

1906-03

Southampton County Chancery - Council, John O. et al vs Council, Indiana M. et al

*
Plate
Within

division of property -
either by partition
or sale -

Council, James J.

Council, C. L.

" , Tracy H. } Non
 compas
 mentis
By
Sebrell, W. J. (G. A. L.)

Council. Jos. O. & Jos. J.

or, { Bill in Equity -

Council. it also,

1905. 1st July Rules. filed.
B. F. M. C. C.

TO THE HONORABLE ROBERT R. PRENTIS, JUDGE OF THE CIRCUIT COURT
OF SOUTHAMPTON COUNTY, VIRGINIA: *said land and in con-*

Your complainants, John O. Council and James J. Council, humbly complaining, sheweth unto your Honor the following case.

Council, *an* Jas. H. Council, the father of your complainants, departed this life a number of years ago, in testate, and seized of a certain tract or parcel of land, containing one hundred and forty-three and one-third acres, more or less, lying, situate and being in Jerusalem District, Southampton County, Virginia, upon which your complainants have since that time resided, and upon which the said decedent, Jas. H. Council, resided at his death. The said decedent left surviving him six children, two of whom are your complainants and the remainder are Indiana M. Council, Tracy H. Council, Virginia A. Scott (nee Council) and Sarah E. Scott (nee Council) and two grand-children, to-wit, A. T. Lankford and J. T. Lankford, each children of Martha Lankford (nee Council) the sister of your complainants. One of the said descendants of said Jas. H. Council, namely, Tracy H. Council, is non compos mentis. These persons, together with your complainants, inherited the said tract of land from their ancestor, Jas. H. Council, all taking one-seventh interest ^{each}, the said A. T. Lankford and J. T. Lankford taking jointly the one-seventh interest ^{of} their mother, Martha Lankford. Since the death of said decedent, your complainants have jointly purchased and had conveyed to themselves the interest of Virginia A. Scott, Sarah E. Scott, A. T. and J. T. Lankford, in the said land and are now therefore the joint owners of five-sevenths of the said land. Copies of which conveyances therefor ^{are} filed herewith, marked Exhibit "A" and prayed to be read as a part of this bill. By common consent a portion of the said land ^{is} occupied and used by the said John O. Council, one of your complainants, and the other portion by Jas. J. Council one of your complainants, and each of your complainants have erected buildings and made permanent improvements upon the portions of said land which they have been using and living

upon and the said Indiana M. Council and Tracy H. Council have been living with and cared for by your complainant, Jno. O. Council, in lieu of rent for their share of the said land and in consideration of the natural love and affection which the said Jno. O. Council bore for the said Indiana M. Council and Tracy H. Council, and it has been the understanding between all the parties connected with said land that when division of the same shall be made, ^{the} value of the buildings and permanent improvements placed upon their respective portions by your complainants shall not be taken into consideration as they were made and erected by your complainants personally and individually; but that the said land shall be divided as if said improvements has not been made nor said buildings erected. Your complainants, however, desire at this time to make further improvements and are unwilling to do so with such frail tenure as they now have upon their individual portions, and they therefore desire that the said land shall be divided between those who are entitled thereto, five-sevenths of same being equally divided between your complainants and one-seventh each being allotted to Indiana M. Council or to C.L. Council, her son, to whom your complainants are advised that she has made a deed ^{to} for her interest in the said property and one-seventh to Tracy H. Council. Or if it be impossible to divide the said land in kind, your complainants would be willing to pay the said Indiana M. Council or C.L. Council, and Tracy H. Council such sums for their shares as may be just and equitable and then the entire property be ^{equally} divided between your complainants; or if this is impracticable your complainants are willing that the entire property shall be sold for division provided some arrangements shall be made by the court by which they will be properly reimbursed out of the proceeds for the value of the permanent improvements and buildings which they have placed upon said land.

In tender consideration whereof, your complainants, who are remediless in the premises except in the court of equity

peon jiajue ajeu wug culeq iol pl lone combyuene? juo?o?comu-
nbon wug the wug iugiuur K' Council wug jiaol H' Council wueo

where such such releif is granted, and pray that the said Indiana M. Council, C. L. Council and Treoy H. Council, be made parties defendant to this suit and required to answer the same, though an answer under oath is hereby expressly waived; that a proper guardian ad litem be assigned to the said Treoy H. Council, who is non compos mentis, who shall answer this bill under oath as required by law; that commissioners be appointed or such other steps be taken by the Court as may be suggested in order ~~that~~ for the Court to ascertain whether it is possible that the said land shall be divided in kind or ~~in~~ what disposition can be made of the said land between those interested in same; that disposition ~~may~~ be made of same in such manner as to be equitable and just ~~shall be made~~ between the parties entitled thereto ~~as stated hereinset forth~~ according to their respective interests and that the portion of each be confirmed forever to the parties hereto by this Court; and that all such other, further and general releif may be granted as may be ^{necessary} ~~right~~ in this cause or to equity may seem meet.

Notice is hereby given that proper counsel fees for J.C. Parker attorney for your complainants will be asked to be paid by those interested in said land jointly and pro rata.

And your complainants will ever pray, etc.

J. C. Parker, Jr.

Jno. O. Council
Jas. J. Council

This day personally appeared before me in my county the above named Jno. O. Council and Jas. J. Council, whose names are signed to the above bill in equity, and made oath that the statements contained in the said bill so far as made from their own knowledge are true and so far as made from information derived from others they believe them to be true.

Given under my hand this 3rd day of July 1905.

J. C. Parker
Notary Public.

A 0003.

Teste: D. F. M. Edwards C. C.

Teste J. R. Edwards C. C.

There is enclosed, submitted to record.

1. O. Council's was this day received and with the certificate of bargain and sale from T. W. Scott & others to J. J. and Southampton: in the Clerk's Office August 15th 1881. This deed

Luther R. Edwards M. P.

Teste by hand this 7th day of March 1881.

Witness my hand to attest it.

Exhibit

Council's

Sept 11: als:
To } Deed

of their said husbands and having said writing fully explained said County, and I do further certify that the said Sarah E. day of March 1881, have acknowledged the same before me in whose names are signed to the writing above, bearing date 7th his wife, and George W. Scott and Virginia A. Scott his wife, and state, do hereby certify that T. W. Scott and Sarah E. Scott

This Deed of Bargain & sale made this the 7th day of March 1881.
between T. W. Scott and Sarah E. his wife, George W. Scott and
Virginia A. his ~~his~~ wife of the first grantors, and James J.
and John O. Council of the second part, grantees,

Witnesseth: That in consideration of the sum of One hundred
and fifty dollars, the receipt whereof is hereby acknowledged,
to them in hand paid by the said grantees, ~~they~~ the said grantors
do grant, convey, bargain & sell with general warranty unto the
said grantees, the following real property to wit: All of the
said grantors interest in a certain parcel or lot of land lying
in the County of Southampton, State of Virginia; and bounded as
follows to wit: On the North by ~~the~~ the land of Jas Holmes tract,
on the East by the land of Harrison Beale (deceased), on the
South by the land of said T. W. Scott and Junius W. Drake, and
on the West by the land of Newit Cobb, Davy Lankford, contain-
ing by estimation one hundred forty three & 1/12 acres more
or less, It being the land belonging to the estate of Jas H.
Council deceased, the interest conveyed ~~in~~ in said land is
2/7 of said real property which is still undivided, and the
said grantors covenant that they have the right to make this
conveyance, that they have done no act to encumber said property
and that they will make any further assurance necessary to con-
vey unto said grantees and undisputed title to said undivided
~~2/7~~
2/7 interest in said real property together with all rights
ways and appurtenances thereunto belonging(all of the said
grantors interest in were interlined before signing).

witness the following signatures and seals.

T. W. Scott	(seal)
Sarah E. Scott	(seal)
Geo W Scott	(seal)
Virginia A Scott	(seal)

State of Virginia":

Southampton County, to wit:

I, Luther R. Edwards, a Notary Public in and for said County
and state

and State, do hereby certify that T. W. Scott and Sarah E. Scott his wife, and George W. Scott and Virginia A. Scott his wife, whose names are signed to the writing above, bearing date 7th day of March 1881., have acknowledged the same before me in said County, and I do further certify that the said Sarah E. Scott and Virginia, A. Scott, on being examined privily and apart from their said husbands and having said writing fully explained to them, they the said ^{Sarah} ~~W. W.~~ E. Scott and Virginia A. Scott, declared that they had willingly executed the said deed and that they do not wish to retract it.

Given under my hand this 7th day of March 1881.

Luther R. Edwards N. P.

Southampton: In the Clerks Office August 15th 1881, This deed of bargain and sale from T. W. Scott & others to J. J. and J. O. Council was this day received and with the certificate thereto annexed, admitted to record.

Teste L. R. Edwards C. C.

A Copy.

Teste: B. F. M. L. C. C.

Lankford et; als:
To } Deed.

Council

Exhibit

"A"

1883.

Teste:

[Signature]

O.C.

Teste: E. F. McFarlane,

O.C.

received, and with the certificate annexed, admitted
being deed from J. T. Lankford & als to the C. Council
of the County of Lincoln, in the Clerk's Office January 28th 1883.

Given under my hand this 28th day of January 1883.

the same before me in my said County.

the 28th day of January 1883. have personally acknowledged

whose names are signed to the writing above, bearing date

his wife, and Andrew Lankford and Indiana Lankford his wife.

This Deed of Bargain & Sale made this the 26th day of January 1889, between J. Thomas Lankford and sallie J. his wife, and Andrew Lankford and Indianna his wife, of the County of Southampton State of Virginia, of the first part grantors, and Jas J. and John O. Councill of said County and State of the second part grantees, Witnesseth: That the said grantors in consideration of the sum of One hundred dollars to them in hand paid by the said grantee the receipt whereof is hereby acknowledged, do hereby grant, convey bargain and sell with general warranty unto the said grantee, all of their the said grantors interest consisting of an undivided 1/7 in the following real property to wit: A certain parcel or tract of land lying and situate in said County, and bounded as follows: On the North by the lands of Gilliam Beale and Robert Harris, East by the lands of said Robert Harris & of Albriston Edwards, South by the lands of T. W. Scott, and West by the lands of J. W. Drake and Newit Cobb, it being the land known as the James Councill tract, and containing 143-1/3 acres more or less, together with all appurtenances and improvements thereunto belonging. And the said grantors do hereby covenant with the said grantees that they have the right to make this conveyance, that they have done no act to encumber said property, and that they will make any further assurances necessary to convey unto the said grantees an undisputed title to the interest herein conveyed. Witness the following signatures and seals.

J. T. Lankford (seal)
his
Andrew T. / Lankford (seal)
mark

Sallie J. Lankford (seal)

Indianna Lankford (seal)

State of Virginia:

Southampton County, to wit:

I, L. R. Edwards a Notary Public, in and for said County and State, do hereby certify that Thomas Lankford and Sallie Lankford

his wife, and Andrew Lankford and Indianna Lankford his wife,
whose names are signed to the writing above, bearing date
the 26th day of January 1889. have personally acknowledged
the same before me in my said County.

Given under my hand this 26th day of January 1889.

L. R. Edwards N. P.

Southampton Guntty: In the Clerks Office January 28th 1889.

The foregoing deed from J. T. Lankfords & als to Jno O. Councill
was this day received, and with the certificate annexed, admitted
to record.

Teste: B. F. McLemore, C. C.

A Copy.

Teste: B. F. McLemore C.C.

Council et: al:

4 } Stat: Rules

Council et: al:

John O. Council and James J. Council
vs

Indiana M. Council, G. L. Council,
and Tracy H. Council. The last being
non-compro mentis, by W. J. Sibrell, her
Guardian ad litem.

1905. June 22nd Process issued to 1st July Rules.

1st July Rules. Process ret. Executed.

Bill & Exhibits filed

Decees nisi.

1905. 2nd July Rules. Bill taken for Confused
and Cause set for hearing

Received of W. B. McLemore
May 6. a plat of the lands of
the Late, James V. Council which was
filed in the suit for a division by
his heirs at Law (Council vs Council)

P. F. Danner

W

COURTLAND, VIRGINIA.

H. B. McLEMORE,
Clerk of the Circuit Court
SOUTHAMPTON COUNTY.

Council, it at

10. }

Council, it at

Report of Commissioners
for division of land

1906. July 4th. Filed.

B. F. McLenore

July 19. Recd & NR.

Recorded in

D. B. #51 p. 546.

Gen. Index.

834-100-666

after recordation in
Dud Book. But certificate
of recordation on it &
then fill it with the
facts in this case

J.C.P.

COUNCIL, et als.

VS-)

COUNCIL, et als.

TO THE HON. R. R. PRENTIS, JUDGE OF THE
CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

The undersigned, Commissioners appointed by your Honor by decree in this cause entered on the 17th day of July 1905, for the purpose of making partition of the property mentioned and described in the bill and proceedings in this cause, between the parties entitled thereto in the proportion named in the said decree, beg leave to report to Your Honor that after being duly sworn to the faithful and proper discharge of their duties as said Commissioners as is shown by certificate of Notary Public herewith filed, your Commissioners went upon the land in question, and after carefully and fully examining same, and after a plat of same was made by I. C. Wills, County Surveyor, they beg to report that they have agreed upon a division of said land in manner and form as shown by the plat of same hereto attached, and have allotted the several parcels thereof to the parties in question as follows:

Lot #1, containing 22.65 acres, assigned to Jno. O. Council:

Lot #2, containing 22.65 acres, assigned to Jas. J. Council:

Lot #3, containing 42 acres assigned to Jas. J. Council:

Lot #4, containing 39.21 acres, assigned to Jno. O. Council:

Lot #5, containing 8 acres, assigned to ^{C.L. Council, assignee of} Indiana M. Council:

Lot #6, containing 10 acres, assigned to Treacy H. Council:

Lot #7, containing 13.3.10 acres assigned to Treacy H. Council:

Lot #8 containing 13.3.10 acres, assigned to ^{C.L. Council, assignee of} Indiana M. Council

In making these divisions your Commissioners

further impose the following conditions, to-wit:

^{C.L. Council, assignee of}

1st. That ^A Indiana M. Council, ~~his~~ heirs or assigns, shall per-

petually allow Treacy H. Council, her heirs or assigns, a

right of way along the north-east edge of lot No. 5 for the

purpose of coming out from lots six and seven to the public

#2.

road:

2nd: That Treacy H. Council, her heirs or assigns, shall allow O.L. Council, assignee of Indiana M. Council, ~~his~~ heirs or assigns, a perpetual right of way through lots six and seven for the purpose of reaching lot No. 8.

3rd: It has been brought to the attention of your Commissioners that on the 21st day of March, 1902, all of the parties to ~~this suit~~ ^{except C.L. Council}, united in giving a deed of trust upon all the pine and poplar timber ten inches in diameter across the tree stump and larger, at the time of cutting, on all the lands embodied in lots, one, two, five, six, seven and eight, to secure a bond for the sum of \$350. due by said parties to Camp Manufacturing Company, which bond has not been paid, nor has said deed of trust been satisfied, and at same time said parties entered into a contract with Camp Manufacturing Company that if the said bond was not paid at maturity, that they would make a deed to said Camp Manufacturing Company for the said timber according to terms of said contract in satisfaction of the said bond for \$350. Recently, as your Commissioners are informed, all of the said parties, including ^{C.L. Council} Treacy H. Council, have united in making a deed to said Camp Manufacturing Company for the sum of \$350., in accordance with the terms of said deed of trust and contract, but your Commissioners in view of the fact that said Treacy H. Council was not competent to sign said last mentioned deed, ~~and~~ in view of the fact also that she was competent to sign said deed of trust and contract, receiving her benefit, as your Commissioners are informed and believe, of said \$350., which was loaned to the said parties by said Camp Manufacturing Company, your Commissioners therefore recommend that the Court appoint a special Commissioner to convey to the said Camp Manufacturing Company all of the interest of the said Treacy H. Council in and to the said timber in accordance with the terms of said deed of trust and contract, thus affirming and rendering valid, the action of the said Treacy H. Council in

#3.

in signing the said recent deed to said Camp Manufacturing Company for the said timber.

Respectfully submitted,

F. W. Rose
A. R. White
J. T. Lysar } Commissioners:

Virginia,

In the Clerk's Office of the District Court
for Southampton County - July - 19. 1906.

The foregoing Report of Commissioners in
the suit of Council et al vs. Council was this
day ^{p-o} received, and recorded by an order
of Court.

Teste - G. F. McDemore C. C.
By Julia D. Blaw. A. C.

#2:
We the undersigned, F.W Rose, A.R.White and Jack^{J.}Joyner hereby make affidavit that we will to the best of our ability properly and faithfully discharge our duties as Commissioners appointed by the Circuit court of Southampton County, Virginia, in the chancery suit of J. O. and Jas. J. Council vs Indiana Council and others, in dividing between the parties to said suit the land in the said bill and proceedings mentioned in accordance with the terms of the decree under which we were appointed in said suit.

F.W. Rose
A.R. White
J. Joyner

Subscribed and sworn to before me in my County by F.W. Rose,
A. R. White and Jack Joyner, this 12th day of January
1906.

Charles E. Howard, N.P.

Council. 2 1906

is. } 2nd & Final scene
Council. it also

Enter This -
July 16, 1906.

Robert C. Smith

Entered in
D. O. B. p. 276.

done in this case; it is ordered that same be removed from the
be a check upon the said land inspection.
one-half of five-eighths, and that said fees and costs shall

COUNCILL, et als:

VS-)

COUNCILL, et als:

THIS DAY this cause came on again to be heard upon the papers formerly read and upon the report of Commissioners F. W. Rose, A. R. White and J. T. Joyner, who were appointed by decree entered in this cause on July 17th, 1905, for the purpose of making division between those entitled thereto of the tract of land described in the bill in this cause, which report was filed on the 4th day of July, 1906, and to which no exceptions have been filed, and was argued by counsel.

Upon consideration whereof, the Court doth confirm the said report of said Commissioners and doth adjudge, order and decree that the said parties in interest shall take, hold and enjoy forever, to themselves and their heirs or assigns, the tracts or parcels of land assigned to them respectively by the said report, as follows: Lots No's. one and four, containing 22-65/100 acres, and 39-2/10 acres, respectively, as shown on plat of said land filed with said report, shall be held by, and are hereby assigned to John O. Council, his heirs or assigns; Lots No's. two and three, containing 22-65/100 acres, and 42 acres respectively, as shown by said plat, shall be held by, and are hereby assigned to Jas. J. Council, his heirs or assigns; Lots No's. five and eight, containing 8 acres, and 13-3/10 acres, respectively, as shown by said plat, shall be held by, and are hereby assigned to C. L. Council, his heirs or assigns; Lots No's. six and seven, containing 10 acres, and 13-3/10 acres, respectively, as shown by said plat, shall be held by, and are hereby assigned to Treacy H. Council, her heirs or assigns.

And the Court doth further adjudge, order and decree that C. L. Council, his heirs or assigns, shall forever allow Treacy H. Council, her heirs or assigns, the owners of lots numbers six and seven, on said plat, a right of way across lot No. Five and along the north-east edge of same, for the purpose of coming out from lots six and seven to the public road;

No.2.

and that Treacy H. Council, her heirs or assigns, shall forever allow C. L. Council, his heirs or assigns, the owner of lot No. five, a right of way through lots six and seven for the purpose of reaching lot No. eight, so long as lots five and eight continue to belong to the same person, or persons, and that the Clerk of this Court shall record ~~with~~ said report, ^{with} the plat attached thereto, in the current deed Book in the Clerk's office of this Court and shall index the same in the names of each of the said parties among whom the said land is hereby divided, to-wit: Jno. O. Council, J. J. Council, C. L. Council and Treacy H. Council, respectively, as grantees, and shall file said report and plat with the papers in this cause with his certificate of recordation thereon.

And the Court doth further adjudge, order and decree that J. C. Parker, who is hereby appointed a Special Commissioner for that purpose, shall make, execute and deliver to Camp Manufacturing Company, its assigns or successors, a deed for the interest of said Treacy H. Council in the standing timber on lots numbers one, two, five, six, seven and eight, on said plat, in accordance with the recommendations made by the said Commissioners in the said report, and in accordance with the deed of trust and contract between said Treacy H. Council and others and said Camp Manufacturing Company referred to in said report, following the provisions in making said deed for said timber to said Camp Manufacturing Company that are contained in the deed which has already been executed as stated in said report by the said parties to Camp Manufacturing Company.

And the Court doth further adjudge, order and decree that all costs of this suit, including a fee of Fifty Dollars to said J. C. Parker, attorney, shall be paid by the parties to this suit in proportion to their respective interests, namely: C. L. Council, one-seventh; Treacy H. Council, one-seventh Jno. O. Council one-half of five-sevenths and Jas. J. Council

No. 3.

one-half of five-sevenths, and that said fees and costs shall be a charge upon the said land in question.

And it appearing that there is nothing further to be done in this cause, it is ordered that same be removed from the docket.

docket.

10

Handwritten entries in Arabic script, organized into columns. The text is cursive and appears to be a ledger or account book.

for further proceedings to be had in this case.
in pursuance of this decree to this court as soon as proceedings in order
and the said proceedings are directed to report their proceedings
concerned that the entire property be sold and the proceeds divided.

Council, et als.

vs.) 1st decree.

Council, et als.

. Enter this.

July 17th, 1905.

Robert R. Smith

Entered
L. O. B. p. 173.

John O.Council and James J.Council, plaintiffs,

against,

Indianna M.Council, O.L.Council and Treacy H.Council, defendants.

This day this cause came on to be heard upon the bill and exhibits filed and taken for confessed as to the defendants Indianna M.Council and O.L.Council and upon the answer of W.J.Sebrell, Guardian ad litem for Treacy H.Council, (who has been duly assigned as such guardian ad litem at rules,) the other defendant, and replication thereto, and was argued by counsel.

Upon consideration whereof, the court doth adjudge, order and decree that F.W.Rose, A.R.White and Jack Joyner, be and the same are hereby appointed Commissioners, who, or any two of them, being first duly sworn, shall examine and view the premises in the bill and exhibits in this cause mentioned and described, and shall well and truly make fair partition of said property, if practicable, between the several parties entitled thereto, in kind or severalty, allotting to John O.Council one-half of five sevenths, to James J. Council one-half of five sevenths, to O.L.Council ~~and~~^{as} the assignee of Indianna M.Council, one-seventh, and to Treacy H.Council one-seventh, and in making such allotment they shall, if practicable, allot to James J.Council that portion on which he has erected buildings or other structures of a permanent character, and to the said John O.Council that portion on which he has erected such buildings or structures, and in neither case shall they, in making such partition, take into consideration the value of such buildings or structures thus erected by the John O.Council or James J. Council : and in making such partition the said Commissioners shall, if they deem it advisable or necessary, employ a surveyor to aid them in making such partition and running the lines between the several portions and making plat of the property showing said divisions, which plat they shall return with their report. If said Commissioners deem it impracticable to partition the said property in kind or severalty, then they shall report whether or not the same may be partitioned between a part of those entitled thereto, they paying the others a fair price for their interests, in money, and if so make such division and report what such price to the others in interest may be : or if no partition can thus be made in whole or in part, they shall report whether or not it is to the best interests of all

concerned that the entire property be sold and the proceeds divided.

And the said Commissioners are directed to report their proceedings in pursuance of this decree to this court as soon as practicable, in order for further proceedings to be had in this cause.

2012 1 Apr 1002

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as.) 1st degree.

Conner, et al.

COUNCILL, ET AL:

V
S

Spa in Chancy:

COUNCILL, ET ALS:

1905, 1st July Rules

Cir: Ct:

Exacted June 27.00
on W. J. Deane. and
June 28.00. on
Indrauma in Council
and G. L. Council
by delivering a True
Copy of the written
order, in person;
J. H. Gillette Sheriff

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Indianna M. Council, C. L. Council, and Trecy H. Council, the last ~~a~~ being non compos mentis, by W. J. Sebrell, her 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 July 1905, ~~next~~ to answer a Bill in Chancery exhibited against them in our said Court by John O. Council and James J. Council,

And this they shall in nowise omit under penalty of law. And have then there this writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 22nd day of June, 1905, in the 122 year of the Commonwealth.

Teste :

B. F. McLeMore, C. C.

the commission is before me and is - 01 -
Given under my hand this 15th day of July 1908.

information derived from others, they are believed to be true.

His own knowledge are true, and so far as made from knowledge, or

that the statements contained in the said answer, so far as made of

said, W. T. Seppell, whose answer is above written, and made oath

for the county of Southampton, and State of Vir-

This day personally appeared before me *James H. Jones*, a Justice

County of Southampton:

State of Virginia.

James H. Jones
Comm. and Justice

she will ever pay, etc.

hence disallowed with her reasonable costs in this behalf expended, and

and having fully answered, the said respondent prays to be

that no decree may be pronounced which will tend to her prejudice.

and her rights and interests to the protection of the court, and prays

and interested, she, therefore, by her said guardian commands herself

and prays is incapable of understanding, or of taking care of her rights

is to be that she is non compos mentis and by reason of her dis-

is to be from answers and says:---

is to be advised that it is material she should answer, by her said

is to be exceptions to said bill, for answer, wherefore, or some such interest

is to be the respondent receiving to herself the benefit of all

1. Council, plaintiffs.

and court for the county of Southampton, Virginia, by John O'Connell and Jas

and, to a bill of complaint exhibited against her and others, in the City-

Seppell, her guardian and item, duly assigned as rules to defend her in this

The separate answer of Freda H. O'Connell, who is non compos mentis, by W. T.

The separate answer of Treacy H. Council, who is non compos mentis, by W.J. Sebrell, her guardian ad litem, duly assigned at rules to defend her in this suit, to a bill of complaint exhibited against her and others, in the Circuit Court for the county of Southampton, Virginia, by John O. Council and Jas J. Council, plaintiffs.

The respondent reserving to herself the benefit of all just exceptions to said bill, for answer whereof, or to so much thereof as she is advised that it is material she should answer, by her said guardian ad litem answers and says:---

That she is non compos mentis and by reason of her disability is incapable of understanding, or of taking care of her rights and interests. She, therefore, by her said guardian commends herself and her rights and interests to the protection of the court, and prays that no decree may be pronounced which will tend to her prejudice.

And having fully answered, the said respondent prays to be hence dismissed with her reasonable costs in this behalf expended, and she will ever pray, etc.

W.J. Sebrell,
Guard. ad Litem.

State of Virginia,

County of Southampton:

This day personally appeared before me Claude J. Howard, a Notary Public for the county of Southampton, and State aforesaid, W. J. Sebrell, whose answer is above written, and made oath that the statements contained in the said answer, so far as made of his own knowledge are true, and so far as made from knowledge, or information derived from others, they are believed to be true.

Given under my hand this 17th day of July 1905.

Claude J. Howard
My commission expires Aug. 13-'06. Notary Public

Councils. et: als:
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Filing away papers. 25

Werk / 4.99

Shff 1.50

Lawff 16.50

Recording Commos Refork 176

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C. L. C. 10.80

J. O. C. 27.00

J. J. C. 27.50

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