1908-06 Southampton County Chancery. Deloatch, Henry K. etals vs Deloatch, David etals

* Plat within

partition of land, if not practicable then sell & divide unto the parties entitled

Powell, Lucy R.
" F. M. (husband)
Knight, Annie D.
", R. M. (husband)
Ridley, Roberta (devisee)
Deloatch (W. T.) dec'd

Gatling, Julia K.
", Herman
Prince, Jos. B. (G. A. L)

Deloatche et als.

vs { Bill & Exhibits.

Deloatche et als.

1904. 1st June Rules-filed

plat 3-150

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

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

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

Humbly complaining show unto Your Honor your complainants, Henry K. Deloatche, Lucy R. Powell (née Deloatche) and D. M. Powell, her husband, Annie D. Knight (née Deloatche) and R. M. Knight, her husband, and Roberta M. Ridley, devisee of W. J. Deloatche, dec'd., that Mrs. Bettie S. Deloatche, late of Southampton County, Virginia, was, in her life-time, seized and possessed, in fee-simple, of the following real estate lying in said County, to-wit:- 1st, that certain tract or parcel of land, lying in said county, containing 418½ acres, more or less, and bounded by the road leading from Boykins to Murfreesboro, N.C., and by the lands formerly belonging to Jas. M. Corbell, C. L. Barden, George Edwards and others, same being known as the W. J. Deloatche Tract, and being the same lands conveyed to said Bettie S. Deloatche by deed of bargain and sale from D. H. Kindred and J. L. McLemore, special commissioners, executed on the 5th day of July 1895, and recorded in Deed Book No. 43, page 558, in the Clerk's office of said county. 2nd, That certain other tract or parcel of land, lying in said County, containing 50 acres, more or less, and bounded by the public road leading from Boykins to Murfreesboro, N.C., and by lands formerly belonging to W. M. Beaton & others, same being

the tract or parcel of land conveyed to said Bettie S. Deloatche by deed of bargain and sale from D.B. Prince, trustee, dated Nov. 17, 1896, and recorded in Deed Book, No. 44, page 349, in the Clerk's office of Southampton County;

And being so thereof seized and possessed, the said Bettie S. Deloatche, on or about the 10th day of February 1904, departed this life intestate, leaving your complainant Henry K. Deloatche, Lucy R. Powell (née Deloatche), wife of F. M. Powell, Annie D. Knight (née Deloatche), wife of R. M. Knight, W. J. Deloatche (who was then living) and David M. Deloatche, her children, and Julia K. Gatling and Herman Gatling, her grand-children (same being the children of her then deceased daughter, Pattie L. Gatling, née Deloatche), as her heirs at law and distributees of her estate. That the said David M. Deloatche, Julia K. Gatling and Herman Gatling are infants, under the age of twenty one years. That soon after the death of the said Bettie S. Deloatche, to-wit, on or about the 10th. day of March 1904, the said W. J. Deloatche departed this life, leaving a last will and testament, which has been duly admitted to probate by and before the Clerk of the Circuit Court of said county, by which said will, the said W. J. Deloatche gave and devised all his

interest in the said lands to Roberta M. Ridley, one of the complainants hereinbefore mentioned, as will more fully appear from a copy of said will, herewith filed as "Exhibit X", and prayed to be read as a part of this bill. That the said real estate is not, in the opinion of your complainants, susceptible of partition, in kind, among the parties entitled thereto; but, if it be, then your complainants desire partition thereof to be made according to law; and, if it be not susceptible of partition, in kind, then your complainants desire the same to be sold and the proceeds distributed among the parties in proportion to their respective interests therein.

In tender consideration whereof, and inasmuch as your complainants are remediless in the premises, save in a Court of Equity, where such matters are properly cognizable, your complainants pray that the said David M. Deloatche, Julia K. Gatling and Herman Gatling be made parties defendant to this bill and required to answer the same, though answer under oath is hereby waived; that a proper guardian ad litem be assigned the infant defendant to protect and defend their interests in this suit. That the said real estate be divided among the parties entitled thereto, and your complainants' portions allotted to them;

and in case the said real estate be indivisible in kind, that the same be sold and the proceeds thereof be distributed among the parties entitled thereto; that proper process issue, and all proper orders be made and accounts taken; and that all such other, further, general and special relief may be afforded your complainants as the nature of the case may require or to Equity shall seem meet. — And your complainants will ever pray &c.

And notice is hereby given that the Court will be asked to allow to W. J. Sebrell, attorney for the plaintiffs, a reasonable attorney's fee for his services in this suit, to be paid out of the money or property under the control of the Court in this suit.

W. J. Sebrell, p.q.

Deloatche et als.

vs.) Consent in writing for vacation cause.

Deloatche et als.

We the parties, plaintiff and defendant, in the
above cause of Deloatche et als. vs. Deloatche et als. pending
in the Circuit Court of Southampton County, Virginia, hereby con-
sent that the said cause may be continued for the said vacation
term.

Atty. for Pltff.

Atty. for Deft.

Order.

It is so ordered.

Deloatche et als.,

vs.) Consent in writing for vacation cause.

Deloatche et als.

We the parties, plaintiff and defendant, in the chancery cause of Deloatche et als. vs. Deloatche et als. pending in the Circuit court of Southampton county, Virginia, hereby consent out of court, in writing, to submit the said cause to the Judge of the said court for such decision and decree therein in vacation, as might be made in term.

W. J. Tebrell, Atty. for plffs.

Joseph B. Pruden Gdn. ad litem for infant defdts.

Will of
W. J. Deloatch

Exhibit
"X"

In the name of God, Amen:-
I, W. J. Deloatch, being of sound mind, and disposing memory, and knowing the uncertainty of life, and the certainty of death, do make this my last will and testament.
First: I wish for my Executor hereafter named to provide for my body a decent burial and pay all my just debts:-
I give to Miss Roberta M. Ridley my vacant lot next to the Public School property, being the lot I bought of W. M. Deaton before his death, this I give her in fee simple.
I also give to Miss Roberta M. Ridley my undivided interest in all real estate which I heir from my father and mothers estate in Virginia and North Carolina, this I given in fee simple.
I also give to Miss Roberta M. Ridley, Six shares of the Meherrin Valley Bank, Boykins Virginia, which I own in said

bank. I give to my sister Annie D. Knight my vacant lot adjoining the lot of H. D. Barden and Three hundred dollars in cash. I give to my brother Henry K. Deloatche my horse and buggy and Eight hundred dollars in cash.
I give to my brother David W. Deloatche my black mule and one thousand dollars in cash, - if there is any money left after paying above bequest, I desire that same shall be equally divided between Miss Roberta W. Ridley and my two brothers Henry K. and David W. Deloatche. I expressly request all presents given me by Miss Roberta W. Ridley to be returned to her at my death, by my Executor. I also give to my brothers Henry K. and David W. Deloatche my clothes. I hereby appoint my friend W. J. Hebrell of Courtland,

Va. as Executor of my estate and request the Court to allow him to qualify without giving bond. Given under my hand this the 2nd. day of March, 1904.

W. J. Deloatche,

Signed in presence of
E. B. Beaton,
C. R. Bradshaw.

Virginia. -

In the Clerks Office of the Circuit Court of Southampton County, the 22nd. day of March, 1904. Writing purporting to be the last will and testament of W. J. Deloatche, decd, was produced in this office, and proved by the oaths of E. B. Beaton, and C. R. Bradshaw, the two subscribing witnesses thereto, and ordered to be recorded as and for the last will and testament of the said W. J. Deloatche, decd. And on motion of W. J. Eberall, the Executor therein named who

FORM No. 309.

Knight & als:

to { COMMISSIONER'S BOND.

Commonwealth.

1904. Augt 1st

Recorded.
C.B.B. 154.

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 309.

Know all Men by these Presents, That we R. M. Knight F. M. Powell & Henry K. Delaplaine and The United States Fidelity and Guaranty Company are held and firmly bound unto the Commonwealth of Virginia, in the sum of Fifteen 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 the bonds of this State. Sealed with our seals, and dated this 4" day of August one thousand nine hundred and four.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound R. M. Knight, F. M. Powell and Henry K. Delaplaine shall faithfully perform the duties of their office or trust, as Special Commissioners under decree of the Circuit Court of the County of Southampton pronounced on the 18" day of July, 1904, in the suit therein depending under the name and style of Delaplaine et: als: Vs Delaplaine et: als: and of any subsequent decree that may be entered in said Cause

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

Signed, sealed and acknowledged in the presence of

R. M. Knight. SEAL.
F. M. Powell. SEAL.
H. K. Delaplaine SEAL.
By Thomas Johnston Pittman Att'y in Fact

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

This day

suret on the above bond, made oath before me, , Clerk of the Court of the of 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 1" day of August, 1904.

B. H. McLemore. Clerk.

Deloatche et als.,

vs.

Deloatche et als.

Certificate of Consent for vacating cause.

Filed July 1, 1904

Robert Roberts

Enlisted

Co. 18 Va. Vol.

Circuit Court for Southampton county, Virginia:

In vacation, this ____ day of July 1904:

I, Robert R. Roberts, Judge of the Circuit court of Southampton county, Virginia, do hereby certify that the parties, plaintiff and defendant, in the chancery cause of Deloatche et

Circuit Court for Southampton county, Virginia:
In vacation, this 1st day of July 1904:

I, Robert R. Prentis, Judge of the Circuit court of Southampton county, Virginia, do hereby certify that the parties, plaintiff and defendant, in the chancery cause of Deloatche et als. vs. Deloatche et als., pending in this court, have by consent out of court, duly evidenced by a writing signed by counsel for the adult parties and by the guardian ad litem for the infant defendants, and filed in the papers in this cause, consented to submit the said cause to the Judge of this court for such decision and decree therein in vacation, as might be made in term.

To the Clerk of the Circuit Court of Southampton County.

Robert R. Prentis

Statement
&
Vouchers.

Statement.

Amts. received from H. K. Deloatch,	$9240.00
" " " M. J. Knight,	1175.00
" " " F. M. Powell,	1585.00
" " " R. M. Knight,	450.00
" " " Dr. B. R. Bryant,	590.00
" " " D. T. Bryant,	747.30
" " " Mrs. Bettie J. Drury,	674.00
" " " John Chambless,	312.70
" " " Wm. Jacken & N. L. Rogers,	201.37
" " " Mrs. A. C. Bryant,	91.63
Total amt. received,	$15073.02

To commissions on $15073.02,	310.46
" paid T. P. Holland Publishing Co.	8.00
" " D. L. Gillette, auctioneer,	25.00
" " Costs as per statement filed in suit,	286.71
" " atty's fee for writing 10 deeds,	50.00
" " Fid. & Guaranty Co. - Surety on Comm's. bond,	60.00
" " E. B. Beaton, Notary, acknowledgment to deed,	7.50
" " W. J. Sebrell, atty's fee,	5.00
" " W. J. Fleetwood, Notary, acknowledgment to deed,	1.25
" " D. C. Wills, surveyor,	26.50
" " for stationery & stamps	.12
" " H. K. Deloatch - 1/6 balance,	2382.08
" " D. M. Deloatch's 1/6 "	2382.08
" " Lucy D. Powell, 1/6 "	2382.08
" " Annie D. Knight 1/6 "	2382.08
Amt. carried forward,	$10308.86

" amt. brot. forward - 10308.86

" paid Roberta M. Ridley, dcsd, 1/6 = 2387.08

" " Gdn. of Julia K. Gatling, 1/12 Col., 1191.04

" " " " Herman Gatling 1/12 " 1191.04

Total disbursements - $15073.02

Received of H.K. DeLoatche J. W. Powell and R. M. Knight Commissioners the sum of Sixteen hundred and forty one dollars and Ninty three cent ($1641.93) it being a part of the share belonging to David M. DeLoatche from the proceeds of the sale of the lands for partition in the proceedings now pending in the Superior Court of Southampton County Virginia entitled H.K. DeLoatche et als ex parte to the Court which said share is paid in pursuance of the Decree in said proceedings and is the amount due said David M. DeLoatche from the cash now in the hands of the said Commissioners after deducting the cost and allowance made in said decree.

H.K. DeLoatche Guardian
for David M. DeLoatche.

Received of F. M. Powell, R. M. Knight and H. K. DeLoatche Comrs. the sum of Sixteen hundred and Forty one dollars and Ninty three cents ($1641.93) it being a part of my share from the proceeds of the lands for partition in the proceedings now pending in the Superior Court of Southampton County Virginia entitled H. K. DeLoatche et als v/s Pate to the court which said amount is paid in pursuance of the decree in said proceedings and is the amount due said H. K. DeLoatche from the cash now in hands of the said Commissioners after deducting the cost and allowances made in said decree

Jan. 27, 1905. H. K. DeLoatche.

JOSEPH L. BARHAM, President. JOHN B. GRIFFIN, Vice-President. THOS. J. POWELL, Cashier.

SPECIAL ATTENTION GIVEN TO COLLECTIONS. REMITTED FOR ON DAY OF PAYMENT.

MEHERRIN VALLEY BANK.

Boykins, Va., _____ 190__

Received of T. M. Powell, R. M. Knight & H. K. DeLoatche Commissioners the sum of Six hundred & thirty two & 72/100 $632.72 dollars it being a part of my share from the proceeding of the sale of the land for partition in the proceeding now pending in the Superior Court of Southampton County, Va. entitled R. M. Knight & T. M. Powell & H. K. DeLoatche et. als. & parties to the court which said amount is paid in persuance of the decree in said proceeding and is the amount due said Henry K. DeLoatche from the cash now in hands of the said Commissioners after deducting the cost and allowances made in said decree.

This Jan. 11, 1906.

H. K. DeLoatche.

JOSEPH L. BARHAM, President. JOHN B. GRIFFIN, Vice-President. THOS. J. POWELL, Cashier.

SPECIAL ATTENTION GIVEN TO COLLECTIONS. REMITTED FOR ON DAY OF PAYMENT.

MEHERRIN VALLEY BANK.

Boykins, Va., _____ 190__

Received of T. M. Powell R. M. Knight & H. K. DeLoatche Commissioners the sum of Six hundred & thirty two & 72/100 $632.72 dollars. it being apart of my share from the proceeding of the sale of the land for partition in the proceding now pending in the Superior Court of Southampton County, Va. entitled R. M. Knight T. M. Powell & H. K. DeLoatche et. als. & partie to the court which said amount is paid in persuance of the decree in said proceding and is the amount due said David M. DeLoatche from the cash now in hands of the said Commissioners after deducting the cost and allowances made in said decree. This Jan. 11, 1906.

Signed by H. K. DeLoatche. Guardian for David M. DeLoatche.

JOSEPH L. BARHAM, President. JOHN B. GRIFFIN, Vice-President. THOS. J. POWELL, Cashier.

SPECIAL ATTENTION GIVEN TO COLLECTIONS. REMITTED FOR ON DAY OF PAYMENT.

MEHERRIN VALLEY BANK.

Boykins, Va., _____ 190__

Received of T. M. Powell, R. M. Knight & H. K. DeLoatche Commissioners the sum of Six hundred & Thirty two & 72/100 $632.72 dollars being apart of my share from the proceeding of the sale of the land for partition in the proceeding now pending in the Superior Court of Southampton County, Va. entitled R. M. Knight T. M. Powell & H. K. DeLoatche et. als. & parties to the court which said amount is paid in persuance of the decree in said proceeding and is the amount due said Lucie D. Powell from the cash now in hands of the said Commissioners after deducting the cost and allowances made in said decree.

This Jan. 11, 1906.

Lucie D. Powell

T. M. Powell,

JOSEPH L. BARHAM, President. JOHN B. GRIFFIN, Vice-President. THOS. J. POWELL, Cashier.

SPECIAL ATTENTION GIVEN TO COLLECTIONS. REMITTED FOR ON DAY OF PAYMENT.

MEHERRIN VALLEY BANK.

Boykins, Va., ——— 190—

Received of F. M. Powell R. M. Knight & H. K. D Loaldke Commissioners the sum of One hundred & seven & 43/100 dollars it being the full amount of my share from the proceeding of the sale of the land for partition in the proceeding now pending in the Superior Court of Southampton County, Va entitled R. M. Knight, F. M. Powell & H. K. D Loaldke et. als... & partee to the Court which said amount is paid in persuance of the decree in said proceeding and is the amount due said H. K. D Loaldke from the cash now in hands of the said Commissioners after deducting the Cost and allowances maid in the said decree.

This the 7th day of Aug 1907. H. K. D Loaldke

JOSEPH L. BARHAM, President. JOHN B. GRIFFIN, Vice-President. THOS. J. POWELL, Cashier.

SPECIAL ATTENTION GIVEN TO COLLECTIONS. REMITTED FOR ON DAY OF PAYMENT.

MEHERRIN VALLEY BANK.

Boykins, Va., _____ 190__

Received of F. M. Powell, R. M. Knight & W. K. D. Loatche Commissioners, the sum of One hundred & seven & 43/100 dollars, it being the full amount of my share from the proceeding of the sale of the land for portition in the proceding now pending in the Superior Court of Southampton County Va. entitled R. M. Knight, F. M. Powell & W. K. D. Loatche et. als. & partie to the court which said amount is paid in pursuance of the decree in said proceeding and is the amount due said David M. D. Loatche from the cash now in the hands of the said Commissioners after deducting the cost and allowances maid in the said decree.

Signed by

Aug. 7th, 1907. W. K. D. Loatche, Guardian for David M. D. Loatche

ROGER M. KNIGHT — JAMES THOMAS BARNES

KNIGHT & BARNES

—DEALERS IN—

General Merchandise

Groceries, Dry Goods, Notions, Boots, Shoes, Hats, &c.

Boykins, Va., _____ 190

Received of F. M. Powell H. C. DeLoach & R. M. Knight, Spec'l Com. the sum of One hundred and Seven & 43/100 (107 43) in full payment of the share belonging to Lucie D. Powell from the sale of the lands in petition in the Superior Court of Southampton Co. Va. entitled F. M. Powell R. M. Knight & H. C. DeLoach et als exparte & the cost, which said amount is paid in pursuance of the decree in said proceedings and is the amt. due said Lucy D. Powell from the Court in hand from said Com. after deducting the cost and allowances made in said decree

This Aug 7th 1907

F. M. Powell

Lucie D. Powell

Receive of F. M. Powell R. M. Knight & W. K. Delaune comrs. the sum of Sixteen hundred & Forty one dollars & Sixty three cts. $1641.63 it being a part of my share from the proceeding of the Sale of the land for partition in the proceeding now pending in the superior court of Southampton Co. Va. in Lucie D. Powell & F. M. Powell. R. M. Knight W. K. Delaune et als, exparte to the court, which said amt. is paid in pursuance of the decree in said proceedings and is the amt. due said Lucie D. Powell from the cash now in hands of the said comrs. after deducting the cost and allowances made in said decree.

This Jany 27th 1905

Lucie D. Powell
F. M. Powell

Boykins, Va., _____ 190_

Received of T. M. Powell, R. M. Knight & H. K. D. Coates Commissioners the sum of One hundred & seven & 40/100 dollars, it being the full amount of my share from the proceeding of the sale of the land for partition in the proceeding now pending in the Superior Court of Southampton County, Va entitled R. M. Knight, T. M. Powell & H. K. D. Coates et als. & paid to the Court which said amount is paid in pursuance of the decree in said proceeding and is the amount due said Miss Roberta M. Ridley from the cash now in hands of the said Commissioners after deducting the cost and allowances award in the said decree.

Roberta M. Ridley -

Aug. 7, 1907.

Received of H. E. Deloatch F. M. Sawell and R. M. Wright Comrs. the sum of Sixteen hundred & forty one & 93/100 dollars (1641.93) in part payment of the shares belonging to Roberta M. Ridley from the sale of the lands for partition in the proceedings now pending in the Superior Court of Southampton Co. Va. entitled H. E. Deloatch et als ex parte & the amount which said sum is paid in pursuance of the decree in said proceedings and is the amt due said Roberta M. Ridley from the Cook Row in hand of the said Comrs after deducting the cost and allowances made in said decree

This Jan 27th 1905

Roberta M. Ridley.

JOSEPH L. BARHAM, President. JOHN B. GRIFFIN, Vice-President. THOS. J. POWELL, Cashier.

SPECIAL ATTENTION GIVEN TO COLLECTIONS. REMITTED FOR ON DAY OF PAYMENT.

MEHERRIN VALLEY BANK.

Boykins, Va., _____ 190

Received of T. M. Powell, R. M. Knight & H. K. DeLoatche, Commissioners the sum of Six hundred & thirty two & 72/100 $632.72 dollars. it being apart of my share from the proceeding of the sale of the land for partition in the proceeding now pending in the Superior Court of Southampton County, Va. entitled R. M. Knight & T. M. Powell & H. K. DeLoatche et. als. & parte to the Court which said amount is paid in persuance of the decree in said proceeding and is the amount due said Miss Roberta M. Ridley from the cash now in hands of the said Commissioners after deducting the cost and allowances made in said decree.

This Jan. 11, 1906.

Roberta M. Ridley.

ROGER M. KNIGHT

JAMES THOMAS BARNES

KNIGHT & BARNES

—DEALERS IN—

General Merchandise

Groceries, Dry Goods, Notions, Boots, Shoes, Hats, &c.

Boykins, Va., _____ 190__

Received of F. M. Powell N. K. DeLoach & R. M. Knight Spec. Com. the sum of one hundred and seven & 43/100 ($107.43) in full payment of the shares belonging to Armond & Julia Gatling from the sale of the lands for partition in the Superior Court of Southampton Co. Va. entitled R. M. Knight &c vs Powell &c DeLoach et als & paid to the Court which said amount is paid in pursuance of the decree in said proceeding and is the amt due said Armond & Julia Gatling from said Com. after deducting the cost and allowance made in said decree

This Aug 7th 1907

R. M. Knight. Gordon

ROGER M. KNIGHT JAMES THOMAS BARNES

KNIGHT & BARNES

—DEALERS IN—

General Merchandise

Groceries, Dry Goods, Notions, Boots, Shoes, Hats, &c.

Boykins, Va., _____ 190__

Received of F. M. Powell H. H. DeLoach
R. M. Knight Spl Com. the sum
of one hundred and seven & 43/100 dollars
($107.43) in full Payment of the
Share belonging to Annie D. Knight
from the Sale of the lands for
partition in the Superior Court
of Southampton Co Va entitled
R. M. Knight & F. M. Powell H. H. DeLoach
et als & for the Cost, which said
amount is paid in pursuance
of the decree in said proceedings
and is out due said Annie D Knight
from the cash in hand for said Com.
after deducting the cost and allowances
made in said decree.
This Aug 7th 1907

Annie D. Knight
R. M. Knight

Received of A. A. Deloach. F. M. Powell and R. M. Knight, Special Commissioners the sum of Twenty two hundred and seventy four and 65/100 dollars ($2274.65) it being the share now in hand belonging to the two infant children of the late Mrs Pattie Lee Gatling, from the proceeds of the Sale of the lands for partition in the proceedings now pending in the Superior Court of Southampton Co Va entitled A. A. DeLoach et. als. vs Ipsits. & the Court. which said share is paid in pursuance of the decree in said proceeding and is the the amount due said infants from the cash now in the hands of the Special Com. after deducting the Cost and allowances made in said decree.

This 2nd day of May 1906

R. M. Knight. Gordon

JOSEPH L. BARHAM, President. JOHN B. GRIFFIN, Vice-President. THOS. J. POWELL, Cashier.

SPECIAL ATTENTION GIVEN TO COLLECTIONS. REMITTED FOR ON DAY OF PAYMENT.

MEHERRIN VALLEY BANK.

Boykins, Va., _____ 190—

Received of J. M. Powell, R. M. Knight & H. K. DeLoatche Commissioners the sum of Six hundred & thirty two 72/100 $632.72 dollars it being apart of my share from the proceeding of the sale of the land for partition in the proceeding now pending in the Superior Court of Southampton County, Va. entitled R. M. Knight J. M. Powell & H. K. DeLoatche et. als. & parte to the Court which said amount is paid in persuance of the decree in said proceeding and is the amount due said Annie D. Knight from the cash now in hands of the said Commissioners after deducting the cost and allowances made in said decree. This Jan. 11, 1906.

R. M. Knight Jr.

Annie D. Knight

1641 93

Receipt of F. M. Lowell. A. M. Knight and N. H. De-
Lasch Com.rs the sum of Sixteen
hundred and forty one & 93/100 dollars it being
a part of my my share from the proceeds
of the sale off the lands for partition
in the proceedings now pending in the Supreme
Court of Southampton Co. Va. intitled
N. H. DeLoach etals ex parte & the Court
which said sum is paid in pursuance
of the decree in said proceedings and
is a part of said the sum due said
Annie M. Knight from the sale now
in the hands of the said Com.rs after
deducting the Cost and allowances
made in said decree
Feb Jan 27 1905 Annie M. Knight.

NOT TO BE DETACHED UNTIL PREMIUM IS PAID.

No. J. 45-3-936-S

Baltimore, Aug. 1st 1905

Mr. R. M. Knight - Attorney, Special Master's in re DeLoatche vs. DeLoatche

To THE UNITED STATES FIDELITY AND GUARANTY CO., Dr.

HOME OFFICE.

To 2nd year premium on	Bond No. J. 45-3-936-S	$2000	00

Paid -

J. C. Parker, Agent

NOT TO BE DETACHED UNTIL PREMIUM IS PAID.

No. J. 45 3,936-S-

Baltimore, Aug 1st 1906

Messrs. R. M. Knight. F. M. Powell & H. K. Sedwick. Special Commissioners.

To THE UNITED STATES FIDELITY AND GUARANTY CO., Dr.

HOME OFFICE.

		Bond
To 3 year premium on - - - No. J. 45 3,936-S-		
in favor of De Lashmutt Hdw Co. vs. Sedwick et als-		2000
Paid-		
Thanks	J. E. Perkins Agt.	

Franklin, Va. Aug. 1" 1904

Mus. S. A. Knight, J. A. Powell and Henry M. Hatch, &c. Exrs. in
suit of Atlantic & al. vs. Atlantic & al.

To E. Frank Story Dr.

Attorney at Law.

To Fee on Bond	$20.00
Paid Aug. 2" 1904.	
E. Frank Story.	

Franklin, Va., Sept 1 — 1904

M. R. M. Knight & T. M. Powell & H. K. Deloatche, Spl. Comrs. Deloatche et als. v. S. Deloatche et als

To THE J. P. HOLLAND PUBLISHING COMPANY, Dr.

Publishers of THE GRAPHIC.

..PRINTERS, Engravers and Binders.

BOOK WORK A Specialty.

1904					
Aug	8	To 160 Big Posters	5 00		
		" Pub. Sale of Land in The Graphic	3 00		8 00

PAID
Oct 6-1904
The J. P. Holland Publishing Co.
Per J. P. Holland

Many thanks.

Franklin, Va., Apl. 14th, 190 5

Mrs Mahaehin Est

To I. C. WILLS, Dr.,

County Surveyor and Civil Engineer.

1904

Aug 4	For 1 day surveying and dividing into lots the Parker on North side of Road		5 00
	R R. farm		5 0
" 15	Survey & Map of 38 acres (26)		5 00
	Resurvey of Town-lots		2 50
	Map of town lots		10 00
1905			
Apl 6	Staking lots on Road		2 50
	R R. farm		1 00
			$ 26 50

Please accept and ret.

Please issue check & oblige

I left

Send payment in person

(Thanks) I. C. Wills

Courtland, Va., _____ 190—

Messrs. F. M. Powell, R. H. Kinsolving & H. K. Delaplane, Spl. Com.

In account with W. J. Sebrell,

Attorney-at-Law.

1904

Aug.	23	To fee for consultation & advice, & services rendered at sale of Delaplane Real Est.	5. 00

Paid,
W. J. Sebrell, Atty.

Total Amount due $

Received Aug. 8th 1907 of F. M. Powell, R. M. Knight, and H. K. Deloatche, special Commissioners in the Chancery suit of Deloatche &c. vs. Deloatche check for ($30.00) thirty dollars in payment of attorney's fees for writing six deeds to purchasers of real estate sold by them under decree in said suit.

W. J. Sebrell, atty.

Knight & Bowers

Ida acct with

F. M. Powell R. M. Knight. N. K. DeWolf Coon

To Stationery & Stamps 12

Paid

Aug 7th 1907 Knight & Bowers

MEHERRIN VALLEY BANK
BOYKINS, VA.

JOSEPH L. BARHAM, *President.* JOHN B. GRIFFIN, *Vice Prest.*
J. W. FLEETWOOD, *Cashier.*

AUG 6- 1907

F. M. Powell, H. K. Delvatch and R. M. Knight
Executors of Mrs. Bettie S. Delvatch's Estate.

To J. W. Fleetwood, Dr.

To taking the acknowledgement of
the Execution of Five Deeds. @ .25 = $1.25

Paid Aug. 7, 1907.
J. W. Fleetwood.

Incorporated 1832

50M—1—'04.

Virginia Fire and Marine Insurance Company,

Wm. H. Palmer, President
W. H. McCarthy, Secretary
Ro. F. Johnston, Special Agent

Post-Office. _____

_____

Received January 12. 1906 of
Mess R. W. Knight F. M. Powell &
H. K. Deloatch. Administrators Estate
Mrs Bettie S. Deloatch deceased
One 50/100 taking Acknowledgment
to deed.

E. B. Dealon
Notary Public

F. M. Powell, R. M. Knight and H. K. Deloalche, (Special Commissioners in suit of Deloalche &c. vs. Deloalche et als.

In account with J. L. Gillelle,

1904
Aug. 23 To services as crier in selling the Real estate of Mrs. B. S. Deloalche, dead. $25.00

Received Dec 15th 1904 payment in full of acct

J. L. Gillelle

Received January 27 - 1906 of
R. M. Knight, F. M. Powell &
H. K. Delozier Commissioners.
~~Administrator~~
Est- Mrs Belle S. Delozier deceased
Six dollars - taking their
acknowledgement to four -
deeds -

E. D. Deaton
Notary Public

Received Janu. 26th 1905 of F. M. Powell, R. M. Knight and H. K. Deloatche, Spec. Comrs. in suit of Deloatche et als. vs. Deloatche et als., Check on Meherrin Valley Bank to cover the following items, namely—

* — Taxed legal costs as per statement in papers in said suit— 286.71

Writing four deeds under decree " " " — 20.00

$306.71

W. J. Sebrell, Atty.

* — This item of $286.71 plus attys fees paid to clk — as per draft on statement costs — filed in my papers—

Deloatche et al
v. & In Chancy.
Deloatche et al.

Final Report
of Special
Commissioners.

1908. July 23rd filed
J.L.M.

Deloalche et al. } Report of
v. } Spl. Comrs.
Deloalche et. }

In this cause the undersigned special Commissioners respectfully report to the Court that they have collected in full the purchase price for all the real estate sold by them under a former decree in this suit, and have fully paid out and disbursed the same as directed by a former decree, all which will more fully appear from a statement of receipts and disbursements hereto attached as a part of this report, and from receipts and vouchers attached to said statement. There is nothing further to be done in this cause.

Respectfully submitted,

B. W. Knight,
W. K. D. Loatche.
F. M. Darwell
Special Comrs.

Deloatche et als.
v. } Decree.
Deloatche et als.

October 17, 1904.

Enter, this,
Robert R. Rhodes

Entered
O. O. B. fo. 111.

W. Odell, D.C.

Deloatche et als. }
v. } Decree.
Deloatche et als. }

This day this cause came on to be further heard upon the papers formerly read, and upon the report of R. M. Knight, F. M. Powell and H. K. Deloatche, Special Commissioners, this day filed by leave of the Court, reporting sales of the real estate in the bill and proceedings mentioned, same having been sold by them in separate lots and parcels, 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 the said sales therein reported. And it appearing from the said report that the following purchasers, to-wit,

M. J. Knight,	purchaser of the Brodalew lot,	- - -	$1175.00
F. M. Powell,	" " " Jack Myrick "	- - - -	1425.00
R. M. Knight,	" " Lot No. 5.	- - - -	100.00
R. M. Knight,	" " " " 6,	- - - - -	70.00
R. M. Knight,	" " " " 8,	- - - - -	85.00
F. M. Powell,	" " " " 9,	- - - - -	160.00
Dr. B. R. Bryant,	" " " " 10,	- - - - -	190.00
Dr. B. R. Bryant,	" " " " 11,	- - - - -	190.00
Dr. B. R. Bryant,	" " " " 12,	- - - -	210.00
R. M. Knight,	" " " " 14,	- - - -	195.00,

desire to pay the entire purchase price in cash, and take a deed for the lands purchased by them, the Court doth adjudge, order and decree that the said R. M. Knight, F. M. Powell and H. K. Deloatche, Special Commissioners, upon receipt of the said sums of purchase-money from the said purchasers, do execute to the said purchasers deeds, with special warranty, for the real estate purchased by them.

And as to the other purchasers of the balance of the real estate, who have paid one-third of the purchase-price in cash, and executed their

bonds for the deferred payments, to-wit,

H.K. Deloatche, purchaser of The Deloatche Farm -- $9000.00

Mrs. Bettie J. Drewry, " " " 49 1/3 acre parcel of land lying North of Bomis bridge road, as per small map. -- 630.00

I.I. Bryant, purchaser of Lot no. 1, ------ 375.00

I.I. Bryant, " " " " 2, ------ 125.00

I.I. Bryant, " " " " 3, ------ 135.00

I.I. Bryant, " " " " 4, ------ 70.00

John Chamblis, " " " " 7, ------ 295.00

Wm. Jackson & N.L. Rogers " " " 13, ------ 190.00

Mrs. A.C. Bryant, " " " 15, ------ 85.00,

the Court doth adjudge, order and decree that, upon the maturity of the said bonds, or in case the said purchasers should desire to anticipate the maturity thereof, the said R.M. Knight, F.M. Powell, and H.K. Deloatche, Special Commissioners, are hereby authorized and directed to withdraw the same from among the papers in this cause, by receipting therefor to the Clerk of this Court, and, upon collecting the full amounts of the said bonds executed for the deferred payments, with interest computed and added thereon up to the time of payment, the said Special Commissioners will execute to the purchasers deeds, with special warranty, for the real estate purchased by them.

And the said special commissioners are hereby authorized and directed, out of the funds in their hands, to pay, first, the legal cost of this suit and sale, including an additional attorney's fee of $250.00, to W.J. Sebrell, attorney for the plaintiffs for his services in this suit, and the balance they will distribute among the parties entitled thereto, that is to say,

One-Sixth thereof to H.K. Deloatche;

One-Sixth " " Lucy R. Powell, née Deloatche;

One-Sixth " " Annie D. Knight, " " ;

One-Sixth " " Roberta M. Ridley, widow of W.J. Deloatche, dec'd,

One-Sixth " " the guardian of David M. Deloatche;

One-twelfth thereof to the Guardian of Julia K. Gatling;
One-twelfth " " " " " Herman Gatling.

But before the said special Commissioners shall pay to the said guardians the amounts coming to their said wards, the said guardian of David M. Delozier shall enter into bond, with approved security, before the clerk of this Court, in the penalty of $4000.-, and the guardian of Julia K. Gatling into like bond in the penalty of $2000., and the guardian of Herman Gatling into like bond in the penalty of $2000., all the said bonds to be conditioned for the faithful application of the funds, and for the management and preservation of any property or securities in which the same may be invested, and for the protection of the rights of all persons interested, whether the same be vested or contingent.

And the said special Commissioners will take receipts from the parties for the amounts paid by them, and return the same along with their report to this Court.

Deboalch et: als:
vs } Stat: Rules.
Deboalch et: als:

Henry K. Delozier.
Lucy R. Powell (nee Delozier)
and F. M. Powell, her husband.
Annie D. Knight (nee Delozier)
and R. M. Knight her husband. and
Roberta M. Ridley, devisee of
W. J. Delozier, deceased — Pltffs.

Against

David M. Delozier, Julia K.
Galling and Herman Galling
all infants under twenty one
years of age, by Joseph B.
Prince their Guardian
ad litem. — Defts

1904 - June 1st Process ish. to 1st June Rules.
" 9th " Rules: Process ret. Executed.
Bills & Ans. filed.
J. B. Prince appointed Gdn ad litem
to infant defendants.
Decree Nisi.
1904 - 2nd June Rules: Cause set for hearing.

Dobbalch et: alv:

"

Dobbalch et: alv:

Sum 25. Cop 13.	38
Rest 18. atty 10	28
Book 18 - Rule 50	68
Entering return 35 filing bill 15	50
Copy 4 Exhibits 1.00 Filing 4 15.	1.15
Rule	.50
Replication to answer	.15
4 deeds .036	1.44
Copy of deeds for Court	.36
Filing Court's Report	.25
Tax Costs	.40
Filing away Papers	.25
Taking record Comm Bail	.85
paid - B.F.M. Clerk	7.19
" " Sheff	.50
Lawfs	16.50
Jno " Com. B.F.M.	10.00
R.M.K. " Witness - Wm Ahlo	.84
" " B.F.M. " E.D. Reed	.84
" " " " " R Bryant	.84
Wm Scoville, atty's fee	250.00
	286.71

Deloatche et als.,

v.

Deloatche et als.

Answer of infant defendants, by their guardian ad litem.

The answer of David M. Deloatche, Julia K. Gatling and Herman Gatling, infants under the age of twenty one years, by Joseph B. Prince, their guardian ad litem, assigned to defend them in this suit, to a bill of complaint exhibited against them and others, in the Circuit Court for Southampton County, by Henry K. Deloatche, Lucy R. Powell, (née Deloatche), and F. M. Powell, her husband, Annie D. Knight (née Deloatche), and R. M. Knight, her husband, and Roberta M. Ridley, devisee of W. J. Deloatche, said.

The respondents, reserving to themselves the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as they are advised that it is material they should answer, by their said guardian ad litem answer and say:

That they are infants of tender years, and, being such, they are incapable of understanding, or of taking care of their rights and interests. They, therefore, by their said guardian ad litem, commend themselves, and their rights and interests to the protection of the Court.

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

Joseph B. Prince

G'd'n. ad litem for David M. Deloatche, Julia K. Gatling and Herman Gatling, infant defendants.

Receive of B. F. McLemore
Clerk of the Circuit Court of
Southampton County, the bonds of
William Jackson, N. L. Rodgers
v. J. J. Powell dated 23rd day
of Augt $63.33 Six Ty three
dollars & thirty three cts., the bond
of a. C. Bryant & Ed. R. Bryant
dated aug. 23rd 190x for twenty
eight dollars & thirty three cts
$28.33 The bond of J. [redacted] N.
Chambliss v. J. J. Powell dated
23rd day of aug. 190x. for. Ninty
eight dollars & thirty three cts.
$98.33, The bond of Bettie J.
Drewry v. J. W. Drewry dated 23rd
day of aug. 190x. for the sum of
Two hundred & ten dollars,
$210.00, and the bond of J. J. Bryant
v. J. M. Powell aug. 23rd. 190x
for two hundred & thirty five
dollars $235.00, payable one year
after date, by the parties ~~the parties~~
above said to R. M. Knight. v
D. M. Powell v N. L. Delaatche.
Special commissioner in the
chancery suit of Delaatche et. als.
v. S. Delaatche et. als.

and filed in the papers of the said suit. said bonds having been re-
turned for defects & payments on
lands purchased from said com-
missioners and withdrawn from the
papers of said cause under there
interest there in, ~~Order~~ on the
17th day of October, 1904.
August 18", 1906.

R. M. Knight Spl Comm.
F. M. Powell.
H. K. DeLoatche.

Received of B. F. McSween Clerk of the Circuit Court of Southampton County. The bond of H. K. Deloatch dated the 23rd day of August 1904, for the sum of Three Thousand dollars, payable one year from date, by the said H. K. Deloatch to R. M. Knight, J. M. Powell and H. K. Deloatch Special Commissioners in the Chancery suit of Deloatche et. als. vs. DeLoatche et. als. and filed in the papers of said suit. said bond having been executed for deferred payment on Land purchased from said Special Commissioners, and withdrawn from the papers of said Cause, under decree entered therein on the 17th day of Oct. 1904.

J. M. Powell H. K. DeLoatche.

R. M. Knight

Spcl Com.

Received of B. F. McLemore, Clerk of the Circuit Court of Southampton County, the following bonds, dated the 23rd day of August 1904 - to-wit: The bond of Bettie A. Drewry and J. W. Drewry for the sum of $210.00; The bond of L. B. Chamblis, and J. T. Hunt for the sum of $98.33; The bond of J. T. Bryant and F. M. Powell for the sum of $235.00; The bond of William Jackson, A. D. Rogers and J. J. Powell for the sum of $65.33; the bond of A. E. Bryant and E. R. Bryant for the sum of $28.33, each of said bonds payable two years from date to R. M. Knight, F. M. Powell and H. K. DeLoatche Special Commissioners in the Chancery suit of Deloatche et als. vs. Deloatche et als, and filed in the papers of said suit - said bonds having been executed for deferred payments on land purchased from said Special Commissioners, and withdrawn from the papers of said cause, under decree entered therein on the 17th day of Oct, 1904.

R. M. Knight.
H. K. DeLoatche
F. M. Powell

Received of B. F. McLemore
Clerk of the Circuit Court of
Southampton County the bond of
H. K. Deloatche - dated the 23d. day
of August 1904. for the sum of
Three Thousand Dollars, payable
two year from date - by the
said H. K. Deloatche to R. M. Knight
F. M. Powell and H. K. Deloatche
Special Commissioners in the
Chancery Suit of Deloatche et als.
vs. Deloatche et als, and filed in
the papers of said suit said
bond having been executed for
deferred payments on land
purchased from said Special
Commissioners and withdrawn
from the papers of said cause
under decree entered therein on
the 17th day of October 1904.
Jan 3. 1906.

H. K. DeLoatche, } Special
F. M. Powell, } Commissioners
R. M. Knight }

Deloatche et al.,
v. Decree.
Deloatche et al.

This day this cause came on to be further heard on the papers formerly read, and on the report of Commissioner ~~Joseph D. Price~~ E. H. Lewis, filed on the 7th day of July 1904, to which report there is no exception, and was argued by Counsel.

On consideration whereof, the Court doth approve and confirm the said report. And it appearing that the land in the bill mentioned and described cannot be conveniently divided in kind among the parties entitled thereto, and that it would be to the best interest of the parties for the entire property to be sold and the proceeds divided among the parties according to their respective rights, the Court doth adjudge, order, and decree that R. M. Knight, G. M. Powell, and Henry K. Deloatche, who are hereby appointed special Commissioners for the purpose, do proceed to sell by public auction the lands in the bill and proceedings mentioned, after having given reasonable notice of the time and place of sale, upon the following terms, to-wit: One-third in Cash, and the balance in two equal credit installments, payable one and two years respectively from the date of sale, the purchaser to execute bonds, with approved security, for the deferred payments, carrying interest from date of sale, and the title to be retained till all the purchase-money is paid, with the option to the purchaser to pay the entire purchase-price in Cash, and take a deed upon confirmation of the sale by the Court.

And if the said Commissioners should be of opinion that it would be to the best interest of the parties that said lands should be sold in separate and distinct parcels, the said Commissioners are hereby authorized to sell the same accordingly; and, to this end, they may

employ a competent surveyor to lay off said lands into separate and distinct parcels and make a plat thereof, and said Commissioners may sell the same as thus laid off and designated on the plat.

But before the said Commissioners will proceed to act under this decree, they, or one of them, shall enter into bond, with approved security before the Clerk of this Court, in the penalty of $15,000.00, conditioned for the faithful discharge of his, or their duties under this or any subsequent decree in this cause. And the said Commissioner, or Commissioners, will make report to this Court.

Dilonvale et al.
v.
Dilonvale et al.

July 18, 1904.

Entered

Recorded
D.O.B. 2-95.

Indorsed, 9:2.

-1908-

Diloatake ch als.

v. Deree.

Diloatake &c.

July 23rd. 1908.

Enter this,

James L. McLemore

Entered-Page-

466-

Deloatche et als. }
v. } Decree.
Deloatche vc. }

This day this cause came on to be further heard on the papers formerly read, and on the final report of Special Commissioners, R. M. Knight, H. K. Deloatche, and F. M. Powell, this day filed by leave of the Court, showing collection in full of the purchase price for all the real estate sold by them under a former decree in this suit, and complete disbursement of the same as directed by a former decree, the same being supported by proper vouchers, to which report there is no exception, and was argued by counsel. On consideration whereof, the Court doth approve and confirm the said report.

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

Deloatche et als.

vs. { Decree.

Deloatche et als.

Entered
D.O.B. p. 86.

In Vacation:

July 1st 1904.

Enter this,

Robt. N. Staples

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

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

In Vacation: In the Circuit court of Southampton county, Virginia, on the 1st day of July 1904.

Henry K. Deloatche, Lucy R. Powell, (nee Deloatche), and F. M. Powell, her husband, Annie D. Knight, (nee Deloatche), and R. M. Knight, her husband, and Roberta M. Ridley, devisee of W. J. Deloatche, deceased, ---------- Plaintiffs,

vs.) Decree.

David M. Deloatche, Julia K. Gatling, and Herman Gatling, all infants under twenty one years of age, by Joseph B. Prince, their guardian ad litem, ---------- Defendants.

This day this cause came on to be heard on the bill of complainants and exhibits therewith filed, the answer of the infant defendants by Joseph B. Prince, their guardian ad litem duly assigned at rules to defend them in this suit, with general replication thereto, and upon the consent, in writing, of all parties in this cause, made in vacation that this cause be submitted to the Judge of this court for such decision and decree therein, in vacation, as might be made in term, which writing is made a part of the record in this cause, and was argued by counsel.

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

1st. The annual and the fee-simple value of the real estate in the bill mentioned, and the interests of the several parties, plaintiff and defendant, in the said real estate.

2nd. Whether the said real estate can be conveniently divided in kind among the parties entitled thereto.

3rd. If the same cannot be so divided, whether any party will take the entire property and pay to the other parties such sums of money, as their interests therein may entitle them to receive.

4th. If the same cannot be conveniently divided in kind, and if no party will take the entire property and pay the others for their shares, whether the interests of the parties would be promoted by

a sale of the entire property, or by allotment of part and sale of the residue.

5th. Whether there are any liens on the shares of any of the parties in interest, and, if so, the amount and description of the same.

6th. Whether there are any delinquent taxes due on the said real estate,

which said inquiries the commissioner will make and report to the court, together with any other matter specially stated, deemed pertinent by himself, or requested to be so stated by any interested party.

To the Clerk of the Circuit Court of Southampton County: } Robert R. Atkins

Delo. atch, et: als:
vs. } Sp'a in Chy
Delo. atch, et: als:
1904. 1. June. Rules.

Executed June 2nd
1904. by Delivering
a copy of the
writing unto
Mr. L. B. Prince
in Person
H. W. Bryant Dep.
for
J. L. Sheriff

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON David M. Deloatch, Julia K. Gatling and Herman Gatling, all infants under twenty one years of age, by Joseph B. Prince, 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 June 1904 ~~next~~, to answer a Bill in Chancery exhibited against them in our said Court by Henry K. Deloatch, Lucy R. Powell (nee Deloatch) and A. M. Powell, her husband, Annie D. Knight (nee Deloatch) and R. M. Knight, her husband, and Robert A. M. Ridley, devisee of W. J. Deloatch, deceased.

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

B. F. McLemore

Witness, ~~L. A. Gay~~, Clerk of our said Court, at the Courthouse, this 1st day of June, 1904, in the 128th year of the Commonwealth

TESTE:

B. F. McLemore, C. C.

Form B—250—Ja29'03

De Loatche et als

vs. } Report.

De Loatche et als

1904 July 4th, Filed

R. F. McLennan C. C.

OFFICE OF JOSEPH B. PRINCE.
B.F.McLemore.
Commissioner in Chancery for the Circuit Court of Southampton County, Virginia.

Courtland, Va., July 1st, 1904. 189

To

Henry K.Deloatche, Lucy R.Powell, (nee Deloatche) and F.M. Powell, her husband, Annie D.Knight,(nee Deloatche) and R.M. Knight, her husband, and Roberta M.Ridley, devisee of W.J. Deloatche, deceased,

and

David M.Deloatche, Julia K.Gatling, and Herman Gatling, all infants under twenty-one years of age by Joseph B.Prince their guardian ad litem.

You are hereby notified that I have fixed upon the 7th day of July,1904, if fair, if not the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to-wit:

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

2nd:- Whether the said real estate can be conveniently divided in kind among the parties entitled thereto.

3rd:-If the same can not be so divided, whether any party will take the entire property and pay to the other parties such sums of money as their interest therein may entitle them to receive.

4th:-If the same can not be conveniently divided in kind, and if no party will take the entire property and pay the others for their shares whether the interests of the parties would be promoted by a sale of the entire property, or by allotment of part and sale of the residue.

5th:-Whether there are any liens on the shares of any of the parties in interest, and if so the amount and description of the same.

6th:-Whether there are any delinquent taxes on the said real estate,

Together with any other matters specially stated deemed pertinent by the commissioner or required to be stated by any interested party.

required to be taken by a decree of Southampton Circuit Court, rendered at the ~~term 189~~ on the 1st Day of July, 1904, 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. F. McLemore, Commissioner.

To the Sheriff of Southampton County to execute.

In Vacation: In the Circuit Court of Southampton County, Va., on the 1st day of July,1904.

Henry K.Deloatche, Lucy R.Powell, (nee Deloatche,) and F.M.Powell, her husband, Annie D.Knight, (nee Deloatche) and R.M.Knight, her husband, and Roberta M.Ridley, devisee of W.J. Deloatche, deceased, Plaintiffs,

vs. } Decree

David M.Deloatche, Julia K.Gatling, and Hurman Gatling, all infants under the age of twenty one years of age,,by Joseph B.Prince their guardian ad litem, Defendants.

This day this cause came on to be heard on the bill of complainants and exhibits therewith filed, the answer of the infants defendants by Joseph B.Prince their guardian ad litem duly assigned at rules to defend them in this suit, with general replication thereto, and upon the consent in writing of all the parties in this cause made in vacation that this cause be submitted to the judge of this court for such decisions and decrees therein in vacation as might be made in term, which writing is made a part of the record of this cause, and was argued by counsel.

On consdieration whereof the court doth adjude, order and decree that it be referred to one of the commissioner of this court to ascertain and report to the court:-

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

2nd:-Whether the said real etstae can be conveniently divided in kind among the parties entitled thereto.

3rd:-If the same can not be so divided, whether any party will take the entire property, and pay to the other parties such sums of money as their interests therein may entitle them to receive.

4th:-If the same can not be conveniently divided in kind, and if no party will take the entire property and pay the others for

their shares, whether the interests of the parties would be promoted by a sale of the entire property, or by allotment of part and sale of the residue.

5th:-Whether there are any liens on any of the shares of any of the parties in interest, and if so the amount and description of the same.

6th:-Whether there any delinquent taxes due on the said real etstate, which said inquiries the commissioner will make and report to the court, together with any other matters specially stated deemed pertinent by himself, or requested to be so stated by any interested party.

Robert R.Prentis.

To the Clerk of the Circuit
Court of Southampton County.

A Copy.

Teste. B. F. McLemore

C.C.

Commissioners Office, Courtland, Va.

July 7th,1904.

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

Pursuant to a decree of the Circuit Courtof Southampton County entered on the 1st day of July, 1904, in the chancery cause therein depending styled Deloatche et als vs. Deloatche et als, the undersigned a commissioner in chancery of the Circuit Court for the County of Southampton, to whom was referred for settlement the accounts called for by the said decree, begs to report that on the 1st day of July,1904, he issued notices against the several parties hereto requiring them to attend the settlement of the accounts of the said decree on the 7th day of July,1904, at his office in the town of Courtland, Va., which notices were retured to your commissioner duly acknowledged by the representatives of the parties in interest.

In pursuance to said notices your commissioner did proceed to take and settled the said accounts and begs to report:-

1st:-The annual value of the said real estate based on what it has rented for for the last few years is $700.00 , and fee simple value of $10,000.00. The interest of the parties is an undivided one sixth, except John S Thurman entitling him to a 1/6 interest between them.

2nd:-The said real estate can not be conveniently divided in kind among the parties entitled thereto.

3rd:-No party will take the entire property and pay to the other parties interested such sums of money as their interest therein entites them to.

4th:- The interests of the parties would be promoted by a sale of the entire property, and divion of the proceeds among the parties entitled according to their respective interests.

5th:- There are no liens against the shares of any of the interested parties, either for delinquent taxes or otherwise.

6th:- Reported under "5th".

Comm's. fee $10.00
Wm. White .84
S. E. Priddy .84
J. H. Wright .84
$12.52

Respectfully submitted.

B. F. McLemore Comm in Chy

The depositions of W.W.White, E.D.Priddy, and J.R.Bryant, taken before me, B.F.McLemore, a commissioner in chancery of the Circuit Court for the County of Southampton, in the state of Virginia, to assist said commissioner in making a report in the chancery suit Deloatche et als vs. Deloatche et als, said depositions being taken at the time and place of the taking of the accounts of a decree in the said cause entered on the 1st day of July, 1904, which notice is filed herewith as a part of this report.

Present" W.J.Sebrell, Atty. for Plaintiffs.
Joseph B.Prince, Atty Guardian ad litem for the infant defendants.

Witness W.W.White, after being first duly sworn, deposes as follows:-

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

A. W.W.White, 41, Southampton County, Va., at Boykins, Merchant Yes, I know the parties.

Q. Please state whether you are well acquainted with the real estate in the bill mentioned, and whether in your opinion the same can be conveniently divided in kind among the parties entitled thereto ?

A. I am well acquainted with the real estate. I don't think it can be conveniently divided in kind among the parties entitled thereto.

Q. Please state your reasons for your opinion ?

A. The most valuable land is situated the town of Boykins. It would be almost impossible to divide the land into six equal shares without giving some party some land away off, where no body would want it, and I think the heirs would derive more benefit, and more equal justice would be done all the parties to sell the entire property and divide the proceeds.

Besides the dwelling house upon the land is of so much value that it would be impossible for any one heir to have this, with any land attached to it, unless he had more than his share of the property. The house is in Boykins, and to take away the land from it would decrease the value of the property.

Q. Please state whether or not , as far as you know, any one of the parties will take the entire property, and pay to the others such sums of money as their interests therein may entitle them to receive ?

A. I don't know of any who would, and don't think any one would.

Q. Please state whether or not you think the interest of all the parties would be promoted by a sale of the said real estate ?

A. I do.

Q. Please state in your opinion the annual and fee simple value of the said real estate ?

A. I think the fee simple value is about $10,000.00, and annual value of $700.00

Q. What are the interests of the parties in this property ?

A. Each of the parties are entitled to a undivided one sixth interest except Julia Gatling and Hurman Gatling who are together entitled to a one sixth interest.

And further this deponent saith not.

13 Jan

W. W. White

Witness J.R.Bryant, after first being duly sworn deposes as follows:-

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

A. J.R.Bryant, 55, Southampton County, near Boykins, Farmer, I know know the parties.

Q. Have you heard the depositions of W.W.White in this suit , and if so please state whether or not you concur in the same.

A. I have heard the deposition of Mr. White, and I concur in his deposition all the way through.

And further this deponent saith not.

13.

J.R.Bryant

Witness E.D.Priddy, after first being duly sworn deposes as follows:-

Q. Please state your name, age residence, occupation, and do youu know the parties to this suit ?

A. E.D.Priddy, 39, Boykins, Southampton County, Va., Book keeper, I know the parties to this suit.

Q. Have you heard the deposition of Mr. W.W.White in this suit, and if so, please state whether or not you concur therein ?

A. Yes, I have heard Mr. White's deposition, and I fully concur in all he has said.

And further this deposnen saith not.

13. E.D.Priddy

Virginia,

Southampton County, to-wit:-

I,B . F.McLemore, a commissioner in chancery of the Circuit Court for the County aforesaid, in the state of Virginia, do certify that the foregoing depositions ofW.W.White, E.D.Priddy, and J.R.Bryant were duly taken, sworn to and subscribed before me at the time and place and for the purpose in the caption hereto annexed.

Given under my hand this 7th day of July, 1904.

B. F. McLemore

Commissioner in Chancery.

PROPERTY OF

DELOACH = HEIRS

NEAR BOYKINS VA.

SCALE 6 CH = 1 IN AUG 5, 1904

I. C. Wilkins. SURR.

N. Fork Meherrin

Jarara Creek

APPRAISED

LINE

SWAMP

49 1/8 ACRES

W. M. Beacon Line

Lot No 15

House

Offset Line

Meherrin Road

Lot No 16

House

Near road

Ash on south side of embankment

Bridge