1905-06 Southampton County Chancery. Davis, Eva C. vs Smith, W.R. et als (adm.)

Daniel, W. E. (adm.)
ox
Edwards, R-O -
Edwards, Evie G.
" , Estelle C.
" , Jessie M
" , Robert O.
McLemore, James L. (G. A.L.)

See to have transactions of (admin's) be taken and account of debts of be rendered be taken, then sell real estate to pay debts -

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

Your complainant, Eva C. Davis, who sues for the benefit of herself and such other creditors of R.O. Edwards, deceased, as will come in, take part in and share the costs of this suit, complaining sheweth unto the court that on the 30th Day of July 1890 R.O. Edwards, a resident of the State of North Carolina, departed this life intestate leaving surviving him his widow and four children, to-wit, Eric G. Edwards, Estelle C. Edwards, Jessie M. Edwards and Robert O. Edwards, the last four infants under the age of 14 years, as his sole heirs at law. That on the 27th day of August 1890 W.R. Smith and W.E. Daniel, of the county of Halifax N.C. were granted letters of administration on the estate of the said R.O. Edwards, deceased, by the Superior Court of Halifax County N.C. as is shown by a copy of the order granting said letters of administration herewith filed marked "Exhibit A" and prayed to be read as a part of this bill. That said Administrators have fully administered the personal estate of the deceased. That there is still a debt due to your complainant by the said R.O. Edwards deceased, amounting to the sum of Eighty nine and 34/100 Dollars, with interest from the 1st day of July, 1888. 12th day of April 1892, and that said

Administrators have nothing in hand with which to pay said debts: that your complainant is informed and believes that there are a number of other persons to whom debts are also due by the said R.O. Edwards, deceased, and that there is nothing in the hands of said Administrators with which to pay them. That the said R.O. Edwards, died seized and possessed of an undivided one half interest in some real estate lying in the town of Franklin, Southampton County, Va. of which the other half was owned by his brother J.A. Edwards. That after the death of the said R.O. Edwards the said J.A. Edwards instituted a chancery suit in the Circuit Court of the County of Southampton, Va. styled Edwards. vs. Edwards. et als. for the purpose of having a division of said land between himself and the said children of R.O. Edwards. deceased, the dower having been assigned to the widow of deceased out of real estate in North Carolina. That said land was divided into lots and distributed among those entitled thereto as is shown by report of Commissioners assigning them, a copy of which report is herewith filed marked "Exhibit B" and prayed to be read as a part

of this bill, that there is no other property belonging to the estate of the said R.O. Edwards deceased, out of which the debts due your complainant and other persons as aforesaid can be paid except this said land divided among said children

In tender consideration whereof, your complainant being remedyless in the premises save in a court of equity, where such matters are heard, your complainant prays that the said W.R. Smith and W.E. Daniel, Administrators of R.O. Edwards, deceased, be made parties defendant to this bill and required to answer the same, though an answer on oath is expressly waived. That the said Evie G. Edwards, Estelle C. Edwards, Jessie M. Edwards and Robert O. Edwards be made defendants to this bill and required to answer the same: that a proper guardian ad litem be appointed for the said infant defendants and that he also be required to answer said bill: that an account of the transactions of said Administrators be taken, and an account of the debts due by said R.O. Edwards, deceased or his estate be taken: that a part of the said real estate above mentioned be sold and the proceeds applied to the payment of the debts due by said estate or decedent, according to their priorities and dignities:

That proper counsel's fee be allowed for the bringing and prosecution of this suit. And that all such other further and proper relief may be granted your complainant as to equity may seem meet or the justice of her case may require.

And your complainant will ever pray. &c. &c.

J. C. Parker Sol. for.

+

No.....

LETTERS OF ADMINISTRATION.

Estate of

R. O. Edwards, dec'd.

"Exhibit A"

Number 305-I.

Administration—Letters of.— Printed and for sale at Harrell's Cheap Printing House Weldon, N C. .—11–7-87-1000

STATE OF NORTH CAROLINA, Halifax COUNTY. } Office Clerk Superior Court.

BY THE CLERK OF THE SUPERIOR COURT OF THE COUNTY OF Halifax

It having been certified to me that R. O. Edwards *late of* Halifax *County is dead, and having made no last Will and Testament in writing; and* W. E. Daniel & W. R. Smith *having made application to this Court for, and obtained administration upon the deceased's estate, and having also entered into bond and security, as the law in such cases provides, in the sum of* Twenty-five hundred Dollars *with* W. R. Smith and W. B. Dilling *as sureties.*

THESE ARE THEREFORE TO EMPOWER THE SAID W. E. Daniel and W. R. Smith *to enter into and upon all, and singular the chattels, lands and tenements, rights and credits of the deceased; and the same into their possession take, wheresoever in the State to be found, and an inventory thereof to exhibit according to law, and all the just debts of the deceased to pay, and distribute as the law in such case provides.*

WITNESS, John T. Gregory *Clerk of said Court at office,*

27th *day of* August 1890.

John T. Gregory

Clerk Superior Court.

SECTION 1399 OF THE CODE—ANNUAL ACCOUNTS—Every executor, administrator and collector shall within twelve months from the date of his qualification or appointment, and annually, so long as any of the estate remains in his control, file in the office of the clerk of the Superior court, an inventory and account, under oath, of the amount of property received by him or invested by him, and the manner and nature of such investment, and his receipts and disbursements for the past year in the form of debit and credit. He must produce vouchers for all payments. The clerk may examine on oath such accounting party, or any other person concerning the receipts, disbursements or any other matter relating to the estate; and, having carefully revised and audited such account, if he approved the same, he must endorse his approval thereon, which shall be deemed PRIMA FACIE evidence of correctness Each Clerk must annex or attach a copy of this section to all letters issued by him.

See the Code—Chapter 33rd, Sec. 1474, 1381, 1391, &c, &c.

Davis Exr &c.

vs. } Statement of Rules

Testamentary Admr. et als.

Eva L Davis — Plaintiff

Vs.

W.R. Smith & J. E. Daniel, Admrs of R.O. Edwards, decsd, and Evie G. Edwards, Estelle L. Edwards, Jesse M. Edwards by Robert O. Edwards the last four by J. L. McLemore their guardian ad litem } Defendants

1896. 20th August. Process issued returnable 1st Sept. Rules

1896. 1 Sept. Rules. Process returned executed as to adult defendants. Bill & Exhibits filed. Decree nisi as to adult defendants. J. L. McLemore appointed guardian ad litem to infant defendants

1896. 2nd Sept. Rules. Bill taken for Confessed as to adult defendants and cause set for hearing as to them.

To the Hon. L. H. Hill, Judge of the Circuit Court of Southampton County.

We, the undersigned, Special Comrs appointed by said Court at the Nov. Term 1890. thereof, by decree entered in the suit of Edwards vs Edwards et als. a copy of which decree is herewith filed, beg leave to report that on the 25th day of November 1890. We met upon the said land in the bill & proceedings mentioned for the purpose of discharging our duties under said decree.

We are of opinion that it is practical to divide said land in kind among those entitled thereto & we have proceeded to so divide it. We found it expedient in dividing it, to use an old map of said land, formerly used by J. A. & R. O. Edwards the joint owners, it being in our opinion a very good plan to lay off said land, a number of said lots having been sold before the death of R. O. Edwards. We have divided the remainder, giving the numbers laid down on said map & the valuation fixed by us. To J. A. Edwards, the owner of one half of said land, we allot the following lots.

Numbers seven, eight, nine, & ten, each fronting fifty feet on each side Edwards St & running back between parallel lines

to a twelve foot alley opening into South St. each valued at one Hundred Dollars, Number fifteen fronting 45½ feet on Grove St. 220 feet on South St. & 113 feet on Pearl St. valued at $200. Number Eighteen, fronting 65½ feet on Pearl St. & running back 96 feet to R. D. Brown valued at $60.00. Numbers nineteen, twenty, & twenty-one, each fronting fifty feet on west side of Grove St. & running back between parallel lines to Pearl St. each valued at $100.- Number twenty-seven, fronting 95½ feet on South St. & running back between converging lines. to 49½ feet on no 29. valued at $75.00 numbers twenty-nine, thirty, & thirty-one, each fronting fifty feet on West side of Pearl St. & running back between parallel lines to Hall St. each valued at $75.00

Numbers thirty seven, fronting 48 feet & 9 inches on west side of Pearl St. & running back between parallel lines to Hall St. valued at $50.00 Numbers thirty-nine valued at forty Dollars ($40) forty three valued at Seventy five (75) Dollars and no forty (40) valued at forty (40) Dollars aggregating in value $1465.

We assign to Eva G Edwards daughter of R. O. & Laing R. Edwards the following lots

Numbered & designated on said map as follows.

Lot No. 6 Valued at $185.

" 34 " " 50.

" 35 " " 50. $285

aggregating in value two hundred and Eighty five dollars as above indicated.

We assign Estelle & Edwards daughter of R.O. Edwards & Cary R Edwards the following lots numbered and designated on said map as follows:

Lot. No 16 Valued at $175.

" " 33 " " 60.

" " 36 " " 50. $285.

aggregating in value as above indicated two hundred & Eighty five dollars.

We have assigned to Carrie M. Edwards daughter of R.O. & Cary R. Edwards the following lots designated on said map as lots

No 12 Valued at $120.

" 25 " " 95.

" 32 " " 70. = $285

aggregating in value as above indicated two hundred & Eighty five Dollars.

We have assigned unto Jesse N. Edwards of R.O. & Cary R. Edwards the following lots designated on said map as lots

No 11 and Valued at $105. over

No. 44 and valued at $80.

" 23 " " " " 100.= $285.00

aggregating in value as above indicated two hundred and Eighty five Dollars

We have assigned unto Robert O. Edwards son of R.O. Edwards and Cary R. Edwards the following lots designated on said map as

Lots No 24 and valued at $95

" " 22 " " " 95

" " 28 " " " 95 = $285.

aggregating in value at two hundred and Eighty five dollars. The sum of the value of all of the lots assigned to the said Eva G- Edwards, Estelle L. Edwards, Jesse R. Edwards and Robert O. Edward & Carrie M Edwards infant children of the said R.O. Edwards and Cary R. Edwards. being One thousand four hundred and twenty five dollars and the sum of the value of the lots assigned to the said Jesse R. Edwards being One thousand four hundred and sixty five dollars or forty dollars in excess of the value of those assigned to said Children. We recommend that he pay Eva G. Edwards, Estelle L. Edwards, Carrie M. Edwards, Jesse R. Edwards and Robert O.- Edwards the sum of Eight (8) Dollars that sum being his and her proportional share of said sum in excess.

Respectfully Submitted

A. M. Brownley
L. R. Edwards
E. F. White
I. W. Norfleet
} Comm's

A Copy

Test: L. A. Gay C.C.

$1.20

Davis

Final Report of Special
vs.) Commissioner,
Edwards,et als.

Filed March 21st, 1905.

B.C.

The following statement shows said plaintiff's
credit in said suit, and the disbursements
by him, as commissioner from 1.Chelfs Oct.1892
to date.

Dr.

1892.			
Oct. 1.	To writing two deeds,		10.00
"	" copies paid		
"	Fee and tax		16.60
"	Clerk's fees		17.60
"	Com'r.'s fee,		5.00
"	Sheriff's fees,		50
"	Rev Stamps on deeds		1.00
	Paid J.C.Parker, Atty		25.00
	" "		25.00
	credit for money paid by me		10.00
			101.15
			101.15

Balance in hand & ex report Apr. 24.1893 $30.85
By amt. collected from J.C.Chelfs O'Donnell, 100.00
" " " " Holland, 24.42
" " " " Atty

Paid J.C.Parker, Atty

Dr.

1892.			
Oct. 1.	To writing two deeds,		10.00
"	" copies paid		
"	Fee and tax		16.60
"	Clerk's fees		17.60
"	Com'r.'s fees,		5.00
"	Sheriff's fees,		50
"	Rev Stamps on deeds		1.00
	Paid J.C.Parker, Atty		25.00
	" "		25.00
	credit for money paid by me		10.00
			101.15
			101.15

Balance in hand & ex report Apr. 24.1893 $30.85
By amt. collected from J.C.Chelfs O'Donnell, 100.00
" " " " Holland, 24.42
" " " " Atty

Paid J.C.Parker, Atty

Frankfin, Va. August, 24, 1893.

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

The undersigned Special Commissioner begs leave to re-
port in the suit of Davis va. Edwards and others that pursuant to
a decree in said cause entered on the 4th day of April 1893, he
collected from J. C. Parker, Atty. and A. J. Holland the balances

Franklin, Va. August, 2d, 1899.

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

The undersigned Special Commissioner begs leave to report in the suit of Davis vs. Edwards and others that pursuant to a decree in said cause entered on the 4th day of April 1899, he collected from J. Chetta O. Howell and A. A. Holland the balances due by them upon lots sold them in said proceedings and gave them deeds for said lots in accordance with the terms of said decree. Out of the money formerly reported and thus collected he has paid the costs of this suit and a fee to himself as attorney for the plaintiff and has distributed the balance to the creditors of R.O. Edwards as shown by report of Comr. McLemore filed June 10th, 1897 and has taken the receipt of W. E. Daniel their attorney for same which is herewith filed as a voucher in support of this report. The following statement shows said distribution.

STATEMENT.

Balance in hand per report Apr.3d.1899		$55.08
By amt. collected from J.Chetta O.Howell,		102.00
" " " " A. A. Holland,		34.67
To writing two deeds,	10.00	
" costs paid		
Fee and tax	16.50	
Clerk's Fees	11.60	
Com'r.B.F.McLemore,	5.00	
Sheriff's fees,	.50	
Rev Stamps on deeds	1.00	
Paid J.C.Parker,Atty	25.00	
" creditors through their atty	125.15	
	$194.75	$194.75

Respectfully submitted,

J. C. Parker
Special Commissioner

$125.15

Recieved, Aug. 2nd, 1899, from J.C. Parker, Special Commissioner in the chancery suit of Davis vs. Edwards, et als., in the Circuit Court for Southampton County, Virginia, the sum of one hundred and twenty-five and 15/100 Dollars, ($125.15), in payment of the pro rata share of the creditors of the late R.C. Edwards represented by me, the said creditors being, as shown by the report of Comr. B.F. McLemore in said cause, filed June 10th 1897, as follows: E. Clark, H.C. Spiers, P.N. Stainback & Bro., Agts., W.D. Smith, W.M. Cohen, Mrs. P.A. Lewis, W.B. Tillery and Mrs. E.C. Davis, the said amount of $125.15 being the pro rata share of the said creditors of the funds in the hands of said Special Comr. J.C. Parker, less a fee of $25. paid to J.C. Parker as attorney by virtue of decree in said cause entered April 4th 1899.

W E Daniel Attorney.

$25.

Recieved from J.C.Parker,Special Comr.in matter of Davis vs.Edwards,et als.,$25. fee required to be paid to me by decree in said cause entered April 4th,1899.

J C Parker

Davis,

W } Statement of Costs.

Edwards Admr et als.

Summons 25. 3 Copies 39. another Summons 25. 1 Copy 13 — 1.02

Receipt for both 36. Atty. 10. Docketing 18. Rules 1.00 = 1.64

Entering Return 35. fil. bill 15. D. Exhibits 15. = 65

Copy Exhibits 1.45 filing 2 answers 30. fil. petition 15 = 1.90

filing Comrs. report 25. replication 15. taking Comrs. bond 1.00 = 1.80

2 Decrees & copy 1.40 Tax Costs &c. 40. filing away papers 25 2.07

Forteen Costs. $2.50 2.50

August 15th. 1897. Paid D. A. Gay Clerk $11.60

Paid J. M. Williams Shff. .50

Paid J. A. Parker, J.P. Lawyer. 16.50

$28.60

Fee of Comm. B. F. McLemore Paid B.F.M $5.00

$33.60

Dear Mr Gay -

I enclose check for M McLemore. Let him sign & give you S. of Change. Say Sheriff let him sign being clerk with you when you come & we will finish fixing up.

Yours truly,

J. A. P.

Davis,

vs.) Ord.Decree.

Edwards' Admr.,et als.

To be entered.

April 4, 1899

Filed April 4th 1899 and entered of record.

Attest,

Deputy.

Edwards Admr. et als.,

vs.) Ord Decree.

Davis,

It appearing to the Court that the Special Commissioner to whom was referred the matter of the sale of the property of the estate of Edwards, deceased, has reported to the Court that he has sold the same to the highest bidder for the sum of Four Thousand Dollars, and that he has executed bonds for the payment of the purchase money, and that he has executed a deed to the purchaser, and that he has made report of his proceedings in the premises, and that the sale is in all respects regular and proper, and that the purchaser has complied with the terms of sale, and that the sale should be confirmed, and the deed executed by the Special Commissioner should be approved, it is therefore ordered, adjudged and decreed by the Court that the said sale be and the same is hereby confirmed, and that the deed executed by the Special Commissioner to the purchaser, Thomas Davis, be approved, and that the Special Commissioner do make to the purchaser a deed to the property sold, conveying to him all the right, title and interest of the estate of Edwards in and to the same.

It is further ordered by the Court that the Special Commissioner do pay into Court the purchase money of the property sold, to be by the Court distributed among the heirs of the estate of Edwards, deceased, as their interests may appear.

It is further ordered by the Court that the Special Commissioner do pay into Court the sum of Two Hundred and Fifty Dollars, the fee allowed him by the Court for his services in the premises

Davis,

vs.) 3rd Decree.

Edwards' Admr.et als.,

Thisday this cause came on again to be heard upon the papers formerly read and upon the report of Special Commissioner J.C. Parker, filed April 3, 1899, to which report no exceptions have been filed, and was argued by counsel.

Upon consideration whereof, the court doth confirm said report, and the sales reported therein, and doth further adjudge, order and decree that J.C.Parker, who is appointed a special commissioner for that purpose, shall at once proceed to collect from J.Chetta O.Howell and A.A.Holland the balances due by them on the lots purchased by them respectively, and upon payment by said parties of the remainder of said purchase price he shall give them good and sufficien deeds to the said lots. Out of the money thus collected, together with the balance now in his hands, he shall pay first all the costs of this suit including a fee of $25. to J.C.Parker as attorney for the plaintiff, and second he shall pay the debts due by the estate of R.O.Edwards, deceased, as shown by report of Comr.B.F.McLemore filed in this cause June 10th 1897 and confirmed by the last decree in this cause, or if the said sum will not pay said debts in full then he shall pay the same prorata. The Court doth further adjudge, order and decree that if any of the said debts shall remain unpaid after paying out this fund that the said J.C.Parker, Special Commissioner shall sell enough more of the lots mentioned in Exhibit "B" and the report of Comr.McLemore to finish paying said debts, upon the same terms of sale named and mentioned in the last decree in this cause under which the said lots sold by Comr.Parker were sold. And the said Special Commissioner J.C.Parker shall report to this court at the next term thereof what he has done under this decree.

out of the funds coming to the creditors pro rata

In Vacation:

Circuit Court of Southampton County,
August 19th. 1897.

Davis,
vs } 2nd. Decree.
Edwards' Administrator, et als.

This day this cause came on again to be heard, in vacation, upon the papers formerly read and upon the petition of J. W. Williams, Sheriff and Administrator of R. O. Edwards, deceased, filed Febry. 22nd. 1897, and upon the report of B. F. McLemore, Commissioner in Chancery, filed June 10th. 1897. to which report no exceptions have been filed, and was argued by Counsel,

Upon consideration whereof and on the motion of J. W. Williams Sheriff and Administrator of R. O. Edwards deceased, he is admitted as a party defendant in this cause, and thereupon the Court doth confirm the said report, and doth further adjudge, order and decree, that F. G. Parker, who is hereby appointed a Special Commissioner for that purpose, proceed as soon as may be practicable to sell so many of the lots described in these proceedings as may be in this judgment necessary to pay the debts proved against the decedent R. O. Edwards, and the costs of this suit, belonging to the Estate of R. O. Edwards, deceased, in Franklin, Va., as shown by report of Comrs. Bromley, Edwards, White and Norfleet in "Exhibit B" in this suit, at public auction and upon the following terms: One third cash, and the balance in six and twelve months from the day of sale, the deferred payments to be evidenced by the bonds of the purchaser bearing interest from the day of sale.

He shall advertise the time, place, any terms of sale for at least thirty days before same by handbills posted at two or more public places in Southampton County. Before entering upon the discharge of his duties under this decree he shall enter into a bond, before the Clerk of this Court, in the penalty of $600., with security, deemed sufficient by the Clerk, any conditioned for the faithful discharge of his duties under this and any future decree in this cause. Any said Comr. shall report as soon as practicable what he has done under this decree.

A Copy.

Teste: L. A. Gayle, C.C.

Adams
vs.
Edwards' Admr. et als

Entered Aug. 19th, 1897

Page 151

To the Hon R.R Smith. Judge of the
Circuit Court of Lauderdale Co.

The undersigned, your Special Comr.
appointed in the suit of Davis vs. Edwards
Admr. by decree in vacation on the
19th day of August 1897, to sell certain
lots mentioned in said decree, beg
leave to report that after giving the
required bond in said cause, the
advertised lots Nos. 12-25-&32 mentioned
in Exhibit "B" in accordance with the
terms of said decree - & said sale on
the 30th day of December 1898, at said
sale J. A. Edwards became the purchaser
of Lots 12 & 25, at the price of $153.00 for
the two, and A. A. Halland became
the purchaser of Lot 32 at the price
of $52.00, He has collected 1/3 of said
amounts from said parties & has
same in hand as shown by following
Statement -

Cr.

By 1/3 of $16-80 from J.A. Edwards	5-1,00
" " " 52.00 " A A Halland	17.33

Dr.

To 6% Comn. on sales $170.00	10.25
" paid for advertising.	1.00
" " auctioneer	2.00
" Balance	55.08
	$68.33 $68.33

1899
Nov. 31. By balance on hand ——— $55.08

Your Commissioner reports that in his opinion

these sales are both of them good and advise confirmation. Your Com'rs report that J. A. Edwards has requested that deeds for the lots bought by him be made to J. Cheeta O'Harrell, as per request herewith filed. Your Com'rs further report that both J. Cheeta O'Harrell & A. A. Hadaway express a desire to pay all cash for their said respective purchases & take deed as soon as sale is confirmed.

Respectfully submitted,
J. D. Parker
Special Com'rs.

Deeds
No. 3
Edwards to Adams, 2 lots
Report of Sale by Special Com'rs
1899. 2nd April Filed
E. H. Gary C.C.P.

To the Circuit Court of Lauderdale Co.

The undersigned requests your Honor that you will order deed made to J. Clotilda O. Harrell for the lots bought by me. Nos. 25 & 12, from J. C. Parker Special Comr in suit Davis vs Edwards Admr, and I hereby make affidavit that I sell the said lots to said J. Clotilda O Harrell at the same that I gave for them. & make no profit on my bid. J. A. Edwards

Subscribed and sworn to before me in my county, this 5th day of January 1899. by J. A. Edwards.
J. C. Parker
Notary Public

R. I. LEA[illegible] PROPRIETOR

T. P. GREEN, BUSINESS MANAGER

Franklin, Va., Dec 10" 189[illegible]

Mr J. C. Parker, Special Comm's Deeds vs. Edwards

To The Blackwater Courier, Dr.

Newspaper, Book and Job Printing.

Any Kind of a Job of Printing Quickly and Neatly Executed at Baltimore or New York Prices.

Terms.....

Nov	To Postage	Rec'd Pay	$1.00

82

Received of J.B. Perkins. Special Comm's
Two Dollars for acting as auctioneer on
Dec. 30th 1898 in selling lots ordered sold
in Estate of Davis vs. Edwards. Admrs
W.N. Stroud

Form No. 309.

Davis.
vs.
Edwards Admr et als

J. L. Pasley

to { COMMISSIONER'S BOND.

Commonwealth.

1897. 27th August at. filed
L. A. Gay D.C.

Entered. page 80

Everett Waddey, Stationer and Printer, Richmond, Va. } Form No. 309.

Know all Men by these Presents, That we John L. Parker and W. T. Pace are held and firmly bound unto the Commonwealth of Virginia, in the sum of ($600-) Six Hundred Dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligaiton, 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 29th. day of August one thousand eight hundred and Ninety Seven.

The condition of the above Obligation is such, That if the above bound John L. Parker 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 19th. day of August, 1897, in the suit therein depending under the name and style of Davis vs. Edwards's Adm'r et als. or any future 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

J. C. Parker SEAL.

W. T. Pace SEAL.

SEAL.

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

This day W. T. Pace surety on the above bond, made oath before me L. A. Gay, Clerk of the Circuit Court of the County of Southampton, 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 Six Hundred dollars; whereupon the said bond is admitted to record according to law.

Given under my hand this 27th day of August 1897.

Teste: L. A. Gay Clerk.

Davis

vs } 2nd Decree

Edward Adams, et als

To be entered.

Aug. 19th 1897.

Robert D. Davis.

We consent to this decree;

J. C. Cooke. atty for plaintiff & W. H. Cuddy and W. E. Daniel. Advrs

R. O. Edwards.

D. L. McLemore Guard ad litem for defendants.

Entered Page 151

In vacation:-

Circuit Court of Southampton County, August 10th, 1897.

Davis,

vs. 2nd Decree.

Edwards' Administrators, et als.

This day this cause came on again to be heard, in vacation, upon the papers formerly read and upon the petition of J.W. Williams, Sheriff and Administrator of R.O.Edwards, deceased, filed Febry. 22nd 1897, and upon the report of B.F.McLemore, Commissioner in Chancery, filed June 10th 1897, to which report no exceptions have been filed, and was argued by counsel, and on the motion of J.W. Williams Sheriff and Commissioner of R.O. Edwards decand, he is admitted as a party defendant in this cause, and thereupon

Upon consideration whereof the court doth confirm the said report, and doth further adjudge, order and decree, that J.C.Parker, who is hereby appointed a Special Commissioner for that purpose, proceed as soon as may be practicable to sell ~~lots No.~~ so many of the lots described in these proceedings as may be in his judgment necessary to pay the debts proved against the decedent R.O.Edwards, and the costs of this suit ~~of the land~~ belonging to the estate of R.O.Edwards, deceased, in Franklin, Va., as shown by report of Comrs. Brownley, Edwards, White and Norfleet in "Exhibit B" in this suit, at public auction and upon the following terms; one third cash, and the balance in six and twelve months from the day of sale, the deferred payments to be evidenced by the bonds of the purchaser bearing interest from the day of sale. He shall advertise the time, place and terms of sale for at least thirty days before selling by handbills posted at two or more public places in Southampton County. Before entering upon the discharge of his duties under this decree he shall enter into a bond, before the Clerk of this court, in the penalty of $600., with security deemed sufficient by the Clerk, and conditioned for the faithful discharge of his duties under this and any future decree in this cause. And said Comr. shall report as soon as practicable what he has done under this decree.

Robert C. Bruton.

To the Clerk of the Circuit Court of Southampton County.

Virginia: In the Circuit Court of Southampton County. September Term 1896

Davis.

vs. } 1st. Decree.

Edwards' Admrs. & als.

This day this cause came on to be heard upon the bill and exhibits filed, the answers of W.R. Smith & H. E. Daniel, Admrs, J. L. McLemore Guardian ad litem for the infant defendants, Eva G. Edwards, Estelle G. Edwards, & Jesse M. Edwards & R. A. Edwards infants, with general replications to said answers, and was argued by Counsel.

Upon consideration whereof the Court doth adjudge, order and decree that one of the Commissioners of this Court Take an account 1st. of the annual & fee simple value of the real property in Southampton County belonging to the estate of R. A. Edwards deceased; 2nd. an account of the transactions of W. R. Smith & H. E. Daniel Admr's of R. A. Edwards, deceased, showing the balance in their hands due said estate. 3rd. An account of the debts due by R. A. Edwards deceased, or his estate, with their order of priority & dignity. & 4th any other matter deemed pertinent by said Commissioner or which any person interested may require

him to inquire into, and said Comr. shall make report to Court as soon as possible. And by Consent of all Parties given in open Court it is ordered that this be made a Vacation Cause.

A Copy.

Test: L. A. Gay C.C.

Davis.

vs. 1st Nat. Bank

Edwards, Adams & Cabell.

Entered Page 107

Sept 28th 1876.

Commissioner's Office,

Courtland ~~Jerusalem~~, Va., May 25th 1897.

To Eva. C. Davis.

W. R. Smith & W. E. Daniel. Admrs of R. O. Edwards, dec'd.
Eva G. Edwards. Estello C. Edwards - Jesse A. Edwards -
and Robt. O. Edwards, - Last four infants - by J. L. McLemore
their Guardian ad litem.

You are hereby notified that I have fixed upon the 10th *day of* June *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 fee simples and Annual values of the real property in Southampton County - belonging to the Estate of R. O. Edwards, dec'd -

2nd - An Account of the transactions of W. R. Smith & W. E. Daniel Admrs of R. O. Edwards - showing the balance in their hands.

3rd - An Account of the debts due by R. O. Edwards, dec'd - or his Estate - with their order of priority & dignity.

4 - Any other matter specially stated deemed pertinent &c -

required to be taken by a decree of Southampton Circuit Court, rendered at the Sept *term, 1896, 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.

B. J. McLemore
Commissioner.

To the Sheriff of Southampton County to execute.

We acknowledge legal service of the within Notice.

J.C. Parker atty for plaintiff
and W.R. Smith and W.E. Daniel
admrs of R.O. Edwards deceased.
Jas. L. McLemore Guardian
ad litem for infants

An Account of the fee simple and Annual value of the real Estate of which R. O. Edwards, died seized situate in Southampton County - and now standing on the land books of said County - in the name of Eva G. Edwards - Estella C. Edwards - Carrie M. Edwards. Jesse A. Edwards and Robt. O. Edwards, minor children of R. O. Edwards, dec'd. - reported by B. F. McLemore, a Commissioner in Chancery of the Circuit Court of the County of Southampton - pursuant to a decree of said Court entered at the September Term 1896, in the cause of Davis & Edwards' Adm'r et. als:

15 lots of land situate in the town of Franklin - Containing, in the aggregate - about 4 1/2 Acres - the fee simple value of which is - $ 1425.00

Annual value $ 000.00

Respectfully Submitted.

B. F. McLemore,

Com'r in Chancy

JAMES M. MULLEN. WALTER E. DANIEL.

Practice in all Courts of the State

Office at Halifax Open every Monday.

Mullen & Daniel, Attorneys-at-Law,

Weldon, N. C., Mar. 13. 1897.

B. F. McLemore. Esq.,
Courtland, Va.

Dear Sir:- Replying to yrs. favr. of the 9th inst., I send yr a copy of our ape's showing receipts and disbursements, also a list of debts still unpaid, which paper has been sworn to by Mr. Smith and myself.

I trust this is what yr wish - If not direct me what to do, and I will at once comply.

Very truly yrs.,
W. E. Daniel.

The Estate of R.O. Edwards, decd,

In ape with W.E. Daniel and W.R. Smith, Admrs.

1890.				
Sept. 1.	To	cert's pair J.T. Gregory, Clerk.	2.30.	
" "	"	Reis witness fee from Clerk pr R.O. Edwards.	1.95	
" "	"	cash on hand.	60.80	
" "	"	amt of S&RRR Co., 1 mo's salary.	100.00	
" 12	"	amt of Personalty.	235.75	
" 17	By	Personalty allotted Widow. Yrs support.	235.75	
" "	"	Deficiency in Cash pair " " "	564.25	
Oct. 10	By	amt rec'd of J.L. Bass. ape.		15.00
Nov. 27	To	ape of T.L. Emry. Burial Case.	105.00	
" "	"	" " " R.J. Perry. Shaving.	2.50.	
" "	"	cash in allalling Yrs Support.	5.70	
" "	"	Notice - Adv. pr Hall & Sloop.	2.50	
" 29	"	ape of J.A. Jackson. Franklin.	20.00.	
" "	"	" " " Chas. Smith	6.00	
" "	"	" " " Godwin Parker & Son.	4.00	
Dec. 1.	"	Cert. J.T. Gregory Clerk.	1.45.	
" 2	By	ape of R.W. Brown. rec'd.		11.45
" 17	"	" " " B.F. Gary. "		10.00
" "	To	Taxes pair. Town.	6.40	
" "	By	amt rec'd of J.A. Edwards.		20.69
" 24	To	Co. & State Taxes pair.	24.24.	
1891				
June 12	By	amt rec'd of W.R. Smith.		8.03
" "	To	ape pair G.A. Branch.	6.00	
" "	"	" " " Mrs. T.J. Anderson.	4.25	
July 13	"	Express chgs on Book & Pstg.	.25	
Sept. 5	By	amt Rec'd of R.B. Davis. Admr. Bell.		250.00
" "	To	amt pr Memorandum previous.	25.00	
" "	"	Cert pair Jno. T. Gregory Clerk.	10.56	
" "	"	5% Com. on receipts & Disbursements	114.04	
" "	"	bal. due Estate this day.	114.38	
			1254.67	1254.67

" " Amt due Estate carried over $114.38

1891.

Sept. 5	By amt due Estate brought over.		$114.38
" 30	By amt paid Mrs. Eva L. Davis.	66.88	
1892 Jan. 19	By Collection. Note of J. B. Tilghman Jr.,		13.50
Feby 4	By costs paid J. J. Gregory. Clerk.	2.30.	
April 12	" paid ape " E. Clark.	8.81.	
" "	" " " " " Mrs. P. A. Lewis.	5.18.	
" "	" " " " " H. C. Speirs.	1.59.	
" "	" " " " " P. Steinbacker Jr.	1.86.	
" "	" " " " " W. Ofnick.	10.88.	
" "	" " " " " W. B. Tilley	4.66.	
" "	" " " " " W. Meaker.	2.28	
Sept. 8	By Collection J. A. Edwards. Admr.		53.84
" "	By amt paid Mrs. Eva L. Davis.	55.12	
" "	" 5% Com. on receipts & disbursements.	11.34	
" "	" amt this day due Estate.	10.82	
		$181.72	$181.72
"	By amt this day due Estate		$10.82
1893 Oct. 10	To cost paid J. J. Gregory.	$1.05	

10 | 05 | 17 | 9 | 2

DEBTS due by Estate of R.O. Edwards and unpaid and legally proved.

E. Clark.	ape.	5.87
H.C. Spurr.	"	1.07
P.N. Stainback & Bro. Agts	"	1.24
W.D. Smith.	"	7.20.
W.M. Cohen.	"	1.52
Mrs. P.A. Lewis.	"	3.46.
W.B. Tilley.	"	3.12.
		23.88

Interest on these apes from Apr. 12. 1892, at the rate of 6%.

Note of Mrs. E.C. Davis - 117.25
interest at 8% from
Nov. 5. 1896 -

The above debts are of Equal standing and priority -

The remaining costs of administration in North Carolina will be from $20.00 to $25.00. The Costs in this suit in Virginia will also have to be provided for including Atty Fee of Mr. Parker -

W.E. Daniel,
W.R. Smith
Admrs Est. of R.O. Edwards, dec'd

W.E. Daniel and W.R. Smith being sworn say that the above vehicles are true and perfect copies of their actions and owing, vehicles

and disbursements as Administrators of the Estate of R.O. Edwards, dec'd, and that the list above furnished contains a true list of the debts of the Estate still due and unpaid.

W. E. Daniel,
W R Smith
Admrs Estate of R.O. Edwards, dec'd.

Sworn to and subscribed before me, R.S. Travis, a Notary Public, this the 13th day of March, 1897.

R.S. Travis
Notary Public,

Davis

vs. } Comm's Report

Edwards: Admrs et als.

1897. 10. June Filed.

L. A. Gay C.C.

Commissioner's Office.
Courtland, Va.
June 10th 1897.-

To the Circuit Court of Southampton Co.

Pursuant to a decree of the Circuit Court of the County aforesaid. entered at the September Term 1896, in the Chancery Cause of Davis, Adm'r &c. vs Edwards, et: als: the undersigned Commissioner reports to Court. that on the 25th day of May 1897. he issued Notices against the parties Plaintiff and Defendants. requiring them to appear before him at his Office, on the 10th day of June 1897. at which time and place, he would proceed to take the several accounts called for in the aforesaid decree. that legal service of said Notice has been acknowledged, and is herewith filed. that none of the parties to the suit appeared before the Commissioner. And thereupon the Commissioner proceeded to take:-

1st. An account of the Annual and fee simple values of the real Estate of which R. O. Edwards died seized. and finds fifteen lots situated in the town of Franklin, standing on the Land Book in the names of Eva G., Estelle C., Carrie M., Jesse A. and R. O. Edwards. minor children of R. O. Edwards, dec'd. and containing, in the aggregate, about (4 1/2) four and one-half acres. the fee simple value of which is believed to be $1425.00

The Commissioner is informed that this property has no annual value.

2nd - A Statement or paper, purporting to be An account of the transactions of H. E. Daniels & H. R. Smith, Administrators of R. O. Edwards, dec'd., showing a balance in the hands of said Administrators due the Estate of said decedent, of $9.77.

3rd An account of debts, proved in North Carolina and forwarded to the Commissioner by H. E. Daniels & H. R. Smith, Admr's. &c. Showing debt outstanding and unpaid against the Estate of said decedent Amounting to $140.78, with interest.

The attention of the Court is specially directed to the accounts herein referred to and filed herewith.

Respectfully Submitted.

B. F. McLemore,

Comr in Chancery

Comr's fee $5.00

The Commissioner being requested by Plaintiff's Attorney to take, and state an account of the transactions of J. H. Williams Sheriff and Administrator of R. O. Edwards, dec'd, submits the following Special report:

Your Commissioner is informed, by the said Administrator, that the decedent, R. O. Edwards

left no personal estate in this County - and that he had neither received nor disbursed anything, no funds having come into his hands.

Respectfully Submitted.
D. F. McLennon,
Com'r in Chancery.

Davis
vs. } Decree
Edwards, Adms. &c

To be entered
Sept. 28th. 896

Robert D. Davis
March 1905

Consent to this decree
J L McLemore
Sol. ad litem,
J C Parker
atty for Plaintiff
& the admrs

Entered Page 102
2-Cases

Court will be ordered that the evidence
as certain cause.

Davis.
vs. } Bill of Revivor
Edwards' Admrs. et als

This day this cause came on to be heard upon the bill and exhibits filed, the answers of W.R. Smith and W.E. Daniel, admrs, J.L. McLemore ~~Guardian~~ ad litem for the infant defendants, ~~Eva E.~~ Edwards, Estelle C. Edwards, and Jessie M. Edwards and R.O. Edwards infants ~~son of said~~ with, general replications to said answers, and was argued by counsel.

Upon consideration whereof the court doth adjudge, order and decree that one of the Commissioners of this court take an account 1st of the annual and fusimple value of the real property in Southampton County belonging to the estate of R.O. Edwards deceased; 2nd an account of the transactions of W.R. Smith and W.E. Daniel Admrs of R.O. Edwards deceased, showing the balance in their hands due said estate; 3rd an account of the debts due by R.O. Edwards deceased, or his estate, with their order of priority of dignity, and 4th any other matter deemed pertinent by said Commissioner or which any person interested may require him to inquire into. And said Com'r shall make report to court as soon as possible, and by consent of all parties given in open

Davis

vs } Summ. Inchy,

Edwards Admrs et als.

1896. 1st Sept. Rules

Cir Ct.

Executed Sept. 1st 1896 by delivering a copy of this Summons to W. L. McLemore Same ad Litem

J. H. Williams Shff.

(1)

J. C. Parker p. q.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON W. R. Smith and W. E. Daniel, administrators of R. O. Edwards, deceased, and Evie G. Edwards, Estelle B. Edwards, Jesse M. Edwards and Robert O. Edwards, the last four infants, by J. L. McLemore their guardian ad litem

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the 1st Monday in September next, to answer a Bill in Chancery exhibited against them in our said Court by Eva B. Davis

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

Witness, L. A. GAY, Clerk of our said Court, at the Courthouse, this 20th day of August, 1896, in the 121 year of the Commonwealth.

TESTE: L. A. Gay, C. C.

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

Your petitioner. J. W. Williams. Sheriff of Southampton County. Va. and as such Administrator of the estate of R. O. Edwards. deceased. humbly petitioning showeth unto the court that on the 20th day of August 1896 Eva C. Davis. a creditor of R. O. Edwards. deceased. brought a creditors suit. on behalf of herself and others. in the Chancery side of the Circuit Court of Southampton Co. Va., for the purpose of subjecting certain real estate belonging at the death of the said R. O. Edwards to the payment of his. R. O. Edwards debts. That W. R. Smith and W. E. Daniel. the North Carolina Administrators of R. O. Edwards, who resided in North Carolina at his death, were made parties to said suit & have answered the bill filed therein: that at the September Term 1896 of the Circuit Court of Southampton Co. Va. the estate of the said R. O. Edwards was, on motion of Eva C. Davis. committed to the hands of your petitioner as will more fully appear from a copy of said order herewith filed and prayed to be read as a part of this petition. Your petitioner hence prays that he may be allowed to become party defendant to the said suit: that an account

of his transactions as Administrator of R.O. Edwards deceased, may be taken by the Court ordered to take certain other accounts in said suit; and that the Court will make such other and further orders with reference to the petitioner as it may deem right and proper.

Your petitioner says to the Court that he has not come into possession of any property belonging to the said decedent, nor does he know of any in this state that should come into his hands that did belong to said decedent.

And your petitioner will ever pray, &c.

J.W. Williams
Admr of R.O. Edwards dec'd

Petition of J.W. Williams Admr
to Sell
1897. Z.T. Fahey, Clerk
J.A. Lowe, D.C.

Dowie.
vs
Edwards Admr. et als

Davies

vs. } Copy order Committing Edwards Estate to hands of Sheff.

Edwards Admr. et als.

Virginia: In the Circuit Court of Southampton County
September Term 1896.

R.O. Eddards having departed this life more than three months ago, and no one having applied for administration of his goods and chattels: On motion of Eva L. Davis, it is ordered that the Estate of said decedent be committed to the hands of J. W. Williams Sheff. of this County for administration.

A copy.

Teste: L. A. Gay C.C.

Davis.

os. }

Edwards Adms, et. als.

Answer of the Administrators

The joint and separate answers of W.R. Smith and W. E. Daniel, Administrators, to the bill of complaint exhibited against them and others in the Circuit Court of Southampton County, Virginia, by Eva E. Davis.

These defendants, reserving to themselves the benefit of all just exceptions to said bill for answer thereto, answering say that the allegations of said bill as to the death of their decedent R.O. Edwards, and as to their qualification as Administrators on his estate, are true. And that these respondents say that they have administered all the assets that have come or may come into their hands to that nothing is due said estate by them.

And now, having fully answered the complainant's bill, these respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray, &c.

x W. E. Daniel.
x W. R. Smith

J. C. Parker, p.d.

Davis
vs.
Edwards' Admr. &c.

The answer of J. L. McLemore, Gdn ad litem for the infant defendants Eva G. Edwards, Estelle C. Edwards, R. O Edwards, and Jessie M. Edwards to a bill in Chancery exhibited against them and others by Eva C. Davis in the Circuit Court of Southampton County, Virginia

This respondent, reserving to himself all just exceptions to said bill for answer thereto, answers and says that if it be true as alleged in said bill, that R. O. Edwards, deceased, is indebted to the complainant and others and that there is no other property out of which said debts may be paid, then he can see no just objection respondent can make to the relief asked for in said bill. But your respondent knows nothing of the truth or falsity of the allegations of the bill and says that the court will require strict proof of any alleged debts, and will fully protect the interests of said infant defendants.

And having fully answered said bill your respondent prays to be hence dismissed with his costs in this behalf expended, and he will ever pray, &c.

Jas. L. McLemore Gdn ad litem.

Subscribed and sworn to before
me this 28th day of Sept: 1876.

L. A. Gay J.P.

Davis
vs
Edwards, Allen & Co

Davis, Plff
ad Edwards

use, W.P. Smith & W.E. Daniel, administrators of P.O. Edwards, deceased, hereby acknowledge service of the within summons.

W.P. Smith
W.E. Daniel

North Carolina } R. Davis
Halifax County, ss: } vs
Sum. in chy.
Edwards Admrs et als

I, R. Davis, who am not a party to or interested in the action mentioned in the within Summons hereby make oath that I served a copy of the within summons on each of the defendants W.P. Smith and W.E. Daniel administrators of P.O. Edwards, deceased, in Weldon on the 25th day of August 1896, and that the said W.P. Smith & W.E. Daniel are not residents of this State.

R. Davis

Sworn & subscribed before me this 25th day of Aug. 1896

R.D. Beckwith
Notary Public

1896. 1st Sept. Rules
Cir. Ct.

J.B. Parker, p.q.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON W R Smith & W E Daniel Administrators of R O Edwards deceased and Evie G Edwards, Estelle L Edwards, Jesse M Edwards & Robert O Edwards, the last four infants by J L McLemore their guardian ad litem,

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the 1st Monday in September next, to answer a Bill in Chancery exhibited against them in our said Court by Eva L Davis

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

Witness, L. A. GAY, Clerk of our said Court, at the Courthouse, this 20th day of August, 1896, in the 121 year of the Commonwealth.

TESTE: L A Gay, C. C.

Davis 1905

vs.)Final Decree.

Edwards,et als.

Enter this.

March 21st.1905.

Robert Spratt

Register

Entered

6 O B. Pg. 510.

Clerk

By

Deputy

Davis

vs.) Final Decree.

Edwards,et als.

This day this cause came on again to be heard upon the papers formerly read and upon the report of J.C.Parker,Special Comr., showing collection of purchase price of realty sold and final distribution of same,to which report no exceptions have been filed,and was argued by counsel.

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