town of Suffolk Va., for an order directing W. J. Sebrell, special commissioner under a decree entered in the Chancery suit of Ferguson vs. Worrell & others, to pay over to the lawful guardian of Mattie, Hattie, Percy and Annie Vick, such sum of money as may be in his hands, as special commissioner, belonging to the said Mattie, Hattie, Percy and Annie Vick.

Very respectfully,
C. J. Ferguson,
By Counsel.

Ferguson

vs } Copy of E. M. Ferguson's Will

Horrell et als.

Ex. "A"

In the name of God Amen: I Edward W. Ferguson of the County of Southampton and State of Virginia. do make and publish this my Will and Testament in manner and form following. that is to say;

Item 1st: After my Death I wish my Executors to pay my funeral expenses and all of my just debts.

Item 2nd. I Loan to my wife Sarah b. Ferguson. during her life, or Widowhood. all of my property. of every description as long as she lives a Widow. provided she will clothe and Board all of my young children until they are twenty one years old.

Item 3rd. After the death of my wife Sarah b. Ferguson. I want the whole of my property to be equally divided between all of my children except Emeline M. Worrell, wife of Jas. T. Worrell and Emilet P. Ferguson wife of J. Thos Ferguson. and Elizabeth R. Ferguson, wife of Argil b. Ferguson, these three children just mentioned I desire that each one of them shall have Twenty Dollars less than any other children not named on account of advances heretofore made to them.

Item 4th. Should either of my children die before they arrive to the age of Twenty One years, then I desire that their portion shall

be equally divided between the survivors.
Item 5th. And lastly I hereby nominate my
son E. Franklin Ferguson, Executor of this
my last Will & Testament and request the
Court not to require Security of him.
revoking and annulling all other Wills or
Testaments by me heretofore made;
In Witness whereof I have hereunto set
my hand and affixed my Seal this 16th
day of May 1877

E. W. Ferguson (Seal)

Signed sealed and
acknowledged to be the last
Will and Testament of the Testator
in the presence of us.
Jas. J. Dardin
Rufus E. Dardin

At a Court held for the County of Southampton
on the 17th day of March 1879. This last
Will and Testament of Elbert W. Ferguson
dec'd. was proved by the oaths of James J.
Dardin and Rufus E. Dardin, the two
subscribing Witnesses thereto and ordered
to be recorded. And on the motion of E. Franklin
Ferguson, the Executor therein named. who
made Oath and according to law, and entered
into and acknowledged a bond in the penalty
of Two Thousand Dollars conditioned as the law

directs (but without security the Will directing that none shall be required and the bond requiring none) which bond is ordered to be recorded. Certificate is granted the said E. Franklin Ferguson for obtaining a probat of the said Will, in due form.

Teste:

L. R. Edwards C.C.

A Copy.

Teste:

L. A. Gay D.C.

H. W. Vick
[redacted] Reath.
School Comm.

Received Nov. 30th 1900 of W. J. Sebrell, Special Commissioner in the Chancery suit of Ferguson vs. Worrell et als., the sum of Sixty nine & 08/100 Dollars, same being the amount ordered to be paid me by decree entered in the said cause on the 3rd day of October 1900.

his
H. W. X Vick
mark.

Witness -
R. H. Ferguson

Received March 27th 1901, of W.J. Sebell, special Commissioner in the Chancery suit of Ferguson vs. Worrell et al., the sum of twenty five & 92/100 dollars, same being the amount in the hands of said W.J. Sebell, special Commissioner, due to the wards, Mattie, Hattie, Percy and Annie Vick, and ordered to be paid over to me by decree entered in said Chancery cause in vacation on the 1st day of December 1900.

Richard Howard

Gdn. Mattie, Hattie Percy & Annie Vick.



Courtland, Va., March 27th 1901

W. J. Sebrell, spec'l. Comr. in Ferguson vs. Wyatt &c.

Five X nd/100 DOLLARS,

Commissions on $100- Collected from E. F. Ferguson, as authorized by decree entered in above styled suit on Oct. 3rd 1900.

W. J. Sebrell, special Comr.

$5.00

Per

Ferguson,
vs. In Chancery.
Worrell et als.

Report of special
Comr. W. J. Sebrell.

Ferguson,
vs. } Report of special Comr. W. J. Sebrell.
Worrell et als.

In this cause, the undersigned special commissioner would report to the Court that, pursuant to decree herein entered on the 3rd day of Oct. 1900, and on the 1st day of Dec. 1900, he has collected from E. F. Ferguson the sum of $100.00, and has disbursed and paid out the same, as ordered and directed by the said decrees, as will more fully appear from receipts herewith filed, which are prayed to be read as parts of this report.

The special commissioner has, also, executed to the said E. F. Ferguson a deed, with special warranty, for the one-eighth interest in the lands in the proceedings mentioned, as directed by said decree herein entered on the 3rd day of Oct. 1900.

There is nothing further to be done in this cause.

Respectfully submitted,
W. J. Sebrell,
Special Commissioner.

1901

Ferguson
vs.
Dorrell et al.

1900. 22nd Sept. Filed
L. A. Gay Cl. Ct.

Courtland, Va., September 8th 1900

To E.F.Ferguson,Emeline M.Worrell,J.T.Worrell,Emelet P.Ferguson,James T. Ferguson,Elizabeth R.Ferguson,A.C.Ferguson,Jeff.D.Ferguson,Sallie,J.Gray, B.R.Gray,Mary Newsom,Sincial Newsom,Henry W.Vick,Mattie Vick,Hattie Vick, Percy Vick,and Annie Vick,the last four infants by J.B.Prince Jr.,Guardian ad litem.

You are hereby notified that I have fixed upon the 20th *day of* September 1900 *if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:*

1st, The annual and the fee simple value of the realestate in the bill mentioned,and the interest of the several parties plaintiff and defendants,in the said real estate.
2nd, Whether the said real estate can be conveniently divided in kind among the parties ehtitled thereto.
3rd, If the same cannot be so divided whether any party will take the entire property and pay to the other parties such sums of money as their interest therein may entitle them to receive,
4th If the same cannot be conveniently divided in kind and if no party will take the entire property and pay the other for their shares, whether the interests of the parties in interest would be promoted by a sale of the entire property or by allotment of part# and sale of the residue.
5th, Whether there are any liens on the shares of any of the parties in interest,and ofso the amount of same.
6th Whether there are any delinqu ent taxes due on the said real estate.

All which said inquiries the Commissioner will make and report to Court toegther with any other matter specially stated deemed pertinent by himself or requested to be so stated by any interested party.

required to be taken by a decree of Southampton Circuit Court, rendered on the 7th day of Sep. 1900,in vacation, *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.

Robert Ruffin Jr
Commissioner.

To the Sheriff of Southampton County to execute.

The depositions of J.L.Werrell and others taken this 20th day of September 1900,before the undersigned,John W.Sebrell Jr.,

a commissioner in chancery of the Circuit Court of the County of Southampton Virginia,at his office ## # ##### in the town of Courtland,relative to certain inquiries directed to be made by decree entered in the chancery cause of Ferguson Vs.Werrell et others pending in the said Court,on the 7th day of September 1900,and to be returned with report of said commissioner.

Present:

W.J.Sebrell Counsel for plaintiffs.

The witness J.L.Werrell being first duly sworn deposes and says as follows:

Q. 1 State you age,residence,occupation and do you know the parties to this suit.

A 1. sixty four years,Southampton County,adjoining the land in question,farmer,and know the parties.

Q. 2. Are you well acquainted with the tract of land in the bill mentioned and ifso what do you consider a fair cash value for the same,and also the annual value of the same?

A.2. I am well acquainted with the land,think $800 fair cash value and $40 or $50 fair annual value.

Q. 3. Do you think the same can be conveniently divided in kind among the parties entitled to it?

A. 3 I do not.

Q.4. Do you think the interest of the parties will be promoted by a public sale of the land or by an allotment of parts and sale of the residue or do you think it would be best for one party to take the property and pay the other parties for their shares in it upon the basis of $800.00 valuation?

A. 4. I think it would be to the best interest of the parties that one of the parties should take the entire property at $800 and pay the other parties such part as they are entitled to.

And further this deponent saith not.

J. L. Werrell

The witnesses J.E.Spain and H.L.Duke,being duly swern deposes as follows:

Have you heard the questions propounded to J.L.Werrell and his answers to the same,and ifso do or not agre with him in his answers to said questions?

A. 1 We have heard them and agree with him.

And farther these depenents ~~#####~~ say not.

J E Spain

H L Duke

Mr.E.F.Ferguson being duly swern deposes and say as follows:

Q. Are you one of the parties to this suit, and are you willing at the sum of $800. or not to take the entire property and pay the other parties such ~~#####~~ amounts as their interests ~~##~~ therein may entitle them to?

A. I am one of the parties and will take the property at the sum of $800 and the pay the other parties such amount as their interests may entitle them to.

And farther this depoent saith not.

E. F. Ferguson

The witness H.W.Vick being duly swern deposes and says:

Q. State whether or not you are the father of the infant defendants Mattie,Hattie,Percy,and Annie Vick, and ifso do you think $800 a fair price for the land,and would you for yourself and your children be willing for Mr.E.F.Ferguson to take the said tract of land at the price of $800 and pay you and your children such amount s as your interest would entitle you to receive at that price?

A. I am the father,and think $800 fair price and am willing to sell at that.

Q. Will you be willing to have your interest ascertained and computed according to law?

A. Yes sir. What is your age? A. 39 the 12th of May 1900

And farther this depenent saith not.

H. W. X Vick
mark

Witness. [illegible]

Ferguson

Vs.

Worrell et als.,

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

The undersigned,your commissioner,[illegible] to whom was referred the inquiries directed to be taken by a decree entered on the 7th day of September 1900 in the chancery cause of Ferguson Vs.Worrell et als.,pending in the Circuit Court of Southampton County,Virginia,would respectfully report to Court as follows:

First,-- The fee simple value of the real estate is....$800.00

The annual value of same .....$ 45.00

The interest of the parties as follows:-E.F.Ferguson [illegible],-- is entitled to seven eights,and the four children of Martha C.Vick,deceased,to-wit,Mattie,Hattie,Percy and Annie are entitled to the other one-eighth,subject to the curthsy interest of H.W.Vick,who,your commissioner ascertains to be thirty nine years of age.

Secondly--The land cannot be conveniently divided in kind.

Thirdly,-- E.F.Ferguson,one of the parties,is willing to take the entire property and pay the other parties such sums as their interests entitle them to. $800 seems to be a fair price for the same.

Fourthly--Interest of parties would not suffer at sale to E.F. Ferguson at $800.

Fifthly,-- There are no liens on any of the shares.

Sixthly,-- There are no delinquent taxes due on the said land.

All of which is most respectfully submitted with the evidence of witnesses examined by your commissioner and returned herewith.

Jno. T. Pretlow Jr.
Commissioner in Chancery.

Comm's Fee $5.00 Chas to pelff
Jno. T. Pretlow Jr. Comr in Ch.

Ferguson E. F.

vs. } Spa: In chancery

Worrell et als.

1900. 2nd August Rules

Leis. Ct.

Executed by delivering a copy of this Spa in Chief to each of the parties defendant Thereto Montreal. Aug 18th 1900 J. G. Bridgford D.S. for J. W. Williams

(13)

W. J. Sebrell p.q.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU THAT YOU SUMMON Emeline M. Worrell, and J. T. Worrell, her husband, Emelet P. Ferguson and James T. Ferguson, her husband, Elizabeth R. Ferguson and A. C. Ferguson, her husband, Jeff D. Ferguson, Sallie J. Gray and B. R Gray, her husband, Mary Newsom and Lincial Newsom, her husband, Henry H. Vick, Mattie Vick, Hattie Vick, Percy Vick, and Annie Vick - the last four infants by J. B. Prince Jr., their guardian ad litem.

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the 3rd Monday in Aug. 1900 next, to answer a Bill in Chancery exhibited against them in our said Court by E. F. Ferguson

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

WITNESS, L. A GAY, Clerk of our said Court, at the Courthouse, this 17th day of August, 1900, ~~189~~, in the 124th year of the Commonwealth.

Teste: L. A. Gay C. C.

special Commissioner in this suit, and due to the said infants, taking the receipt of the said Richard Howard, Guardian, for the said $25.92 and return along with his report to this Court, in order to a further decree.

To the Clerk of the Circuit Court of Southampton County: Robert R. Ellis

Ferguson, &c. v. Brewer, &c. Worrell et al.

In Vacation: Dec. 1st 1900.

Entered this: Robert R. Ellis

Enrolled Dec 3 1900

W. D. Pruden, p.q.

Circuit Court of Southampton County:
In vacation — Dec. 1st 1900.

Ferguson, &c
vs. &c Decree.
Worrell et als.,

This day this cause came on to be further heard, in vacation, pursuant to notice, legal service of which has been duly acknowledged, upon the papers formerly read, and upon the report of special Commissioner, W.J. Vebrell, this day filed by leave of the Court, to which report there is no exception, and was argued by counsel. On consideration whereof, and the Court, being fully satisfied from the said report that Richard Howard, guardian of Mattie, Hattie, Percy and Annie Vick, has given bond in penalty and with surety sufficient for the security of the same, doth adjudge, order and decree that W.J. Vebrell, special Commissioner, be and he is hereby authorized to pay over to the said Richard Howard, guardian of the said infants, Mattie, Hattie, Percy and Annie Vick, the sum of $25.92, now in his hands as

special Commissioner in this suit, and due to the said infants, taking the receipt of the said Richard Howard, Guardian, for the said $25.92 and return along with his report to this Court, in order to a further decree.

To the Clerk of the Circuit Court of Southampton County: Robert R. Ellis

Ferguson, &c. v. Brewer, &c. Worrell et als.

In Vacation: Dec. 1st 1900.

Entered this: Robert R. Ellis

Ent. Lis's Page 344

Recorded, 99

Ferguson
vs. } Stat: of Rules
Worrell et als.

E. F. Ferguson — Plaintiff

vs.

Emeline M. Worrell, and J. T. Worrell, her husband, Emelet P. Ferguson and Jas. T. Ferguson, her husband, Elizabeth R. Ferguson and N. B. Ferguson, her husband, Jeff. D. Ferguson, Sallie J. Gray and B. R. Gray, her husband, Mary Newsom and Sinceal Newsom, her husband, Henry W. Vick, Mattie Vick, Hattie Vick, Percy Vick and Annie Vick, the last four infants by J. B. Prince Jr. their G'd'n. ad litem, — Defendants

1900. 13th Aug. Process issued to 2nd Aug. Rules

1900. 22nd Aug. Rules Process returned executed

Bill and Exhibits filed

J. B. Prince Jr. appointed G'd'n. ad litem to infant defendants.

Decree Nisi vs adult defendants

1900. 1st Sept. Rules. Bill Taken for confessed as to adult defendants and Cause set for hearing as to them.

Ferguson,

vs. } Decree.

Worrell et als.

In Vacation:

September 7th, 1900.

Enter this

Walter R. Staples

Entered page 318

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

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

Circuit Court of Southampton County, in vacation on the 7th day of September 1904

E. F. Ferguson, plaintiff,

vs. Decree.

Emeline M. Worrell, J. J. Worrell, Emelet P. Ferguson, Jas. I. Ferguson, Elizabeth R. Ferguson, A. C. Ferguson, Jeff. D. Ferguson, Sallie J. Gray, R. R. Gray, Mary Newsom, Sinerel Newsom, Henry W. Vick, Mattie Vick, Hattie Vick, Percy Vick, and Annie Vick — the last four infants by D. B. Prince Jr., their g'dn. ad litem, defendants.

This day this cause came on to be heard, in vacation, pursuant to notice, legal service of which has been duly acknowledged, upon the bill of complainant, and exhibits therewith filed, taken for confessed as to the adult defendants, they still failing to appear and plead, answer or demur to the said bill, the answer of the infant defendants by J. B. Prince Jr., their guardian ad litem, duly assigned at rules to defend them in this suit, 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 ascertain and report to the Court,

1st: The annual and the fee-simple value

of the real estate in the bill mentioned, and the interests of the several parties — plaintiffs and defendants — in the said real estate.

2nd. Whether the said real estate can be conveniently divided, in kind, among the parties entitled thereto.

3rd. If the same cannot be so divided, whether any party will take the entire property, and pay to the other parties such sums of money as their interest therein may entitle them to receive.

4th. If the same cannot be conveniently divided in kind, and if no party will take the entire property and pay the other for their shares, whether the interests of the parties in interest would be promoted by a sale of the entire property, or by allotment and sale of the residue.

5th. Whether there are any liens on the shares of any of the parties in interest, and, if so, the amount of same.

6th. Whether there are any delinquent taxes due on the said real estate, —

— all which said inquiries the Commissioner will make and report to the

Court, together with any other matter, specially stated, deemed pertinent by himself, or requested to be so stated by any interested party.

To the Clerk of the Circuit Court, of Southampton County.

Robert R. Lewis

Ferguson,
vs. Divorce.
Worrell et als.

April 2, 1901.

Enter this,

[redacted]

1901

Entered
5 853
W. J. Worrell, P.Q.

Ferguson, } Decree.
vs. }
Worrell et als.

This day this cause came on to be further heard upon the papers formerly read, and upon the report of special Commissioner, W. J. Worrell, this day filed by leave of the Court, showing disbursement of the sum of $100.00 collected by him from E. F. Ferguson, the 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.

Ferguson,
vs.
Dearee.
Worrell et als.

Oct. 3, 1900.

Enter this,

Robt C. Ellis

Entered
334-
28 W. Worrell, p.c.

Ferguson }
vs. } Decree.
Worrell et als.

This day this cause came on to be further heard upon the papers formerly read, and upon the report of Com'r. Jno. N. Sebrell jr., filed September 22nd 1900, 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 from the said report that one of the parties, E. F. Ferguson, who owns seven-eighths of the real estate in the bill mentioned, is willing to take the entire property, and pay to the other parties in interest, to-wit, H. W. Tick and his infant children, Mattie, Hattie, Percy and Annie Tick, the sum of $100.00 for the other one-eighth interest held by them in the said land, and that it is to the interest of the parties that the same should be done; the Court doth adjudge, order and decree that W. J. Sebrell, who is hereby appointed a special commissioner for the purpose, collect from the said E. F. Ferguson the said

sum of $100.00 for the said one-eighth interest in the said land; and upon collecting the same, the said W. J. Sebrell, special commissioner, is hereby authorized and directed to execute to the said E. F. Ferguson, a deed, with special warranty, for the said one-eighth interest in the said land, to-wit; the one-eighth interest now held by H. W. Vick and his infant children, Mattie, Hattie, Percy and Annie Vick, (same being the one-eighth interest formerly held by Martha C. Vick, nee Martha C. Ferguson) in and to the land in the bill mentioned, to-wit, that certain tract or parcel of land land upon which Elbert W. Ferguson resided at the time of his death, containing 101½ acres, more or less, and bounded by the lands of J. L. Worrell, R. Howard and others.

And, after collecting the said sum of $100.00 as hereinbefore directed, the said W. J. Sebrell, special commissioner, after deducting his commissions of five per cent. on the same, will pay out the remaining $95.00 to the parties entitled thereto, that is to say, to the

said H. W. Vick, the sum of $69.08 that being the present value of his curtesy interest therein, and the balance of $25.92, the said W. J. Sibrill, special Commissioner, will pay over to the guardian of the said infants Mattie Hatley Petray and Annie Vick, taking the receipts of the parties for the amounts so paid by him, and return the same along with his report to this Court. But the said Commissioner will not proceed to act under this decree until he shall have entered into bond, with approved security, before the Clerk of this Court, in the penalty of $150.- conditioned for the faithful performance of his duties under this, or any subsequent decree in this cause.