1909_ 22 Southampton County Chancery. Chappelle, Peter A (vendee) vs Hamlin, Alexander

division of real estate,
& sell and proceeds divided
among parties as entitled.

Chappelle, John W.
Hamlin, Julia F.
" , Alex (husband
Chappelle, Claiborne I.
Young , Susan Chappelle
" , Joshua
Foltz, Richetta
" , J. Willis
Chappelle, Pattie
Green, Elisha
" , Mary

Hamlin, Alexander
" , Bertha
Chappelle, Eleanor
Green , Hiram Lloyd
" , Clara G.
" , Royal H.
" , Elisha V
" , Peter A.
Edwards, Claude T.
(G.A.L)

Bill of Complaint

Chappelle et als
*vs.*
Chappelle's Infants et als.

1908 1st July Rules.
Filed.

JOSEPH B. PRINCE
Courtland, Va.

To Honorable James L. McLemore, Judge of the Circuit Court of Southampton County:-

Humbly complaining show unto your Honor, your complainants, Peter A.Chappelle, and the same Peter A.Chappelle as vendee of John W.Chappelle and of Julia F. Hamlin and Alexander B.Hamlin, her husband, Claiborne I. Chappelle, Susan Chappelle Young, and Joshua Young, her husband, Richetta Faltz and J. Willis Faltz, her husband, Pattie Chappelle, widow of Peter Chappelle, (sometimes called Peter Chappel) and Elisha Green, husband of Mary Green, deceased, that Peter Chappelle, (sometimes called Peter Chappel) was in his life-time seized and possessed, in fee simple, of certain real estate lying in said county of Southampton, consisting of a certain tract or parcel of land, containing 211 acres, more or less, and bounded by the lands formerly belonging to Gilbert Drewry, George Stephenson, Watkins Stephenson and others, and a certain other tract or parcel of land containing 187,1/2, acres, more or less, and bounded by lands formerly belonging to Dr. C.W.Nicholson and others, and being known as "Millbrook", same being a part of the old Briggs tract, the two said tracts of land amounting in the aggregate to 398,1/2, acres, more or less; and that being so seized and possessed of the said real estate, the said Peter Chappelle (sometimes called Peter Chappel) in or about the year 1902,departed this life leaving a widow, Pattie Chappelle, and the following children,to-wit:- Richetta Faltz, wife of J.Willis Faltz, Mary T.Green, wife of Elisha Green, Peter A.Chappelle, John W.Chappelle, Julia F.Hamlin, wife of Alex. B. Hamlin, Claiborne I.Chappelle, Susan Chappelle Young, wife of Joshua Young, _____Chappelle, and Eleanor Chappelle, the last named being an infant under twenty-one years of age, and leaving a last will and testament, which was

duly probated at the December term, 1902, of the County Court of said County, a copy of which is herewith filed as "Exhibit A" and prayed to be read as a part of this bill.

That the said Richetta Faltz and Mary T.Green were the oldest two of his said children and that the other seven were the "seven of his youngest children" referred to in his said will.

That sometime after the death of the said Peter Chappelle,(sometimes called Peter Chappel) the said _____ Chappelle died, intestate, unmarried and without issue, leaving her brothers and sisters above-named as her heirs-at-law. That since the death of the said Peter Chappelle,(sometimes called Peter Chappel),the said John W.Chappelle by deed of bargain and sale,dated the 10th day of April,1908, has sold and conveyed all his interest,right, title, and estate in and to the said real estate to the said Peter A.Chappelle, as will more fully appear from the said deed of bargain and sale,herewith filed as "Exhibit B" and prayed to be read as a part of this bill. And that by written agreement, made and entered into on the 16th day of September,1907, and herewith filed as"Exhibit C", the said Julia F.Hamlin and Alexander B.Hamlin, her husband, agreed and bargained to sell to the said Peter A.Chappelle, in consideration of the sum of $250.00, to be paid in cash by the said Peter A.Chappelle on or before the 15th day of December,1907, all their interest, right,title and estate,in,and to the said real estate, they the said Julia F.Hamlin and Alexander B.Hamlin,her husband, therein and thereby agreeing to execute to the said Peter A. Chappelle, a deed with general warranty, for their interests in the said real estate upon the payment of the said sum of $250.00 to them as aforesaid, and that the said Peter A. Chappelle, in pursuance of said written agreement, prior to the said 15th day of December, 1907, paid to the said Ju-

lia F. Hamlin the said $250.00,the purchase price agreed on as aforesaid for her interest in said real estate,thereby entitling him to a deed for said interest, and she and her said husband, thereupon promised the said Peter A.Chappelle that they would at once proceed to have a deed for said interest prepared, and that they would then execute the same and deliver it to him, but that before same was executed the said Julia F.Hamlin was taken ill, and died,intestate, leaving a husband, the said Alexander B.Hamlin, and two children,to-wit, Alexander Hamlin, and Bertha Hamlin, infants under twenty-one years of age. That Since the death of the said Peter Chappelle,(sometimes called Peter Chappel,) the said Mary Green, wife of Elisha G reen, has also died,intestate, leaving a husband, the said Elisha Green, and the following infant children as her heirs-at-law,to-wit:- Hiram Lloyd Green, Clara G.Green, Royal H.Green, Elisha V.Green and Peter A. Green. That,while the will of said Peter Chappelle,(sometimes called Peter Chappel,) provided that the property be held together till the youngest child should become twenty-one years of age, the conditions and circumstances are now such that the best interests of the parties, and especially of the infants, require that there should be a present partition or sale of the property, without waiting for the youngest child to become twenty-one years of age, which would occasion a delay of some two or three years, which delay would be detrimental to the interests of the said parties, and especially of the infants concerned. The buildings on the said lands have already become very much dilapidated and are unfit for use or occupancy in their present condition and are fast going to decay and ruin; the fences have nearly all gone down, and the ditches filled up so that the land is being overflowed and sobbed, and in this condition it is impossible to rent out the lands to any advantage, so as to derive any revenue from it for the parties in interest, while they have to pay taxes on it, which

makes it a real expense. And there is now no money or other personal property belonging to the estate, with which the needed repairs can be made. Besides there is some timber on the said lands which would make them command a greater value than they would two or three years hence, as the Surry Lumber Company, which has bought all the timbers on the other tracts of land in the neighborhood, are now engaged in cutting and will soon complete the cutting of their said timbers in this neighborhood, and when they have done so and moved out of this neighborhood the said standing timber will not add the value to the farm it now does. Under the circumstances,therefore, the said lands would command a greater value now than they would two or three years hence; and there is, therefore, good reason for a present partition or sale of the said real estate, and all the parties in interest greatly so desire, believing it to be to their decided interest and benefit. That,in the opinion of your complainants,the said real estate is not divisible in kind; but, if it be, they then desire partition in one of the modes prescribed by law; and if it be not so divisible, then your complainants believe and here state, that the interests of all the parties would be promoted by a sale of the whole of the said real estate, and a division of the proceeds among the parties according to their rights and interests, the shares of the infants to be held as directed by the statute in such cases made and provided.

In consideration whereof, your complainants pray that the said Alexander B.Hamlin, an adult, Alexander Hamlin, Bertha Hamlin, Eleanor Chappelle, Hiram Lloyd Green, Clara G.Green, Royal H.Green, Elisha V.Green and Peter A.Green, all the last mentioned infants under the age of twenty-one years, may be made parties defendants to this bill, and required to answer the same, though answer under oath is hereby waived; that a proper guardian ad litem be assigned the infant defendants to defend them

in this suit; that the said real estate be divided among the parties entitled thereto, or else that it be sold and the proceeds divided among the said parties according to their respective interests, in case it be indivisible in kind; that all proper orders and decrees may be made, and inquiries and accounts be directed and taken, and that all such other, further, general and special relief may be granted as the nature of the case may require or to equity shall seem meet.

And your complainants will ever pray, &c.

Peter A. Chappelle
In his own right and as vendee of John W.Chappelle and Julia F.Hamlin and Alex B.Hamlin, her husband.

Claiborne J. Chappelle

Susan Chappelle Young

Joshua Young

Richetta Foltz

J. Willis Foltz

Pattie Chappelle

Elisha Green

By Counsel

W.J.Sebrell. }
Jos.B.Prince } p.q.

Separate Answer of Alex. B. Hamlin

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Chappelle et als

*vs.*

Chappelles' Infants et als

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Alex. B. Hamlin

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JOSEPH B. PRINCE
Courtland, Va.

2

The Separate Answer of Alexander B.Hamlin, one of the defendants to a bill of complaint exhibited against him and others in the Circuit Court of Southampton County, by Peter A.Chappelle, and others, complainants.

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This respondent reserving to himself the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as he is advised that it is material he should answer, answers and says: That true it is as alleged in said bill that, in the life time of respondent's deceased wife, Julia F.Hamlin, the said Julia F. Hamlin and the respondent, by written agreement, filed as Exhibit C", along with the said bill, agreed and bargained to sell to the said Peter A. Chappelle, in consideration of the sum of $250.00, to be paid in cash by the said Peter A.Chappelle on or before the 15th day of December, 1907, all their interest, right,title and estate, in and to the real estate mentioned in said complainants' bill, and therein and thereby agreed to execute to the said Peter A.Chappelle a deed, with general warranty, for their interests in said real estate upon the payment of the said $250.00, and that it also true, as alleged in the said bill, that the said Peter A.Chappelle, in pursuance of said written agreement, prior to the said 15th day of December, 1907, paid to said Julia F.Hamlin the said sum of $250.00, thereby entitling him to the said interests in said real estate, and that the said Julia F.Hamlin and the respondent intended and promised to give the said Peter A.Chappelle a deed for the said interests in said real estate, and they would have done so, but the said Julia F.Hamlin was taken sick and died before they could have the said deed prepared and executed.

And the respondent, accepting and acknowledging legal service of the process in this suit, denies all fraud, unlaw-

ful combination and confederacy: and having answered the complainants' bill, prays to be hence dismissed with his reasonable costs by him in this behalf expended, and he will ever pray, &c.

Alex B. Hamlin,
By Counsel.

Jos. B. Prince, Jr. d.

Answer of the Guardian ad Litem.

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Chappelle et als,

vs.

Chappelle Infants et als.

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Chappelle et als,

vs. Answer.

Chappelle, Infants et als.

The answer of Claude J.Edwards, guardian ad litem to the infant defendants, Alexander Hamlin, Bertha Hamlin, Eleanor Chappelle, Hiram Lloyd Green, Clara V.Green, Royal H.Green, Elisha V.Green and Peter A.Green to a bill in equity exhibited against them and others in the Circuit Court of Southampton county by Peter A.Chappelle and others.

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 protect the interests of the said infants.

And now having fully answered he prays hence to be dismissed with his reasonable costs in this behalf expended.

Claude J. Edwards
Guardian ad Litem.

Peter A.Chappelle and the same Peter A.Chappelle as Vendee of John W.Chappelle and of Julia F.Hamlin and Alex B.Hamlin, her husband, Claiborne I.Chappelle, Susan Chappelle Young and Joshua Young,her husband,Richetta Faltz and J.Willis Faltz, her husband, Pattie Chappelle, widow of Peter Chappelle,(sometimes called Peter Chappel) and Elisha Green, husband of Mary Green,deceased,

vs. Decree.

Alexander B.Hamlin, an adult, Alexander Hamlin, Bertha Hamlin, Eleanor Chappelle, Hiram Lloyd Green, Clara G. Green,Royal H.Green, Elisha V.Green and Peter A.Green, and all infants under twenty one years of age, and Claude J. Edwards, guardian ad litem.

This cause came on this day to be heard on the bill of the complainants and the exhibits therewith filed, the answer of the adult defendant, Alex. B.Hamlin, this day filed by leave of court, the answer of the guardian ad litem, [redacted], with general replication to both said answers, and was argued by counsel.

On consideration whereof the court doth adjudge, order and decree that this cause be referred to one of the commissioners of this court, who is directed to inquire into and report, together with the evidence upon which he bases his report;

First:- Whether or not Peter A.Chappelle is the owner of the interest of Julia F.Hamlin, and Alex. B.Hamlin, her husband, in the tracts of land in the bill and proceedings mentioned, and,therefore, entitled to a conveyance thereof;

Second:- Whether or not it will be to the best interest of those entitled that the property in the bill and proceedings mentioned be divided among them at this time, or wait until the youngest child of Peter Chappelle, (sometimes called Peter Chappel) becomes twenty-one years of age for such division, according to the will of said Peter Chappelle, (sometimes called Peter Chappel); and if the said commissioner shall be of opinion that the property should be divided among those entitled thereto at this time, he will

report
report:-

a. Whether the real estate mentioned in the bill of complainants can be conveniently divided in kind among the several parties entitled thereto:

b. If the same can not be thus divided whether any party will take the entire subject matter and pay to the others interested such sums of money as their interests therein may entitle them to receive:

c. If the same can not be conveniently divided in kind, and if no party will take the entire property and pay to the other parties such sums of money as their interests therein may entitle them to, whether the interests of the parties will be promoted by a sale of the entire property, or by an allotment of part and sale of the residue:

d. The interest of the several parties to this suit in the said real property:

e. Whether there are any liens binding the said property for delinquent taxes or otherwise:

f. The annual and fee simple value of said tracts of land:

g. Any other matter specially stated deemed pertinent by the commissioner or required to be so stated by any interested party.

h. Whether or not all parties interested are before the Court.

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

Chappell
v } Stat: Costs
Chappell

1908-
June 26

Chappell et. als.
T } Stat: Costs
Chappell et. als.
Sum. 25. Copies. 25. Rest 18. Atty. 10
Docks 15. Recs $1.00. Entering Return 30
Filing Bill. 15. Filing Exhibits .15
Copy Exhibit .50. Replication .15
Filing & Comrs Report .30
Taking & recording Comrs Bond $1.45
3 Decrees @ 36. 108.
Jas Costs 40. Filing away papers .25
Calling & recording Bond 1.45
Copying Decree 40
Paid - B F McLemore Clerk 8.59
Paid J.E. Summers, Sheff .50
Paid - W.J. Sibley, atty. Land- 16.50
25.59
Pd. - [illegible] Frank Story Comr 15.00

Future Costs $1.00 - Paid B F M 1.00
$41.59
Dair Evidence: Witnesses: E. W. Davis - .50 3.40
Paid. Jos B Pearce, atty Richetta Falls .50 $44.99
Paid W. H. Preston W. H. H. Preston (2) 1.20
Paid - W. C. Stephens W. C. Stephenson (2) 1.20
3.40

This Agreement Made This 16th day of September A.D. 1907, by and between Julia T. Hamlin and Alexander Hamlin her husband parties of the first part and Peter A. Chappell party of the second part, said parties of the first part of Sussex County Virginia, and the party of the second part of Atlanta, Georgia, Witnesseth;

For and and in Consideration of the sum of one ($1.00) dollar cash in hand paid the receipt of which is hereby Acknowledged, The parties of the first part agree to sell to the party of the second part or his assignee all their rights titles and interest in the Estate of Peter Chappell, and being in the County of Southampton, State of Virginia, for the sum of Two hundred fifty ($250.00) dollars to be paid in Cash by the party of second part in full on or before the fifteenth day of December A.D. 1907, The parties of the first part agree to make a general warranty deed for said Conveyance at the time said money is paid.

Witnesseth the following signatures and Seals the day and year above written.

Julia T. Hamlin (Seal)

Alex B. Hamlin (Seal)

J. A. Chappell
Witness

In the name of God, Amen.

I, Peter Chappel of Southampton County, Va., being of a sound mind do make this my last will and testament hereby revoking all other wills made by me.

1st- I want my estate to stand undivided, untill my youngest child becomes twenty one years of age.

2nd- Then I give one third of my property to seven of my youngest children.

3rd- And the other two thirds of my property is to be equally divided among all of my children.

4th- I name and appoint my son Peter Chappel sole executor of my last will and testament. In witness whereof I have hereunto set my hand & seal this 7th day of February, 1900.

Witness Peter Chappel (Seal)

Robt L. Lowe

Maynard L. Williams

Southampton County Court, Dec. Term, 1902.

A writing purporting to be the last will and testament of Peter Chappel dec'd was produced in Court and proved by the oaths of Robt. L. Lowe & Maynard L. Williams, the subscribing witnesses thereto, and ordered to be recorded as the last will and testament of the said Peter Chappel deceased.

Teste, B. F. McLemore C. C.

A Copy- Teste: B. F. McLemore Clerk

By: P. W. McLemore D. C.

Peter A. Chappelle and the same Peter A. Chappelle as Vendee of John W. Chappelle and of Julia F. Hamlin and Alex. B. Hamlin, her husband, Claiborne I Chappelle, Susan Chappelle Young and Joshua Young, her husband, Richetta Faltz and J. Willis Faltz, her husband, Pattie Chappelle, widow of Peter Chappelle, (sometimes called Peter Chappel) and Elisha Green, husband of Mary Green, deceased,

vs. Decree.

Alexander B. Hamlin, an adult, Alexander Hamlin, Bertha Hamlin, Eleanor Chappelle, Hiram Lloyd Green, Clara G. Green, Royal H. Green, Elisha V. Green and Peter A. Green, all infants under twenty one years of age, and Claude J. Edwards, guardian ad litem.

This cause came on this day to be heard on the bill of the complainants and the exhibits therewith filed, the answer of the adult defendant, Alex. B. Hamlin, this day filed by leave of Court, the answer of the guardian ad litem, with general replication to both said answers, and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that this cause be referred to one of the commissioners of this court, who is directed to inquire into and report, together with the evidance upon which he bases his report:-

First:- Whether or not Peter A. Chappelle is the owner of the interest of Julia F. Hamlin, and Alex. B. Hamlin, her husband, in the tracts of land in the bill and proceedings mentioned, and therefore, entitled to a conveyance thereof:

Second:- Whether or not it will be to the best interest of those entitled that the property in thebill and proceedings mentioned be divided among them at this time, or wait until the youngest child of Peter Chappelle, (sometimes called Peter Chappel) becomes twenty-one years of age for such division, according to the will of said Peter Chappelle, (sometimes called Peter Chappel), and if the said commissioner shall be of opinion that the property should be divided among those entitled thereto at this time, he will report:-

(a. Whether the real estate mentioned in the bill of complainants can be conveniently divided in kind amont the several parties entitled thereto:

b. If the same can not be thus divided whether any party will take the entire subject matter and pay to the other interested

such sums of money as their interests therein may entitle them to receive:

c. If the same can not be conveniently divided in kind, and if no party will take the entire property and pay to the other parties such sums of money as their interests therein may entitle them to, whether the interests of the parties will be promoted by a sale of the entire property, or by an allotment of part and sale of the residue:

d. The interest of the several parties to this suit in the said real property:

e. Whether there are any liens binding the said property for delinquent taxes or otherwise:

f. The annual and fee-simple value of said tracts of land:

g. Any other matter specially stated deemed pertinent by the commissioner or required to be so stated by any interested party.

Whether or not all parties interest are before the Court.

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

A Copy:

Teste: B. F. McLemore Clerk.

Chapelle et als.

vs.

Comm's Report

Chapelle Infants et als

1908: Sept. 2nd. Filed.

B. L. McLemore Clerk.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

OFFICE OF E. FRANK STORY, COMMISSIONER IN CHANCERY FOR THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

Courtland, Va., August 20, 1908.

TO:

Peter A. Chappelle, and the same Peter A. Chappelle as vendee of John. W. Chappelle and of Julia F. Hamlin and Alex. B. Hamlin, her husband, Claiborne I. Chappelle, Susan Chappelle Young and Joshua Young, her husband, Richetta Faltz and J. Willis Faltz, her husband, Pattie Chappelle, widow of Peter Chappelle, (sometimes called Peter Chappel) and Elisha Green, husband of Mary Green, deceased,

and

Alexander B. Hamlin, an adult, Alexander Hamlin, Bertha Hamlin, Eleanor Chappelle, Hiram Lloyd Green, Clara G. Green, Royal H. Green, Elisha V. Green and Peter A. Green, all infants under twenty-one years of age, and Claude J. Edwards, guardian ad litem.

You are hereby notified that I have fixed upon the 27th day of August, 1908, to take and settle, at my office, the following accounts, to-wit:

First: Whether or not Peter A. Chappel is the owner of the interest of Julia F. Hamlin, and Alex. B. Hamlin, her husband, in the tracts of land in the bill and proceedings mentioned, and, therefore, entitled to a conveyance thereof:

Second: Whether or not it will be to the best interest of those entitled that the property in the bill and proceedings mentioned be divided among them at this time, or wait until the youngest child of Peter Chappelle, (sometimescalled Peter Chappel,) becomes twenty-one years of age for such division, according to the will of said Peter Chappelle, (sometimes called Peter Chappel) and if the said Commissioner shall be of opinion that the property should be divided among those entitled thereto at this time, he will report:

(a) Whether the real estate mentioned in the bill of complainants can be conveniently divided in kind among the several parties entitled thereto:

(b) If the same cannot be thus divided, whether any party will take the entire subject matter and pay to the other interested such sums of money as their interests therein may entitled them to receive:

(c) If the same cannot be conveniently divided in kind, and if no party will take the entire property and pay to the other parties such sums of money as their interests therein may entitle them to, whether the interests of the parties will be promoted by a sale of the entire property, or by an allotment of part and sale of the residue:

(d) The interest of the several parties to this suit in the said real property:

(e) Whether there any any liens binding the said property for delinquent taxes or otherwise:

(f) The annual and fee-simple value of said tracts of land:

(g) Any other matter specially stated deemed pertinent by the Commissioner or required to be so stated by any interested party.

(h) Whether or not all parties interested are before the Court:

Required to be taken by a decree of the Circuit Court of Southampton County, Virginia, rendered on the 23rd day of July,

***

We acknowledge due and legal service of the within notice.

Claude J. Edwards,

Guardian ad Litem for the infant defendants.

W. J. Isbell, Jos B Bruce

Attorneys for the Plaintiffs, and for the defendant, Alex B. Hamlin.

**********
*
*  Chappelle et als.
*  vs.
*  Chappelle Infants et als.
*
**********

DEPOSITIONS:

Richetta Faltz

The depositions of E. W. Davis, W. C. Stephenson and W. H. H. Pretson, taken before me, E. Frank Story, a Commissioner in Chancery for the Circuit Court, in and for the county of Southampton, in the State of Virginia, pursuant to notice hereto annexed, at Courtland, Southampton County, Virginia, on the 27th day of August, 1908, to be used by the said Commissioner as a basis on which to grame his report, required to be stated by a decree entered in the above styled cause, on the 23rd day of July, 1908, in the said Circuit Court of Southampton County, Virginia.

_____, COMMISSIONER IN CHANCERY.

Witness E. W. Davis, being first duly sworn, deposes as follows:

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

A. E. W. Davis, age 49 years, reside in Southampton County, occupation and farmer and justice of the peace, and I have known all the parties to this suit.

Q. Do you know, the real estate in the bill and proceedings mentioned of which Peter Chappelle died seised and possessed.

A. Yes.

Q. State whether or not in your opinion, the said real estate could be conveniently divided in kind among the parties entitled thereto, without injury to the interest of the parties.

A. I dont think it could be.

Q. Please state your reason for thisopinion.

A. Owing to the location of the place, and there are so many heirs I dont see how it could be divided, in kind so as to give each one a piece of any value.

Q. Do you know of any one of the parties who would take the entire subject matter, and pay the others for their shares therein.

A. I do not.

Q. State whether in your opinion it would be to the interest of all the parties for the said real estate to be sold, and the proceeds divided among the parties entitled thereto.

A. Yes I think it would to their interest to sell it.

Q. State whether or not, in your opinion, it would be to the interest of all the parties for the said real estate to be sold now, instead of waiting two years, or when the youngest child becomes twenty-one years of age, to sell the same.

A. I think it to the interest of all the parties to sell it now.

Q. Do you think it would sell for more now than it would two years hence, or when the youngest child becomes twenty-one years of age.

A. I do.

Q. Please give your reaons for thinking so.

A. Because the place is coming down year after year and it is natural to suppose that it depreciates in value every year. I am decidedly of the opinion that it will sell for more now than it would two years hence, and would have sold for more two years ago than it will now, as it is going down and beomoing less valuable every year.

And further this deponent saith now.

E. O. Davis

Witness W. C. Stephenson, being first duly sworn, deposes as follows:

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

A. W. C. Stephenson, age 39 years, reside in Berlin, Virginia, farmer, and I know the parties to the suit.

Q. Please state whether or not you are acquainted with the land in the bill and proceedings mentioned of which Peter Chappelle died seised and possessed.

A. I have known it all my life, was raised on the adjoining farm, and have recently been through it.

Q. State whether in your opinion, the said real estate can be conveniently divided in kind among the parties entitled thereto.

A. I dont think it can be.

Q. Please state some of your reasons for thinking so.

A. Owing to the way the land is located and there are so many heirs that it would not be divided in kind so as to give them equal shares of any value.

Q. Do you know any oneof the parties who would take the entire subject matter and pay to the others such sums of money as their interest therein might entitle them to receive.

A. I do not.

Q. Do you think the interest of the parties would be promoted by a sale of the entire property, or by allottment of part and sale of the residue.

A. I think the interest of theparties would be promoted by sale of the entire property.

Q. State what in your opinion, is the fee-simple value and the annual value of the said property.

A. I think the fee-simple value about $2500.00, and annual valve about $150.00 at this time.

Q. Please state whether or not in your opinion, it would be to the best interest of the parties, for the said property to be sold

at this time, or to wait two years, or until the youngest child Peter Chappelle, shall become twenty-one years of age before making such sale.

A. I think it best to sell at this time, and that it would be to the interest of the parties to sell now.

Q. Please state your reasons for this opinion.

A. Because the property is depreciating in value every year. I think two years ago it would have sold for more than it will now, and that two years hence it will sell for less than at present.

And further this deponent saith not.

12 miles: W. H. H. Stephenson

Witness W. H. H. Presson, being first duly sworn, deposes as follows:

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

A W. H. H. Presson, age 50 years, reside in Berlin, Virginia, occupation. mail-carrier, and know the parties to this suit.

Q. State whether or not you are acquainted with the land in the bill and proceedings mentioned of which Peter Chappell died seised and possessed.

A. Yes I am well acquainted with the lands.

Q. State whether in your opinion the said real estate can be conveniently divided in kind among the parties entitled thereto.

A. I do not think so.

Q. Please state some of your reasons for your opinion.

A. I dont think the land could be divided among the number of heirs with equal justice. It is so situated that to cut it up into so many small parcels it would impair the value of each share.

Q. Do you know any one of the parties who would take the entire subject matter and pay to the others such sums of money as their

interes therein would entitle them to receive.

A. I know of no such one, and I dont think any one of them are able to do it.

Q. Do you think the interest of the parties will be promoted by a sale of the entire property, or by allottment of part and sale of the residue.

A. I think it would be to the interest of all parties concerned to sell the entire property.

Q. What in your opinion. is the fee-simple and the annual value of the said real estate.

A. I would put the fee-simple value at $2500.00 and the annual value at about $125.00.

Q. State whether in your opinion, it would be to the best interest of all parties for the said real estate to be sold now or to wait two years from now, or when the youngest child of Peter Chappell, has become twenty-one years old, to sell the said real estate.

A. I think it would be to the best interest of all the parties for it to be sold now. About twleve months ago I assessed property for Mr. A. F. Cobb, and I went over both of these farms, and saw them well, and I think that it would have sold for more than than it will now, and I think it will sell for a good deal more now than it will two years from now.

Q. Please state some of your reasons for this opinion.

A. The whole property is going down now, it is already in a bad condition and is getting worse every day., the buildings and the fence along will convince any man of the depreciation of the property, and it is growing worse all the time, in two years it will be much worse than at present. Taking everything into consideration I am satisfied that it will sell for fifteen per cent. more now than it will two years hence.

Q. Are these the interested parties. (Here complainants bill

is read to witness).

A. Yes.

And further this deponent saith not.

V. H. H. Pasco

12 miles:

Witness Richetta Faltz, being first duly sworn, deposes as follows:

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

A. Richetta Faltz, age 37 years, reside in Southampton County, occupation, public school teacher, and I know the parties, am one of the children of Peter Chappell, deceased.

Q. Please state whether or not the interests of the several heirs of Peter Chappell, deceased, are correctly stated in the bill in this cause and whether or not all the parties are mentioned therein. (Here the bill is read to witness).

A. It is stated correctly.

Q. I have here an agreement signed by Julia F. Hamlin and Alex. B. Hamlin, and filed in this cause as exhibit C. in which they sell their interest in the estate of Peter Chappell to Peter A. Chappelle, one of the children, for $250.00, please examine this paper and state whether or not, you recognize the signatures of the parties, and if so, any statement concerning the payment of the money by Peter A. Chappelle to the said Julia F. Hamlin, made by the said Julia F. Hamlin at any time before her death.

A. I have examined the agreement and recognize the signatures as genuine. Before the 15th day of December, 1907, or about that time, while my sister, was on her sick bed I was there one day and I heard her say that she, (Julia F. Hamlin) had sold her interest in her father's land to Peter A. Chappelle, my brother, for $250.00, and that he had paid her for it. Since that time

I have heard Alex. B. Hamlin state that the money was duly paid by Peter A. Chappelle to Julia F. Hamlin. From the time I saw my sister, Julia F. Hamlin, she was not able to be out of bed any more, and she died from this illness the 6th day of January, 1908.

Q. Please state the name and age of the youngest child of Peter Chappelle.

A. Eleanor Chappelle, and she is nineteen years old. All the other children are twenty-one years, and upward.

And further this deponent saith not.

Richetta C. Faltz

STATE OF VIRGINIA, (
(to-wit:
Southampton County. (

I, E. Frank Story, a Commissioner in Chancery for the Circuit Court in and for the county aforesaid, in the State of Virginia, do hereby certify that the foregoing depositions of E. W. Davis and others, were duly taken and sworn to before me, at the place and time herein mentioned, pursuant to the annexed notice.

Given under my hand this 27th day of August, 1908.

COMMISSIONER IN CHANCERY.

**********
*
*  Chappelle et als.
*
*  vs.
*
*  Chappelle Infants et als.
*
**********

COMMISSIONER'S OFFICE,
Courtland, Va., August 27th, 1908.

TO THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

The undersigned, a Commissioner of the said Court to whom has been referred the matter of taking an account, and making report thereon to Court, directed by a decree of the said Court entered on the 23rd day of July, 1908, in the chancery cause therein depending, generally styled, Chappelle et als. vs. Chappelle Infants et als.,respectfully reports to Court:

That on the 20th day of August, 1908, your said Commissioner, in pursuance to the said decree, issued notices against all of the parties, plaintiffs and defendants to the said cause, notifying them that he would, on the 27th day of August, 1908, at the office of the Commissioner in Courtland, Southampton County, Virginia, proceed to take, settle and report to Court, the several matters required to be taken and stated by the aforesaid decree of July 23rd, 1908, which said notices have been duly returned to your Commissioner, properly executed in one of the modes prescribed by law, same being herewith filed:

That on the said 27th day of August, 1908, your said Commissioner proceeded to take the depositions of H. W. Davis, W. C. Stephenson, W. H. H. Presson and Richetta Faltz, to aid him in framing the said report, which said depositions are also herewith filed.

That touching the several matters required to be reported by the said decree, your Commissioner begs leave to report further:

(1)

Peter A Chappelle is the owner of the interest of Julia F. Hamlin and Alex. B. Hamlin, and is entitled to a conveyance for same, as will be seen from "Exhibit C" filed with the depositions in this cause, the validity of which is fully established by said depositions, and your Commissioner would here state that the said Peter A. Chappelle is also the owner of the interest of John W. Chappelle, as will be seen from "Exhibit B", filed with the pleadings in this suit:

(2)

Your Commissioner is of the opinion that it is clearly established by the depositions herewith filed, that it will be to the interest of all parties concerned that a division of the real estate be made at the present time, and not after the youngest child shall become twenty-one years of age:

(3)

The real estate in question cannot be divided in kind among the parties in interest without materially damaging its value:

(4)

Your Commissioner is advised that no party will take the entire subject matter and pay the other parties in interest such sum or sums of money as they are entitled to receive:

(5)

Your Commissioner is of the opinion, and so states that it will be to the interest of all the parties that the entire subject matter be sold, and the proceeds of said sale be divided among the parties in interest according to their respective rights:

(6)

The interest of the several parties in the real estate in question, all of whom are properly before the Court, is as follows:

Pattie Chappelle, widow, dower interest in whole.
(a) Peter A. Chappelle, three-eighths:

(b) Richetta Faltz, one-eighth, subject to the contingent courtesy right of her husband, J. Willis Faltz:

(c) Susan Chappelle Young, one-eighth, subject to the contingent courtesy right of her husband, Joshua Young:

(d) Claiborne I. Dhappelle, one-eighth:

(e) Eleanor Chappelle, one-eighth:

(f) Elisha Green, courtesy right in one share, which was the property of his deceased wife, Mary T. Green, the said share subject to the said courtesy right, belongs to the children of the said decedent, Hiram Lloyd Green, Clara G. Green, Royal H. Green, Elisha Green and Peter A. Green; all subject to dower interest of widow:

(7)

Your Commissioner does not find any liens of record binding the said property for delinquent taxes, or otherwise:

(8)

Your Commissioner places the annual value of the said property at $150.00, and the fee-simple value at $2500.00.

Respectfully submitted,

COMMISSIONER IN CHANCERY.

COMMISSIONER'S FEE, $12.50/100 :

Chappelle et als,

vs. Decree.

Chappelle's Infants et als.

---

In Vacation, on the 21. day of September, 1908:

Enter this decree

James L. McKinnon,

Entered in
C. O. B. page 473

In vacation: In the Circuit Court of Southampton County, on the 21st day of September, 1908.

Chappelle et als,

vs. Decree.

Chappelle's Infants et als.

This day this cause, which has been regularly submitted to the Judge of this court for such decision and decree therein in vacation as might be entered in term, came on to be heard on the papers formerly read and on the report of Commissioner E.Frank Story, filed September 2nd,1908, together with the evidence therewith filed, 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 that the best interest of all the parties interested would be promoted by a present division of the property in the bill and proceedings mentioned, instead of waiting until the youngest child of Peter Chappelle, (sometimes called Peter Chappel), deceased, shall arrive at the age of twenty-one years, and it further appearing that the said property can not be conveniently divided in kind without injury to the interest of the parties, and that it would be to the best interest of the parties for the said property to be sold and the proceeds of sale divided among the parties according to their interests and rights, the court doth adjudge, order and decree that W.J.Sebrell, who is hereby appointed a special commissioner for the purpose, do proceed to sell separately the two said tracts or parcels of land in the bill and proceedings mentioned, by public auction, to the highest bidder, at Courtland, Va., after having given reasonable notice of the time, place and terms, upon the following terms, to-wit:-

One third cash, and the balance payable in two equal credit installments, the purchaser, or purchasers, to execute

bonds with approved security for the deferred payments, payable in one and two years, bearing interest from the day of sale, and the title to be retained till the purchase money is fully paid and a deed ordered by the court, with the option to the purchaser or purchasers to pay the entire purchase price in cash and take a deed for the said real estate upon confirmation of the sale by the court.

But the said W.J.Sebrell, special commissioner, will not proceed to act under this decree until he shall have entered into a bond, with approved security, before the Clerk of this Court, in the penalty of $4500, , conditioned for the faithful discharge of his duties under this or any subsequent decree in this cause.

And the said special commissioner will make report to court.

James L. McLemore,

To the Clerk of the Circuit Court of Southampton County, Va.

Debruce, N. J

to { COMMISSIONER'S BOND.

COMMONWEALTH.

1908. Sept. 28. Filed

Know all Men by these Presents, That we W. J. Sebrell - and
Virginia Safe Deposit and Trust Corporation
are held and firmly bound unto the Commonwealth of Virginia, in the sum of
Forty five Hundred. Dollars,
to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this 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 28th day of September one thousand nine hundred and Eight -.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound W. J. Sebrell
shall faithfully perform the duties of his office or trust, as Special Commissioner
under decree of the Circuit Court of the County of Southampton
pronounced on the 21st day of September, 1908, in the suit therein
depending under the name and style of Chappelle Et. Als. V. Chappelle's
Infants et. als.

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

Signed, sealed and acknowledged
in the presence of

W. J. Sebrell [SEAL]
Virginia Safe Deposit & Trust Corporation
by Jno. W. Sebrell, Atty in fact. [SEAL]
[SEAL]

In the Clerk's Office of the Court of the of

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 day of , 19

Clerk.

Chappelle et al.

vs.

Chappell's Infant et al.

Report of Special Commissioner.

No. 1.

1908. October 20th filed.

J. M.

Chappelle et als.,

vs. Ex Repat of Special Commissioner.

Chappelle's Infants et als.

In this cause, the special Commissioner most respectfully reports that, pursuant to decree herein entered on the 21st day of September 1908, after having given due and reasonable notice of the time, place, and terms of sale, he exposed to sale by public auction, at Courtland, Va., on the 19th day of October 1908, separately, the two tracts or parcels of land in the bill and proceedings mentioned, to-wit:-

1st: That certain tract or parcel of land, of which the late Peter Chappelle died seized and possessed, containing 211 acres, more or less, and bounded by the lands formerly belonging to Gilbert Drury, George Stephenson, Walkins Stephenson and others.

2nd: That certain other tract or parcel of land, containing 187½ acres, more or less, and bounded by lands formerly belonging to Dr. C.W. Nicholson and others, and being known as "Millbrook", same being a part of the old Briggs tract.

At which said sale, Peter A. Chappelle became the purchaser of the said tract No. 1 at the price of $1600.00, and of the said tract No. 2 at the price of $1810.00, aggregating

the sum of $3410.00 for the two said tracts. That both the said sales are, in the opinion of the Special Commissioner, most excellent ones, and he, therefore, recommends confirmation of the same.

That the purchaser, the said Peter A. Chappelle, has informed the Special Commissioner, that he wishes to pay the entire purchase price in cash and take a deed for the said lands; And the Special Commissioner would recommend that he be allowed to receive from him the said purchase money and, upon receiving the same, to execute to him a deed, with special warranty, for the two said tracts or parcels of land.

Respectfully submitted,

W. J. Sebrell,

Special Comr.

Chappell et als.
vs. Decree.
Chappell's Infants et als.

Oct. 20, 1908.

Enter this,

James L. McLemore.

Entered C. D. B.
Page 487

Chappelle et als.,
vs.
Chappelle's Infants et als.

Decree.

This day this cause came on to be further heard on the papers formerly read, and on the report of W.J. Sebrell, Special Commissioner, this day filed by leave of the Court, reporting sale of the real estate in the bill and proceedings mentioned, to which report there is no exception, and was argued by Counsel.

On consideration whereof, the Court, approving and confirming the said report, doth adjudge, order, and decree that the sales therein reported of the said real estate, to-wit, 1st: That certain tract or parcel of land, of which the late Peter Chappelle died seized and possessed, containing 211 acres, more or less, and bounded by the lands formerly belonging to Gilbert Dreary, George Stephenson, Watkins Stephenson, and others, to Peter A. Chappelle at the price of $1600.00, and 2nd: That certain other tract or parcel of land, containing 187½ acres, more or less, and bounded by lands formerly belonging to Dr. C.W. Nicholson and others, and being known as "Millbrook", same being a part of the old Briggs tract, to said Peter A. Chappelle at the price of $1810.00, be and the same are hereby confirmed, and declared to be firm and binding

between the parties, and the Court doth further adjudge, order, and decree that the said special Commissioner, W. J. Sebrell, be and he is hereby authorized and directed to collect from the said Peter A. Chappelle the said purchase-prices of $1600.00 and $1810.00, aggregating the sum of $3410.00, and upon collecting the same to execute to him a deed, with special warranty, for the two said tracts or parcels of land. And after collecting the said sum of $3410.00, the said special Commissioner will pay therefrom, first, the legal costs and expenses attending this suit and sale, together with any unpaid taxes that may be outstanding against the said real estate, and the balance then remaining he will distribute and pay out among the parties in interest, according to the report of E. Frank Stone, Commissioner, or to their grantees, assignees, or attorneys, taking the receipts of the parties for the amounts so paid, and return the same along with his report to this Court.

And as to the share of the infant, Eleanor Chappell, the Court doth adjudge, order, and decree that the same be paid to the duly qualified guardian of the said infant. But before the said guardian shall receive the said share of the said infant, he shall execute a bond, with approved security, before the Clerk of this Court in the penalty of

$800, conditioned for the faithful application of the said fund, and for the management and preservation of any property or securities in which the same may be invested, and for the protection of the rights of all persons interested therein, whether such rights be vested or contingent.

Chappelle et als.
vs. } Decree.
Chappelle's Infants et als.

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

On consideration whereof, and it appearing to the Court that the decree herein entered on the 20th day of October 1908, failed to direct the special Commissioner as to the distribution of the funds belonging to the infants, Hiram Lloyd Green, Clara G. Green, Royal H. Green, Elisha Green and Peter A. Green, and it further appearing to the Court that the amounts to which the said infants are entitled are less than $100.00, and that the said infants are of such tender years as to be incapable of handling the said funds, the Court doth adjudge, order, and decree that W. J. Sebrell, special Commissioner, pay to Elisha Green, the father of the said infants, the amounts to which they are entitled for the education, maintenance, and support of the said infants, taking the receipt of the said Elisha Green for the same, and return the same along with his report to this Court.

Chappelle et als.
vs. } Decree.
Chappelle's Infants et al.

Nov. 9th 1908,

Entered this,

Jamie S. McKinnie

Entered. C. D. B.

Page # 490 & #491

Received Nov. 9th 1908 of W. J. Isbell, special commissioner in the chancery cause of Chappelle et als. vs. Chappelle's infants et als., the sum of Ninety two & 23/100 Dollars ($92.23), same being the amount due to my infant children, Hiram Lloyd Green, Clara G. Green, Royal H. Green, Elisha Green, and Peter A. Green, from the proceeds of the sale of the real estate sold under decree in this cause, and ordered to be paid to me for the education, maintenance, and support of said infants, by decree entered in said cause Nov. 9th 1908.

Elisha Green

Father of Hiram Lloyd Green, Clara G. Green, Royal H. Green, Elisha Green & Peter A. Green.

Chappelle et als.
Repat of Spl. Comr.
v.
W.D. Sebrell.
Chappelle's infants et als

Octo. 26. 1909 filed
J.S.M.

Chappelle et als. } Report of Spl. Com'r.
vs. } W.J. Sebrell.
Chappelle's infants et als. }

In this cause, the undersigned special Commissioner most respectfully reports to the Court that pursuant to decree herein entered on the 20th day of Oct. 1908, he has collected from Peter A. Chappelle, the purchaser of the real estate of which the late Peter Chappelle died seized and possessed and which was sold by said special Commissioner under decree in this cause, the aggregate sum of $3410.00 for the purchase price of all the said real estate, and the said special Commissioner has fully and completely disbursed and paid out the said aggregate sum of $3410.00 as directed by decrees herein entered on the 20th day of Oct. 1908 and the 9th day of Nov. 1908, as will appear from statements and receipts and vouchers filed in this cause and prayed to be read as a part of this report.

Your Commissioner has executed to the said Peter A. Chappelle, purchaser, a deed with special warranty for the two said tracts of land purchased by him.

There is nothing further to be done in this cause.

Respectfully submitted,
W.J. Sebrell, Sp'l. Com'r.

Chappelle et al.

v. } Statement.

Chappelle's wife et al

1909. Octo. 26. filed

# Statement of Receipts & Disbursements.

Chappelle et als.
vs.
Chappelle's infants et als.

Receipts:-
Amo. received from sale of lands - $3410.00.

Disbursements:

| | |
|---|---|
| To commissions on $3410. to W.J.S. Spl. Comr. — | 77.20 |
| " fee for writing deed to purchaser - paid Wm. Atty. — | 10.00 |
| " paid J.A. Turner, auctioneer, - (see Receipt files) — | ✓ 5.00 |
| " " News Pub. Co. for posting sale - (" " " ) — | ✓ 2.14 |
| " " Premium on Comm's. bond - (" " " ) — | ✓ 20.00 |
| " " Taxes - - - - - - " " " — | ✓ 17.49 |
| " " taxed Court cost — see receipt on Statement of cost - | 44.99 |
| " amo. paid Pattie Chappelle - widow - see Receipt — | ✓ 536.96 |
| " " " P.A. Chappelle (his 3/8 + Claiborne's 1/8) - " " — | ✓ 1348.11 |
| " " " Richetta Faltz + J.W. Faltz - — " " — | ✓ 337.03 |
| " " " Susan Young + Joshua Young - " " | ✓ 337.02 |
| " " " Eleanor Chappelle's Guardian, - " " | ✓ 337.03 |
| " " " Elisha Green (his curtesy right &c.) - " " | ✓ 244.80 |
| " " " " " for his children &c. - " " | ✓ 92.23 |
| $3410.00 | $3410.00 |

Chappelle 1909
Chappelle et al.
v.
Deree.
Chappelle's infants et al.

Oct. 26th 1909,
Enter this,
James L. McSmoke

ENTERED - C.O.B.
PAGE - 66 -

U. D. Sibrell, Pq.

Chappelle et als.
v.
Chappelle's infants et als. } Decree.

This day this cause came on to be further heard on the papers formerly read, and on the report of Special Commissioner W.J. Bethell, this day filed by leave of the Court, showing complete disbursement of the purchase price of $3410.00 for all the real estate sold by him under decree in this cause, the same being supported by proper vouchers, to which report there is no exception, and was argued by Counsel.

On consideration whereof, the Court doth approve and confirm the said report.

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

JOSEPH B. PRINCE,
LAWYER.

COMMISSIONER IN CHANCERY.

COURTLAND, VA. Sept.19,1908.

Hon. J.L.McLemore,

Suffolk, Va.

Dear Judge:-

I am sending you under separate cover the chancery papers in a suit recently brought by Mr. W.J.Sebrell and myself for the sale of the Peter Chappelle land.

The cause has been made a vacation one, and comes on now to be heard on the commissioner's report. We have prepared the decree which we wish to have entered, and sent it along with the other papers. I believe we have made out before the commissioner a sufficient case for ordering a sale of the property. The papers fully explain everthing.

I understand from Frank Story that you will be in Norfolk Monday. I will be there that day, and I will be glad if you will bring the papers with you to Norfolk, and if you are at your court there I will see you then, or if I fail to see you there or at the Club, I would be glad if you will leave the papers there and I will call for them. If I am mistaken about your being at Norfolk Monday, please express the papers here, collect. We are asking for the decree at this time so as to give us sufficient time to advertise and sell by October Court Day.

Yours very truly,

Jos B Prince

P.S. Since writing the above I find I can enclose the papers.

Deed
John H. Chappell
To
Peter A. Chappell

Exhibit B.

This indenture, made the tenth day of April, in the year of our Lord one thousand nine hundred and eight, between John H. Chappell (single man) of Charleston, Kanawha County, West Virginia, party of the first part, and Peter A. Chappell of Atlanta, Georgia, party of the second part;

Witnesseth, That the said party of the first part for and in consideration of Two hundred and fifty ($250.00) Dollars, lawful money of the United States, to him in hand paid by the party of the second part, At and before the ensealing and delivering hereof, The receipt whereof he doth hereby Acknowledge, and thereof forever Discharge the said party of the second part, his heirs, Executors and Administrators by these presents, have granted, bargained, sold, Aliened, released and Confirmed, and by these presents doth grant, bargain, sell Alien, release and Confirm unto the said party of the second part, all ~~his~~ estate, right, title, interest, Claim or demand whatsoever in law or in Equity or otherwise howsoever, of in, to, or out of the

estate of the late Peter Chappell, which said estate is situate in Southampton County, Virginia.

To have and to hold the same unto the party of the second part his heirs and assigns, in fee simple forever.

The party of the first part Covenants with the party of the second part that he will Warrant generally his interest hereby Conveyed, that he has a right to Convey said interest, and that he will forever Warrant and Defend the said premises.

Witness the following signature and seal.

John H. Chappell (Seal)

State of West Virginia
County of Kanawha,

I, T. G. Nutter a notary public of the said County of Kanawha do Certify that John H. Chappell, whose name is Signed to writing Above, Dated April 10th 1908, has this Day acknowledged the same before me in my said County.

Given under my hand and official seal this the 11th day of April 1908.

My term of office lasts during my natural life or good behavior.

T. G. Nutter
Notary Public

T. G. NUTTER
NOTARY
PUBLIC
KANAWHA COUNTY

Chappelle et ak. } Supa
vs. } Cause
Chappelle et ak } Ashy.

1908. 1st. July ruled.

Executed the within
Summons this 29th day
of June 1908 by delivering
a true Copy to Claude J.
Edwards the Ad Litem.

Jas A Turner Sheriff
by Ed Beech his Deputy

# THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Alexander B. Hamlin, an adult, Alexander Hamlin, Jr. and Bertha Hamlin, Eleanor Chappelle, Hiram Lloyd Green, Clara G. Green, Royal H. Green, Elisha V. Green and Peter A. Green, all infants under 21 years of age.

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 first Monday in July, 1908 ~~next~~, to answer a Bill in Chancery exhibited against them in our said Court by Peter A. Chappelle, and the same Peter A. Chappelle as vendee of John W. Chappelle, and of Julia F. Hamlin and Alex B. Hamlin her husband, Claiborne I. Chappelle, Susan Chappelle Young and Joshua Young, her husband, Richetta Faltz and J. Willis Faltz, her husband, Pattie Chappelle, widow of Peter Chappelle (sometimes called Peter Chappel) and Elisha Green, husband of Mary Green, deceased.

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 26th day of June, 1908, in the 132 year of the Commonwealth.

Teste: B. F. McLemore C. C.

By C. W. McLemore D. C.

Received Apl. 2/09. of W.J. Tebbell, Special Com.
in Chappelle vs. Chappelle et al. five & 50/100
dollars in payment of fee for services as crier
in selling land in said suit.

J.A. Turner. Crier

Received Oct. 25, 1909 of W. J. Sebrell, special Commissioner in the Chancery suit of Chappelle et als. vs. Chappelle's infants et als., the sum of $20.00 in payment of premium on bond of said Special Commissioner.

Jno. W. Sebrell Jr.
Agent.



No. _____ Aug. 26th 1904

Received of J B Prince, Attz

Fifty Cents 100 Dollars

Witness fee in Choppelle, vs. Choppelle et als-

$00 50/100

Richelle & Foltz-

Receive Oct. 27th 1908 of W. J. Sebell, special Comr. in Chappelle et al. vs. Chappelle's Defts et al. two & 14/100 Dollars for paper in said suit.

Oct 27-1908

News Publishing Co
by Paul Scarborough Mgr.

Received Oct. 25, 1909, of W. J. Sebrell, Opl. Commissioner in Chappelle ch. vs. Chappelle's infants ch. ds. The sum of $15.00 in payment of fee for Commissioner's Report in said chancery cause.

Clerk Pro Tem, Circ. Ct.

BERLIN & IVOR DISTRICT 1908

MR Peter Chappell Est. NO 1605

To THE TREASURER OF SOUTHAMPTON COUNTY, Dr.,

| | STATE TAXES 35c. on $100 Support Government, Schools, and Pensions. | COUNTY LEVIES Co. Levy 40c. on $100 Co. Sc. Tax 10c " " Di. Sc. Tax 20c " " Total, 70c. on $100 | TOTAL TAXES |
|---|---|---|---|
| Capitation Tax 1 .5 0 | ~~1 50~~ | | |
| To 105 acres, value $ 472.50 | 1 67 | 3 34 | |
| " 61 acres, value $ 274.50 | 74 | 1 48 | |
| " 40 acres, value $ 180 | 70 | 1 40 | |
| " 5 acres, value $ 25 | 9 | 18 | |
| " 18½ " " " 75 | 263 | 3 26 | |
| Personal Property, schedule B. val. $ | | | |
| Personal Property, schedule C. val. $ | | | |
| Income 1 per cent $ | | | |
| Total 1 .5 0 | 5 83 | 11 66 | 17 49 |
| 5 per cent. penalty | | | 88 |
| Fee Bill | Paid By | W J Liphill | |
| Dog Tax (Males 50c., Females $1.00) | | | |
| Total | | | 18 37 |

Received Payment 16 Aug 1909 S. B. Hedgepeth Treasurer.

Chappell's Ex: Als:
Stat: Rules
Chappell's Infants, Ex: Als:

Peter A. Chappelle and the same
Peter A. Chappelle, as Vendee of John W. Chappelle,
and of Julia F. Hamlin, and Alex B. Hamlin
her husband, Claiborne I. Chappelle, Susan
Chappelle Young and Joshua Young, her husband.
Richetta Tally and Willis Tally, her husband.
Pallie Chappelle, widow of Peter Chappelle,
(sometimes called Peter Chappel) and Elisha
Green, husband of Mary Green, deceased.
Against
Alexander B. Hamlin, an adult. Alexander
Hamlin, Bertha Hamlin, Eleanor Chappelle,
Hiram Lloyd Green, Clara G. Green, Royal H. Green,
Elisha V. Green, and Peter A. Green. All infants
under 21 years of age.
1908. June 26th. Proceps issued to 1st July Rules:
" 1st July Rules: Sci. Fa. Executed.
Bill & Exhibits filed.
Claude J. Edwards Appointed
Guardm. Ad litem to Infant
Defendants.
1908. 2nd July Rules: Bill taken for Confessed, as to
Adult. and Cause set for hearing.

Received Oct 22, 1908 of W J Sebrell Special Commissioner in Chancery Cause of Chappelle et als Vs Chappelle's infants et als the sum of Three Hundred and Thirty Seven & 03/100 Dollars, the same being the share of my ward Eleanor C. Chappelle in the proceeds of the sale of lands of Peter Chappelle decd, ordered to be paid me by Decree in said cause, I having executed the Bond required of me by said Decree.

P. H. Chappelle Guardian
for Eleanor C. Chappelle

Received Oct. 22, 1908 of W J Sebrell Speial Commissioner in Chancery cause of Chappelle et als Vs Chappelle's infants et als, the sum of Two Hundred and forty four & 80/100 Dollars, the same being my Courtesy right in one share of the proceeds of the sale of the lands of Peter Chappelle decd, paid to me under Decree in said Cause,

Elisha Green

Received Oct. 22, 1908 of W J Sebrell Special Commissioner in Chancery Cause of Chappelle et als vs Chappelle's infants et als the sum of Three Hundred and Thirty Seven & 03/100 Dollars, the same being the share of Richetta Faltz and J Willis Faltz her husband in the proceeds of sale of the lands of Peter Chappelle decd, ordered to be paid by Decree entered in said Cause,

Richetta C. Faltz.

J. W. Faltz.

Received Oct. 22nd 1908 of W J Sebrell Special Commissioner in Chancery Cause of Chappelle et als vs Chappelle's infants et als, the sum of Three Hundred and Thirty Seven & 03/100 Dollars, the same being the share of Susan Chappelle Young and Joshua Young her husband in the proceeds of sale of the lands of Peter Chappelle decd, ordered to be paid by Decree in said Cause

Susan C. Young.

Joshua Young

Received of W J Sebrell, Special Commissioner in Chancery Cause of Chappelle et als vs Chappelle's infants et als the sum of Five Hundred and thirty six + 96/100 Dollars, the same being amount of my Dower interest in the proceeds of sale of the lands of Peter Chappelle decd, and paid to me under decree in said Cause.

Courtland Va
Oct. 22. 1908.

her
Pattie x Chappelle
mark

Witness P. A. Chappelle

Received Oct 22nd. 1908 of W J Sebrell Special Commissioner in Chancery Cause of Chappelle et als vs Chappelle's infants et als, the sum of Thirteen Hundred and Forty Eight and 11/100 Dollars, the same being in full of the amount due to me individually for my three eighths (3/8) interest from the proceeds of sale of the lands of Peter Chappelle decd and also for the One eighth (1/8) share reported to Claiborne T. Chappelle, the said Claiborne having assigned granted and conveyed his said interest to me by Deed of record in Clerk's Office

P. A. Chappelle

her
Ann E. x Chappelle
mark

Chappelle
v. } Statement of Expenses —
Chappelle

Amo. of sales — $3410.00 —

| | | | |
|---|---|---|---|
| Comms. on $3410. — | Paid - W.J.S. | ✓ | 77.20 |
| Deed to purchaser — | Paid W.J.S. | ✓ | 10.00 |
| Auctioneer — | Paid See receipt | ✓ | 5.00 |
| Posters — | Paid See Receipt | ✓ | 2.14 |
| Premium on bond — | | ✓ | 20.00 |
| Taxes | Paid See Receipt | | 17.49 |
| Taxed Court Costs | " " statement | | 44.99 |
| | Total | | 176.82 |

3410.00
176.82 Costs
$3233.18

$3233.18
1077.72
.06
64.66 $
8.304
25865 2
19 3989
517304
$36.96 1 5 5 2

$2696.22
1348.11

3233.18
536.96 widows
8 2696.22
337.02 share

| | | | |
|---|---|---|---|
| ✓ | $36.96 | Pattie Chappelle. — | ~~$36.96~~ |
| ✓ | 1348.11 | P. a. Chappelle — 87.77 = | ~~1260.34~~ |
| ✓ | 337.03 | Richetta Talty — $1.92 = | ~~335.11~~ |
| ✓ | 337.02 | Susan C. Young | ~~337.02~~ |
| ✓ | 337.03 | Eleanor Chappelle's Guardian | ~~337.03~~ |
| ✓ | 337.03 | Ebiba Green + children | ~~337.03~~ |
| | $3233.18 | | $148.49 |

Decree 22nd June. 1907 in Musgrave vs. Musgrave et als.
J.S.M. Sr. Spec. Comr.

All that Cert. Tr. lying in S. Co. containing 415 acres, more or less, known as the "Benjamin Bowlek Tract" being same Tr. deeded to Sims J.B. by last above cited deed of his father B.B.

Dr. Mut to Sec'y & Keller, Sr., Spec. Comm. bond for $5000. S.M. in J.B. #10-145.

Statutes & Calculations.

✓ Pattie Chappelle – $36.96 – 28.06 = $508.90
✓ Peter A. " 13 48.11 – 85.78 = 1262.33
✓ Richella Talley 337.03 – 1.92 = 335.11
✓ Susan C. Yancy – 337.02 – 17.54 = 319.48
✓ Eleanor Chappelle – 337.03 – 17.54 = 319.49
✓ Elisha Greene – 337.03 – 17.54 = 319.49

$2233.18 168.38 3064.80
168.38
3233.18

Elisha Green's share 244.80 ÷ 2 + 17.54 = 92.23
" " Children 74.69
319.49

Each child $14.93+ ÷

* Amt. paid Elisha G. for his children $74.69

337.03
244.80
92.23

Paid Oct 22/08

~~168.38~~

150.00 attys
335.11 Richella T.
176.82 Cash
74.69 Municipality
736.62

1000.00
736.62
263.38
20.00
243.38

Elisha Green – 244.80
Children " " 92.23
337.03