1903-30 Southampton County Chancery - Whitehead, J.W. etals vs Whitehead, Mary E. etals

real estate partitioned if possible,
if not sell and divide
proceeds to lawful heirs.

Whitehead, Deborah A.
Whitehead, W.H.
Whitehead, S.A.

Whitehead, George H. (husband)
Scott, Charles R.
Whitehead, Janie M.
Minors
Prince, T.B., Jr.
(G.A.L.)

(*) plats within

Whitehead

vs. { Bill &c.

Whitehead et als.

1902. 2. Sept. Rules filed

E. A. Berry D.C.

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

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

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

Humbly complaining shew unto Your Honor your complainants, J. W. Whitehead, Deborah A. Whitehead, W. H. Whitehead, and S. A. Whitehead, that their father, the late Robert Whitehead, was in his life-time seized and possessed of certain real estate, lying in the County of Southampton, to-wit: 1st: that certain tract or parcel of land, lying in said County containing 137 acres, more or less, and adjoining the lands of Henry Whitehead, J. E. Rowe and other lands of the said Robert Whitehead, dec'd.; 2nd: that certain other tract or parcel of land, lying in said county, containing 93 acres, more or less, adjoining the lands of J. E. Rowe, Henry Whitehead & other lands of said Robt. Whitehead, dec'd., same being known as the Taylor tract; 3rd: that certain other tract or parcel of land, lying in said county, containing 70 acres, more or less, and adjoining the lands of J. L. Cobb, Mrs. Rebecca Gillette & others; 4th: that certain other tract or parcel of

land, lying in said County, containing 197½ acres, more or less, and adjoining the lands of J.E. Rowe, Henry Whitehead, J.S. Cobb, and Mrs. Rebecca Gillette, it being the land purchased by said Robt. Whitehead from W.G. Cobb; and that being so thereof seized and possessed, in or about July, 1902, the said Robert Whitehead departed this life intestate, leaving a widow, Whitehead, (who, within a few days after the death of her said husband, ~~also de-~~ ~~parted this life~~;) and your complainants, the said J.W. Whitehead, Deborah A. Whitehead, W.H. Whitehead and S.A. Whitehead, and the defendant, Mary E. Whitehead, the wife of George H. Whitehead his living children, and Charles R. Scott, the son of his deceased daughter, Jamie Scott, née Whitehead, and Jamie M. Whitehead, the daughter of his deceased daughter, Kate Whitehead, as the heirs-at-law, and distributees of his estate. That the said Charles R. Scott and Jamie M. Whitehead are infants under twenty one years of

age. Your complainants state that, in their opinion, the said real estate is not susceptible of partition among the parties entitled thereto, and, if not, they desire the same to be sold and the proceeds divided and distributed among the parties in proportion to their interests therein; and if the same be susceptible of partition, then they desire [redacted] partition be made of the same in one of the modes prescribed by law.

In tender consideration whereof, and inasmuch as your complainants are without remedy save in a Court of Equity where such matters are properly cognizable, your complainants pray that the said Mary E. Whitehead and Geo. H. Whitehead, her husband, and Charles R. Scott and Jamie M. Whitehead be made parties defendant to this Bill, and required to answer the same, though answer under oath is hereby waived; that a proper guardian ad litem be assigned the infant defendants to protect their interests in this suit; that partition be made of the said real estate

in one of the modes prescribed by law; and if the same be not susceptible of division, then that the same be sold and the proceeds be distributed among the parties entitled thereto; that proper process issue, and all proper orders be made and accounts taken; and that all such other further, general and special relief be given as the nature of the case may require or to Equity shall seem meet.

And your Complainants will ever pray &c.

And notice is hereby given that the Court will be asked to allow a reasonable attorney's fee to W. J. Sebrell, attorney for the plaintiffs, for his services in this suit.

W. J. Sebrell, p.q.

Whitehead,
vs. Decree.
Whitehead et als.

Oct. 7, 1902.

Enter this,

Entered.
Page No. 452.

W. J. Isbell, p.q.

J. W. Whitehead, Deborah A. Whitehead, W. H. Whitehead, and S. A. Whitehead -

vs.

Mary E. Whitehead, and George H. Whitehead, her husband, Charles A. Scott, and Jamie M. Whitehead, the last two infants under twenty-one years of age. } Decree.

This day this cause came on to be heard upon the bill of the complainants, 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, the answer of J. B. Price Jr., guardian ad litem for the infant defendants, duly assigned at rules to defend them in this suit, with general replication thereto, and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that it be referred to one of the Commissioners of this Court to ascertain and report to the Court,

1st: The annual and fee-simple value of the real estate in the bill mentioned, and the interest of the several parties,

plaintiffs and defendants, in the said real estate;.
2nd: Whether the said real estate can be conveniently divided in kind among the parties entitled thereto;
3rd: If same cannot be divided in kind, whether any party will take the entire property, and pay to the others parties such sums of money as their interest therein may entitle them to receive;
4th: If same cannot be conveniently divided in kind, and if no party will take the entire property and pay the others for their shares, whether the interests of the parties concerned would be promoted by a sale of the entire property, or by allotment of part, and sale of the residue;
5th: Whether there are any delinquent taxes due on the said real estate;
6th: Whether there are any liens on the shares of any of the parties in interest, and, if so, the amount of the same,

all which said inquiries the Commissioner will make and report to the Court, together with any other matter specially stated, deemed pertinent by

himself, or requested to be so stated by any interested party.

And by consent of the parties, in term, entered of record; it is ordered that this cause be submitted to the Judge of this Court for such decisions and decrees therein, in vacation, as might be made in term.

Form No. 304.

Scott Chas. R. Gdn.

to } BOND.

Commonwealth

1903. 19th Janry. Filed
L. A. Gary C.C.

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

Know all Men by these Presents, That we, J. W. Whitehead and J. E. Rowe

are held and firmly bound unto the Commonwealth of Virginia, in the sum of ($1000.-) one Thousand & 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. 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 19th day of January, one thousand nine hundred & 3.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That ~~whereas~~ if the above bound J. W. Whitehead, Guardian of Charles R. Scott, who is authorized to receive his said Wards share of the proceeds of the sale of certain real estate as set forth under a decree of the Circuit Court of Southampton County, Entered on January 8th. 1903 in suit Styled "Whitehead et als, Vs. Whitehead et als; for purposes therein more particularly set forth as set forth in said decree is hereby specially made, 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, Whether the same be vested or contingent.

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

J. W. Whitehead SEAL

J. E. Rowe SEAL

SEAL

of the Circuit

In the Clerks office Court of the County of Southampton the 19th day of January 1903

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

I, L. A. Gay Clerk of the Cir. Ct. of Southampton Co. do certify, that the surety therein having first justified on oath that his estate, after the payment of all his just debts, and those for which he is bound as security for others and expect to have to pay is worth the sum of One Thousand & 00/100 dollars, over and above all exemptions allowed by law.

Teste:

L. A. Gay Clerk.

Form No. 304.

W. Whitehead Jennie M's Gdn.

to } BOND.

Commonwealth

1903. 19th January filed

L.A. Gayle C.C.

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

Know all Men by these Presents, That we, L. E. Whitehead
& ~~The~~ United States Fidelity & Guaranty Co.

are held and firmly bound unto the Commonwealth of Virginia, in the sum of ($1000.-) One Thousand & ~~no~~ 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. 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 19th day of January, one thousand nine hundred & 3

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That ~~whereas~~ if the above bound Guardian of Jania M. Whitehead who is authorized to receive his said Wards share of the proceeds of the sale of certain real estate as set forth, under a decree of the Circuit Court of Southampton County, entered on January 8th 1903, in Suit Styled "Whitehead Et als, Vs, Whitehead et als" for purposes therein more particularly set forth reference to which said decree is hereby specially made.
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 protections of the rights of all persons interested, whether the same be vested or contingent.

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

L. E. Whitehead
The United States Fidelity & Guaranty Co.
By Chas. T. Story its Att'y-in-fact

SEAL 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.*

In Vacation: In the Circuit Court of Southampton County, on the 15th. day of November 1902.

Whitehead et als., vs. Whitehead et als.	Decree.

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 entered in term, came on to be heard on the papers formerly read, and on the report pf commissioner, Jno. N. Sebrell, Jr., filed on the 25th. day of Oct. 1902, 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 the land in the bill mentioned and described cannot be conveniently divided in kind among the parties entitled thereto, and that it would be to the interest of the parties for the entire property to be sold, and the proceeds divided among the parties according to their respective rights, the Court doth adjudge, order and decree that W. J. Sebrell, who is hereby appointed a special commissioner for the purpose, do proceed to sell by public auction the lands in the bill and proceedings mentioned, after having given reasonable notice of the time and place of sale, upon the following terms, to-wit: one-third in cash, and the balance in two equal credit installments, payable one and two years, respectively, from date of sale, the purchaser to execute bonds, with approved security, for the deferred payments, carrying interest from date of sale, and the title to be retained till all the purchase money is paid, with the option to the purchaser to pay the entire purchase price in cash, and take a deed upon confirmation of the sale by the Court.

And it appearing to the Court that it would be to the best interest of the parties that said lands should be sold in three separate and distinct parcels or tracts, the said commissioner is hereby directed to sell the same accordingly, and to this end he may employ a competent surveyor to lay off said lands into three separate and distinct parcels

or tracts and make a plat thereof, and the said commissioner will sell the same as thus laid off and designated on the plat.

But before the said commissioner will proceed to act under this decree, he shall enter into bond, with approved security, before the clerk of this court, in the penalty of $5000., conditioned for the faithful discharge of his duties under this, or any subsequent decree in this cause.

And the said commissioner will make report to this Court.

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

Robt R. Ellis

COMMISSIONER'S BOND.

Wm J. Sebree

to

Commonwealth.

1902. Nov. 26. Filed.

Recorded page 143

Know All Men by These Presents, That we, W. J. Sebrell
Jas. E. Sebrell and Wm N. Sebrell
are held and firmly bound unto the Commonwealth of Virginia in the sum of
Five Thousand 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 26th day of November one thousand nine hundred and ~~ninety~~ two.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound
W. 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 in vacation on the 15th day of November 1902, in the suit therein depending
under the name and style of Whitehead et. als. vs. Whitehead et. als:
and any further decree that may be entered 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
Wm N. Sebrell SEAL

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

This day James E. Sebrell & Wm. N. Sebrell
sureties on the above bond, made oath before me, L. A. Hoy Clerk
of the Circuit Court of the county of Southampton, and State of Virginia, that their
estates, after the payment of all their just debts and those for which they are bound
as securities for others and expect to have to pay, are worth the sum of Five
Thousand Dollars.

Given under my hand this 29th day of November 1902, 189-

Teste: L. A. Hoy, Clerk

Whitehead et als.,

Vs.) Report of Comr.

Whitehead et als.

1902 Oct 25 Filed.

OFFICE OF JOHN N. SEBRELL, JR.,

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

COURTLAND, VA., October 11, 1902. 19

To J. W. Whitehead, Deborah A. Whitehead, W. H. Whitehead, and S. A. Whitehead, Mary E. Whitehead, Geo. H. Whitehead, Chas. R. Scott and Janie Whitehead, the last two infants under twenty-one years by J. B. Prince, Jr., Gaurdian ad Litem.

You are hereby notified that I have fixed upon the 18 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,- The annual and fee simple value of the real estate in the bill mentioned, and the interest of the parties, plaintiffs and defendants, in the said real estate.

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

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

4th,- If same cannot be conveniently divided in kind and if no party will take the entire property and pay the other such sums as they are entitled to, whether the interest of the parties concerned would be promoted by a sale of the entire property or by allotment of part and sale of the residue.

5th,- Whether there are any delinquent taxes due on the said real estate.

6th,- Whether there are any liens on the shares of any of the parties in interest, and, if so, the amount of the same.

required to be taken by a decree of Southampton Circuit Court, rendered on the 7 day of October 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 Jr. Commissioner.

To the Sheriff of Southampton County to execute.

The testimony of John I. Turner and others taken before me, John N. Sebrell, Jr., a commissioner in Chancery for the Circuit Court of Southampton County, Virginia, at Courtland, Virginia, on the 18th day of October, 1902, to be taken as the basis of report required to be made in suit of Whitehead et als. vs. Whitehead pending in said court.

Present:

W. J. Sebrell, Atty for plaintiff.

The witness, John I. Turner, being first duly sworn deposes and says.

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

A. Sixty years, farmer, and know the parties.

Q. Are you familiar with the land in the bill and proceedings mentioned known as the Robert Whitehead tract?

A. Yes. Very. I have been over it in the last few days.

Q. What do you consider the fair fee simple and annual value for the same?

A. Fee simple $4,000. Annual $300.

Q. Do you think the land can be conveniently divided in kind among the parties entitled?

A. I do not think it can. At the request of all the persons in interest, two other gentlemen, Mr. J. L. Cobb and Mr. J. E. Rowe, adjoining owners with land in question, and I went over the land to see whether it could be divided and from the location of the land and the number of the parties it was our conclusion that it would injure the interest of the parties to divide it. We think it would be to the best interest of all the parties in interest that it be sold and the proceeds divided and we were further of opinion that it would sell to better advantage if the said farm were divided into three parcels or farms, having survey made of same.

Q. Do you know whether any of the parties will take the entire proerty and pay such sums of money as they would be entitled?

A. I think not.

And further this deponent saith not.

Witness 50. Signed Jno. I. Turner

The witness J. E. Rowe being duly sworn says as follows:

Q. Have you heard the testimony of J. I. Turner and do you concur therein?

A. I agree with him except in value. I think it worth about $3,000. Annual value $300.

And further this deponent sayeth not.

Witness 50. (Signed) J. E. Rowe

Mary E. Whitehead, Deborah A. Whitehead, J. W. Whitehead, W. H. Whitehead, S. A. Whitehead, Chas. R. Scott, Janie M. Whitehead.

I have heard testimony above and concur.

Witness 50. (Signed) J. L. Cobb

Commissioner's Office,

Oct. 18, 1902.

Whitehead et als.,
vs.
Whitehead et als.

To Hon. Robert 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 in the above styled cause, on the 7 day of ~~September~~ October, 1902, would respectfully report, that pursuant to said decree he issued his notice directed to the parties, plaintiffs, and defendants, which notice was duly acknowledged and executed, requiring them to appear before him at his office in Courtland, Virginia, on the 18th day of October, 1902, copy of said notice with return and acknowledgments being filed herewith.

Your commissioner would report, that he heard the testimony of witnesses concerning the matters directed to be inquired into and would report his conclusions as follows:

First: The land in bill and proceedings mentioned is not susceptible of partition in kind among the parties entitled thereto.

Second: It would be to the interest of the parties to have the entire property sold and the proceeds divided among the parties entitled to the same. From the testimony of the witnesses and the information which your commissioner has been able to obtain, he would respectfully recommend to the court, that the said land be divided into three parcels, and each parcel sold separate and distinct.

Third: None of the parties are willing to take the entire

X----------X

Oct. 18, 1905.

Commissioner's Office.

subject matter and pay the other such sums as they would be entitled to.

Fourth: Your commissioner has interrogated several witnesses as to the value of the property and different estimates have been given him as to its fee simple value, ranging from $3,000 to $4,000. It is assessed at $1802.60 Its annual value is $300.

Fifth: There are no delinquent taxes due on said land and no liens upon any of the shares therein.

Sixth: The parties in interest and their respective shares are as follows: Mary E. Whitehead, the wife of George H. Whitehead, one-seventh; Deborah A. Whitehead, one-seventh; J. W. Whitehead, one-seventh; W. H. Whitehead, one-seventh; S. A. Whitehead, one-seventh; Charles R. Scott (infant) one-seventh; Janie M. Whitehead (infant) one-seventh.

All of which together with the testimony of the witnesses is returned herewith.

Jno. R. Lowe Jr.

Commissioner in Chancery.

Com'r fee $5.00

Charged to Plff.

Witness fees:

Jno. I. Lowe. 50 4/4

J. E. Rowe 50

J. L. Cobb - 50.

Franklin, Va., Dec [illegible], 1902

M. W. J. Seward City for
Robs-Bobbitt Case

To I. C. WILLS, Dr.,

County Surveyor and Civil Engineer

1902

Dec	20	½ day	Taking field notes	2 50
"	21	1 "	" "	5 00
"	22	½ "	"	2 50
Dec	24	1 "	Calculating & Mapping	5 00
	25	1 "	"	5 00
	26	1 "	"	5 00
			R R Fare	50
				$25 50

Whitehead
vs. } In Chancery.
Whitehead et als.

Consent for this to be made vacation cause

We, the ~~parties~~, plaintiffs and defendants, in the Chancery suit of S. W. Whitehead et als. vs. Mary E. Whitehead et als., depending in the Circuit Court of Southampton County, Va., hereby give our consent, in term, 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.

S. W. Whitehead

Mary E. Whitehead

J. B. Prince Jr. - Guardian Ad Litem
for Infant Defendants.

W. J. Sebrell, p. q.

Whitehead et als.

vs. } Stat: of Rules

Whitehead et als.

J. W. Whitehead, Deborah A. Whitehead,
W. H. Whitehead and S. A. Whitehead
vs.
Mary E. Whitehead and George H.-
Whitehead; her husband. Charles R.
Scott and Jamie M. Whitehead,
the last two infants under
Twenty one years of age.

} In Chancery

1902. 12th September, Process issued to 2nd Sept. Rules.

1902. 22nd Sept. Rules. Process returned executed
Bill and Exhibits filed.
J. B. Prince Jr. appointed Gdn.
ad litem to infant defendants
Decree Nisi

1902. 3rd Sept. Rules, Bill taken for confessed
as to adult defendants and
Cause set for hearing as
to them,

Whitehead et als.----------Plaintiffs.

vs.)

Whitehead et als.----------Defendants.

I hereby certify that the bond required of the Special Commissioner in the chancery cause of Whitehead et als. vs. Whitehead et als. has been duly executed, with security deemed sufficient by me.

L. A. Gay C.C.

To W. J. Sebrell, Special Commissioner in the suit of Whitehead et als.,
vs. Whitehead et als.:

You are hereby authorized and requested to turn over to Mr. J.W.Whitehead my bid for the Home Tract, containing 263.65 acres, at the price of $3050.00, the bid at which the same was knocked out to me, as he has made arrangements with me to take the same at my said bid. You will, therefore, report him as the purchaser at that price, instead of me, and this shall be your authority for so doing.

Yours truly,

L. A. Simmons

Dec. 18th 1902.

WHITEHEAD ET ALS.

vs {Report of Special Commissioner, W. J. Sebrell.

WHITEHEAD ET ALS.

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

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

Whitehead et als. vs. Whitehead et als.	Report of Special Commissioner W.J.Sebrell.

In this cause, the undersigned Special Commissioner most respectfully reports to the Court that, pursuant to decree herein entered, in vacation, on the 15th. day of Nov. 1902, he exposed to sale, by public auction, at Courtland Va., on the 15th. day of Dec. 1902(County Court day), after having given due notice of the time, the place and the terms of sale, the real estate in the bill and proceedings mentioned, in three separate and distinct parcels or tracts, as directed by the said decree, and that the following persons became the purchasers thereof , in the manner and in the amounts hereinafter named, that is to say:

Tract No. 1, known as the Gray Tract, adjoining the lands of J.L.Cobb, Mrs. J.L.Gillette and others,and containing 71.64 acres by recent survey made by I.C.Wills, surveyer, and designated and described as lot No.1 on the plat of said survey, filed among the papers in this cause, was sold to W.H.Whitehead and Mrs. Mary E. Whitehead (wife of Geo. H. Whitehead) for the sum of $475.00.

Tract No. 2, known as the Cobb Tract, adjoining the lands of J.E.Rowe and other lands belonging to the estate of Robt.Whitehead, deceased, containing 173.53 acres by recent survey made by I.C.Wills, surveyer, and designated and described as lot No.2 on the said plat of survey filed among the papers in this cause, was sold to W.H.Whitehead and Mrs. Mary E. Whitehead (wife of Geo. H. Whitehead) for the sum of $1095.00.

Tract No.3, known as the Home Tract, adjoining the lands of J.E.Rowe, Henry Whitehead and others, containing 263.65 acres by recent survey made by I.C.Wills, surveyer, and consisting of lot No.3 and lot No.4 on the said plat of survey filed among the papers in this cause, was cried out at the sale to L.A.Simmons in the sum of $3050.00, but, after said sale, the said L.A.Simmons and J.W.Whitehead both requested your Commissioner to report the said J.W.Whitehead as the purchaser in the

said sum, and the said L.A.Simmons, by his written request which is herewith filed as a part of this report, has authorized and directed your Commissioner to turn over to said J.W.Whitehead his said bid, and to report the said J.W.Whitehead as the purchaser. Your Commissioner, therefore, accordingly reports said J.W.Whitehead as the purchaser of this said tract in the sum of $3050.00.

Your Commissioner has been informed by the said purchasers, and, therefore, reports to the Court, that they desire to pay the entire purchase-money in cash and take deeds for the lands purchased by them, upon confirmation of the sales by the Court.

In the opinion of your Commissioner, all the said sales are good ones, and he, therefore, recommends confirmation of the same.

Respectfully submitted,

W.J.DeBrell,

Special Commissioner.

Form No. 300¼.

W Whitehead et als.

vs. } SUBPŒNA IN CHANCERY.

W Whitehead et als.

W. J. Sebrell p. q.

To 2nd September Rules.

Circuit Court.

Executed Sept. 10th 1902 by delivering a copy of this sum to Mary E. Whitehead George H. Whitehead not being found at his usual place of abode in said County & leaving the copy of this sum. for him to Mary E. Whitehead she being a member of his family over the age of sixteen years and explaining the purport to her.

J. W. Williams
Sh'ff

(2)

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 Mary E. Whitehead and George N. Whitehead; her husband, Charles R. Scott, and Jamie M. Whitehead, the last two infants under twenty one 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 3rd Monday in September 1902, to answer a bill in chancery exhibited against them in our said court by J. W. Whitehead, Deborah A. Whitehead, W. H. Whitehead, and S. A. Whitehead

And have then there this writ. Witness T. A. Gay, Clerk of our said court, at the courthouse, the 12th day of September 1902, and in the 127th year of the Commonwealth.

Test: T. A. Gay C. C.

Whitehead

vs. } Du Chaney.

Whitehead et als.

Answer of the infant defendants by g'dn. ad litem.

The answer of Charles R. Scott and Janie M. Whitehead, ~~infants~~ under twenty one years of age, by D.B. Price Jr., their guardian ad litem, assigned at rules to defend them in this suit, to a bill of complaint exhibited against them and others in the Circuit Court of Southampton County, by D.W. Whitehead, Deborah A. Whitehead, W.H. Whitehead and S.A. Whitehead.

For answer to said bill, the said infant defendants, by their guardian ad litem, answer and say that they are infants of tender years, and, therefore, commend themselves, and their rights and interests to the protection of the Court.

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

J.B. Price Jr
Gdn. ad Litem.

WHITEHEAD ET ALS.

vs. { Decree

WHITEHEAD ET ALS.

In Vacation:

January 8, 1903.

ENTER THIS.

Robert R. Prentis

Entered Page 484

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

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

Fee $1.00

In Vacation: In the Circuit Court of Southampton County, on the 8th day of January 1903.

Whitehead et als.,
vs.) Decree.
Whitehead et als.

This day this cause, which has been regularly submitted to the Judge of this Court for such decision and decree in vacation, as might be entered therein in term, came on to be heard on the papers formerly read, and on the report of Special Commissioner W.J.Sebrell, this day filed by leave of the Court, reporting sale of the real estate in the bill and proceedings mentioned, to which report there is no exception and was argued by counsel.

On consideration whereof, the Court, approving and confirming the said report, doth adjudge, order and decree that the sales therein reported, to-wit:

Tract No.1, known as the Gray Tract, and more specifically described and set forth in the said report, to W.H.Whitehead and Mrs. Mary E. Whitehead (wife of Geo. H. Whitehead) for $475.00;

Tract No.2, known as the Cobb Tract, and more specifically described and set forth in the said report, to W.H.Whitehead and Mrs. Mary E. Whitehead (wife of Geo. H. Whitehead) for $1095.00;

and Tract No.3, known as the Home Tract, and more specifically described and set forth in the said report, to J.W.Whitehead for $3050.00 be and the same are hereby confirmed and declared to be firm and binding; and the said W.J.Sebrell, Special Commissioner, is hereby authorized and directed, upon receipt of the said sums of purchase-money, to execute to the purchasers deeds, with special warranty, for the property purchased by them; and, out of the said funds so received by him, the said Special Commissioner is hereby directed to pay, first the legal costs of this suit and sale, including an additional attorney's fee of $125-00 to W.J.Sebrell, attorney for the plaintiffs, for his services in this suit, and a fee of $25-50/100 to I.C.Wills,

surveyor, for his services in making survey and plat of the lands in the proceedings mentioned, and the balance then remaining the said Special Commissioner will distribute among the parties entitled thereto, that is to say, one-seventh to J.W.Whitehead, one-seventh to Deborah A. Whitehead, one-seventh to Mary E. Whitehead (wife of Geo. H. Whitehead), one-seventh to W.H.Whitehead, one-seventh to S.A. Whitehead, one-seventh to the guardian of Charles R. Scott, and one-seventh to the guardian of Janie M. Whitehead. But before the said Special Commissioner shall pay to the guardian of the said Charles R.Scott and the guardian of the said Janie M. Whitehead the amounts coming to their said wards, the said guardians shall each enter into bond, with approved security, before the Clerk of this Court, in the penalty of $1000.—, 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, whether the same be vested or contingent.

And the said Special Commissioner will take receipts from the parties for the amounts herein ordered to be paid by him, and return the same, along with a report of his proceedings hereunder, to this Court.

To the Clerk of the Circuit Court
of Southampton County.

Robert R. Ellis

WHITEHEAD ET ALS.,

vs { Decree.

WHITEHEAD ET ALS

April 7 1903.

ENTER THIS:

Robt. D. Lewis

Entered
Page No. 13.

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

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

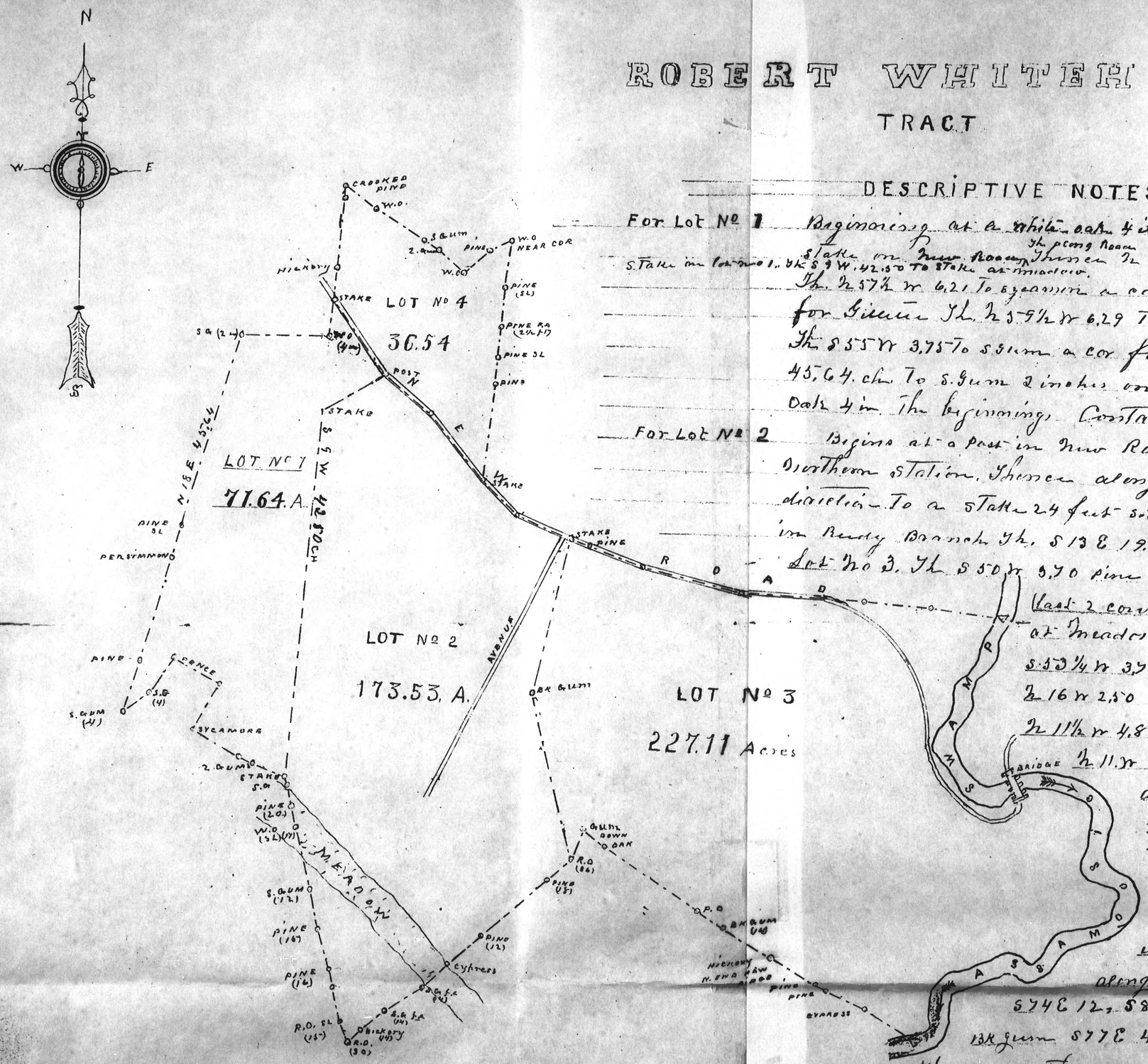
Whitehead et als.,
vs.) Decree.
Whitehead et als.

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, shewing collection and complete disbursement of the purchase-money 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.

ROBERT WHITEHEAD

TRACT



DESCRIPTIVE NOTES

For Lot No 1 Beginning at a white oak 4 inches Thn N.E cor Thence N 9 E 4.35 ch To Stake on New Roads Thence N 63 W. 4. To 2 gums. Th. same course 1.72 Th. N 57½ W 6.21 To sycamore a cor on J.L. Gillett Th. N 32 E 6.13 To cor for Gillett Th. N 5-9½ W 6.29 To cor for Gillett Th S 33¼ W 5. S. Gum Th S 55 W 3.75 To S Gum a cor for This on Jesse Cobb. Th. N 18 E 45.64 ch. To S. Gum 2 inches on Jesse Cobb. Th. S 88½ E 10.05 To W Oak 4 in The beginning. Containing 71.64 acres

For Lot No 2 Begins at a post in New Road a cor for Lot No 1 & 2 The most Northern Station. Thence along The New Road in a South Easterly direction To a Stake 24 feet S.E. of avenue. Th. S 15 W. 19.30 To Bk gum in Rocky Branch Th. S 13 E 19.70 To Red Oak (3 ft). cor for lot No 2 on Lot No 3. Th S 5 0 W 3.70 pine (18) Th S 51¾ W 8.50 S 42½ W 1.32 pine (ft) (last 2 courses reduced To 1) Th S 51⅓ W 5.1 gp at Meadow Th S 46½ W 3.85 S S (6) S 5-½ W 5= S S (14) S 33¾ W 3.70 Hickory (14) S 5-0 W 1.85 Red oak cor. Th N 16 W 2.50 P.O (15) N 12½ W 4.11 pine (16) N 13½ W 6.95 Pine (16) N 11½ W 4.85 S.S. (12 in) N 13 W 7.50 W.O 17. Same 2.95 Pine (20) N 11. W 2.75 S.G (24) Same 89 links To post or stake a cor for lot No 1 Th along line of Lot No 1 N 9 E 42.50 ch To Stake a cor for this in Lot No 1. Th N 63½ E. 8.70 To Road at Point of beginning, Containing 173.53 Acres For Lot No 3. Begin at Stake in New road 24 ft S.E. from Avenue. Th along The road S 63½ E. 3.12 To Pine Th same S.S.E S 74 E 12. S 84½ E 13.85 This line leave road. Th S. 85 E 2.75 Bk gum S 77 E 4.75 To Base of Assamassic Swamp Th down The Run its various courses To Jimmy Whitehead lines. Th N 57½ W 5.33 Cypress N 62¼ W 5. Pine N 80 W 1.34 Pine N 5-9½ W 6.20 Hickory N 5-7 W 6.40 Bk gum (14) on Run N 5-7 W 3.75 P.O (12). Same course 13.80 To Cedar. Th N 55 W 4.50 To Bk gum down. Th S 20 W 3.70 To Red Oak 3 ft. cor for this corner lot No 2. Th N 13 W 19.70 To Bk gum in Rocky Branch Th. N 15 E 19.30 To Stake on S.E Road 24 feet S.E from Avenue The beginning Containing 227.11 Acres.

For Lot No 4. Is bounded by the lands of J.E. Rocks on North & East. South by The New Road & West by lands of Jesse Cobb & contains 36.54 Acres.

A.C. Wiles Surveyor

Received January 30th " 1903 of W.J. Sebrell, Special Commissioner in the Chancery suit of Whitehead et als. vs. Whitehead et als., twenty five & 50/100 dollars, same being the amount of surveyor's fee ordered to be paid me by decree entered in said cause on the 8th day of January 1903.

I.L. Wiess

Received Feb. 24th 1903 of W. J. Nebrell, Special Comr. in chancery suit of Whitehead &c. vs. Whitehead et als. Seven & 50/100 dollars in payment of auctioneer's fee for crying property sold under decree in said suit.

J. L. Gillette crier

Franklin, Va., Dec 5, 1902

M W J. Lebrell, Spl. Com'r,

To THE GRAPHIC, Dr..

A Weekly Newspaper Devoted to the Interest of Southampton and Adjoining Counties. Ten Pages and ALL HOME PRINT. Subscription, $1.00 a Year in Advance.

BOOKLETS, PAMPHLETS AND ALL **JOB PRINTING Neatly and Promptly Executed.**

Dec	2	To 100 Circulars, Whitehead etals vs. Whitehead et als	1	00

Paid
The Graphic
by J P Holland
Jan - 27 - 1903.

Received January 20th 1903 of W.J.Sebrell, Special Commissioner in the chancery suit of Whitehead et als. vs. Whitehead et als. $616.26, the same being my distributive share of the proceeds from the sale of the lands of Robert Whitehead dec'd. ordered to be paid me by decree entered in said cause on the 6th. day of January 1903.

J. W. Whitehead

Received January 20th 1903, of W. J. Sebrell, Special Commissioner in the Chancery suit of Whitehead et als. vs. Whitehead et als., $616.26 same being the distributive share of D. A. Whitehead of the proceeds from the sale of the lands of Robert Whitehead, dec'd., sold by said Special Commissioner, and being paid to me by order of the said D. A. Whitehead. J. N. Whitehead

To W.J.Sebrell, Special Commissioner in the chancery suit of Whitehead et als. vs. Whitehead et als.,depending in the Circuit Court of Southampton County:

I hereby authorize and request you to pay to my brother, J.W. Whitehead, the amount that shall be coming to me, as heir-at-law of Robert Whitehead, dec'd., from the proceeds of the sale of the lands of the said Robert Whitehead, dec'd., sold by you as Special Commissioner in the above-styled suit, and this shall be your authority for so doing.

Yours very truly,

L. A. Whitehead.

January 3rd. 1903.

Witness :-

J B Bruce Jr

Received January 20th 1903 of W.J.Sebrell, Special Commissioner in the chancery suit of Whitehead et als. vs. Whitehead et als. $616.26, the same being my distributive share of the proceeds from the sale of the lands of Robert Whitehead dec'd. ordered to be paid me by decree entered in said cause on the 8th. day of January 1903.

Mary J. E. Whitehead

Received January 20th 1903 of W.J.Sebrell, Special Commissioner in the chancery suit of Whitehead et als. vs. Whitehead et als. $616.26, the same being my distributive share of the proceeds from the sale of the lands of Robert Whitehead dec'd. ordered to be paid me by decree entered in said cause on the 8th. day of January 1903.

W. L. Whitehead

Received January 20th 1903 of W. J. Sebell, Special Commissioner in the Chancery suit of Whitehead et als. vs. Whitehead et als., #616.26, same being the distributive share of Deborah A. Whitehead of the proceeds from the sale of the lands of Robert Whitehead decd., sold by said Special Commissioner, and being paid to me by order of the said Deborah A. Whitehead.

J. W. Whitehead

To W. G. Sebrell Special Commissioner
in the Chancery Suit of R. Whitehead et als, vs.
Whitehead et als, depending in the
Circuit Court of Southampton County.
I here by authorize and request
you to pay to my Brother J. W. Whitehead
the amount that will be coming
to me, as heir at law of Robt. Whitehead,
deceased, from the proceeds of the
sale of the lands of said Robt.
Whitehead deceased; Sold by you as
Special Commissioner in the above
Styled suit, and this shall be
your authority for so doing
January 20th 1903

Deborah A. Whitehead

Witness
J. E. Rowe

Received January 20th 1903 of W.J. Isbell, Special Commissioner in the suit of Whitehead et als. vs. Whitehead et als., the sum of $616.26, same being the distributive share of my ward, Charles R. Scott, of the proceeds of the sale of the lands of Robert Whitehead, dec'd., ordered to be paid me by decree entered in said cause on the 8th day of January 1903. J. W. Whitehead
Gdn. of Charles R. Scott

Received January 24th 1903, of W. J. Debell, Special Commissioner in the chancery suit of Whitehead et als. vs. Whitehead et als., Six hundred and sixteen & 26/100 dollars, same being the amount of the share of my ward, Janie M. Whitehead from the sales of the lands of Robert Whitehead, dec'd., sold by said Special Commissioner, and ordered to be paid me by a decree entered in the said cause on the 8th January 1903,

L. E. Whitehead.

Guardian of Janie M. Whitehead

Whitehead et als.

vs. } In Equity Stat: of Conn

Whitehead et als.

Whitehead et als.
vs. } Copy of Stat: of Costs
Whitehead et als.

1902
Sept. 12th Sum. 25, Exp. 26, Receipt 18, Atty. 10= 79
Docket 18, Rules 1.00, Enter Return 35= 1.53
Fil. bill 15, Dr. and of infant defendants 15= 30
Dr. Consent to be made a vacation Cause 15= 15
Dr. Report of Comr. in Chy. 25, Dr. Spl. Comr. 15= 40
Taking Special Comrs bond 1.40 = 1.40
3 decrees 1.36, Fil. Plat of land 15= 1.51
Tax Costs re. 40, Taking 2 Gdn. bonds 1.90= 2.30
Filing J.B. Wills acct. 15, Fil. away papers 25= 40
Future Costs about 1.50 = 1.50
1/29/1903 Pd. by W.J. Sebrell Z. A. Gay Clerk $10.28
Pd. J.M. Williams Dep. Sheff. 2.00
Paid W.J. Sebrell, p.q. Future. 16.50
$28.78
Fee of Comr J.N. Sebrell Jr. Pd. Front. Through. 5.00
" " Witness Jno. D Turner 50 - See Receipt below.
" " " J. E. Rowe 50 " " "
" " " J. L. Cobb 50= " " 1.50
Dd. D. L. C
$35.28

A Copy,
Teste: Z. A. Gay C.C.

Receives Apl. 6th 1903 of W.J. Sebrell, Special Commissioner, One & 50/100 in payment of the above witness-fees of 50¢ each due to Jno. D. Turner, J. E. Rowe & J. L. Cobb & taxed in the Costs of this suit. Z. A. Gay C.C.

Statement :-

Amo. sales of Whitehead lands	$4620.00	
To com'n: on $4620.00 =	101.40	paid - W.J. Sebrell, Com'r
" fee for 2 deeds to purchasers -	10.00	paid - W.J. Sebrell, atty
" paid auctioneer for crying prop.	7.50	See Receipt filed.
" " for printed posters -	1.50	" " "
" " J. C. Wills, surveyor's fee &c.	25.50	" " "
" " W. J. Sebrell, atty. for plffs.	125.00	paid - W.J. Sebrell.
" " taxed legal costs of suit -	35.28	See receipt on statement costs
Bal. to be distributed -	4313.82	
	$4620.00	$4620.00

Amo. to be distributed brot. down	$4313.82	
1/7 of $4313.82 to J.W. Whitehead	$616.26	(Receipt filed)
1/7 of $4313.82 to Deborah A. Whitehead	$616.26	" "
1/7 of $4313.82 to Mary E. Whitehead,	$616.26	" "
1/7 of $4313.82 to W.H. Whitehead -	$616.26	" "
1/7 of $4313.82 to S.A. Whitehead -	$616.26	" "
1/7 of $4313.82 to Gdn. Chas. A. Scott -	$616.26	" "
1/7 of $4313.82 to Gdn. Jas. M.W.	$616.26	" "
	$4313.82	$4313.82

Whitehead et als.,
vs. Report of special Com'r. W.J. Sebrell.
Whitehead et als.

In this cause, the undersigned special Commissioner most respectfully reports to the Court that, in pursuance of decree herein entered on the 8th day of January 1903, he has collected from the purchasers of the three tracts of land in the proceedings mentioned the amounts of the purchase price for the same, aggregating the sum of $4620.00, and has executed to the purchasers of said tracts of land deeds, with special warranty, for the same. Your Commissioner has distributed and paid out the said sum of $4620.00 in accordance with direction of the said decree, as will more fully appear from statement and receipts herewith filed as a part of this report.

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

Whitehead et als.

vs.

Whitehead et als.

Report of
Special Commissioner,
W. J. Vebrell.

Confirmed Apl. 1903.