

1907-20

Southampton County Chancery

Drutman & Company vs. Jordan, James A. adm.

Real Estate to be sold
and proceeds applied to
debtors debt -

Gillette, J. R. Sh. +
Adm.
Jordan, James A.

Petterson & Company

- re: Bill in Chancery -

Jordan's Administration etc.

1907 Jan - 9 - filed

W. M. L. Moore lcl.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

TO THE HONORABLE ROBERT R. PRENTIS, JUDGE OF THE
CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA: death, was

seized and possessed, in fee-simple, of an undivided one-half interest in a certain lot or parcel of land, together with the buildings thereon located, lying situate and being in the town of Franklin, Virginia, known as the "Old Smith & Company, showeth unto the Court the following case:

That James A. Jordan who, prior to his death, resided in the City of Boston, Massachusetts, departed this life sometime ^{during} the year _____, intestate, leaving as his only heir at law, James Jordan, an infant son; that the said James A. Jordan left no personal estate whatever, so far as your complainants have been able to ascertain; that on motion of your said complainants, the estate of the said James A. Jordan, deceased, has been committed into the hands of the Sheriff of this County, J. L. Gillette; that the said Sheriff, and as such administrator, as aforesaid, advises your complainants that there is no personal estate belonging to the said decedent.

Your complainants further showeth unto the Court, that the said decedent, at the time of his death, was indebted to your said complainants, as evidenced by two bonds, executed by him, together with his father, London Jordan, one bearing date January the 27th, 1902, for the sum of Fifty (\$50.00) Dollars, with interest thereon from the 1st day of December, 1902, till paid; the other bearing date the 24th day of April, 1902, for the sum of Twenty (\$20.00) Dollars, with interest therein from the 1st day of January, 1903, till paid, and subject to a credit of Three & 41/100 (\$3.41) Dollars, as of June the 9th, 1901; all of which will fully appear from said bonds herewith filed, marked "Exhibit A", and prayed to be read as a part of this bill.

Your complainants also showeth unto the Court, that

the said James A. Jordan, at the time of his death, was seised and possessed, in fee-simple, of an undivided one-half interest in a certain lot or parcel of land, together with the buildings thereon located, lying situate and being in the town of Franklin, Virginia, known as the "old Smith lot", and is fully described in a deed of bargain and sale from M. H. Moore to Addison and James Jordan, bearing date the 23 day of Jan'y. 1902, and of record in the Clerk's Office of Southampton County, Virginia, in Deed Book No. 47, at page 239, and your complainants are advised that they have a right to have their lien enforced against the said property.

In tender consideration whereof, and inasmuch as your complainants are without remedy, save in a Court of Equity, where such matters are alone and properly cognizable, they pray that the said J. L. Gillette, Sheriff, and Administrator of James A. Jordan, deceased, and James Jordan, the last named an infant of tender years, be made parties defendants to this bill, and required to answer same, not under oath however, same being hereby expressly waived; that a guardian ad litem be appointed to defend the interest of the said infant in this suit; that an account of the debts out-standing against the estate of the said decedent be stated; that should it be ascertained that the rents and profits if the said real estate will not, within the period of five (5) years, pay the indebtedness against the said estate, that the said real estate be sold, and the proceeds thereof be applied to the payment of your said orators' debt; that if the rents and profits of the said real estate will, within the period aforesaid, pay your said complainants' debt, that same be rented out and the proceeds thereof thus

applied; that all necessary orders be made, accounts taken, and all such other and further relief, both general and special, be granted your complainants, as the nature of their case may require, or to equity shall seem meet.

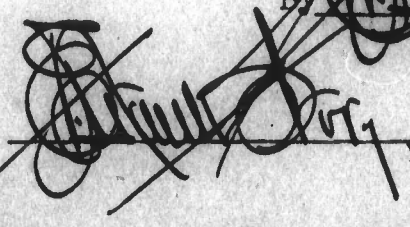
Notice is hereby given that the Court will be requested to allow reasonable attorney's fees to plaintiffs' counsel in this cause, out of any funds coming under the control of the Court.

And your complainants will ever pray, etc.

M. H. MOORE, R. A. PRETLOW AND J. A.
PRETLOW, PARTNERS AND TRADING AS PRETLOW
& COMPANY,

By  ,

their Attorney.

 P. q.

~~PAID No.~~

~~To: 3 "Exhibit A".~~

~~Jordan's Adm. it als.~~

Proctor & Co.

₹ 5000

On demand

\$50⁰⁰
On demand Dec 1st 1902 Franklin, Va., Jan 7th 1903
unto PRETLOW & CO., or order we jointly and severally promise to pay
Fifty 00/100 Dollars,
for value received, and it is agreed that the interest shall be at the rate of 6 per cent. per
annum, and we hereby waive the benefit of the homestead exemption as to this debt, obli-
gation or contract. Given under our hands and seals this 7th day of Jan

Witness

J. E. Steele

London ^{his} Jordan (Seal)

James A. Graham (Seal)

Cretlow & Company
re: Answer of Guardian of Letters
Jordan, J. C. Adm. et al.

10-10-10

STRA

*		*
*	M. H. Moore, R. A. Pretlow,	*
*	and J. A. Pretlow, partners, trading	*
*	and doing business as Pretlow &	*
*	Company.	*
*		*
*	vs.	*
*		*
*	J. L. Gillette, Sheriff, and as such	*
*	Administrator of James A. Jordan, de-	*
*	ceased, and James Jordan, an infant under	*
*	the age of twenty-one years, by W. J.	*
*	Sebrell, his guardian ad litem.	*
*		*

The answer of W. J. Sebrell, Guardian ad Litem, to the infant defendant, James Jordan, to a bill in equity exhibited against him, in the Circuit Court of Southampton County, Virginia, by M. H. Moore, R. A. Pretlow and J. A. Pretlow, partners, trading and doing business as Pretlow & Company.

The guardian ad litem answers and says, that he knows nothing of the truth or falsity of the statements contained in the said bill, but prays that the Court will, in all respects, fully protect the interest of the said infant.

And now having answered the said bill, your respondent prays to be hence dismissed, with his reasonable cost in this behalf expended.

W. J. Sebrell.

GUARDIAN AD LITEM.

Mrs. Moore, R.A. Pretlow and
J.A. Pretlow. partners trading as
Pretlow & Co

4

J.L. Gillette, Sheriff, and as such
Administrator of Jas. A. Jordan, dec.
and James Jordan, an Infant.
by W. S. Seabree, Gdn ad litem.

Summ. 25. Copies $\frac{2}{18} - 26$. .51

rect: 18. Atty 10. dock 18. Rules 1.00 1.46

Enter'g return 35. filing bill 15 .50

Filing Exhibit 15. Ref: 15. 2 decrees 72. 1.02

Laying Costs 40. Filing away papers 25 .65

Taking & recording Bond 1.45

Filing Court Report. ~~1.25~~ 25

Copy of decree ~~1.36~~ 36

~~1.50~~

~~6.20~~

~~6.20~~

Law 16.50

Comm. J.B. Prince 10.00

Witness: R.S. Fagan .50

R. Henry Cobb. .50

33.70

Pretlow & Co.
or } Stat: Rules

Jordan's Admir. Trials

✓

M. H. Moore, R. A. Pretlow, and
J. A. Pretlow, partners trading and
doing business as Pretlow & Company.

L. Gillette Sheriff, and as such
Administrator of James R. Jordan
deceased. and James Jordan, an
infant under the age of twenty
one years. by W. J. Sebrell, Guardian
ad litem.

1907. Jan'y 3rd: Process issued to 1st Jan'y Rules.

" 1st Jan'y Rules: Process returned Executed.

Bill & Exhibits filed.

W. J. Sebrell appt. Guardian ad litem
to infant Defendant.

1907. 2nd Jan'y Rules: Bill taken for Confessed, as
To Adult ^{Defendant}, and Cause set for hearing.

Know All Men by These Presents That we E. Frank Story
and National Security Co.
are held and firmly bound unto the Commonwealth of Virginia in the sum of _____

One 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 ~~14~~ day of ~~October~~ one thousand
nine hundred and ninety-~~seven~~-

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

E. Frank Story

shall faithfully perform the duties of her office or trust, as _____

Special Commissioner

under a decree of the Burrough Court of the County of Southampton

pronounced on the 16th day of July 1907, ~~189~~, in the suit therein depending

under the name and style of Pretlow & Co. Inc. of Kansas

Order, it also on any future decree
in this cause, according to law.

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

Signed, sealed and acknowledged in the
presence of

to remain in full force and virtue.

~~Seal of the~~
~~National Anti-Slavery~~
~~Union~~
~~of the~~
~~United States~~
~~of America~~
~~1847~~
~~John Bruce~~

SEAL

SEAL

SEAL

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

This day

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

Given under my hand this _____ day of _____, 189--

Teste: _____, Clerk.

Commissioner's Report

Pinthow & Company

vs.

Jordan, J. A., adm. et als

Filed July 5th, 1907.

JOSEPH B. PRINCE
Courtland, Va.

OFFICE OF JOS. B. PRINCE.

Commissioner in Chancery for the Circuit Court of South-
ampton County, Virginia.

Courtland, Va., June 28, 1907.

TO:

M. H. Moore, R. A. Pretlow and J. A. Pretlow, partners,
trading and doing business as Pretlow & Company,

and

J. L. Gillette, Sheriff, and as such Administrator of James
A. Jordan, deceased, and James Jordan, and infant under
the age of twenty-one years, by W. J. Sebrell, his guardian
ad litem:

You are hereby notified that I have fixed upon Fri-
day, the 5th day of July, 1907, at about five o'clock P. M.,
to take and settle, at the office of E. Frank Story, in the
town of Franklin, Virginia, the following accounts, to-wit:

(1) The transactions of J. L. Gillette, Sheriff, and
as such Administrator of James A. Jordan, deceased:

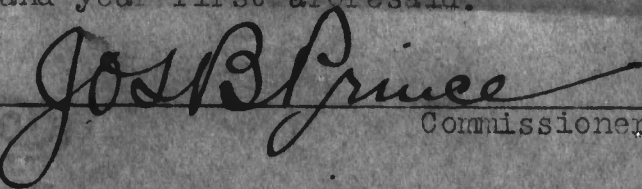
(2) The debts out-standing against the estate of
James A. Jordan, deceased, together with their dignities and
priorities:

(3) The annual and fee-simple value of the real
property belonging to the estate of the said James A. Jordan,
deceased, set forth and described in the bill of the complain-
ants, and whether there are any liens thereon for delinquent
taxes, or otherwise:

(4) Any other matter deemed pertinent by the Commis-
sioner, or required to be stated by any party in interest:

Required to be taken by a decree of the Circuit
Court of Southampton County, Virginia rendered on the 21st
day of January, 1907, 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.


Commissioner.

To the Sheriff of Southampton County, Virginia to execute.

M.H. Moore, R.A. Pretlow
and J.A. Pretlow, partners, trading Courtland, Ga.
and doing business as Pretlow &
Company. July 28th, 1907

vs.

To the Circuit Court of Southampton County:-

J.L. Gillette, Sheriff, and as such
Administrator of James A. Jordan, deceased, of Southampton
County, Va. the age of twenty-one years, by W.J.V. 1907 in the
Sebrell, his guardian ad litem.

chancery cause therein depending, styled, Pretlow & Company

vs. Jordan's Administrator et als, the undersigned a commis-

sioner of the This day this cause came on to be heard on the
the bill of the complainants, and exhibits therewith filed, that
the answer of W.J. Sebrell, Guardian ad Litem for the infant the
defendant, James Jordan, duly assigned at rules according
to law, this day filed by leave of Court, with general re-
plication thereto, the said bill being taken for confessed
as to the defendant, J.L. Gillette, Sheriff, and as such
Administrator of James A. Jordan, deceased, on whom process here-
has been duly served, according to law, he still failing, the
to appear and plead, answer or demur, and was argued by R.S.
counsel, which depositions are filed herewith as a part of

this report. On consideration whereof, the Court doth adjudge
order and decree, that it be referred to one of the Commis-
sioners of this Court to ascertain and report:

ACCOUNT, TRANSACTIONS OF J.L. GILLETTE, SHERIFF &

(1) The transactions of J.L. Gillette, Sheriff,
ADMINISTRATOR,
and as such Administrator of James A. Jordan, deceased:

Nothing received for the estate, and nothing paid out.

(2) The debts out-standing against the estate
of James A. Jordan, deceased, together with their dignities
and priorities:

A debt due Pretlow & Company of \$20.00, by a bond, valuing
(3) The annual and the fee simple value of the
ing the Homestead Exemption, and bearing interest from Jan-
real property belonging to the estate of the said James A.
uary 27th, 1902.

Jordan, deceased, set forth and described in the bill of the
A debt due Pretlow & Company of \$20.00, due by a bond valuing
complainants, and whether there are any liens thereon for
ing the Homestead Exemption, and bearing interest from April
delinquent taxes or otherwise:

24th, 1902.
(4) Any other matter deemed pertinent by the
Commissioner, or required to be stated by any party in inter-
est.

VALUE OF REAL PROPERTY.

A copy. Teste: B. F. McLenore, C. L.
By- Eula D. Blaw, N. L.

James A. Jordan, or his Commissioners Office, Courtland, Va.
half interest in a house, in the town of July 5th, 1907.

as the "Smith Lot."

To the Circuit Court Of Southampton County:-

Pursuant to a decree of the Circuit Court of Southampton County, Va., entered on the 21st day of January, 1907, in the chancery cause therein depending, styled, Pretlow & Company vs. Jordan's Administrator et als, the undersigned a commissioner of the said Court, to whom was referred for settlement the several accounts of the said decree, begs to report, that on the 28th day of June, 1907, he issued notices against the several parties of the said suit, requiring them to attend the settlement of the inquiries directed by the said decree, at the office of E. Frank Story in the town of Courtland, Franklin, Va., on the 5th day of July, 1907, which notices were duly executed as will appear from the copy thereof herewith filed, and to assist him in making the said report, the Commissioner took the depositions of R. Henry Cobb and R. S. Fagan, which depositions are filed herewith as a part of this report:-

The Commissioner begs to further report:-

ACCOUNT ^{of the} TRANSACTIONS OF S. L. GILLETTE, SHERIFF & ADMINISTRATOR.

Nothing received for the estate, and nothing paid out.

DEBTS AGAINST JAMES A. JORDAN.

A debt due Pretlow & Company of \$50.00, ^{due} by a bond, waiving the Homestead Exemption, and bearing interest from January 27th, 1902.

A debt due Pretlow & Company of \$20.00, due by a bond waiving the Homestead Exemption, and bearing interest from April 24th, 1902.

VALUE OF REAL PROPERTY.

James A. Jordan, or his estate, owns an undivided one half interest in a house ^{and lot} in the town of Franklin, known as the "Smith Lot."

The annual value of his interest is about \$50.00, and the fee simple value is about \$500.00.

Respectfully submitted,

Jos B. Pruce

Commissioner in Chancery.

Commissioners fee \$10.00 Paid by E. Frank Along - Jos B. Pruce
Witnesses:- Sept. 11, '07.

R.S. Fagan
R. Henry Cobb

.50

.50

\$11.00

Witness R. S. Fagan, being first duly sworn, deposes and says:

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

A. R. S. Fagan, 56 years old, reside in Franklin, Virginia, and I know the plaintiffs but do not know the defendants.

Q. Are you familiar with the property in the bill in this cause mentioned and described, that is, the old Smith furniture house and lot?

A. Yes, I am familiar with the property.

Q. What do you think would be a fair fee-simple value for the one-half interest of Jas. A. Jordan, deceased, in this property?

A. About \$500.00.

Q. What, in your opinion, would this one-half interest rent for per annum?

A. About \$50.00.

And further this deponent sayeth not.

R. S. Fagan

Witness R. Henry Cobb, being first duly sworn, deposes and says:

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

A. R. Henry Cobb, 54 years old, reside in Franklin, Virginia, merchant, and know some of the parties to this suit.

Q. Do you know the property in question, that is, the Smith furniture house and lot?

A. Yes, I know the property.

Q. What do you think would be a fair fee-simple value for a one-half interest in this house and lot?

A. \$500.00 or \$600.00.

Q. What do you think it would rent for per annum, that is, the said one-half interest.

A. About \$50.00.

And further this deponent sayeth not.

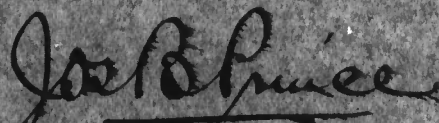
R. Henry Cobb

Virginia,

Southampton County to-wit:-

I, Joseph B. Prince, a commissioner in chancery of the Circuit Court for the County of Southampton, in the State of Virginia, do hereby certify that the foregoing depositions of R.S. Fagan and R. Henry Cobb, were duly taken, sworn to and subscribed before me, at the time and place, and for the purpose in the notice given of the time and place of the taking of the account.

Given under my hand this 24th day of July, 1907.


Commissioner in Chancery.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON *J. L. Gillette Sheriff*,
and as such Adminisr is the Exr of James D.
Jordan deceased and James Jordan, and
in fact, under the age of twenty-one
years by N. J. Schell, Adminr & Interim,
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 *January* ... *1907* ...
next, to answer a Bill in Chancery exhibited against *them* ...
in our said Court by *M. H. Moore, A. A. Pretlow and*
J. A. Pretlow partners trading and
doing business as Pretlow & Company.

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
3 day of *Jan* ..., 190*7* ..., in the *21* year of the Commonwealth.

Teste :

B. F. McLemore ..., C. C.

Pretlow & Company
- vs - Wheeler.

Jordan, J. C. Adm. etc.

Entered January 21 1907.

Robert R. Smith

Entered in

C. O. B. No. 307.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

* M. H. Moore, R. A. Pretlow
* and J. A. Pretlow, partners, trading
* and doing business as Pretlow &
* Company.

* vs.
*

* J. L. Gillette, Sheriff, and as such
* Administrator of James A. Jordan, de-
* ceased, and James Jordan, an infant under
* the age of twenty-one years, by W. J.
* Sebrell, his guardian ad litem.
*

This day this cause came on to be heard on the bill of the complainants, and exhibits therewith filed, the answer of W. J. Sebrell, Guardian ad Litem for the infant defendant, James Jordan, duly assigned at rules according with general replication thereto, to law, this day filed by leave of Court, the said bill being taken for confessed as to the defendant, J. L. Gillette, Sheriff, and as such Administrator of James A. Jordan, deceased, on whom process has been duly served, according to law, he still failing to appear and plead, answer or demur, 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:

(1) The transactions of J. L. Gillette, Sheriff, and as such Administrator of James A. Jordan, deceased:

(2) The debts out-standing against the estate of James A. Jordan, deceased, together with their dignities and priorities:

(3) The annual and fee-simple value of the real property belonging to the estate of the said James A. Jordan, deceased, set forth and described in the bill of the complainants, and whether there are any liens thereon for delinquent taxes or otherwise:

Pettow & Company
vs. Hecree.
Jordan's Admrs. et al

Enter this July ^{16th.} 1907-
James M. Moore.

Entered in
C. O. B. O. 353.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

 *
 * M. H. Moore, R. A. Pretlow,
 * and J. A. Pretlow, partners, trading
 * and doing business as Pretlow &
 * Company.
 *
 * va.
 *
 * J. L. Gillette, Sheriff, and as such
 * Administrator of James A. Jordan, de-
 * ceased, and James Jordan, an infant under
 * the age of twenty-one years, by W. J.
 * Sebrell, his guardian ad litem.
 *

This day this cause came on to be further heard
 on the papers formerly read, and upon the report of Commis-
 sioner Jos. B. Prince, filed on the ~~8th~~ day of July, 1907,,
 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 ^{from} the said report
 of Commissioner Prince, that it is necessary, and to the in-
 terest of all parties, that the interest of the said James A.
 Jordan in the said real estate be sold, to satisfy the liens
 set forth in the bill of the complainant, and reported by
 Commissioner Prince, the Court doth adjudge, order and de-
 cree that E. Frank Story be, and he is hereby appointed
 a Special Commissioner to sell the real estate in the bill
 and proceedings mentioned and described, namely, the one-half
 interest of James A. Jordan, deceased, in the said house and
 lot, as shown in the bill of the complainant; *which said sale*
shall be had at Franklin, after advertising same for at least 30 days
for cash, the residue in kind and twelve months title to be
retained until all of purchase money is paid, or purchaser may pay
all cash. But before the said E. Frank Story shall proceed to
 act under this decree, he shall enter into a bond in the
 penalty of \$ 1000, before the Clerk of this
 Court, with security deemed sufficient by him, conditioned
 to faithfully discharge his duties under this, or any future
 decree entered in this cause.

And the Commissioner will report to Court.

-1907-

Pettlow & Company.

vs $\frac{3}{4}$ Deers

Jordan J. A's - Admin. et al.

Enter this Oct. 2nd 1907.

Miss Lill G. Moore

Entered in
C. O. P. 389.

Removing
Oct 1907

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

*
* Pretlow & Company, *
* *
* vs. *
* *
* Jordan, J. A's. Administrator et als. *
* *

This day this cause came on to be further heard
on the papers formerly read, and was argued by counsel:

On consideration whereof, it appearing from representations of plaintiff's counsel, that all matters in this cause have been properly adjusted, it is ordered that the same be removed from the docket.