

1901-10

Southampton County Chancery- Fiers, Carrie S. et al vs Fiers, Mary A. et al

division of real estate

Fiers, Amorette L.

Fiers, E. L.

{ Fiers, Virgie A.
" , Nannie B.

Sabrell, Jno. N.
(G. A. L.)

Fine -

v.

3

Bill Vothel.

Fine

1900. 2nd. Mo. ch. Rules filed

L. A. Gay ldy.

Southampton
County

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

In Chancery -

Humbly complaining shew unto your Honor,
your complainants, Carrie S. Fiers,
Annette L. Fiers and E. L. Fiers that
their grandfather, E. R. Fiers, late of South-
ampton County, Va., was, in his life-time,
seized and possessed of considerable
real estate, lying in said County, and
being so thereof seized and possessed,
sometime in the year 1898, departed this life,
leaving a last will and testament, which has
been duly admitted to probate in the County
Court of said County, by which said last will
he gave and devised all his said real estate,
except his Doynerville Tract of land containing
500 acres, in equal shares, to your complainants
and their sisters, Mary A. Fiers, Virgie A. Fiers
and Nannie B. Fiers, who were, at the time of the
death of their said grandfather, and at the time when
Lewis Fiers arrived at the age of 21 years, to-wit, the 10th
day of March 1900, and still are, the only living lawful
children of R. T. Fiers, the son of their said grandfather, & the
father of your complainants & their said sisters, as will appear
from a copy of said will herewith filed as exhibit "A", & prayed to be
read as a part of this bill - That the lands thus devised

to your complainants and their said sister, by the said E.R. Fier, decd., consist of the following real estate, lying in said county, to-wit:—

A certain tract or parcel of land, containing 92 acres, more or less, lying in said county of Southampton, and bounded by the lands of W.L. Beale and others, same being a part of the old Brown farm, and being the lands conveyed to said E.R. Fier by deed of bargain and sale from H.L. Johnson wife, dated Nov. 19th 1895 and recorded in D.B. No. 43, p. 642; also, a certain other tract or parcel of land, lying in said county, situated on the East side of public road leading from Rochell's old depot to Joyousville, containing 69 acres, more or less, and adjoining other lands of said E.R. Fier, + Decd Daughtry's estate, it being the lands conveyed to said E.R. Fier by deed from Wm. Shand, Comr., dated May 12th 1897, and recorded in D.B. No. 44, page 583 in the Clerk's office of the County Court of said county; also, certain other parcels of land lying near Mt. Horeb Church in said county, containing about 2128 acres, be the same, however, even so much more or less, and adjoining the Beale lands, and the Worrell tract, the Whitfield lands and others.

That the said Mary A. Fier, Virgie A. Fier, and Nannie B. Fier are infants under the age of twenty one years.

That the said real estate, as your complainants believe, is susceptible of partition among the parties entitled thereto; but, if it be not, then your complainants wish the same to be sold, and the proceeds distributed among the parties in proportion to their respective interests therein.

In consideration whereof and inasmuch as your complainants are without remedy save in a Court of Equity where such matters are properly cognizable, your complainants pray that the said Mary A. Fier, Virgie A. Fier and Nannie B. Fier be made parties defendant to this bill and required to answer the same, though answer under oath is hereby waived; that a proper guardian ad litem be assigned the infant defendants to protect their interests in this suit; that the said real estate be divided among the said parties entitled thereto, and your complainants' parts assigned to them; and in case the said real estate be indivisible, that the same be sold and the proceeds distributed among the parties entitled thereto; that proper process issue and all proper orders be made;

and that all such other further relief may
be given as the nature of the case may
require or to Equity shall seem meet.

And notice is hereby given that the
Court will be asked to allow a reason-
able compensation to W. J. Sebrill, attorney
for the plaintiffs, for his services in this
suit -

And you Complainants will con pray &c.
May it please the Court &c.

W. J. Sebrill, p. q.

in road at 1000 ft. 800 ft. 600 ft. 400 ft. 200 ft. 100 ft. 50 ft. 25 ft. 10 ft. 5 ft. 2 ft. 1 ft. 1/2 ft. 1/4 ft. 1/8 ft. 1/16 ft. 1/32 ft. 1/64 ft. 1/128 ft. 1/256 ft. 1/512 ft. 1/1024 ft. 1/2048 ft. 1/4096 ft. 1/8192 ft. 1/16384 ft. 1/32768 ft. 1/65536 ft. 1/131072 ft. 1/262144 ft. 1/524288 ft. 1/1048576 ft. 1/2097152 ft. 1/4194304 ft. 1/8388608 ft. 1/16777216 ft. 1/33554432 ft. 1/67108864 ft. 1/134217728 ft. 1/268435456 ft. 1/536870912 ft. 1/1073741824 ft. 1/2147483648 ft. 1/4294967296 ft. 1/8589934592 ft. 1/17179869184 ft. 1/34359738368 ft. 1/68719476736 ft. 1/137438953472 ft. 1/274877906944 ft. 1/549755813888 ft. 1/1099511627776 ft. 1/2199023255552 ft. 1/4398046511104 ft. 1/8796093022208 ft. 1/17592186044416 ft. 1/35184372088832 ft. 1/70368744177664 ft. 1/140737488355328 ft. 1/281474976710656 ft. 1/562949953421312 ft. 1/1125899906842624 ft. 1/2251799813685248 ft. 1/4503599627370496 ft. 1/9007199254740992 ft. 1/18014398509481984 ft. 1/36028797018963968 ft. 1/72057594037927936 ft. 1/144115188075855872 ft. 1/288230376151711744 ft. 1/576460752303423488 ft. 1/1152921504606846976 ft. 1/2305843009213693952 ft. 1/4611686018427387904 ft. 1/9223372036854775808 ft. 1/18446744073709551616 ft. 1/36893488147419103232 ft. 1/73786976294838206464 ft. 1/147573952589676412928 ft. 1/295147905179352825856 ft. 1/590295810358705651712 ft. 1/1180591620717411303424 ft. 1/2361183241434822606848 ft. 1/4722366482869645213696 ft. 1/9444732965739290427392 ft. 1/18889465931478580854784 ft. 1/37778931862957161709568 ft. 1/75557863725914323419136 ft. 1/151115727451828646838272 ft. 1/302231454903657293676544 ft. 1/604462909807314587353088 ft. 1/1208925819614629174706176 ft. 1/2417851639229258349412352 ft. 1/4835703278458516698824704 ft. 1/9671406556917033397649408 ft. 1/19342813113834066795298816 ft. 1/38685626227668133590597632 ft. 1/77371252455336267181195264 ft. 1/154742504910672534362390528 ft. 1/309485009821345068724781056 ft. 1/618970019642690137449562112 ft. 1/1237940039285380274899124224 ft. 1/2475880078570760549798248448 ft. 1/4951760157141521099596496896 ft. 1/9903520314283042199192993792 ft. 1/19807040628566084398385987584 ft. 1/39614081257132168796771975168 ft. 1/79228162514264337593543950336 ft. 1/158456325028528675187087900672 ft. 1/316912650057057350374175801344 ft. 1/633825300114114700748351602688 ft. 1/1267650600228229401496703205376 ft. 1/2535301200456458802993406410752 ft. 1/5070602400912917605986812821504 ft. 1/10141204801825835211973625643008 ft. 1/20282409603651670423947251286016 ft. 1/40564819207303340847894502572032 ft. 1/81129638414606681695789005144064 ft. 1/162259276829213363391578010288128 ft. 1/324518553658426726783156020576256 ft. 1/649037107316853453566312041152512 ft. 1/1298074214633706907132624082305024 ft. 1/2596148429267413814265248164610048 ft. 1/5192296858534827628530496329220096 ft. 1/10384593717069655257060992658440192 ft. 1/20769187434139310514121985316880384 ft. 1/41538374868278621028243970633760768 ft. 1/83076749736557242056487941267521536 ft. 1/166153499473114484112975882535043072 ft. 1/332306998946228968225951765070086144 ft. 1/664613997892457936451903530140172288 ft. 1/1329227995784915872903807060280344576 ft. 1/2658455991569831745807614120560689152 ft. 1/5316911983139663491615228241121378304 ft. 1/10633823966279326983230456482242756608 ft. 1/21267647932558653966460912964485513216 ft. 1/42535295865117307932921825928971026432 ft. 1/85070591730234615865843651857942052864 ft. 1/170141183460469231731687303715884105728 ft. 1/340282366920938463463374607431768211456 ft. 1/680564733841876926926749214863536422912 ft. 1/1361129467683753853853498429727072845824 ft. 1/2722258935367507707706996859454145691648 ft. 1/5444517870735015415413993718908291383296 ft. 1/10889035741470030830827987437816582766592 ft. 1/21778071482940061661655974875633165533184 ft. 1/43556142965880123323311949751266331066368 ft. 1/87112285931760246646623899502532662132736 ft. 1/174224571863520493293247799005065324265472 ft. 1/348449143727040986586495598010130648530944 ft. 1/696898287454081973172991196020261297061888 ft. 1/1393796574908163946345982392040522594123776 ft. 1/2787593149816327892691964784081045188247552 ft. 1/5575186299632655785383929568162090376495104 ft. 1/11150372599265311570767859136324180752990208 ft. 1/22300745198530623141535718272648361505980416 ft. 1/44601490397061246283071436545296723011960832 ft. 1/89202980794122492566142873090593446023921664 ft. 1/178405961588244985132285746181186892047843328 ft. 1/356811923176489970264571492362373784095686656 ft. 1/713623846352979940529142984724747568191373312 ft. 1/1427247692705959881058285969449495136382746624 ft. 1/2854495385411919762116571938898990272765493248 ft. 1/5708990770823839524233143877797980545530986496 ft. 1/11417981541647679048466287755595961091061972992 ft. 1/22835963083295358096932575511191922182123945984 ft. 1/45671926166590716193865151022383844364247891968 ft. 1/91343852333181432387730302044767688728495783936 ft. 1/182687704666362864775460604089535377456991567872 ft. 1/365375409332725729550921208179070754913983135744 ft. 1/730750818665451459101842416358141509827966271488 ft. 1/1461501637330902918203684832716283019655932542976 ft. 1/2923003274661805836407369665432566039311865085952 ft. 1/5846006549323611672814739330865132078623730171904 ft. 1/11692013098647223345629478661730264157247460343808 ft. 1/23384026197294446691258957323460528314494920687616 ft. 1/46768052394588893382517914646921056628989841375232 ft. 1/93536104789177786765035829293842113257979682750464 ft. 1/187072209578355573530071658587684226515959365500928 ft. 1/374144419156711147060143317175368453031918731001856 ft. 1/748288838313422294120286634350736906063837462003712 ft. 1/1496577676626844588240573268701473812127674924007424 ft. 1/2993155353253689176481146537402947624255349848014848 ft. 1/5986310706507378352962293074805895248510699696029696 ft. 1/11972621413014756705924586149611790497021399392059392 ft. 1/23945242826029513411849172299223580994042798784118784 ft. 1/47890485652059026823698344598447161988085597568237568 ft. 1/95780971304118053647396689196894323976171195136475136 ft. 1/191561942608236107294793378393788647952342390272950272 ft. 1/383123885216472214589586756787577295904684780545900544 ft. 1/766247770432944429179173513575154591809369561091801088 ft. 1/1532495540865888858358347027150309183618739122183602176 ft. 1/3064991081731777716716694054300618367237478244367204352 ft. 1/6129982163463555433433388108601236734474956488734408704 ft. 1/12259964326927110866866776217202473468949912977468817408 ft. 1/24519928653854221733733552434404946937899825954937634816 ft. 1/49039857307708443467467104868809893875799651909875269632 ft. 1/98079714615416886934934209737619787751599303819750539264 ft. 1/196159429230833773869868419475239575503198607639501078528 ft. 1/392318858461667547739736838950479151006397215279002157056 ft. 1/784637716923335095479473677900958302012794430558004314112 ft. 1/1569275433846670190958947355801916604025588861116008628224 ft. 1/3138550867693340381917894711603833208051177722232017256448 ft. 1/6277101735386680763835789423207666416102355444464034512896 ft. 1/12554203470773361527671578846415332832204710888928069025792 ft. 1/25108406941546723055343157692830665664409421777856138051584 ft. 1/50216813883093446110686315385661331328818843555712276103168 ft. 1/100433627766186892221372630771322662657637687111424552206336 ft. 1/200867255532373784442745261542645325315275374222849104412672 ft. 1/401734511064747568885490523085290650630550748445698208825344 ft. 1/803469022129495137770981046170581301261101496891396417650688 ft. 1/1606938044258990275541962092341162602522202993782792835301376 ft. 1/3213876088517980551083924184682325205044405987565585670602752 ft. 1/6427752177035961102167848369364650410088811975131171341205504 ft. 1/12855504354071922204335696738729300820177623950262342682411008 ft. 1/25711008708143844408671393477458601640355247900524685364822016 ft. 1/51422017416287688817342786954917203280710495801049370729644032 ft. 1/102844034832575377634685573909834406561420991602098741459288064 ft. 1/205688069665150755269371147819668813122841983204197482918576128 ft. 1/411376139330301510538742295639337626245683966408394965837152256 ft. 1/822752278660603021077484591278675252491367932816789931674304512 ft. 1/1645504557321206042154969182557350504982735865633579863348609024 ft. 1/3291009114642412084309938365114701009965471731267159726697218048 ft. 1/6582018229284824168619876730229402019930943462534319453394436096 ft. 1/13164036458569648337239753460458804039861886925068638906788872192 ft. 1/26328072917139296674479506920917608079723773850137277813577744384 ft. 1/52656145834278593348959013841835216159447547700274555627155488768 ft. 1/105312291668557186697918027683670432318895095400549111254310977536 ft. 1/210624583337114373395836055367340864637790190801098222508621955072 ft. 1/421249166674228746791672110734681729275580381602196445017243910144 ft. 1/842498333348457493583344221469363458551160763204392890034487820288 ft. 1/1684996666696914987166688442938726917102321526408785780068975640576 ft. 1/3369993333393829974333376885877453834204643052817571560137951281152 ft. 1/6739986666787659948666753771754907668409286105635143120275902562304 ft. 1/13479973333575319897333507543509815336818572211270286240551805124608 ft. 1/26959946667150639794667015087019630673637144422540572481103610249216 ft. 1/53919893334301279589334030174039261347274288845081144962207220498432 ft. 1/107839786668602559178668060348078522694548577690162289924414440996864 ft. 1/215679573337205118357336120696157045389097155380324579848828881993728 ft. 1/431359146674410236714672241392314090778194310760649159697657763987456 ft. 1/862718293348820473429344482784628181556388621521298319395315527974912 ft. 1/1725436586697640946858688965569256363112777243042596638790631055949824 ft. 1/3450873173395281893717377931138512726225554486085193277581262111899648 ft. 1/6901746346790563787434755862277025452451108972170386555162524223799296 ft. 1/13803492693581127574869511724554050904902217944340773110325048447598592 ft. 1/27606985387162255149739023449108101809804435888681546220650096895197184 ft. 1/55213970774324510299478046898216203619608871777363092441300193790394368 ft. 1/110427941548649020598956093796432407239217743554726184882600387580788736 ft. 1/220855883097298041197912187592864814478435487109452369765200775161577472 ft. 1/441711766194596082395824375185729628956870974218904739530401550323154944 ft. 1/883423532389192164791648750371459257913741948437809479060803100646309888 ft. 1/1766847064778384329583297500742918515827483896875618958121606201292619776 ft. 1/3533694129556768659166595001485837031654967793751237916243212402585239552 ft. 1/7067388259113537318333190002971674063309935587502475832486424805170479104 ft. 1/14134776518227074636666380005943348126619871175004951664972849610340958208 ft. 1/28269553036454149273332760011886696253239742350009903329945699220681916416 ft. 1/56539106072908298546665520023773392506479484700019806659891398441363832832 ft. 1/113078212145816597093331040047546785012958969400039613319782796882727665664 ft. 1/226156424291633194186662080095093570025917938800079226639565593765455331328 ft. 1/452312848583266388373324160190187140051835877600158453279131187530910662656 ft. 1/904625697166532776746648320380374280103671755200316906558262375061821325312 ft. 1/1809251394333065553493296640760748560207343510400633813116524750123642650624 ft. 1/3618502788666131106986593281521497120414687020801267626233049500247285301248 ft. 1/7237005577332262213973186563042994240829374041602535252466099000494570602496 ft. 1/14474011154664524427946373126085988481658748083205070504932198000989141204992 ft. 1/28948022309329048855892746252171976963317496166410141009864396001978282409984 ft. 1/57896044618658097711785492504343953926634992332820282019728792003956564819968 ft. 1/115792089237316195423570985008687907853269984665640564039457584007913129639936 ft. 1/231584178474632390847141970017375815706539969331281128078915168015826259279872 ft. 1/463168356949264781694283940034751631413079938662562256157830336031652518559744 ft. 1/926336713898529563388567880069503262826159877325124512315660672063305037119488 ft. 1/1852673427797059126777135760139006525652319754650249024631321344126610074238976 ft. 1/3705346855594118253554271520278013051304639509300498049262642688253220148477952 ft. 1/7410693711188236507108543040556026102609279018600996098525285376506440296955904 ft. 1/14821387422376473014217086081112052205218558037201992197050570753012880593911808 ft. 1/29642774844752946028434172162224104410437116074403984394101141506025761187823616 ft. 1/59285549689505892056868344324448208820874232148807968788202283012051522375647232 ft. 1/118571099379011784113736688648896417641748464297615937576404566024103044751294464 ft. 1/237142198758023568227473377297792835283496928595231875152809132048206089502588928 ft. 1/4742843975160471364549467545955856705669938571

In the name of God amen, I Elvin R. Fiers, of
the County of Southampton and State of Virginia,
being of sound mind and memory do make
this my Last Will and Testament in manner to
follow following that is to say,

Item 1st.

I give to my three Sisters Lucy Fiers, Priscilla
Fiers, and Melinda Fiers, Five hundred
Dollars each out of my Chattle estate, and
I loan to my three Sisters just named during
their lives the piece of Land where Dany
Stephenson Codd now lives, containing 202
acres, a good good water, bounded by the
County Road on the east and on the North by
the Brett Dower Lands and on the West by the
Arthur Swamp and South by a Ditch below
the Free School House, a Plot of which I have,
as I wish the line to go, and if one of my sisters
should die I loan that Land to the other
two and if another one of them should die
I loan the whole of it to the remaining one
during her life and at the death of the last
one of the above named Sisters, I give
that piece of Land to the then living children
of my Son Richmond J. Fiers, except his son
Elvin Lewis Fiers as I will give him what
Land I want him to have in the next item,
I should what I have given to my three Sisters

prove not sufficient to support them as long as they all live, then in that case I desire that they shall have enough out of what I give to R. T. Fairs & children to support them all as long as either of them may live.

Item 2nd.

I give to R. T. Fairs Son Elvin Lewis Fairs, or Lewis Elvin Fairs which ever is his right name, the Whisfield Land, the Gwatney Land and a portion of the Henry Jones Land and the Sawyer Land that Mrs Amanda Brett had on the east side of the County Road (running from Jaynesville to Jerusalem) also a piece of Land I bought for Taxes, formerly the Cotton Land, in all some 700 or 800 acres. The ditch south of the Jones House shall be the dividing Line, commencing at the head of the ditch and run a straight Line West to the County Road (running from Jaynesville to Mount Liberty) then from the head of the ditch down said ditch to the lower end and from there a straight line East to where it will strike Popes Lires Land. I also give him my Hatch, my Double Barrel Gun, my Spencer Rifle and my best Revolver. Should he die before he is 21 years old leaving no lawful child then this property in this time shall go to his sisters and Brothers. But

if he should die before he is 21 years old leaving a lawful child, or children, then this property in this Item shall go to his children.

Item 3

I give to my Son Richmond J. Fines the Jaynes Store Tract of Land of 500 acres, only the Line is to be the same course from the Jerusalem Road to the Crumpler Line or Land, that the Road from Jaynesville to the Poplar Swamp runs which will make the back line near the same length that the line will be along the Jerusalem Road, and I give him all he may see me at my death to him and his heirs forever.

Item 4th.

All the balance of my Personal or chattel estate I wish sold except my Gun and Baiter that are put up in Bids, and still, these articles I wish to remain on the Land as they are and I want the amt. received from these sales and all of my Bonds money or all of my chattel estate not disposed of by this Will to be equally divided between my Son Richmond J. Fines and all of his lawful children equally he to have the same amt. each child gets to them and their heirs forever.

Item 5th.

All the balance of my Land I have, which I have not given away including

the Land I have loaned to my Sisters, I wish it to be equally divided when Elvin L. Fiers comes to the age of Twenty one years between all the children my Son may have at that time except E. L. Fiers. I do not want him to have any of that because I have given him his part in time and but should either of my Sisters be living at that time I do not want their part taken from them as long as either of them may live.

Item 6th. I desire my Executors who I shall hereafter name, to Rent or Lease out all of my Land except the Land I gave to my Son R. L. Fiers and the Land I loaned to my Sisters, at their discretion until Elvin L. Fiers is 21 years old at which time the Land is to be divided and put the money from the Rents with the other money that will be due my Grand children, or use the money from said Rents to Educate and support said children until they are of age if it is really necessary to do so but when E. L. Fiers is 21 years old and the Land is divided then I want all the money due them divided as each ones share to be kept separate and

apart from the others. But should either of my Grand children die before they are 21 years old then in that case I want their portion to be equally divided between their Brothers & Sisters except E. L. Fiers part, I have made provisions in Item 2 about his property, but if the others die he shall have from them.

Item 7th. I have given some verbal instructions to my Executors in regard to buying some down Land for my Land and I desire them to carry out these instructions.

Item 8 And lastly I hereby appoint my Friends Jas. J. Darden and Dr. W. H. Daughtry and my Son R. T. Fiers my Executors to this my last Will and Testament and I request the Court be done whom this Will is proven shall not require security of them but to take each ones Bond binding each one for his own Transactions only in settling my estate. Revoking all former Wills heretofore made by me in Witness I have hereunto set my hand and affixed my seal this 7th day of December 1885

Signed sealed and acknowledged } E. R. Fiers (Seal)
in the presence of us
Witness
J. H. Rivers
Jas. J. Darden

This beedile to my Will, made this the 7th,
day of Sept, 1896 is that my wish is, that as
I have given my Homestead to my Grandson
Elvin L. Fiers, and the place where my son
R. T. Fiers now lives to him at my death,
if my Grandson E. L. Fiers is not 21 years
old I desire my son R. T. Fiers to take
his family and move to my Homestead and
live there until my Grandson is 21 years
old if my son is willing to do so, and then
give it up to him as I do not wish my
Homestead rented out. The rent of the place
where R. T. Fiers now lives is to go to my
estate as long as he R. T. Fiers occupies
my Homestead. I also request my Executors
to buy the piece of land of the Amanda
Brill Dander, containing about 69 acres
for me, the Sharp Land, or on the east side
of the road running from Jaynorsville
to Camptland and that piece of land when
bought I give to my Grandson E. L. Fiers
and I also give him the piece of land I
bought of Henry Johnson containing
about 90 acres, a part of the Brown land
for which I paid \$2 1/2. pr acre, and I
desire my Grandson to pay his sisters,

each one, an equal share with himself
of what I paid for that land. he to retain
one part for himself but the other children
are not to have any part of that land
but only to be paid in money an equal
share of what I paid for that land.

Given under my hand and seal this the above
day and date written

Witness

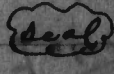
E. R. Fiers. Seal

H. W. Daughtry

Jas. R. Darden

Jas. J. Darden

This is addicile to my last Will and Testament
is what I now want to change in my Will
formerly made by me. it is this, in that
Will in Item 3. I gave to my son, Richmond
J. Fiers, the Faysmoreville land of 800
hundred acres, with all houses on it.
in fee simple, but now I change that item,
and I loan that land to him his life only,
or only a life right, and I forbid that
that land shall be sold from him for any
debt or contract he may make during
his life, but it is only to be used by him
and his lawful children and his wife for
for a home as long as he may live and
at the death of Richmond, my son, this

Land shall be equally divided between all
of Richmond, the lawful living children.
Second, At the time my Grand-son, Elvin
Lewis Fiers, arrived at the age of twenty-
one years, I then require that all the
balance of my land, including all the land
previously given to my Grand-son E. L. Fiers,
which includes all land that I own at my
death, except the Jaymerville land, just
above disposed of, shall be equally
divided between my sons, R. T. Fiers, the
living lawful children. Given under
my hand and seal this 11th, day of Oct, 1897
Witness Elvin R. ^{his} Fiers 
mark

W. H. Daughtry
Jos. R. Darden
Jos. J. Darden

Southampton County Court, April 20th 1898.
A writing purporting to be the last Will and
Testament - with Codicils annexed - of Elvin R.
Fiers, decd. was produced in Court and partly
proved, as to the will, by the oath of Jos. J. Darden
one of the subscribing Witnesses thereto and
fully proved, as to the Codicils, by the oaths
of W. H. Daughtry, Jos. R. Darden and
Jos. J. Darden, the subscribing Witnesses

thereto and continued & or further proof, as to the Will.

At a County Court held for said County on May 16th 1898.

The said Will and Codicil was duly proved by the oath of J. H. Rivers, one of the subscribing Witnesses thereto, and ordered to be recorded as the Last Will and Testament of the said Elvin R. Fiers, deceased.

Teste: B. F. McLeamore Clk.

Attest,

Teste: L. A. Gay D.C.

Friends et al.

vs { Statement of Rules

Friends et al.

Carrie S. Fiers, Amorette L. Fiers,
and E. L. Fiers } Plaintiffs
vs.

Mary A. Fiers, Virgie A. Fiers
and Annie B. Fiers - infants by } Defendants
Jno. A. Sebrall Jr. guardian ad litem

1900. 17th. March. Process issued to 2nd. March Rules

1900 2nd. March Rules. Process returned executed

Bill and exhibits filed.

Jno. A. Sebrall Jr. appointed Adm.

ad litem to infant defendants

1900. 2nd. March Rules. Cause set for hearing

Fiers, }
vs. } In Chy.
Fiers }

Report of
W. J. Scrull, god.
of Mary A. Fiers and
Virgie A. Fiers.

Fiers, } Report of W.D. Sebrill, guardian
vs. } of Mary A. Fiers & Virgie A. Fiers.
Fiers. }

In this cause, the undersigned, guardian of Mary A. Fiers and Virgie A. Fiers, reports to the Court that, in pursuance of decree herein entered on the 3rd day of October 1900, he has paid to Carrie S. Fiers the sum of \$100.⁰⁰, the amount due to her from the infant, Mary A. Fiers, as owelty of partition in the division of the lands of E.R. Fiers, decd., and to Amorette L. Fiers the sum of \$250.⁰⁰, the amount due to her from the infant, Virgie A. Fiers, as owelty of partition in the division of the said lands, as will more fully appear from the receipts of the parties herewith filed, and prayed to be read as a part of this report.

Respectfully submitted,
W.D. Sebrill, guardian
of Mary A. Fiers & Virgie A. Fiers.

Amoritte L. Fairs's

3 Receipt.

to Virge A. Fair: gon.

\$250.—

Received Jan'y. 10th 1901 of W.J. Selwell,
guardian of Virgie A. Fiers the sum of
\$201.⁷² same being the amount of balance
of the \$250.⁰⁰, decreed to be paid me
by Virgie A. Fiers, as overty of partition,
in the division of the lands of A.R.
Fiers, dec'd., in the suit of Fiers vs.
Fiers, after deducting \$48.²⁸, my pro-
portionate part of the total cost of
the division of the said lands in the
said Chancery suit.

Amos L. Fiers.

Carmie S. Fuero's
to $\frac{3}{3}$ Recept.

Mary A. Fuero, sdu -

\$100.-

Received Dec. 15th 1900 of W.J.
Sebrill, guardian of Mary A. Fiers,
the sum of Fifty one & $\frac{72}{100}$ dollars,
same being the amount of balance of
the One hundred dollars decreed to be
paid me by Mary A. Fiers, as overplus
of partition, in the division of the lands
of E.R. Fiers, dec'd., in the suit of Fiers
vs. Fiers, after deducting Forty eight & $\frac{28}{100}$
dollars (\$48.²⁸) my proportionate part
of the total costs of the division of the
said lands in the said Chancery suit.

Carrie S. Fiers

Lions et als.

vs. } Spa: In chry.

Lions et als.

1900. 2nd. Mch. Rules

leis. let.

Executed Mch. 17th 1900
By delivering a copy of this
Spa in Ckch. to J. M. Sebr
:bell Jr. Guardian ad litem
J. M. Williams
Chap

(11)

(11)
W. J. Sebrall p. 9.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon Mary A. Fiers, Virginia A. Fiers, and
Nannie B. Fiers - infants by Geo. W. Sebrall & 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 Third Monday in March 1900 next, to answer a bill in Chancery
exhibited against them in our said Court by Marrie S. Fiers, Amorette L.
Fiers and E. L. Fiers

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

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this 17th day of
March, 1900, ~~18~~, in the 12th year of the Commonwealth.

Teste: L. A. Gay C. C.

A Copy—Teste: _____ C. C.

vs. { Copy of Decree

Fins

1900. Oct, Linn

618

expected by deliver-
ing a copy of this de-
claration to each of the within
named courts.

August 1900. Institution
Shiff

(5)

W. J. Sobree p. 7.

Virginia; In the Circuit Court of South-
ampton County, April Term 1900.

Barrie S. Fiers, Amorette L. Fiers, and E. L. Fiers,
Plaintiffs

vs. } Deceit.

Mary A. Fiers, Virgie A. Fiers and Nannie B. Fiers,
infants, by Jno. N. Sebrall Jr., g'dm. adlitem, dftds.

This day this cause came on to be heard
upon the bill of the complainants, and exhibits
therewith filed, the answer of the infant defendants
by Jno. N. Sebrall Jr., their guardian adlitem, with
replication thereto, and was argued by Counsel.
On consideration whereof, the Court doth ad-
judge, order and decree that J. R. Porter, J. R.
William, W. L. Beale, R. J. Fiers and L. B. For-
guson, who are hereby appointed Commissioners
for the purpose, (any three of whom may act)
having first been duly sworn, do proceed to
lay off and divide the real estate in the bill
mentioned consisting of a certain tract or
parcel of land containing 92 acres, more or
less, lying in said County of Southampton, ss
bounded by the lands of W. L. Beale, and others,
some being a part of the old Brown Farm, ss
being the lands conveyed to E. R. Fiers by
deed of bargain & sale from H. L. Johnson
& wife, dated Nov. 19th 1895, and recorded

in D.B. 43, p. 642; also, a certain other tract or parcel of land lying in said County, containing 69 acres, more or less, & adjoining the lands of said E.R. Fiers, and Ored. Daughtry's estate, it being the land conveyed to said E.R. Fiers by deed from Mr. Shando, Commr., dated May 12th 1897, and recorded in D.B. No. 44 page 583; also, certain other parcels of land lying near mt. North Church in said County, containing about 2128 acres, more or less, and adjoining the Beale lands and others. into six equal parts, having regard to quality and quantity, and assign one of six said parts to each of the children of R. J. Fiers, namely, to Carrie S. Fiers one-sixth part, to Amos L. Fiers one-sixth part, to E. L. Fiers one-sixth part, to Mary A. Fiers one-sixth part, to Virgie A. Fiers one-sixth part, and to Nannie B. Fiers one-sixth part. But if said Commissioners should find it impracticable to divide said land among the aforesaid parties, or should be of opinion that the interests of the said parties would be promoted by a sale of the same, in such case they are required to report to the Court the facts upon which their opinion is based, and, also, what in their opinion is the true value of the said real estate.

And the said Commissioners are hereby au-
thorized and empowered to employ, if necessary,
the services of a Competent Surveyor to assist
them in making the division of the said real
estate, as ordered by this decree. And the
said Commissioners will make report
to this Court.

A Copy.

Teste: L. A. Gay Jdg.

Fiers, } Decree.
vs. }
Fiers. }

This day this cause came on to be further heard upon the papers formerly read, and upon the report of J.R. Gilliam, R. J. Fiers, and C. C. Ferguson, three of the Commissioners appointed by a decree herein entered on the 3rd day of April 1900, of the partition of the land in the proceedings mentioned among the parties entitled thereto, there being no exception to the said report, which was filed Sept. 22nd 1900, and was argued by counsel. On consideration whereof, the Court doth approve and confirm the said report. And it appearing to the Court that in the partition made by the said Commissioners, lot no. 1, embracing the family residence & containing 136 acres, and more clearly shown in the map of survey accompanying the said report, fell to the share of Mary A. Fiers; lot no. 2, embracing that certain tract or parcel of land known as Low-land Tract, and more fully and clearly set forth and shown in the said map of survey, fell to the share of Amorette L. Fiers; lot no. 3, as set forth and shown

in the said map of survey, fell to the share of Virgie A. Fiers; lot No. 4, as set forth and shown in the said map of survey, fell to the share of Elvin L. Fiers; lot No. 5, embracing that certain parcel of land formerly belonging to the estate of Wm. E. Beale and purchased at trustee's sale by Elvin R. Fiers in his life-time, a description of which can be seen by reference to D.B. No. 38, page 606 and D.B. No. 39 page 57, in the Clerk's office of Southampton County Court, fell to the share of Naumie B. Fiers; and lot No. 6, embracing that certain tract or parcel of land, known as Little Quarter, and situated on the west of the Sunbeam and Courtland road, fell to the share of Carrie S. Fiers, the Court doth adjudge, order and decree that the partition in manner and form aforesaid made, be held firm and stable. And it appearing to the Court from the report of the said commissioners that the sum of \$100.⁰⁰ is due from the infant defendant, Mary A. Fiers, to the plaintiff, Carrie S. Fiers; and the sum of \$250.⁰⁰ from the infant defendant, Virgie A. Fiers, to the plaintiff, Amorette L. Fiers, as owelty of

partition in the division of the afore-
mentioned lands, it is ordered that
W. J. Sebrell, guardian of the said infants,
Mary A. Fiers and Virgie A. Fiers be, and
he is hereby authorized to pay, out of
any funds now in his hands, or that
may come into his hands, belonging to the
said wards, the said sums of money to the
said Carrie S. Fiers and Amorette L. Fiers,
on behalf of his said wards, the same
being due from them to the said Carrie S. Fiers
and Amorette L. Fiers as moneys of par-
tition as aforesaid. And it is ordered that
the costs of this suit, including an attorney's
fee of \$200.-, to W. J. Sebrell, attorney for the
plaintiffs, for his services in this suit, and a
fee of \$40.-, to J. C. Wills, surveyor, for his
services in making survey and map of the lands
in the proceedings mentioned; and the sum of \$3-
to each of the commissioners, J. R. Bellman, R. J. Fiers
and C. C. Ferguson, for their services, be equally
borne by the parties to the suit, the adults plaintiffs,
Carrie S. Fiers, Amorette L. Fiers and E. L. Fiers, paying
their proportionate part of the same, and W. J.
Sebrell, guardian of the infant defendants, Mary A.
Fiers, Virgie A. Fiers and Nannie B. Fiers, paying
on behalf of the said wards their proportionate part of the same.

And it is further ordered that
the said report and plat accom-
panying it and this decree be
certified to the Clerk of the
County Court of Southampton
County to be recorded and
that the necessary expense
thereof be taxed as part of
the costs of this suit

Furs, 3
rs. 3 Decree.
Furs.

Oct. 3 1900

Enter this

W. R. Miller

Entered

332-3-2

W. R. Miller

Furs,
v.  Deere.
Furs.

April 3rd 1900.

Enter this -
Robert H. Mullis

Entered 308

Carrie J. Fiers, Auriette L. Fiers, and E. L.
Fiers, plaintiffs - }
vs. } Decree.

Mary A. Fiers, Virgie A. Fiers and Naumie B.
Fiers, infants, by Jno. N. Sebell Jr., gen. ad litem, depts.

This day this cause came on to be
heard upon the bill of the complainant,
and exhibits therewith filed, the answer
of the infant defendants by Jno. N. Sebell Jr.,
their guardian ad litem, with replication thereto,
and was argued by counsel. On considera-
tion whereof, the Court doth adjudge, order
and decree that J. R. Porter, J. R. Gilliam,
W. L. Beale, R. J. Fiers and C. C. Ferguson,
who are hereby appointed Commissioners for
the purpose, (any three of whom may act),
having first been duly sworn, do proceed to
lay off and divide the real estate in the
bill mentioned consisting of a certain tract
or parcel of land containing 92 acres, more
or less, lying in said County of Southamp-
ton, and bounded by the lands of W. L. Beale,
and others, same being a part of the old Brown
farm, and being the lands conveyed to E. L. Fiers by
deed of bargain & sale from H. L. Johnson & wife, dated
Nov. 19th 1895, and recorded in d. B. 43, p. 642;
also, a certain other tract or parcel of land
lying in said County, containing 69 acres, more or
less, & adjoining the lands of said E. L. Fiers, and
Dred Daughtry's estate, it being the lands conveyed

to said E.R. Fiers by deed from Wm. Shands, com'r., dated May 12th 1897, and recorded in D.B. No. 44 page 583; also, certain other parcels of land lying near Mt. Hood Church in said County, containing about 2128 acres, more or less, and adjoining the Beale lands and those into six equal parts, having regard to quality and quantity, and assign one of six said parts to each of the children of R.J. Fiers, namely, to Carrie S. Fiers one-sixth part, to Annette L. Fiers one-sixth part, to E.L. Fiers one-sixth part, to Mary A. Fiers one-sixth part, to Virgie A. Fiers one-sixth part, and to Naomie B. Fiers one-sixth part. But if said Commissioners should find it impracticable to divide said lands among the aforesaid parties, or should be of opinion that the interests of the said parties would be promoted by a sale of the same, in such case they are required to report to the Court the facts upon which their opinion is based, and, also, what in their opinion is the fair value of the said real estate. And the said Commissioners are hereby authorized and empowered to employ, if necessary, the services of a competent

surveyor to assist them in making the division
of the said real estate, as ordered by this
decree. And the said Commissioners will
make report to this Court.

Fines et als.

vs. } Stat: of board

Fines et als

Firms et al.

vs. } Stat: of Costs

Firms et al.

1900

March 17th Same. 25. 1 Exp: 10. receipt 18. atty. 10. 66
Docket 18. Rules 1.00. return 35. fil. bill 15. 1.50
D. 24. 15. D. And. 4 Dr. addition 15. replication 5. 40
Copy 24. 2. 12. 1 Decease & 6 copies 4.20 = 632

1900. Apr. 6th Tax costs 40 = 40

1900. Sept. 14th Copy to Lot of No. 5 lot of E.R. Firms Land bought
of J.E. Prince. Transfer per order of J.L. Mills surveyor } 1.00
Filing report of Lewis to partition Land 25
1 Decease & Copy 1.76. Filing plat 15. - 1.91
certifying same to clerk of Co. let. 37
Copy Lewis report 60 = 60
Future Costs 2.50 = 2.50

to Clerk \$16.14

Shff. 3.00

Law re. 16.50

\$35.64

to commissioner J.R. Williams 3.00

R.J. Firms 3.00

to L. Ferguson 3.00

Surveyor's fee J.L. Mills 40.00

Fine ordered to be paid W.J. Sebrall atty. 200.00

Nov. 10th 1900

\$284.64

to county clerk for recording plat re. 5.07

\$289.71

Justo. L.A. Gay to Lg.

Fine

rs. 3 Quarantine of
3 from Idalia
Furo

Fiers }
v. } Answer of infant defendants
Fiers }

The answer of the infant defendants, Mary A. Fiers, Virgie A. Fiers and Naunie B. Fiers, by Geo. N. Sebell Jr., their guardian ad litem, to a bill in Equity exhibited against them by Carrie S. Fiers, Amosette L. Fiers and E. L. Fiers in the Circuit Court of Southampton -

These respondents saving & reserving to themselves the benefit of all such exceptions to the said bill, for answer thereto, or to so much thereof as they are advised that it is material to answer, answer and say that they are infants of under years; and, being such, knowing nothing as to their right or interest in the premises. They therefore, submit their right & interest to the protection of the Court. And having answered the said bill, they pray to be here dismissed with their reasonable costs in this behalf expended &c. And they will ever pray -

Geo. N. Sebell Jr.
Guardian ad litem

Fiero 3
vs. 3 Diene.
Fiero

April 3, 1901:

Enter this:

~~W. D. Sebrill~~

W. D. Sebrill, pg. 4

Fiers, }
vs. } Deere.
Fiers. }

This day this cause came on to be further heard upon the papers formerly read, and upon the report of W.D. Sebrall, guardian of Mary A. Fiers and Virgie A. Fiers, reporting and showing payment by him to Carrie S. Fiers of the sum of \$100.⁰⁰, the amount due to her from the infant, Mary A. Fiers, as owelty of partition in the division of the lands of E.R. Fiers, dec'd., and to Amorette L. Fiers the sum of \$250.⁰⁰, the amount due to her from the infant, Virgie A. Fiers, as owelty of partition in the division of the said lands, 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 to the Court that nothing further remains to be done in this cause, it is ordered that the same be removed from the docket.