1903. 20 Southampton County Chancery - Revell, T.H (Gdn.) vs Harris, Frank (et als)

Real estate settlement for "betterment of children".

Revell, R.P.
" , T.R.

Harris, Lit
Bryant, Sallie
" , James
Vick, Margaret
" , Elias
Revell, T.H.
" , R.P.
" , T.R.

Circuit Court

vs. } Def'ts Exhibits

Adams et als

Filed 1902 Dec 14 Rec'd Judge

E. A. Hoy Clk

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

In Chancery:

Humbly complaining sheweth unto Your Honor your complainant, J. H. Revell, guardian of R. P. Revell and J. R. Revell, that Anthony Harris, late of Southampton County, Va., was in his life-time seized and possessed of considerable personal and real estate, among which was that certain tract or parcel of land lying in said County, containing about 225 acres, more or less, and bounded on the West and South by the "Old Waller Tract", on the East by the old Thomas Tract upon which Frank Harris now resides, and on the North by the mill-pond of Elias R. Vick, and being so thereof seized and possessed, the said Anthony Harris departed this life in or about the year 1856, leaving a will, which was duly probated, in which, after giving a few small, special legacies therein mentioned he gave and devised all the balance of his estate, including the tract of land hereinbefore mentioned and described, to his three daughters, Margaret Harris, Priscilla

Harris and Elizabeth Harris, as will appear from a copy of said will herewith filed as "Exhibit A" and prayed to be read as a part of this bill. That there being ample personal estate to pay all the said special legacies, and all outstanding debts against the estate of the said decedent, and there being, therefore, no necessity for the sale of the said tract of land, the said Margaret Harris, Priscilla Harris and Elizabeth Harris decided not to sell it, but to keep and own it as their home, which they did to the time of their death.

That the said Margaret Harris (sometimes called "Peggy") died in or about the Spring of 1885, unmarried and intestate, and leaving her two sisters, Priscilla Harris and Elizabeth Harris, and her two brothers, Richard Harris and William Harris, as her heirs-at-law, and distributees of her estate, her other brother Howell Harris having preceded her to the grave, unmarried and intestate. That, after having thus inherited one-fourth of the estate of his deceased sister Margaret Harris, including her one-third interest in said tract of land, the said Richard Harris

died in or about the Fall of 1885, intestate, leaving his six children, to-wit, Frank Harris, Lit Harris, W.A. Harris, Sallie Bryant, née Harris, wife of James Bryant, Margaret Vick, née Harris, wife of Elias R. Vick, and Martha Ann Revell, née Harris, who was the wife of J.H. Revell, as his heirs at law and distributees of his estate. That the said W.A. Harris died soon thereafter, unmarried and intestate, and leaving his brothers and sisters above mentioned as his heirs at law and distributees of his estate. That in or about the year 1888, the said Priscilla Harris died, unmarried and intestate, leaving as her heirs at law and distributees of her estate, her sister Elizabeth Harris, her brother William Harris, and the children of her deceased brother Richard Harris, to-wit, Frank Harris, Lit Harris, Sallie Bryant, wife of James Bryant, Margaret Vick, wife of Elias R. Vick, and Martha Ann Revell, wife of J.H. Revell. That in or about July 1889, the said Martha Ann Revell, died intestate, leaving as her heirs at law, and distributees of her estate, her husband, J.H. Revell, and three

children, to-wit, R.P. Revell, J.R. Revell, and an infant (unnamed), the latter being about three months old at the time of the death of its said mother, and having followed her to the grave about ten days thereafter. That the said William Harris died in or about 1899, unmarried and intestate, and having as his heirs at law and distributees of his estate, his sister, Elizabeth Harris, and the said Frank Harris, Lit Harris, Sallie Bryant, wife of James Bryant, Margaret Vick, wife of Elias R. Vick, children of his deceased brother, Richard Harris, and R.P. Revell and J.R. Revell, children of Martha Ann Revell, the deceased daughter of his said deceased brother, Richard Harris; That during the year 1901, the said Elizabeth Harris died unmarried and intestate, leaving as her heirs at law and distributees of her estate, the said Frank Harris, Lit Harris, Sallie Bryant, wife of James Bryant, Margaret Vick, wife of Elias R. Vick, children of her deceased brother, Richard Harris, and R.P. Revell, and J.R. Revell, children of Martha Ann Revell, the deceased daughter of her said deceased

Brother, Richard Harris. That complainant's said wards, R.P. Revell and J.R. Revell, are therefore, seized and possessed in fee-simple, subject to some curtesy interest therein in favor of the said J.H. Revell, of an undivided one-fifth interest in the said tract of land. That the said Lit Harris, Sallie Bryant, wife of James Bryant, and Margaret Vick, wife of Elias R. Vick, who own each, also, an undivided one-fifth interest in the said lands, have, as complainant is informed, and so states, agreed to sell their said one-fifth interest in said lands to said Frank Harris, in the sum of $300.00 each; and the said Frank Harris has offered and agreed to pay $300, also, for said one-fifth interest owned by said R.P. Revell and J.R. Revell, including the said curtesy interest therein in favor of said J.H. Revell as aforesaid; and your Complainant is willing & agrees to accept the said offer, which he believes to be a good one, provided your Honor will confirm the sale. That said infants, R.P. Revell and J.R. Revell, are, respectively, seventeen years, and fourteen years, of age, and your Complainant is satisfied that it would

be to their best interest for said sale to be made and confirmed, for the following reasons, to-wit: That their said interest in its present shape brings little or no rent, scarcely enough to pay the taxes thereon. That this is all the real estate owned by them, and they have no personal estate whatever, with which to add any improvements thereon; and that the said property in its present shape is, therefore, well-nigh worthless to them, while the money, which would come from the said sale, would help them to provide themselves with suitable clothing, and put them in a position to acquire some education. That the rights of no person or persons would be violated by the said sale. In tender 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 Frank Harris, Lit Harris, Sallie Bryant, James Bryant, Margaret Vick, Elias R. Vick, J.H. Revell, R.P. Revell and J.R. Revell, the last two being infant-

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of tender age, may be made parties defendants to this bill, and required to answer the same, though answer under oath is hereby waived; that some fit and proper person be assigned as guardian ad litem for the infant defendants to protect their interests in this suit; that process issue, that all proper orders and inquiries be made and directed and accounts taken, that the proposed sale of the interest of the infants in the said lands be confirmed, and that Your Honor will appoint a special commissioner to collect the purchase-money and properly disburse the same, and to execute to the purchaser a deed, with special warranty, for the said interest of said infants in the said lands, and for all such other, further general and special relief as the nature of the case may require or to Equity shall seem meet.

And your complainants will ever pray.

W. J. Sebrell, p.q. } J. H. Rowell,
Wm. R. P. Rowell & J. R. Rowell,

Virginia,

Southampton County, to-wit:

I, Wm. Shands, a

Commissioner in Chancery for the Circuit Court of Southampton County, do hereby certify that J.N. Revell, Gdn. of R.P. Revell and J.R. Revell, whose name is signed to the foregoing bill in Chancery has personally appeared before me in my said County, and made oath that the statements therein contained, so far as made of his own knowledge, are true, and so far as made upon information derived from others, he believes to be true.

Given under my hand this 15th day of September 1902.

Wm Shands
Comr in Chancery

Revell, Gdn. &c.,
vs. Deere.
Harris et als.

In Vacation:

Sept. 24 1902,

Enter this,

Entered Page 447

In Vacation: In the Circuit Court of Southampton County, on the 24th day of September 1902:

J. H. Revell, guardian of R.P. Revell and J.R. Revell,

vs.

Frank Harris, Lit Harris, Sallie Bryant and James Bryant, her husband, Margaret Vick and Elias Vick, her husband, J.H. Revell, R.P. Revell, and J.R. Revell, the last two infants, under twenty one years of age.

Chancery

In

Decree.

This day this cause came on to be heard, upon the consent in writing of all parties thereto, made in vacation, that this cause be submitted to the Judge of this Court for such decision and decree therein in vacation as might be made in term, which writing is made a part of the record in this cause; and upon the complainant's bill and exhibits therewith filed, taken for confessed as to the adult defendants, upon whom process has been duly served, they still failing to

appear and plead, answer or demur to the said bill; upon the answer of J.B. Prince Jr., the guardian ad litem of the infant defendants duly assigned at rules to defend them in this cause, and of the infant defendants over fourteen years of age, in their proper person, on oath, 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: Whether the interests of the infant defendants would be promoted by the proposed sale in the bill mentioned;

2nd: Whether the sum offered by said Frank Harris, namely, $300.00, for the interests of the said infants in the real estate in the bill mentioned, including the curtesy interest therein of J.H. Revell, is a fair and sufficient price for the same;

3rd: What part or amount of the proposed purchase price of $300.00 would be due to the said J.H. Revell for his curtesy interest therein;

4th: Whether the rights of any party or parties would be violated by the proposed sale of said real estate;

5th: Whether there are any delinquent taxes, or other liens, outstanding against the said real estate;

Which said inquiries the Commissioner will make and report to the Court, together with any other matter specially stated, deemed pertinent by himself, or required to be so stated by any interested party.

Robert R. Ellis

To the Clerk of the
Circuit Court of
Southampton County:

Form No. 304.

Russell's Guardian

to } BOND.

Commonwealth

1902. 20th. Feby. Filed

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 304.

Know all Men by these Presents, That we, J. H. Ravell and J. J. Johnson

are held and firmly bound unto the Commonwealth of Virginia, in the sum of ($400.) Four 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. And we hereby waive the benefit of our exemption 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 the bonds of the State. Sealed with our seals, and dated this 20th day of February, one thousand nine hundred & 3

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That ~~whereas~~ if the above bound J. H. Ravell, Guardian of R. P. Ravell and J. R. Ravell who is authorized to receive the sum of ($208.16) Two Hundred & Eight & 16/100 Dollars for his said Wards under a decree of the Circuit Court of Southampton County, entered on the 31st day of December 1902, in the Chancery cause of Ravell Gdn. vs. vs Harris etals. Shall make faithful application of the fund, and for the management and preservation of any property or securities in which the same may be invested, and for the protection of the rights of all persons interested therein, whether such rights be vested or contingent

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

J. H. Ravell SEAL

J. J. Johnson SEAL

SEAL

In the ..... *Court of the* ..... *of* ..... *the* .....

day of *190*

This bond was executed and acknowledged in open Court by the obligors, and ordered to be recorded,

the suret therein having first justified on oath that ..... estate , after the payment of all ..... just debts, and those for which he ..... bound as security for others and expect to have to pay ..... worth the sum of ..... dollars, over and above all exemptions allowed by law.

Teste:

..... *Clerk.*

Southampton Co. State of Virginia.

April 3rd. 1853.

In the name of Almighty God I. Anthony Harris being of sound mind and this my last Will & Testament. After paying all my just Debts I doth give and devise to my daughter Margaret one Bed & furniture. also I give to my daughter Priscilla one Bed & furniture, and also I give to my daughter Elizabeth one Bed & furniture. I doth give and devise to my son Richard two hundred dollars. also I give and bequeath to my son Norvell & William one dollar to each. I wish all my Property to be sold and after all my debts are paid I want the the remainder of my Estate Equally divided between my three Daughters. Viz: Margaret, Priscilla & Elizabeth

his
Anthony Harris
mark

Witness
H. J. Sykes
Benja G. Waller
his
Thomas Turner
mark

At a Court held for the County of Southampton, the 17th day of November 1856. This last Will and Testament of Anthony Harris decd. was this day

Fenton proved by the oath of Benja. B. Waller a subscribing Witness thereto and the same having been proved by the oath of Thomas Turner also a subscribing Witness thereto at the September Term of this Court 1856. Was thereupon ordered to be recorded.

And on the motion of Wm A. Joynes who made oath and together with James R. Joynes & Newman Joynes (his securities) (who justified on oath as to their sufficiency) entered into and acknowledged a bond in the penalty of Two thousand Dollars conditioned as the Law directs, Certificate is granted him for obtaining letters of administration on the estate of Anthony Norris dec'd. with his Will annexed in due form.

Teste:

T. R. Edwards. C.C.

A copy.

Teste:

T. A. Hay D.C.

Russell. Adm. &c.
vs. } Anthony Norris' Will
Norris' Ex. &c. } &c.
1902. 2nd Rules filed

COMMISSIONER'S BOND.

Revell Gen. ve. vs Harris dec'd

W. J. Sebrell

to

Commonwealth.

1903. 27th. Jany. Filed

Recorded page 145

Know All Men by These Presents, That we, William J. Sebrell

and James E. Sebrell

are held and firmly bound unto the Commonwealth of Virginia in the sum of ($350.00)

Three Hundred and Fifty and ~~~~~ 00/100 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 27th day of January one thousand ~~eight hundred and ninety~~ 1903

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

William 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 31st day of December 1902 ~~189~~, in the suit therein depending

under the name and style of Revell, Guardian &c. vs Harris 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 Three Hundred Fifty and 00/100 dollars.

Given under my hand this 27th day of Jany 1903, 189~~~

Teste: L. A. Gay, Clerk.

Revell, Gdn. &c.
vs. In Chancy.
Harris et als.

Answer of the
infant defendants
over 14 years
of age.

The joint and separate answers of R.P. Revell and J.R. Revell, infant defendants above the age of fourteen years, to a bill of complaint, exhibited against them and others, in the Circuit Court of Southampton County, by J.H. Revell, guardian of said R.P. Revell and J.R. Revell.

The said 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, while they are not of full age, yet, being above fourteen years of age, they believe that they know something of their rights and interests in the matter referred to in complainants bill; they believe that the allegations in said bill are true, and that their interests would be promoted by a confirmation of the sale mentioned in said bill, and they, therefore, desire and request that the same be done.

And these respondents deny all fraud, unlawful combination and confederacy, and having fully answered the complainants' bill, pray to be hence dismissed, with their reasonable costs by them

in this behalf expended, and they will ever pray &c.

his
R × P. Revell
mark
his
J × R. Revell
mark

Virginia,
Southampton County, to-wit:

I, , a J.P. in and for the said county and state, do hereby certify that R.P. Revell and J.R. Revell, whose names are signed to the foregoing answer have appeared before me in my said county and made oath that the statements contained in the said answer, so far as made of their own knowledge, are true, and so far as made from information derived from others they believe to be true.

Given under my hand this 13th day of Sept. 1902.

E. M. Harris. J.P.

The answer of J.B. Prince Jr., Guardian ad litem, of the infant defendants, R.P. Revell and J.R. Revell, to a bill of complaint, exhibited against them and others in the Circuit Court of Southampton County, by J.H. Revell, guardian of said R.P. Revell and J.R. Revell.

The respondent reserving to himself the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as he is advised that it is material he should answer, answers and says that the said R.P. Revell and J.R. Revell are infants under twenty one years of age, and therefore, he commits their interests to the protection of the Court. And now having answered, the said respondent prays to be hence dismissed with his reasonable costs in this behalf expended, & he will ever pray &c.

J.B. Prince Jr
G'd'n. ad litem of R.P. Revell & J.R. Revell.

Virginia,
Southampton County, to-wit:

This day personally appeared before me in my County aforesaid, J.B. Prince Jr., G'd'n. of R.P. Revell & J.R. Revell, whose name is signed

to the foregoing answer and made oath that the statements contained therein, so far as made from his own knowledge are true, and so far as made upon information derived from others, he believes to be true. Given under my hand this 22nd day of September 1902.

B. F. McLemore

Comm. in Chancery Ct. Ch.
Southampton Co.

Rowell, Adm. &c.
vs.
Ely Adm.
Harris et. als.

Answer of Adm. & Gdn. ad litem

Revell Gen. &c.

vs. } Stat: of Rules.

Norris et als.

Jas. H. Revell, guardian of } Plaintiffs
R.P. Revell 2nd J.R. Revell }
vs.
Frank Harris, Lit Harris,
Sallie Bryant nee Harris,
& James Bryant her husband,
Margaret Vick, nee Harris,
& Elias Vick her husband, } Defendants
J.H. Revell, R.P. Revell 2nd
J.R. Revell - the last two
infants under 21 years of
age.

In Chancery

1902. 29th March. Process issued to 1st Apr. Rules.

1902. 1 April Rules. Process returned Executed.
Bill and exhibits filed.
J.B. Prince Jr. appointed G.M.
ad litem to inf and defendants.
Decree Nisi.

1902. 2nd April Rules. Bill taken for confessed
as to adult defendants and
Cause set for hearing as
to them.

The testimony of Jas. G. Bryant & others taken before me, Jno. N. Atwell Jr., a commissioner in Chancery for the Circuit Court of Southampton County, Va. at Courtland, Va. on the 18th day of October 1902 to be be taken as a basis for report required to me made by decree entered in the Chancery suit of Revell, Gois &c. vs. Harris et als. pending in said court, on the 24th day of Sept. 1902.

Present:

N. J. Atwell - Atty for pltff

J. B. Privott Jr. Gdn. ad litem

Q. The witness Jas. G. Bryant, being duly sworn deposes & says.

Q. What is your age, occupation & do you know the parties to this suit.

A. 66 yrs, Farmer, & know the parties.

Q. Do you think the interest of the infant defendants would be promoted by the proposed sale of their interest in the

in the tract of land in the bill mentioned.

A. Yes sir. When it is sold & sold on hand it is useless and no benefit whatever is derived therefrom. As it is there is no benefit derived by infants.

Q Do you think the sum of $300. proposed to be paid is a fair price for it?

A. Yes sir, I do. All the parties owning timber interest have agreed at such price & is considered a good price.

Q. Would the rights of any party be violated by the proposed sale.

A. No sir.

And further this deponent saith not.

J. G. Bryant

The witness J. Johnson being duly sworn deposes & says.

Q What is your age, occupation & do you know the parties

A. Yes Mr. Jones & know the

Q. Have you heard the testimony of Mr Bryant and state whether or not you concur therein.

A. I have heard it and concur with him.

And further this deponent saith not.

J J Johnson
mark

Witness:
Jno Crouch.

Virginia, Northampton Co. to wit.

I Jno Crouch a Comr in Chancery for the Circuit Court for the County & State aforesaid do certify that the foregoing depositions of Jas E Bryant & J Johnson, were this day duly taken before me for the purposes in the caption therein stated. Given under my hand this 16th day of October 1912

Jno Crouch
Comr in Chancery

Powell, Edna E.

vs. Report of Commissioner

Harris et al

1907 Oct 25 filed

W. A. SERRILL
ATTORNEY AT LAW
ROSEBURG, OR.

OFFICE OF JOHN N. SEBRELL, JR.,

Commissioner in Chancery for the Circuit Court of Southampton County, Virginia.

COURTLAND, VA., September, 29, 1902.

To J. H. Revell, guardian of R. P. Revell and J. R. Revell, Frank Harris, Lit Harris, Sallie Bryant and James Bryant, her husband, Margaret Vick and Elias Vick, her husband, R. P. Revell and J. R. Revell the last two infants under twenty-one years of age by J. B. Prince, Jr., guardian ad litem.

You are hereby notified that I have fixed upon the 18th day of October, 1902. 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 the interests of the infant defendants would be promoted by the proposed sale in the bill mentioned;

2d. Whether the sum offered by said Frank Harris, namely: $300.00 for the interests of the said infants in the real estate in the bill mentioned including the curtesy interest of J. H. Revell therein is a fair and sufficient price for the same;

3d. What part or amount of the proposed purchase price of $300.00 would be due the said J. H. Revell for his curtesy interest therein;

4th. Whether the rights of any party or parties would be violated by the proposed sale of said real estate;

5th. Whether there are any delinquent taxes, or other liens outstanding against the said real estate.

required to be taken by a decree of Southampton Circuit Court, rendered on the 24 day of September 1902, 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.

John N. Sebrell. Commissioner.

To the Sheriff of Southampton County to execute.

The testimony of Jas. G. Bryant and others taken before me, Jno. N. Sebrell, Jr., a commissioner in Chancery for the Circuit Court of Southampton County, Va. at Courtland, Va. on the 18th day of October, 1902, to be taken as a basis for report required to me made by decree entered in the Chancery suit of Revell, Gdn. vs. Harris et als. pending in said Court, on the 24th day of Sept. 1902.

Present:

W. J. Sebrell, Atty for plaintiff.

J. B. Prince, Jr., Gdn. ad litem.

The witness Jas. G. Bryant, being duly sworn deposes and says.

Q. What is your age, occupation and do you know the parties to this suit?

A. 66 yrs. Farmer, and know the parties.

Q. Do you think the interest of the infants defendants would be promoted by the proposed sale of their interest in the tract of land in the bill mentioned?

A. Yes sir, unless it is sold and into one hand it is useless and no benefit whatever is derived therefrom. As it is there is no benefit derived by infants.

Q. Do you think the sum of $300 proposed to be paid is a fair price for it?

A. Yes sir, I do. All the parties owning similar interest have sold at such price and is considered a good price.

Q. Would the rights of any party be violated by the proposed sale?

A. No sir.

And further this deponent saith not.

Ch'r to pet. Southampton Co.

Comm'r in Chancery.

The witness J. J. Johnson being duly sworn deposes and says:

Q. What is your age, occupation and do you know the parties?

A. 41 yrs. Farmer, and know the parties.

Q. Have you heard the testimony of Mr. Bryant and state whether or not you concur therein?

A. I have heard and concur with him.

And further this deponent sayeth not.

Commissioner's Office

October 18,1902

Revell Gdn &c.

Vs.

Harris et als .

To Hon. R.R.Prentis,Judge of the Circuit COurt of Southampton County,Virginia.

The undersigned your commissioner to whom was referred the taking of certain accounts directed to be taken by a decree entered the above styled cause on the 24th day of September 1902 would respectfully report that pursuant to said decree he issued his notice directed to the parties ,plaintiffs and defendants,which notice was duly executed and acknowledged,requiring them to appear before him at his office in COurtland,virginia,on the 18th day of October 1902,copy of said notice being returned herewith.

Your commissioner would report that he heard the testimony of witnesses concerning the matters mentioned and would report his conclusions as follows:

First, the interest of the infant defendants would be promoted by the proposed sale in the bill mentioned.

Second, $300 is a fair price for the interest of the infants defendants in said real estate, including the curtesy interest of J.H Revell.

Third, J.H.Revell is forty seven years of age and is entitled to curtesy in two ninths of the said purchase price.

Fourth, no rights would be violated by the proposed sale.

Fifth, there are no delinquent or other liens outstanding against the said real estate taxes.

All of which together with the testimony of the witnesses is returned and respectfully submitted.

Comr's Fee. $5.00 Ck to Self

Jno. T. Rochelle Jr.

Comr in Chancery.

Recvd Feb. 20th 1903 of W.J. Debell, Special Commissioner in the Chancery suit of Rivell, Gdn. &c. vs. [redacted] et als. the sum of thirty six & 35/100 Dollars, ($36.35/100) same being the amount ordered to be paid to me by decree entered in said cause on the 31st day of Dec. 1902.

J.N. Rivell

Recived Feb. 20th 1903 of W.J. Nebell, special Commissioner in the Chancery suit of Revell, Gdn. &c. vs. Harris et als., the sum of two hundred and Eight & 16/100 dollars ($208.16), same being the amount ordered to be paid to the guardian of the infants, R.P. Revell and J.R. Revell, by decree entered in said cause on the 31st day of December 1902.

J.H. Revell,
Guardian of R.P. Revell and
J.R. Revell.

Revell, Wm. etc.

vs } Slate of Costs

Harris et als

Sum. 25. 7 Copy 91. ords. @ X18. ally 10= 1,44

Docket 18, Rules 1,00, fil. bill 15= 1,33

Do. Ex. 15. Do. petition To make resolution Comm 15= 30

Do. Ans. of Wm. adl'm, 15. Do. of defendants 15= 30

Do. report of Comr in chy 25 = 25

Copy Ex. 50, 2 ords. 72 = 1,22

Tax Costs 40. fil. away papers 25= 65

12/3/1902 Settlement Costs abt 2,00 = 2,00

3/2/1903 paid by W. J. Sebrell Esq. by check $7,49

paid J. M. Williams Esq Sheff 6,50

Paid - W. J. Sebrell, p.f. Taxes 16,50

$30,49

Att. Jno. Stewart Jr. Fee of J. N. Sebrell Esq. Comr in chy. = 5,00

$35,49

Test: L. A. Gay Clk.

Revell, Gdn &c.,
vs. } In chy.
Harris et als.

Report of
Special Commissioner,
W. J. Sebrell.

Revell, Gdn. &c.,
vs. } Report of Special Comr., W.J. Tebbell.
Harris et als.

In this cause the Commissioner most respectfully reports that, pursuant to decree herein entered on the 31st day of December 1902, he has collected from T. Frank Harris the purchase-price of $300.00, and has executed to him a deed, with special warranty, for the real estate in the bill and proceedings mentioned.

Your Commissioner has distributed and paid out the said sum of $300.00 in accordance with the direction of the said decree, as will more fully appear from the receipts herewith filed as a part of this report.

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

Form No. 300½.

Revell's Guardian

vs. } SUBPŒNA IN CHANCERY.

Harris et als.

Ed. J. Sebree p. q.

To 1st April Rules.

1902 Circuit Court.

Executed Apl. 5th 1902
by delivering a copy of this
subpœna to each of the within
named parties Defts.

B. E. Bell Dept

for J. W. Williams
Dept

(7)

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 300½.

The Commonwealth of Virginia,

To the Sheriff of the County of Southampton Greeting:

WE COMMAND YOU, That you summon Frank Harris,[1] Lit Harris,[2] Sallie Bryant,[3] nee Harris & James Bryant,[4] her husband, Margaret Vick,[5] nee Harris & Elias R. Vick[6] her husband, J. H. Rawls,[7] R. P. Rawls,[8] and J. R. Rawls,[9] the last two infants under 21 years of age to appear at the Clerk's Office of the Circuit Court of the County of Southampton at the rules to be held for the said court on the 1st Monday in April 1902, to answer a bill in chancery exhibited against them in our said court by J. H. Rawls, grandson of R. P. Rawls and J. R. Rawls

And have then there this writ. Witness L. A. Gay, Clerk of our said court, at the courthouse, the 29th day of March 1902, and in the 126th year of the Commonwealth.

Teste: L. A. Gay C. C.

REVELL, Gdn. &c.

vs.) Decree.

HARRIS ET ALS.

****

IN VACATION:

December 31, 1902.

ENTER THIS,

Robert R. Reuter

Entered page 477

In Vacation: In the Circuit Court of Southampton County, on the 31st day of December 1902.

Revell, Guardian &c.,
vs.) Decree.
Harris et als.

This day this cause, which has been regularly submitted to the Judge of this Court for such decisions and decrees in vacation, as might be entered therein in term, came on to be heard on the papers formerly read, and on the report of Commissioner, Jno. N. Sebrell, Jr., filed Oct. 25th. 1902, to which report there is no exception, and was argued by counsel.

On consideration whereof, and it appearing to the Court from the said report that the interest of the infant defendants would be promoted by the proposed sale in the bill mentioned, and that the rights of no person would be violated thereby, the Court doth adjudge, order and decree that the said report be confirmed, and that W.J.Sebrell, who is hereby appointed a Special Commissioner for the purpose, do, upon the receipt of the purchase-price of $300.00 from Frank Harris, execute to said Frank Harris a deed, with special warranty, for the real estate in the bill and proceedings mentioned, to-wit: The one-fifth interest owned by the infants, R.P.Revell and J.R.Revell, including the curtesy-interest therein of J.H.Revell, in and to that certain tract or parcel of land, lying in Southampton County, containing about 225 acres, more or less, and bounded on the West and South by the "old Waller tract", on the East by the "Old Thomas Tract", upon which the said Frank Harris now resides, and on the North by the Mill-pond of Elias R.Vick; and, upon collecting the said sum of $300.00, the said W.J.Sebrell, Special Commissioner, after deducting his commissions of $15.00 and a fee of $5.00 for writing deed to the purchaser, will pay the taxed costs of this suit amounting to $35.49, and the balance of $244.51 then remaining, he will distribute among the parties entitled thereto, that is to say, he will pay to J.H. Revell the sum of $36.35, that being the present gross value of his curtesy-interest in two-ninths of the said balance, and the residue, to-wit, the sum of $208.16, he will pay over to the guardian of the said infants,R.P.Revell and J.R.Revell; but before the said W.J.Sebrell, Special Commissioner, shall pay over the said sum to the said guardian, the

said guardian shall enter into a bond in the penalty of $400.- before the Clerk of this Court, and with security deemed sufficient by him, conditioned for the faithful application of the fund, and for the management and preservation of any property or securities in which the same may be invested, and for the protection of the rights of all persons interested therein, whether such rights be vested or contingent.
And the said W.J.Sebrell, Special Commissioner, will take receipts from the parties for the amounts ordered to be paid by this decree, and return the same along with his report to this Court.

But before the said W.J.Sebrell, Special Commissioner, shall proceed to act under this decree, he shall enter into bond, with approved security, before the Clerk of this Court, in the penalty of $350.-, conditioned for the faithful discharge of his duties under this, or any subsequent decree in this cause.

To the Clerk of the Circuit Court
of Southampton County.

Robt R. Willis

IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY.
In Vacation, Jany. 28th., 1903.

George W. Harris and others,----------Complainants.

vs. IN CHANCERY.

Mary J. Harris and others,----------Defendants.

Final Decree.

This cause came on this day to be heard in vacation by consent of parties entered of record, upon the bill and exhibits filed therewith, on the answer of the defendants Mary J. Harris, Pattie E. Harris and James Harris, with general replications thereto, on the demurrer to the said bill of all the defendants, Mary J. Harris, Pattie E. Harris, James Harris, G. W. Truitt and W. H. Vincent, and joinder therein by the complainants, and was argued by counsel.

And thereupon the demurrer of the defendants to the complainants' bill being argued, it is the opinion of the court that the said bill is not sufficient in law, because it appears by the said bill and the exhibits filed therewith that ~~the~~ defendants Mary [illegible] Harris, Pattie E. Harris and James Harris, the children of James Harris, deceased, took, by the last will of James Harris, deceased, a defeasible fee simple estate in the land in the proceedings mentioned, which estate became a fee simple absolute in them on the death of [illegible] Harris, the widow of James Harris, deceased, and afterwards vested solely in the defendants Mary J. Harris and Pattie E. Harris by virtue of the conveyance from their brother, James Harris, the younger; and that the complainants have no interest, expectancy or estate therein. Therefore, it is adjudged, ordered and decreed by the court that the said demurrer be sustained and the bill of the complainants be dismissed and the complainants pay to the defendants their costs by them about their defence sustained.

Robt. W. Curtis

To the clerk of the circuit court of Southampton county, Virginia.

Revell, Gdn ve.
vs.
Harris et al.

Consent in writing

Revell, gdn. ve.
vs.
Harris et als

We, the parties, plaintiffs and defendants in the chancery cause of J.H. Revell, guardian of R.P. Revell and J.R. Revell, vs. Frank Harris et als., depending in the Circuit Court of Southampton County, Va., hereby consent to submit the said cause to the Judge of the said Court for such decision and decree thereon in vacation as might be made in term.

Sept. 4th 1902.

J. G. Bryant
J. F. Harris
Lit Harris
E. R. Vick
Margarett Vick
Sallie Bryant
J H Revell
W. D. Revell, p.q.
J Blount Jr. Gdn. ad litem for Infant defendants.

(over)

Circuit Court of Southampton County:
In Vacation, this 24th day of September 1902:

I, Robt. R. Prentis, Judge of the Circuit Court of Southampton County, do hereby certify that the parties, plaintiffs and defendants, in the Chancery cause of Revell, Gen'l &c. vs. Harris & others, have by consent out of Court, duly endorsed by a writing signed by them, and filed among the papers in this cause, consented to submit the said cause to the Judge of the said Court for such decision and decree therein in vacation as might be made in term.

Robt. R. Prentis

To the Clerk of the Circuit Court of Southampton Co.

Rivell, Gdn. &c,
vs. Decree.
Harris et als.

April 7, 1903.

Enter this,

Robert R. Ellis

Entered
Page No. 4.

W. D. Sebrell, p.q.

Rivell, Gdn. &c.,
vs. Decree.
Harris et als.

This day this cause came on to be further heard on the papers formerly read, and on the report of Special Commissioner, W.J. Sebrell, this day filed by leave of the Court, showing collection and disbursement of the purchase-price of $300.00 for the real estate in the bill and proceedings mentioned, 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.