1903-29 Southampton County Chancery Weathersk, James E. et als Weathersk, Samuel L. et als

"To partition if can be done, if not, sell, and proceeds divided among interested parties"

Hart, Cleora L
Hart, R. M.
Weathersk, Jas T.
Harris, Nannie J
Harris, Lizzie C.
McLemore, J. L.
Birdsong, Mattie L.
Birdsong, J. H
Bacon, Josie E.
Bacon, H. W.
McLemore, Thos W.
McLemore, Harvey B.
Harris, Geo W.
Harris, Elona
Pruit, Joseph B. Trustee

Pruit, Joseph B Trustee
McLemore, O P.
Harris, Edward
Harris, Willie
Harris, Bettie
Harris, Gelda
} Right

Westbrook v. ale.

vs. Bill for

Westbrook v. others.

1900. 1st March Rules filed

L. A. Gay & C.

McLemore v. Corbett. Pqr

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

In Chancery.

Complaining showeth unto the court, your complainants, James E. Westbrook Cleora L. Hart and R.M. Hart her husband, Joel T. Westbrook and Nannie J. Harris and Lewis C. Harris her husband, J.L. McLemore, Mattie L. Birdsong and T.H. Birdsong her husband, Josie E. Bowen and H.W. Bowen her husband, Thos. W. McLemore and Harvey B. McLemore, Geo. W. Harris Jr. Telus Harris that Joseph B. Prince, trustee by virtue of a certain deed of Trust made April 15th. 1871, and duly recorded in the Clerk's Office of Southampton County court, holds in trust for the benefit of your complainants and the other children of the marriage of Jas. D. Westbrook and Nannie L. Westbrook, or the children of such as are dead, to-wit:- Samuel L. Westbrook O.P. McLemore an infant, George Edward Harris Willie Harris, Bettie Harris & Golda Harris all infants. a certain tract of land lying about three miles South of Drewryville, containing 250 acres, more or less bounded by the lands of Jas. E. Westbrook Jos. W. Claud William H. Drewry and others; that by the provisions of said deed, the farm aforesaid was to be equally divided after the death of both Jas. D. Westbrook and his wife Nancy L. Westbrook, among his children surviving or the representatives of them as will be seen by reference to a copy of said deed of Trust filed herewith as exhibit "X". That said Jas. D. and Nancy L. Westbrook have departed this life, and your complainants are advised that they are now entitled to have the said real estate partitioned in kind if same can be conveniently done, and if it cannot be conveniently so partitioned, then that they are entitled and desire that said property be sold and the proceeds divided as their ### interest therein may entitle them.

In tender consideration whereof and for as much as your complainants are without remedy save in a court of Equity where all such matters are alone and properly cognizable to the end therefore that justice may be done your orators pray that Samuel L. Westbrook Joseph B. Prince Trustee O.P. McLemore an Infant and George Edward Harris Willie Harris, Bettie Harris and Golda Hand the last four infants, be made parties defendants to this bill and required to answer the same; that a proper guardian ad litem be assigned the infant defendants to defend their interest in this

suit,who shall also answer this bill;that the said real estate be divided in kind if same can conveniently be done,if not that same be sold and the proceeds divided as the interest of the several parties in interest may entitle them; that all proper orders and decrees may be entered and proper enquiries directed and that all such other, farther and general relief may be afforded to your complainants as the nature of their case may require or to equity shall seem meet. Notice is here given that the court will be asked to allow to plaintiff(s counsel conducting this cause reasonable attorneys fees out of any funds coming under the control of the Court.

And your complainants will ever pray, &c.

McLemore & Corbitt Sol.

This Deed made this 15th day of April 1871.
between James D. Westbrook of the first part,
Jos. B. Brinco, Trustee, of the second part. and
Nancy L. Westbrook, wife of Jas. D. Westbrook,
of the third part. Witnesseth: That in consid-
eration of the love and affection which the
said Jas. D. Westbrook bears towards his wife, and
the further consideration of her relinquishing
of her right of dower in all the other lands
of which said Westbrook, her husband. is now
seized. he the said Westbrook does grant and
convey unto the said Trustee, a certain tract
or parcel of land situate in said County of
Southampton, containing by survey. 250 acres,
bounded by the lands of Wm H. Downing, Jos. H.
Cleland, and P. S. Thomas, including the build-
ings and improvements thereon. it being the
plantation on which said Westbrook now
resides. To have and to hold the said tract
of land. together with the Household and
Kitchen furniture and Stock of every discrip-
tion, unto the said Trustee, his heirs and
assigns. Upon trust that the said Trustee
shall permit the said Nancy L. Westbrook
wife of said Westbrook to occupy. possess and
enjoy the said tract of land free from all man-
ner of charge of her said husband, or any
husband she may hereafter take, during

her natural life; And upon this further trust that whenever the said Nancy L. Westbrook shall depart this life the said Trustee shall hold the said land herein before Conveyed for the benefit and use of all the children of the said Westbrook and his wife Nancy L. Westbrook by their present marriage. or for ~~those~~ third who shall attain the age of twenty one years, Should any or either of them die before that age, to be divided equally between them, and upon the further trust that the said James D. Westbrook shall be permitted to remain and occupy the said plantation so long as he may live, and upon the further trust, that the said Trustee shall after the death of said Nancy L. Westbrook and James D. Westbrook Convey and transfer to the children of the said parties by their present marriage, or the survivors of them the tract of land herein Conveyed in fee Simple. And the said James D. Westbrook covenants with the said ~~the said~~ Trustee that he will warrant and defend

the title to the said land hereby conveyed for the benefit of his wife and Children against the claim of himself and all other persons whatever

Witness the following Signatures and Seals

James O. Westbrook (seal)

(seal)

State of Virginia, Southampton County, to wit; I, William Prince, a Justice of the peace for the County aforesaid in the state of Virginia, do certify that James O. Westbrook whose name is Signed to the writing above, bearing date April 15. 1871, has acknowledged the same before me in my County aforesaid, Given under my hand this 19th day of April 1871.

William Prince J. P.

Southampton County, In the Clerks Office may the 3rd 1871. This Deed of Gift was this day received and together with the certificate thereto annexed, admitted to record, a Stamp of the Int. Rev. of the U.S. to the amount of five cents being affixed thereto and duly cancelled.

Teste, James R. Tyler D. C.

A Copy. Teste B. F. McLemore C. C.

Westbrook et als.
vs. 3 Report of
3 Com'r. Lebrun
Westbrook et als

Octo. 25th. 1900, filed.

OFFICE OF ~~JOS. B. PRINCE, JR.,~~

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

Courtland, Va., October 17th 1900. 189

To

Jas.E.Westbrook, Cleora L.Hart and R.M.Hart, herhusband, Joel T. Westbrook, Nannie J.Harris and L.C.Harris, her husband, J.L.McLemore, Mattie L.Birdsong and T.H.Birdsong, her husband, Josie E.Bowen and H.W.Bowen, her husband, W.T.McLemore, H.B.McLemore, Geo.W.Harris, jr., and Elmo Harris.

VS.

S.L.Westbrook, O.P.McLemore, Edward Harris, Willie Harris, Bettie Harris and Golder Harris, last five infants and J.B.Prince, Trustee.

J.B.Prince, Jr., gdn. ad litem to infant defendants.

You are hereby notified that I have fixed upon the 24 th day of October 1900, ~~next~~ if fair, if not the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to-wit:

1st:-An account of the real estate in the Bill and proceedings mentioned, with its annual and fee simple value.

2nd:-The interest of the several parties plaintiffs and defendants in the said real estate.

3rd:-Whether said real estate can be conveniently partitioned in kind among the several parties entitled thereto, in any of the modes prescribed by the statute, and if not, would the interest of any party be violated by a sale of the entire subject matter and division of the proceeds.

4th:-Whether or not there are any liens of record against the shares of any of the parties in interest, and the amount of same.

5th:-Any other matter specially stated deemed pertinent by the commissioner, or required to be stated by any interested party.

6th:-Whether or not there are any delinquent taxes due on said land.

required to be taken by a decree of Southampton Circuit Court, rendered at the April term, ~~189~~ 1900, 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.

Joel T. Westbrook Jr., Commissioner.

To the Sheriff of Southampton County to execute.

Virginia. In the Circuit Court of Southampton County. April term 1900.

James E. Westbrook and others.

vs.

S. L. Westbrook and others

This day this cause which has regularly matured at rules came on to be heard upon the plaintiff's bill and exhibits filed, and Jno. B. Prince Jr. is assigned guardian ad litem to the infant defendants, O. P. McLemore, Edward, Willie, Billie and Golden Harris to defend their interest in this suit, and the said guardian ad litem filed the answer of the said infant defendants to the said bill of the Complainants, with general replication thereto, and was argued by Counsel. On consideration whereof, the Court doth adjudge, order, and decree that this Cause be referred to one of the Commissioners of this Court, who will enquire and report to Court as follows:

First: An account of the real estate in the bill and proceedings mentioned with its annual and fee-simple values.

Second: The interest of the several parties, plaintiffs and defendants in the said real estate.

Third: Whether said real estate can be conveniently partitioned in kind among the several parties entitled thereto, in any

aliquot

of the notice prescribed by the Statute, and if not, would the interests of any party be violated by a sale of the entire subject matter and division of the proceeds.

Fourth: Whether or not there are any liens of record against the shares of any of the parties in interest, and the amount of same.

Fifth: Any other matter specially stated deemed pertinent by the Commissioner or required to be stated by any interested party.

Sixth: Whether or not there are any delinquent Taxes due on said lands.

A Copy.

Test: L. A. Gay Clk.

Mailed to all.

Copy of Decree Mailed to all.

Entered April 3. 1906.

Robert A. Martin

Entered Page 308

Commissioner' Office
Courtland Va., ~~November 1st~~ Oct. 24, 1900

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

Pursuant to decree of the Circuit Court of the County of Southampton entered on the 3rd day of April 1900,in a suit in chancery depending in the said Court,between James E.Westbrook et als.,plaintiffs and S.L.Westbrook et als,defendants,the undersigned,one of the commissioners of the said Court,to whom was referred the inquiries diected to be made by the said decree, reports to Court,that on the 1th day of October 1900,he issued notices against the several parties to the said suit,requiring them to attend,the settlement of the said accounts,before him, at his said office,on the 24th day of October 1900,which were returned to your Commissioner with service duly acknowledged. That pursuant further to said decree he reports:

1st:- A certain tract of land as described in Exhibit "X" filed with bill.

Fee simple value of same..... $2000.00

Annual value of same..... $ 200.00

2nd:- The interests of the several parties,plaintiffs and defendants,in the said real estate to be as follows: Joel T. Westbrook one seventh; James E.Westbrook one-seventh; Cleora Hart one-seventh; Samuel L.Westbrook one-seventh; Nannie Harris one-seventh; James L.McLemore,Mattie L. Birdsong,Josie E.Bowen,W.T.McLemore,H.B.McLemore,and O. P.McLemore,each one-sixth of one-seventh or one forty second(taking each one-sixth of the one-seventh that would have gone to their mother,Rosa A.McLemore,deceased); and Goerge Harris,Edwin Harris,William Harris,Bettie Harris and Golda Harris,each one-sixth of one-seventh or one-forty-second part (each taking one-sixth of the one-seventh that would have gone to their Mother, Eudora Harris deceased)

3rd:- That the interests of all the parties interested and entitled will be promoted by a sale of the real estate and a division of the ppoceeds among thoseentitled, as will appear from the evidence of witnesses returned herewith as a part hereof.

4th

Your commissioner repprts the following judgment liens debts against Joel T.Westbrook and Samuel L.Westbrook, two of the parties entitled.

First:-Joel T.Westbrook. Priorities stated by figures 1 2 3 &c.

1.) Judg. favor J.W. Burton, recovered Oct. Term Cir. Ct. 1874.....$117.32
Int. at 10% from Nov. 1st 1872 to Oct. 24th 1900..... 328.25
Costs..... 7.80
$453.37

On the above judgment your commissioner was able to find only one execution. The officer, s return was "No property". This was in 1875, within a year from obtaining the judgment. Your commissioner is of opinion that same is barred by statute.

2.) Judg. favor J. J. Darden, recovered Nov. Term Cir. Ct. 1877.....$ 54.01
Int. from Jan. 1, 1876 to Oct. 24, 1900..... 80.39
Costs..... 8.00
$142.40

3.) Judg. favor W. M. Beaton & Co., recov. Nov. 28, 1877 Justice Court.....$ 29.40
Int. from Jan. 1, 1877 to Oct. 24, 1900..... 41.83
Costs..... 1.00
$ 72.23

Above barred by statute.

4.) Judg. favor Drewry Bros. recov. Aug. 6, 1895 Justice Court.....$ 86.22
Int. from Aug. 6th 1895 to Oct. 24, 1900..... 26.98
Costs..... 1.00
$114.20

4.) Judgment favor Drewry Bros. recov. Aug. 6, 1895, J.P.Ct.....$ 15.53
Int. from Aug. 6, 1895 to Oct. 24, 1900..... 4.84
Costs..... 1.00
$ 21.37

Against Samuel L. Westbrook, one of the parties entitled.

Judgment favor P. S. Thomas, recov. Sept. 9, 1899. J.P.Ct. $55.06
Int. from Feby. 11, 1899 to Oct. 24, 1900..... 5.61
Costs ..... .50
$61.17

Comm's fee $10.00 Ch to settle.

Respectfully submitted,

Commr in Chancery

Questions propounded to B.F.McLemore aad Jas.E.Westbrook, two men thoroughly familiar with the m land in this proceeding mentioned, to ascertain whether or not said land can be conveniently divided in kind among the parties entitled.

Q.1. Please state whether or not in your opinion the land of which Jas.D.Westbrook was once seized and possessed, which he afterwards conveyed to his wife as a trust estate, consisting of about 250 acres can be conveniently divided in kind among the parties entitled. And if you are of opinion that it can not be, give your reasons for your answer.

A: I do not think the land can be divided between the parties interested with equal justice to all concerned., the farm is small and would have to be cut into six shares. and two of the six would have to be divided or cut into six shares, each.. It would be far better, in my judgment, to sell the entire subject matter and divide the proceeds among the parties according to their respective rights.

Q.2. Referring to the Bill in this suit, are all of the parties now properly before the Court ?

A: Yes, I think so.

Q.3. What in your opinion is the value of this tract of land ?

-xxx-

A: I consider the farm well worth two thousand dollars.

Respectfully submitted.

B. F. McLemore

Questions propounded to B.F.McLemore and Jas.E.Westbrook, two men thoroughly familiar with the ~~m~~ land in this proceeding mentioned, to ascertain whether or not said land can be conveniently divided in kind among the parties entitled.

Q.1. Please state whether or not in your opinion the land of which Jas.D.Westbrook was once seized and possessed, which he afterwards conveyed to his wife as a trust estate, consisting of about 250 acres can be conveniently divided in kind among the parties entitled. And if you are of opinion that it can not be, give your reasons for your answer.

1 I believe there is too small a body of land to admit of division among so many heirs without veriviacey destroying the real value of the property. 2nd I do not think it practicable to make an equal and equitable division of it as to value per share.

Q.2. Referring to the Bill in this suit, are all of the parties now properly before the Court ? I think so

Q.3. What in your opinion is the value of this tract of land ?

About $1500.00

Respectfully,
J. E. Westbrook

J. B. Prince. Trustee

I acknowledge legal service of this summons -

J. B. Prince

Trustee.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon J. B. Prince Trustee

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the First Monday in Mch. 1900 next, to answer a bill in Chancery exhibited against him et als. in our said Court by Jas. E. Westbrook, Elvira L. Hart & R. M. Hart her husband, Jane T. Westbrook, Nannie J. Harris & L. B. Harris her husband, J. L. McLemore, Mattie L. Birdsong & T. H. Birdsong her husband, Josie B. Bowen & H. W. Bowen her husband, W. T. McLemore, H. B. McLemore, Geo. W. Harris Jr. & Elmo Harris.

And this he 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 16th day of February, 1900, in the 124 year of the Commonwealth.

Teste: L. A. Gay C. C.

A Copy—Teste: L. A. Gay C. C.

Westbrook et als.

vs. } Spa: In Chy.

Westbrook et als.

1900. 1st Mch. Rules

Leiv. Ct.

Plaintiffs Mch. 2d
Ord complied
1900 by delivering to
Clerk of this Court
to D. L. Westbrook
J. M. Williams
Ptf.

(1)

McLemore & Corbett p. q.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU THAT YOU SUMMON S. L. Westbrook, O. P. McLemore, Edward Harris, Willie Harris, Billie Harris & Golda Harris last five infants & J. B. Prince, Trustee

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the First Monday in March 1900 ~~next~~, to answer a Bill in Chancery exhibited against them in our said Court by Jas. E. Westbrook & Leora L. Hart & R. M. Hart her husband Jno. T. Westbrook, Nannie J. Harris & L. B. Harris her husband, J. L. McLemore, Mattie L. Birdsong & T. H. Birdsong her husband, Josie E. Boden & H. N. Boden her husband C. W. T. McLemore, H. B. McLemore, Geo. N. Harris Jr. & Edna Harris.

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 26th day of February 1900, ~~189~~, in the 124 year of the Commonwealth.

Teste: L. A. Gay C. C.

Westbrook et als.

vs } Copy Deed of Settlement from J.D. Westbrook & his wife

Westbrook et als

1900. 1st March Rules filed

Ex. "X"

This Deed made this 15th day of April 1871 between James D. Westbrook of the first part, Joseph B. Prince, Trustee of the second part and Nancy L. Westbrook, wife of James D. Westbrook of the third part. Witnesseth:- That in consideration of the love and affection which the said James D. Westbrook bears towards his wife, and ~~of her right of~~ the further consideration of her relinquishment of her right of dower in all the other lands of which said Westbrook, her husband, is now seized, he the said Westbrook does grant & convey unto the said trustee, a certain tract or parcel of land, situated in said County of Southampton, containing by survey 250 acres, bounded by the lands of Wm H. Drewry, Jos. W. Cleland & P.S. Thomas, including the buildings & improvements thereon, it being the plantation on which said Westbrook now resides, to have & to hold the said tract of land together with the household & kitchen furniture & stock of every description, unto the said Trustee his heirs & assigns- Upon trust that the said Trustee shall permit the said Nancy L. Westbrook wife of said Westbrook to occupy, possess & enjoy the said tract of

Land free from all manner of charge of the said Husband or any Husband she may hereafter take, during her natural life, and upon this further trust, that whenever the said Nancy L. Westbrook shall depart this life, the said Trustee shall hold the said Land hereinbefore Conveyed for the benefit and use of all the children of the said Westbrook & his wife Nancy L. Westbrook, by their present marriage, or for those who shall attain the age of twenty one years, should any or either of them die before that age, to be divided equally between them, and upon the further trust that the said James D. Westbrook shall be permitted to remain & occupy the said plantation so long as he may live; and upon the further trust that the said Trustee shall after the death of said Nancy L. Westbrook & James D. Westbrook, convey & transfer to the children of the said parties by their present marriage, or the survivors of them, the tract of land herein conveyed in fee simple—

And the said James D. Westbrook Covenants with the said Trustee that he will warrant & defend the title to the said land, hereby Conveyed for the benefit of his wife & children

against the claim of himself and all other persons whatever.

Witness the following signatures & seals.

James D. Westbrook (Seal)

(Seal)

State of Virginia - Southampton Cty. to-wit:

I. Wm Prince a Justice of the Peace for the County aforesaid in the State of Va. do certify that James D. Westbrook, whose name is signed to the writing above bearing date April 15th 1871 has acknowledged the same before me in my Cty aforesaid - Given under my hand this 19th day of April 1871.

Wm Prince J.P.

Southampton County, In the Clerk's Office, May 3rd. 1871. This Deed was this day received and together with the certificate thereto annexed, admitted to record; a Stamp of the Int. Rev. of the U.S. to the amount of five cents, being affixed thereto and duly cancelled.

Teste: James R Tyler, D.C.

A Copy.

Teste: L. A. Gay D.C.

Westbrook vol.
3 Answer of
No. 3 Guardian ad litem
Westbrook vol.

In the Circuit Court of Southampton County, Virginia.

The answer of Jno. B Powell Jr, guardian ad litem to the infant defendants, O. P. W. Lemon, Edward, Willie, Bettie & Golda Harris, and the answer of the said infant defendants by their said guardian ad litem to the bill of complaint exhibited against them and others in the Circuit Court of Southampton County, by Jno Dortch and others.

For answer to the said bill the said infant defendants by their said guardian ad litem answer and say: That being of tender years they do not know what their true interest is in relation to the subject matter of the said bill, nor do they know whether the statements contained therein are true or not. They confide the protection of their interest to the care of the Court. And the said guardian ad litem to the said infant defendants for answer to the said bill answers and says, that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the said infant defendants. And now having fully answered, these defendants pray hence to be dismissed with their cost.

J B Powell Jr

guardian ad litem for infants.

Westbrook et als.

vs } Statement of Rules

Westbrook et als.

Jas. E. Westbrook, Elona L. Hart & R. M. Hart her husband, Joel T. Westbrook, Nannie J. Harris & L. L. Harris her husband, J. L. McLemore, Mattie L. Birdsong & T. N. Birdsong her husband, Josie E. Bowen & W. W. Bowen her husband, W. T. McLemore, H. B. McLemore, Geo. W. Harris Jr. & Elmo Harris } Plaintiffs

vs.

S. L. Westbrook, O. P. McLemore, Edward Harris, Willie Harris, Billie Harris and Golder Harris, last five infants & F. B. Prince, Trustee } Defendants

1900. 26th. February, Process issued to 1st. Mch. Rules.

1900. 1st. March Rules. Process returned Executed. Bill and Exhibits filed. F. B. Prince Jr. appointed G.M. ad litem to infant defendants Decree Nisi vs. adult defendants

1900. 2nd. March Rules. Bill Taken for confessed as to adult defendants and cause set for hearing as to them.

Westbrook Trals

vs. } Stat: Court

Westbrook Trals

Westbrook et als
Vs. } Stat: Courts
Westbrook et als

1900		
Feby 26	Summ, 25. 2 cop: 26 Receipt 18. atty, 10; dock 18=	97
	Rules 1,01, Entry return 35. Fil. bill 15=	1.50
	Do. Ex 15. Do. ord. of Publication 15 =	30
	Copy Ex. 75. 1 Decree 2 copy 72 =	147
June 7" 1900	Law cost re. 40=	40
		4.64

Westbrook et als. v. Westbrook et als.

1901.

Octo. 8. By amount of sales---------- $1325.00

To commissions on same---------- $39.50

" Paid Cryer two sales---------- 10.00

" Postere two sales---------- 2.50

" deed to purchaser---------- 5.00

" Court costs---------- 37.78

" Attorney's fee allowed by court---- 60.00 154.78

1370.22

To be distributed as follows:

TO Joel T. Westbrook 1/7 195.74

" James R. Westbrook 1/7 195.74

" S. L. Westbrook 1/7 195.74

" Nannie J. Harris 1/7 195.74

" the children of Clara L. Hart 1/7 195.74

" M. L. Birdsong 1/6 of 1/7 32.62

" James L. McLemore 1/6 of 1/7 32.62

" Josie E. Bowen 1/6 of 1/7 32.62

" W. T. McLemore 1/6 of 1/7 32.62

" H. B. McLemore 1/6 of 1/7 32.62

" O. P. Birdsong 1/6 of 1/7 32.62

George W. Harris Jr. 1/6 of 1/7 32.62

" Elma Harris 1/6 of 1/7 32.62

" Edward Harris 1/6 of 1/7 32.62

" Guardian of Wm. Harris 1/6 of 1/7 32.62

" Guardian of Bettie (Mrs Hyatt Harris) Harris 1/6 of 1/7 32.62

" Guardian of Golda Harris 1/6 of 1/7 32.62

$1370.22 $1370.22

The shares of Joel T. Westbrook and S. L. Westbrook were not paid to them in full as there were judgments docketed against them and set forth in the commissioner's report as liens upon their interest; and your commissioner paid these judgments off as per receipts filed, paying to the said distributees the remainder of their interest in same.

Westbrook et als.

v.

Report of
Special Commissioner

Westbrook et als

Filed April 25, 1901.

L. A. Gay C.C.

v.

IN THE CHANCERY COURT OF SHELBY COUNTY, TENN.

COURT CONVENED PURSUANT TO ADJOURNMENT.

HON. ROBERT E. McKELLAR, JUDGE OF THE CHA-

PRESENT: Solicitors and Counsel for Complainants and Defendants.

Complainants' Solicitors announce ready for hearing.

Defendants' Solicitors announce ready for hearing.

Come also Messrs. Thos. H. Malone and Wm. H. Malone, Special Commissioners heretofore appointed by the Court to take proof in this cause, and report the same to the Court, with their findings thereon, and file their report in writing, which is in words and figures as follows, to-wit:

To the Honorable Robert E. McKellar, Judge of the Chancery Court at Memphis, Tennessee.

Your Commissioners, appointed by your Honor to take proof in the above styled cause, and report the same to the Court, with their findings thereon, respectfully report that they have given the parties to said cause due notice of the time and place of taking said proof, and have taken the proof offered by the parties, and have reduced the same to writing, and herewith submit the same, marked Exhibit "A" to this report.

Your Commissioners find from the proof that the complainants, Mrs. Mary Westbrook, Mrs. Ella Hall, Mrs. Lizzie Hall, Mrs. Sallie Hall, Mrs. Mattie Hall, Mrs. Bessie Hall and Mrs. Annie Hall, are the owners of the property described in the bill of complaint, and that the defend

TO THE HONORABLE ROBERT R. PRENTIS, JUDGE OF THE CIR-
CUIT COURT OF SOUTHAMPTON COUNTY.

-----o-----

Westbrook et als.

v.

Westbrook et als.

-----o-----

The undersigned Special Commissioner begs to report that in the above entitled cause he advertised the property directed to be sold therein by a decree of the 6th. day of November, 1900, and after sufficient advertisement of same sold the said property at public auction at Drewryville, Virginia, on Friday November 23rd., 1901, for the sum of $1685.00 to Samuel L. Westbrook; that same was sold with a reservation of one acre to include the family burial ground, and a right of ingress and egress to and from the same; that said property contains 259 acres, more or less, bounded by the lands of James E. Westbrook, J. W. Claud, William H. Drewry and others.

Your commissioner begs to report that the purchaser of this property has failed to comply with the terms of the sale, and although written to on several occasions has given no intimation of his intention to do so, and he would therefore recommend that the said property be re-sold in accordance with the decree of November 6th., 1900.

Respectfully submitted,

April 13th 1901

James L. McLemore
Special Comm.

COMMISSIONER'S BOND.

J. L. Westbrook et als

vs.

D. L. Westbrook et als

J. L. McLemore

to

Commonwealth.

Know All Men by These Presents, That we, Jas. L. McLemore

and

are held and firmly bound unto the Commonwealth of Virginia in the sum of ($3500.00)

Thirty Five 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 6th day of November one thousand ~~eight hundred and ninety~~ 900

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

Jas. L. McLemore

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 6th day of November 1900, ~~189~~, in the suit therein depending under the name and style of J. E. Westbrook et als. vs. D. L. Westbrook et als, or any further decree that may be entered herein.

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

Signed, sealed and acknowledged in the presence of

Jas. L. McLemore SEAL

SEAL

SEAL

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

This day

suret on the above bond, made oath before me, Clerk of the Court of the county of Southampton, and State of Virginia, that estate, after the payment of all just debts and those for which bound as securit for others and expect to have to pay, worth the sum of dollars.

Given under my hand this day of , 189

Teste: , Clerk.

To S. L. Westbrook O. L. McLemore, Edward Harris, Willie Harris Billie Harris and Golder Harris, last five infants by J. B. Brewer Jr. Gd ad litem-

_____, Take notice that we _____ shall, through our counsel, apply to the Judge of the Circuit Court of Southampton County, at his office in Suffolk, Virginia, on the 6th day of Nov, 1900, for a decree to be entered in vacation in the chancery cause of

Westbrook & others

vs.

Westbrook et als.

Your obedient servant,

Jas. E. Westbrook & als Plff
by J. L. McLemore their Counsel

We acknowledge due legal and sufficient service of this notice.

Nov. 1. 1900

J. B. Prince for
Opdyke & Lilienthal.

S. L. Wallbrook
Edward Harris by
J. L. McElmon Counsel.

SPECIAL COMMISSIONER'S SALE OF VALUABLE PROPERTY NEAR BROWNSVILLE, VA.

By virtue of two decrees of the Circuit Court of Southampton County, entered on the 6th. day of November, 1900, and April 3rd., 1901, in the chancery cause of James D. Westbrook et als. v. S. L. Westbrook et als., the undersigned who was appointed a special commissioner to make sale of the land in the proceedings mentioned will offer at PUBLIC AUCTION, At Brownsville, Virginia, on

SATURDAY AUGUST 24th., 1901,

at 12.30 o'clock, P.M., all of that certain tract of land upon which the late James D. Westbrook resided, containing 220 acres, and bounded by the lands of James D. Westbrook, J. T. Cheek, William H. Sprouy and others, and is one of the most productive tracts of farming land in this vicinity. Said farm is being sold for partition among the heirs at law, and will be sold upon the following terms: One-third of the purchase money in cash, remainder in two equal instalments payable in one and two years, taking from the purchaser bonds secured by deed of trust on the property for deferred payments carrying interest from day sale is confirmed by the court, with option to the purchaser to pay the entire purchase money in cash and take a deed.

For further information apply to

James L. Holmes,
Special Commissioner.

July 24, 1901.

Westbrook vols.
Report of
2nd Sale

Westbrook vols.

Order Request Book.
Filed.

TO THE HONORABLE ROBERT R. PRENTIS, JUDGE OF THE CIRCUIT COURT OF SOUTHAMPTON COUNTY.

Westbrook et als.

v.

Westbrook et als.

The undersigned, who was appointed a Special Commissioner by decree of November 6th., 1900, to make sale of the land in the bill and proceedings mentioned, known as the J. D. Westbrook farm, lying near Drewryville, in the County of Southampton, Virginia, adjoining the lands of James E. Westbrook, J. W. Claud, William H. Drewry and others, containing two hundred and fifty-nine (259) acres, more or less, begs to respectfully submit that in pursuance of said decree, and after due, legal and sufficient advertisement of the time, place and terms thereof, he exposed said property to sale at Drewryville, Virginia, on August 24th., 1901, and that at said time and place James E. Westbrook became the purchaser thereof by bidding for same the sum of fifteen hundred and twenty-five ($1525.00) dollars, which was the highest bid to be gotten.

Your commissioner files herewith, as a part of his report, a copy of the advertisement of sale, the terms &c. He is advised that the purchaser desires to avail himself of the option to pay all of the purchase money in cash and take a deed upon confirmation of the sale by the court.

Your commissioner recommends that the sale be confirmed.

August 30 1901.

Jas. S. McSmoke
Spcl. Comr.

HOTEL ✣ BOYKINS,

R. M. HART, Proprietor.

Boykins, Va., Feb 2 1903

Mr J S Mahone
Suffolk Va

Dear Jim

Yours Instant
received in reply will say
that Buther will be 20 years old
the 18th of next Aug. Ethel will
be 18 years old the 12th of next
march. Nora will be fourteen
the 20th of next June
very truly yours
R M Hart

P S, all of us are very well come to see us
& bring your wife

3.6.4
97.95

Westbrook et als.

vs. } Statement of costs

Westbrook et als.

Westbrook et als.

vs. } Statement of Costs

1900 Westbrook et als.

Feby. 26 Summ. 25, 2 cop. 26. receipt 18. atty. 10. docket 18= 97

Rules 1.00. Entr return 35, filing bill 15= 1.50

Dr. Ex. 15. Dr. and of Com. additum 15= 30

Copy Exhibits 75, 1 clean + copy 72= 1.47

Fil. report of Comr in chancery 25, Dr. 2 Spl. comm. &c. 50

Taking Special Comrs bond 1,40, 3 affidavits + 8 cop. 1.00= 2.84
other 0.44

Tax costs &c. 40. filing papers 25= 65

Entering costs about 2.00= 2.00

10.28

Bond & ~~10.84~~

Sheff. 1.00

Taxes. 16.50

$27.78

Fee of Comr. John N. Debruhl Jr. 10.00

$37.78

Teste: L. A. Gary C.C.

Jno. N. Sabrell Jr.
Dom. in chg.
Receipt for
$10.00

Received Dec. 28th 1901 of L. A. Gay
Clerk of the Circuit Court of Southampton
County, Va ten dollars for Comrs
fee in case of Westbrook it als vs.
Westbrook it als.

Jno. Saunders
Comr in Chancy.

Westbrook et als. v. Westbrook et als.

1901.

Octo. 8. By amount of sales---------- ----------$1525.00

To commissions on same----------$39.50

" Paid Cryer two sales---------- 10.60

" Posters two sales---------- 2.60

" deed to purchaser---------- 5.00

" Court costs---------- 37.78

" Attorney's fee allowed by court-------50.00 154.78

$1370.22

To be distributed as follows:

TO Joel T. Westbrook 1/7 195.74 1/2

" James R. Westbrook 1/7 195.74

" S. L. Westbrook 1/7 195.74

" Nannie J. Harris 1/7 195.74

" the children of Clara L. Hart 1/7 195.74 (1)

" M. L. Birdsong 1/6 of 1/7 32.62

" James L. McLemore 1/6 of 1/7 32.62

" Josie E. Bowen 1/6 of 1/7 32.62

" W. T. McLemore 1/6 of 1/7 32.62

" H. B. McLemore 1/6 of 1/7 32.62

" O. P. Birdsong 1/6 of 1/7 32.62

George W. Harris Jr. 1/6 of 1/7 32.62

" Elmo Harris 1/6 of 1/7 32.62

" Edward Harris 1/6 of 1/7 32.62

" Guardian of Wm. Harris 1/6 of 1/7 32.62

" Guardian of Bettie Harris 1/6 of 1/7 32.62

" Guardian of Golda Harris 1/6 of 1/7 32.62

$1370.22 $1370.22

The shares of Joel T. Westbrook and S. L. Westbrook were not paid to them in full as there were judgments docketed against them and set forth in the commissioner's report as liens upon their interest; and your commissioner paid these judgments off as per receipts filed, paying to the said distributees the remainder of their interest in same.

Rec'd Aug. 24. 1901 of
J. L. McLennan, Spec. Exam.
Fee in Chy. cause of Westbrook
v. Westbrook the sum of Five
Dollars for selling the Westbrook
Farm Aug. 24. 1901.

R. D. Moore
Clerk

Westbrook et als.

vs. } Copy of Stat: of costs.

Westbrook et als.

Westbrook et als.

Vs } Copy of Statement of Costs

1900 Westbrook et als.

Feby. 26" Summ. 25¢. 2 cop. 26. receipt 18. atty. 10. docket. 18= 97

Rents 1.00, Entry return 35¢, filing bill 15= 1.50

D°. and. of Gdn. ad litem 15. D°. Exhibits 15 = 30

Copy Exhibits 75¢. 1 decree & copy 72 = 1.47

Fol. report of Comr in chy. 25. D°. 2 Spl. Comrs. 30= 55

Taking Special Comrs bond 1.40 = 1.40

3 other decrees & 1 copy 1.44, 1.44

Tax costs 50, 40. file away papers 25= 65

Future costs about 2.00 = 2.00

Paid 12/23/1902 by D. L. McLaughlin $10.28

" " " " " " L. A. Gay Supp 1.00

pd McLaughlin. Comr. 16.50

$27.78

Fee of Comrs. John N. Dubose Jr. pd L. A. Gay 10.00

$37.78

16.50

21.28

A copy.

Test: L. A. Gay C.C.

Received of James. L. McLemore, Special Commissioner in the chancery cause of Westbrook against Westbrook et als., December 23rd.,1901, the sum of One hundred and ninety-five and 74/100 ($195.74) Dollars in payment of my distributive share of funds in his hands from sale of the home place of James D. Westbrook, deceased.

James E. Westbrook

Received of James L. McLemore, Special Commissioner in the chancery cause of Westbrook v. Westbrook, December 23rd., 1901, the sum of Fifty-three 05/100 ($53.05) Dollars, same being balance due me from my share from sale of real estate in the bill and proceedings mentioned after deducting the lien debts reported in favor of Drewry Bros., amounting to $142.69.

Earl D. Westbrook

19-74
530
$142.69

Received of James L. McLemore, Special Commissioner in the chancery cause of Westbrook v. Westbrook, December 23rd., 1901, the sum of One Hundred and Thirty and 72/100 ($130.72) Dollars, same being balance due me from distribution of funds coming from sale of the Westbrook farm after deducting from my portion the judgment in favor of P. S. Thomas, deceased of $62.02.

J. L. Westbrook

195.74
130.72
65.02

130.72
89
91.72

Petersburg Va.
January 14th 1902

Recd of Jos L Hobmore one check for the amt of $195.74
Supposed to be my Share from Sale of Homestead.

Nannie J. Harris

Sign and return

Received of James L. McLemore, Special Commissioner in the chancery cause of Westbrook v. Westbrook, December 23rd., 1901, the sum of Thirty-two and 62/100 ($32.62) Dollars, being my share of the funds in his hands from sale of the home place of James D. Westbrook, deceased.

A. B. Hart

Received of James L. McLemore, Special Commissioner in the chancery cause of Westbrook v. Westbrook, December 23rd., 1901, the sum of Thirty-two and 62/100 ($32.62) Dollars, being my share of the funds in his hands from sale of the home place of James D. Westbrook, deceased.

R. E. Hash

Signature returned

ING'S
FABRIC

Received of James L. McLemore, Special Commissioner in the chancery cause of Westbrook v. Westbrook, December 23rd., 1891, the sum of Thirty-two and 62/100 ($32.62) Dollars, being my share of the funds in his hands from sale of the home place of James H. Westbrook, deceased.

Mamie K. Byrick.

Received of James L. McLemore, Special Commissioner in the chancery cause of Vestbrook v. Vestbrook, in pursuance of decree entered in said cause on the 6th. day of February, 1905, the sum of Thirty-two and 62/100 ($32.62) Dollars, same being my share of the funds in his hands from sale of the home place of James H. Vestbrook, deceased.

Ethel Hart.

February 7th., 1905.

Received of James L. McLemore, Special Commissioner in the chancery cause of Westbrook v. Westbrook, in pursuance of decree entered in said cause on the 6th. day of February, 1903, the sum of Thirty-two and 62/100 ($32.62) Dollars; same being my share of the funds in his hands from sale of the home place of James H. Westbrook, deceased.

Mrs. Bettie Maude Hart.

February 7th., 1903.

Received of James L. McLemore, Special Commissioner in the chancery cause of Westbrook v. Westbrook, in pursuance of decree entered in said cause on the 6th. day of February, 1905, the sum of thirty-two and 62/100 ($32.62) Dollars, same being the share of Nora Hart, infant, paid to me, as her father, to be held and employed by me for the benefit of the said infant.

R.H.H. R. H. Hart

February 7, 1905.

HOTEL ✣ BOYKINS,

R. M. HART, Proprietor.

Boykins, Va., Feb 11 1903

Dear Jimmie

I have with
indeed your two receipts - Bertha
and Nora's. I have sent - Ethels to-
her to sign. will send same to-
you as early as possible, as to the
statements of the other children I have
never seen, but - I am sure you
have done your duty in regard
to giving each their rights
your friend Uncle

R. M. Hart

Received of James L. McLemore, Special Commissioner in the chancery cause of Westbrook v. Westbrook, December 23rd., 1901, the sum of Thirty-two and 62/100 ($32.62) Dollars, being my share of the funds in his hands from sale of the home place of James D. Westbrook, deceased.

Mrs Mattie L Birdsong

I also received a like sum of $32.62 in full of my share from the sale of land.

12/23, 1901

Jas L McLemore,

Received of James L. McLemore, Special commissioner in the chancery cause of Westbrook v. Westbrook, December 23rd., 1901, the sum of Thirty-two and 62/100 ($32.62) Dollars, being my share of the funds in his hands from sale of the home place of James D. Westbrook, deceased.

Josie E Bowen

Received of James L. McLemore, Special Commissioner in the chancery cause of Westbrook v. Westbrook, December 23rd., 1902, the sum of Thirty-two and 62/100 ($32.62) Dollars, being my share of the funds in his hands from sale of the home place of James D. Westbrook, deceased.

W. T. McLemore

Received of James L. McLemore, Special Commissioner in the chancery cause of Westbrook v. Westbrook, December 23rd., 1901, the sum of Thirty-two and 62/100 ($32.62) Dollars, being my share of the funds in his hands from sale of the home place of James D. Westbrook, deceased.

A. B. McLemore

Received of James L. McLemore, Special Commissioner in the chancery cause of Westbrook v. Westbrook, December 23rd., 1901, the sum of Thirty-two and 62/100 ($32.62) Dollars, being my share of the funds in his hands from sale of the home place of James D. Westbrook, deceased.

Mrs. O. P. Birdsong

Received of James L. McLemore, Special Commissioner in the chancery cause of Westbrook v. Westbrook, December 23rd., 1901, the sum of Thirty-two and 62/100 ($32.62) Dollars, being my share of the funds in his hands from sale of the home place of James D. Westbrook, deceased.

G. L. Harris

Received of James L. McLemore, Special Commissioner in the chancery cause of Westbrook v. Westbrook, December 23rd., 1901, the sum of Thirty-two and 62/100 ($32.62) Dollars, being my share of the funds in his hands from sale of the home place of James D. Westbrook, deceased.

Elmer O. Harris

No. 12 SUFFOLK, VA. Dec 21 1901

BANK OF SUFFOLK

Pay to the order of Edward Harris

— Thirty Two 62/100 DOLLARS

Your part of funds from sale Mdse

$32 62

Jas. L. McLemore, Spicl

Chas Westbrooks.

BANK OF SUFFOLK JUL 5 1902 VA.

Wm. Mann Co., Philadelphia.

Luria Va. 12-1-02

Dear Jennie;

Your letter with check for Aunt Clio Children rec'd.

I enclose receipt for same together with receipts from two of the other boys. Edward is away and I did not have his receipt. He will send that later. With love to all I remain

Your Uncle

Received of James L. McLemore, Special Commissioner in the chancery cause of Westbrook et als. v. Westbrook et als., November 26th.,1902, the sum of Ninety-seven and 87/100 (97.87) Dollars, being the shares of William L. Harris, Bettie Harris and Golda Harris, infants, in his hands from sale of the home place of James D. Westbrook, deceased.

Each share bring $32.62

Guardian.

22. nl
16. 16
39.00

No. _____ SUFFOLK, VA. Jany 13. 1902

BANK OF SUFFOLK

PAY TO THE ORDER OF J. L. & W. Lemore & R. Parker Admr.

— Sixty One & 17/100 DOLLARS

Judgment v. D. L. Westbrook in favor of P. D. Thomas.

$61.17

Jas. L. & W. Lemore Spl. Comr. Westbrook

BANK OF SUFFOLK, PAID JAN 14 1902 SUFFOLK

Wm. Mann Co., Philadelphia.

No. _____ SUFFOLK, VA. Jany 13. 1902

BANK OF SUFFOLK

PAY TO THE ORDER OF W. Lemore & Corbitt

— One Hundred & Forty Two & 69/100 DOLLARS

Judgment v. D. L. Westbrook in favor of Denny Bros.

$142.69

Jas. L. & W. Lemore, Spl. Comr. Westbrook

BANK OF SUFFOLK, PAID JAN 14 1902 SUFFOLK

Wm. Mann Co., Philadelphia.

Westbrook et als.

v. } REPORT.

Westbrook et als.

1903 Apl. 7th. filed.

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

Westbrook et als.
v.
Westbrook et als.

Your commissioner, appointed by a prior decree in this cause to sell and distribute the funds arising from the sale of the James D. Westbrook farm, begs to report that he has paid out all of the money arising from said sale as per statement filed herewith, together with the vouchers which sustain said report, and that there is nothing further that he knows of to the done in this cause.

Respectfully submitted,

April 4/1903 Jas. L. Wilmore,
Special Commissioner

In Dinwiddie County Court,
October Term 1902

M. E. Harris, W. L. Harris, and S. O. Harris, orphans of E. O. Harris, decd who are over the age of fourteen years this day made choice of their father, G. W. Harris, as their guardian, and thereupon the said G. W. Harris appeared in Court and together with Jno. O. Tucker and R. H. Perkins, as his security, who justified as to his sufficiency entered into and acknowledged a bond in the penalty of $200.00, conditioned as the law directs.

A Copy Teste:
A. M. Organ Jr DC.

Westbrook et als.

v.

Westbrook et als.

REPORT

1902 Nov. 26 filed

Westbrook et als.

v.

Westbrook et als.

IN THE NONORABLE ROBERT R. MOORTE, JUDGE OF THE CIRCUIT COURT OF SOUTHAMPTON COUNTY.

Westbrook et als.

Your Commissioner, appointed in this cause on the 6th. day of March, 1900 and April 3rd., 1901, to make sale of certain real estate in the proceedings of decree entered herein on the 6th. day of October, 1901, he has paid out to all of the parties entitled thereto in accordance with said decree, and the balance due from the purchaser from the Guardian of the infants in the said cause, William L. Harris, Bettie Harris sometimes called Mary Elizabeth Harris, and Ollie Harris, a certificate from the Clerk of Dinwiddie County showing the qualification of the October term, 1902, of C. W. Harris, Guardian of the infants aforesaid, with bond in the penalty of $300.00, which certificate is herewith filed.

Your Commissioner reports specially that this bond was given at his request in order that he might draw money for the purpose of the same and was duly executed by the said infants, which possession of the said infants, which is herewith filed.

All of which is respectfully submitted.

November 8th., 1902.

TO THE HONORABLE ROBERT R. PRENTIS, JUDGE OF THE CIRCUIT COURT OF SOUTHAMPTON COUNTY.

Westbrook et als.

vs.

Westbrook et als.

Your commissioner, appointed in this cause on the 6th. day of November, 1900 and April 3rd.,1901, to make sale of certain real estate in the proceedings of the cause mentioned, begs to report that in pursuance of decree entered herein on the 8th. day of October, 1901, he has paid out to all of the adult heirs the amounts due them in accordance with said decree, and that he has just received from the guardian of the infants, William L. Harris, Bettie Harris(sometimes called Mary Elizabeth Harris), and Golda Harris, a certificate from the Clerk of Dinwiddie County showing the qualification at the October term, 1902, of G. W. Harris, guardian of the infants aforesaid, with bond in the penalty of $300.00, which certificate is herewith filed.

Your commissioner reports specially that this bond was given at his request in order that he might dispose of the funds in his hands, and was given solely for the purpose of taking possession of the shares coming to said infants, which is $32.62 each, and aggregating $97.87; and he believes there can be no risk in paying same to the said G. W. Harris, Guardian.

Respectfully submitted,

November 26th.,1902.

Jas. L. McSmore.
Special Comm.

The Commissioner also reports that there are three shares still in his hands of $32.62 each belonging to the infant children of Clora L. Hart, viz: Burther, age 19, Ethel 17, and Nora Hart age 13 yrs. He respectfully recommends that the amounts due each of them be paid direct to the children.

Respectfully Submitted.

Nov. 26. 1902

Jas. L. McSmore, Spcl Com.

Westbrook, et als.

V. Decree.

Westbrook et als.

Enter, April 3. 1900.

Robert R. Ellis

Entered 308

27

1 copy

James E. Westbrook and others, (insert names)

V/

S.L.Westbrook and others, (insert names)

This day this cause which has regularly matured at rules came on to be heard upon the plaintiffs' bill and exhibits filed,and Jos.B.Prince Jr.is assigned guardian ad litem to the infant defendants,O.P.McLemore,Edward,Willie,Bettie and Golder Harris to defend their interest in this suit,and the said guardian ad litem filed the answer of the said infant defendants to the said bill of the complainants,with general replication thereto,and was argued by Counsel.

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

First: An account of the real estate in the bill and proceedings mentioned with its annual and fee simple value.

Second: The interest of the several parties,plaintiffs and defendants in the said real estate.

Third: Whether said real estate can be conveniently partitioned in kind among the several parties entitled thereto,in any of the modes prescribed by the statute,and if not,would the interest of any party be violated by a sale of the entire subject matter and division of the proceeds.

Fourth: Whether or not there are any liens of record against the shares of any of the parties in interest,and the amount of same.

Fifth: Any other matter specially stated deemed pertinent by the Commissioner or required to be stated by any interested party.

Sixth. Whether or not there are any delinquent taxes due on said land.

Kilbrook et al
v. Decree
Kilbrook et al.

Enter.
Octo. 3, 1900

Robert C. Ellis

17 Entered 329

Westbrook et als.

vs.

Westbrook et als.

This day this cause came on again to be heard, and by consent of parties by their Counsel given in open Court it is Ordered that this cause may be submitted to the judge of this Court, in Vacation for such decision and decree therein as might be made in Term.

County of Southampton ss.

To the Clerk of the Circuit Court of said County.

decree that may be entered herein.

and conditions of the reference or any further order that may be made herein.

penalty of $2000.00, with sureties to be approved by the said Clerk.

under be filed after into Court by this the said Clerk.

Court. But before the said Commissioner shall proceed to act here-

cery interest from day the Commissioner is directed by the Court to

by deed of trust on the property referred to, said bonds to

agth eighths, order and decree first these I. McDermore, who is hereby

phointed a special Commissioner for the purpose, do proceed, after

fifteen days notice of the time, place and terms of sale, to sell

said property at public auction or bidding at Courthouse door in

ea to him highest bidder, for cash upon the following terms: One-third

of the purchase money in cash, remainder upon two equal installments

[illegible]

[illegible]

On consideration whereof, and it appearing to the Court from said

report that the bill and proceedings recited cannot be

permitted in any of the modes prescribed by the statute,

ecph eighths, order and decree first these I. McDermore, who is hereby

phointed a special Commissioner for the purpose, do proceed, after

fifteen days notice of the time, place and terms of sale, to sell

said property at public auction or bidding at Courthouse door in

ea to him highest bidder, for cash upon the following terms: One-third

of the purchase money in cash, remainder upon two equal installments

J.D.Westbrook et als.

v.

S.L.Westbrook et als.

Enter November 6th, 1900.

Decree.

Filed November 6th, 1900.

Commissioner's report no exceptions have been taken,

Commissioner's report of John M. Scarff, Jr. filed

on this day to be heard upon the

case and decree and decree in accordance

with the prayer of the bill and proceeding cannot be

permitted in any of the modes prescribed by the statute,

and it appearing to the Court from said report that the bill and proceedings

are regular and have been executed in accordance with the decree

heretofore entered herein, it is adjudged, ordered and decreed

that the said report be and the same is hereby confirmed.

And it appearing to the Court that the property described in said

bill of complaint cannot be sold in parcels without great

prejudice to the interests of the parties hereto, it is

ordered, adjudged and decreed that the said property be sold

as a whole by the said Commissioner at public auction to the highest

bidder for cash, after advertising the time, place and terms of sale

for thirty days in the Tidewater Virginian, a newspaper published

in the County of Nansemond, Virginia, and that the said Commissioner

report his proceedings in the premises to this Court with all

convenient speed.

And the Court doth reserve unto itself full power and authority

to make such further decree or decrees in the premises as may be

proper and necessary.

And it is further ordered that the plaintiff pay the costs of

this suit to be taxed by the Clerk of this Court.

A Copy, Teste:

J. D. Westbrook et als.

NOVEMBER Term, 1900.

"VIRGINIA, IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY.

VIRGINIA, IN VACATION, IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY,
NOVEMBER 16th, 1900.

-----0-----

J. E. Westbrook et als.

v.

S. L. Westbrook et als.

-----0-----

This day this cause, which has been regularly submitted to the Judge of this Court for such decision and decree therein in vacation as might be made in term, came on this day to be heard upon the papers formerly read and upon the report of Commissioner John N. Sebrell Jr. filed October 20th, 1900, to which report no exceptions have been taken, upon reasonable notice of plaintiff's intention to apply for this decree, given to defendants and was argued by counsel.

On consideration whereof, and it appearing to the Court from said report that the land in the bill and proceedings mentioned cannot be partitioned in kind in any of the modes prescribed by the statute, doth adjudge, order and decree that James L. McLemore, who is hereby appointed a Special Commissioner for the purpose, do proceed, after fifteen days notice of the time, place and terms of sale, to sell said property at public auction at Courtland or Drewryville, Virginia, as to him shall seem best, and upon the following terms: One-third of the purchase money in cash, remainder upon two equal instalments payable in one and two years, taking from the purchaser bonds secured by deed of trust on the property for deferred payments, said bonds to carry interest from day sale is confirmed by the Court, and report to Court. But before the said Commissioner shall proceed to act hereunder he shall enter into bond before the Clerk of this Court in the penalty of $3500.00, with security to be approved by the said Clerk, and conditioned for the faithful performance of this or any future decrees that may be entered herein.

To the Clerk of the Circuit
Court of Southampton County.

Robt R. Prentis

Westbrook Ala.

v. Decree

Westbrook Ala.

Entered this Oct 8, 1901.

Robert C. Ellis

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Westbrook et als.

v.

Westbrook et als.

This day this cause came on again to be heard upon the papers formerly read, and upon the report of Special Commissioner James L. McLemore, filed August 30th., 1901, reporting sale of the property in the bill and proceedings mentioned to James M. Westbrook for the sum of $1525.00, to which report no exceptions have been filed, and was argued by counsel.

On consideration whereof the court doth confirm the said report, and doth adjudge, order and decree that the said Special Commissioner make to James M. Westbrook a deed for the property in the bill and proceedings mentioned upon receipt by him of the purchase money for same. And out of the funds coming into his hands pay first the cost of this suit including a fee of $60.00 to plaintiff's counsel and the balance in his hands distribute and pay out in accordance with the interest of the several parties as shown by report of Commissioner John M. Sebrell Jr. filed October 28th., 1901, paying first the valid judgments reported against Joel T. Westbrook and Samuel L. Westbrook before distributing to them any portion of their share. The shares of the infants to be held by the commissioner subject to the future order of this court, and report to court.

Westbrook et als.

v. DECREE.

Westbrook et als.

Enter April 2, 1901

Alfred Mills

Westbrook et als.

v.

Westbrook et als.

This day this cause came on again to be heard upon the papers formerly read and upon the report of Special Commissioner, James L. McLemore, filed April 2nd., 1901, reporting sale of the land in the bill and proceedings mentioned to Samuel L. Westbrook for the sum of $1685.00, and further reporting the failure on the part of the purchaser to comply with the terms of the sale, to which report no exceptions have been taken, and was argued by counsel.

On consideration whereof the court doth adjudge, order and decree that unless the said Samuel L. Westbrook shall within thirty days from the entering of this order comply with the said terms of sale, then that said Special Commissioner proceed to re-sell the said property in accordance with the directions of decree of November 6th., 1900 and report to court.

IN CHANCERY, IN VACATION, IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, November 28th, 1902.

Westbrook et als.

v.

Westbrook et als.

Entered 26 day of Nov 1902.

DECREE

This cause came on to be heard upon the papers formerly read and upon the report of James I. McClenore, Commissioner, bearing date the 24th day of November, 1902, to which report no exceptions have been taken, and was argued by counsel.

On consideration whereof, and it appearing to the court from the said report that the bond of said Guardian is ample to protect the interest of the infants in this cause, and that said infants, to-wit, Lucy E. Westbrook, Special Guardian, per order and decree this cause, dated June 1, 1901, is entitled to the amount due to the said infants, to-wit, $25.00 each, making the receipt therefor and report to court.

To the Clerk of the Circuit Court of Southampton County.

VIRGINIA, IN VACATION, IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, November 26th.,1902.

Westbrook et als.

v.

Westbrook et als.

This day this cause, which has been regularly submitted to the judge of this court for such decisions and decrees therein in vacation as might be made in term, came on to be heard upon the papers formerly read, and upon the report of James L. McLemore, Special Commissioner, filed this day, reporting qualification in Dinwiddie County of G. W. Harris as guardian of his three infant children, William L. Harris, Bettie Harris (sometimes called M. Elizabeth Harris), and Golda Harris, to which report no exceptions have been taken, and was argued by counsel.

On consideration whereof, and it appearing to the court from the said report that the bond of said guardian is ample to protect the interest of the infants in this cause, doth adjudge, order and decree that James L. McLemore, Special Commissioner, pay over to the said guardian the amount due to the said infants, to-wit, $32.62 each, taking his receipt therefor and report to court.

Robert R. Dennis

To the Clerk of the Circuit
County of Southampton County.

COURT OF [illegible] COUNTY.

[illegible]

[illegible]

[illegible]

VIRGINIA, IN VACATION, IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, the 6th DAY OF FEBRUARY, 1903.

J. E. Westbrook & Others

v.

S. L. Westbrook & Others.

This day this cause, which has, by previous decree, been regularly submitted to the judge of this court for such decision and decrees therein in vacation as might be made in term, came on to be further heard upon the papers formerly read, and upon the report of Special Commissioner, James L. McLemore, filed November 26th., 1902, which has been previously confirmed by a decree of this court, and was argued by counsel.

On consideration whereof, and it appearing from said report that there is in the hands of the said special commissioner the sum of $32.68 belonging to Bertha Hart, an infant of nineteen years of age, a like sum to Ethel Hart, an infant of seventeen years of age, and a like sum to Nora Hart, an infant of thirteen years of age, children of Cleora L. Hart, deceased, and R. M. Hart, the court doth adjudge, order and decree that the said special commissioner pay to the infants Bertha and Ethel Hart the amount due to each of them, taking their receipts for same, and that the share of the infant Nora Hart be paid to her father, R. M. Hart, to be held and employed by him for the benefit of the said infant, taking his receipt therefor, and report to court.

To the Clerk of the Circuit
Court of Southampton County.

Westbrook et als.

v. } DECREE.

Westbrook et als.

Enter 7 day of April 1903.

Robert R. Ellis

Entered

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Westbrook et als.

v.

Westbrook et als.

This day this cause came on again to be heard upon the papers formerly read, and upon the report of Special Commissioner, James L. McLemore, filed this day reporting disbursement of funds in his hands as Special Commissioner among the parties entitled thereto, which report is supported by proper vouchers, and to which no exceptions have been taken, and was argued by counsel.

On consideration whereof, the court doth adjudge, order and decree that the said report be and the same is hereby confirmed, and nothing further remaining to be done in this cause, it is ordered that same be removed from the docket.