1912-02 Southampton County Chancery- Brittle, A. S. et als vs Brittle, Oscar T. et al

divide real estate among parties entitled, if this can't be done, Sell and divide proceeds among parties entitled.

Brittle, Lula Maud.
" , C. E.
Pittman, Mary A.
" , T. W.

Brittle, Celia

Edwards, Claude T.
(G.A.L.)

-1912-

Brittle, et als

vs.

Brittle Infants.

A S Brittle, and Paula Maud Brittle his wife, C E Brittle and Mary A Pittman (Nee Brittle) and J W Pittman her Husband.

vs. Statement of Rules

Oscar J Brittle and Celia A Brittle, both infants, under twenty one Years of age:

1909 Sept 4th. Process Issued to 1st Sept Rules-

1909 1st Sept Rules-
Bill Filed-
C J Edwards Appointed Gdn Adlitem to Infant Defendants:

1909 2nd Sept Rules:
Answer of Gdn Adlitem Filed & Cause set for Hearing-

C J Debill Atty.

Brittle et al.

v. Bill &c.

Brittle.

1909. 1st Sept Rules:

Filed:

H.B.M: Clerk

To Hon. J. L. McLemore, Judge of the Circuit Court of Southampton County:-

Humbly complaining shew unto your Hon[or] your complainants A. S. Brittle and Lula Maud Brittle, his wife, C. E. Brittle, and Mary A. Pittman (née Brittle) and J. W. Pittman, her husband, that A. S. H. Brittle, late of Southampton County, Virginia, was in his life-time seized and possessed of the following real estate lying in said County, to-wit, that certain tract or parcel of land, containing 225. 47/60 acres, more or less, and adjoining the lands of Mrs. Fannie O. Wilkinson, James Boykin, J. E. Pretson, L. H. Brantley and others, and being so seized and possessed the said A. S. H. Brittle, on or about the 5th day of January 1909, died intestate, leaving your complainants A. S Brittle, C. E. Brittle, and Mary A. Pittman (née Brittle), his children, and Oscar J. Brittle and Celia A. Brittle, his grand-children, (they being the children of his then deceased son, S. A. Brittle), as his only heirs-at-law. The said Oscar J. Brittle and Celia A. Brittle are infants under the age of twenty one years, both being under fourteen years of age.

Your complainants further state that, as they verily believe, the said real estate is not divisible in kind among the parties entitled thereto, but if it can be so divided without detriment to the interest of the said parties, then they desire the same to be done, and if it cannot be so divided without injury to the interest of the parties, then they desire that the same may be sold, and the proceeds divided among the parties according to their rights and interests. Should the said property not be divisible in kind, complainants believe and here state that the interest of the said parties would be promoted by a sale of the entire property, or by an allotment of part and sale of the residue.

In consideration whereof, and inasmuch as your complainants are remediless in the premises, save by a Court of Equity, they pray that the said Oscar J. Brillo and Celia A. Brillo 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 appointed to defend the said infants in this suit; that the said real estate be divided among the said parties, or else

that it be sold and the proceeds divided among them, according to their right and interest; that proper process issue, and all proper orders be made, accounts taken, and inquiries directed, 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.

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 as compensation for his services in this suit.

W. J. Sebrell, p.q.

A. S. Brille,
Lula Maud Brille
C. E. Brille
Mary A. Pillman
J. W. Pillman
Pltffs.
by Counsel.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon Oscar J. Brittle and Celia A. Brittle, both infants, under twenty one 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 1st Monday in September 1909 to answer a Bill in Chancery exhibited against them in our said Court by A. S. Brittle and Rachael Maud Brittle his wife & E. Brittle, and Mary A. Pittman (nee Brittle) and J. W. Brittle her husband

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

Witness, H. P. McLEMORE, Clerk of our said Court, at the Courthouse this 4" day of September, 1909, in the 134 year of the Commonwealth.

Teste: H. P. McLemore C. C.

At a Circuit Court held for Buckingham County at the Court House on Tuesday the 15th day of March, 1910, sitting as a Court of Law.

Present: Hon. Bennett T. Gordon, Judge.

This day Oscar J. Brittle an infant over fourteen years of age appeared in Court and nominated T. C. Whitehurst as his guardian, and the Court approving the nomination, T. C. Whitehurst is accordingly appointed guardian for Oscar J. Brittle, and the Court doth nominate and appoint T. C. Whitehurst guardian for Celia A. Brittle an infant under fourteen years of age, thereupon T. C. Whitehurst, with the Virginia Safe Deposit and Trust Corporation his surety appeared in Court and entered into and acknowledged a bond in the penalty of $2000.00 payable to the Commonwealth and conditioned as prescribed by law and qualified taking the oath required by law, and the said bond is ordered to be recorded.

A copy Teste W. Johnson, Clerk

Brille et als.

v. { Answer of Guardian ad Litem &c.

Brille.

The answer of Oscar J. Brille and Celia A. Brille, infant defendants under the age of twenty one years, by Claude J. Edwards, their guardian ad litem, assigned to defend her in this suit, to a bill of complaint exhibited against them in the Circuit Court of Southampton County by A. S. Brille, and Lula Maud Brille, his wife, C. E. Brille, and Mary A. Pittman (née Brille) and J. W. Pittman, her husband.

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, answer and say by their said guardian ad litem,

That they are infants of tender years and are, therefore, incapable of understanding or taking care of their rights and interests. They, therefore, by their said guardian ad litem, commend 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.

Claude J. Edwards
Guardian ad litem for Oscar J. Brille and Celia A. Brille

T. C. WHITEHURST
PASTOR
Sharon, Mulberry Grove, Goshen and Mt. Zion
BAPTIST CHURCHES

TUCKER, VA., _____ 19____

Received of A. S. Brittle, Adm. of A S H Brittle estate. Thirteen Hundred and Twenty Five Dollars and ten cent proceeds from the above estate, Due Oscar J. and Celia A. Brittle,

$1325.10 Tyree C. Whitehurst Gardian

Aug. 20. 1910.

This receipt takes the place of all others give prior to this date,

Courtland, Va., 19

M

To H. B. McLEMORE, Dr.,

Clerk of The Circuit Court of Southampton County.

		Received Dec. 20/09 of Ct & Brittle Special Comm'r in Brittle vals vs Brittle, Seventeen & 33/100 Dollars, premium on Comm'rs Bond in above suit.			
		John Sebrell Sr Agent Va. Safe Deposit Trust Corporation			

Received Apl. 26, 1910, of A. S. Brittle, Spl. Comr. in Chancery suit of Brittle et als. vs. Brittle's infants, One hundred and fifty dollars, amount of fee ordered to be paid me by decree of the Circuit Court in said suit.

W. J. Sebrell, Atty.

Mr A. S. Brittle Special commissioner Dr

1910
Mar 17 To preparing deed taking acknowledgment &c for the A & H Brittle Land $4 00

Received payment 4/2/10
H. B. Bulley

Received of A. S. Brittle Special Commissr of A. S. & H. Brittle Est $3.00 Three Dollars for my services in Selling the farm

A. J. Branch

Jan 29th 1910

(#132509)

Ivor Va
April 15 1910

I M. A. Pitman being one of the legal heirs of the deceased A. S. H. Brittle have this day duely received of A. S. Brittle Admr, my portion of the real-estate Thirteen hundred & ~~Twenty five~~ dollars and ~~twenty~~ nine cents

M. A. Pitman

Ivor, Va.
Apr. 6 1910.

I C. E. Brittle being one of the legal heirs of the deceased A. S. H. Brittle have this day duely received of A. S. Brittle Admr, my portion of the Estate Thirteen hundred & Twenty five dollars & nine cents

Claude Brittle

Brittle et als,
Against,
Brittle Infants:

Statement of costs,

To summons 25¢ copy 13¢	.38
Recept 18¢ Attorney 10¢	.28
Docketing 18¢ Rule 50¢	.68
Entering return 35¢ Fil bill 15¢	.50
Rule	.50
Filing report of Comr 15¢ Fil Depositions 15¢	.30
Copying Decree 36¢	.36
Fil Answer of Gdn Ad-litem 15¢	.15
To entering 5 decrees @ 36¢ each	1.80
To filing report of A. S. Brittle Spec Commissioner	.15
To taking and recording Bond of A. S. Brittle Special Commissioner	1.45
To taxing cost 20¢ Copy 20¢	.40
Filing away papers	.25
Clerk-N B McLemore Paid	$ 7.20

W J Gabrell Attorney Paid $ 16.50,
E. Frank Story Comr, Paid 10.00 — 26.50

$ 33.70

STATEMENT.

	Dr.	Cr.
By amt. Rec'd from sale of land		5630 00
To Commissions on $5630, due A.S.Brittle, Com.	121 80	
" Amount paid Auctioneer	3 00	
" " " for writing Deed,(F.P.Pulley)	4 00	
" " " W.J.Sebrell Atty's fee under decree	150 00	
" " " H.B.McLemore, clerk, amt. of taxed (cost	33 70	
" " " Jno. N.Sebrell Sr. Prem. on Com's (Bond	17 33	
Balance to be distributed	5300 37	
	$5630 00	$5630 00
To Amount to be distributed br't down	$5300 37	
1/4 of $5300.37 due to A.S.Brittle		1325 09
1/4 of $5300.37 " " C.E.Brittle		1325 09
1/4 of $5300.37 " " Mrs M.A.Pitman		1325 09
1/4 of $5300.37 " " T.C.Whitehurst,Gdr. of (two infants		1325 10
	$5300 37	$5300 37

Brittle, et al. vs. Brittle's Infants } Report of Sp. Com. A. S. Brittle.

In this cause the special Commissioner most respectfully reports that pursuant to decree herein entered on the 5th day of March 1910, he has collected from J. A. Saunders & Co., purchasers, the amount of the purchase price, to-wit, $5630.00, for the real estate sold by him under a former decree in this cause, and he has fully distributed and disbursed the same as directed by said decree herein entered on the 5th day of March 1910, as will more fully appear by statement and receipts herewith filed and prayed to be read as a part of this report.

Your Commissioner has, also, executed to the said purchasers a deed, with special warranty, for the said real estate, as directed by the said decree.

There is nothing further remaining to be done in this cause.

Respectfully submitted,
A. S. Brittle

Brille et al.
vs. } Decree.
Brittle's Defaults.

Enter this.

Wheeling, W. Va.

Brittle et al. }
vs. } Decree.
Brittle's Infants }

This day this cause came on to be further heard on the papers formerly read, and on the report of Special Commissioner A.S. Brittle, this day filed by leave of the Court, showing collection and disbursement of the proceeds from the sale of lands sold under a former 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.

In Vacation: In the Circuit Court of Southampton County on the 31st day of March 1910:-

Brittle et Als. v. Brittle's Infants. } Decree.

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 made in term, came on to be further heard on the papers formerly read and upon the written statement herein filed marked "Exhibit X", and was argued by counsel.

On consideration whereof, and it appearing to the Court that, since the entering of the decree herein on the 5th day of March 1910, J. C. Whitehurst has qualified as guardian of Oscar J. Brittle and Celia A. Brittle in the Circuit Court of Buckingham County and that he executed a guardian bond therein in the penalty of $2000.00, and it further appearing that the said infants are residents of said County of Buckingham, the Court doth adjudge, order and decree that A. S. Brittle, special Commissioner in this cause, pay over to the said J. C. Whitehurst, guardian, the amounts coming to the said infants from the sale of the real estate in this cause, without the execution of any further guardian bond by the said J. C. Whitehurst guardian as afore-

said, the Court being satisfied that the said guardian bond executed by said J.C. Whitehurst in the Circuit Court of Buckingham county as aforesaid is sufficient to protect the interests of said infants in the premises. And the said A.S. Britt will take receipt from said J.C. Whitehurst, guardian, for the amount paid him and return the same, along with his report to this Court
To the Clerk of the Circuit Court of Southampton County.

Jno. L. McSmith

Britt et al.
v.
Deeree.
Britts' Infants

March 31, 1910
Entered this,
Jno. L. McSmith

ENTERED - C.O.B.
PAGE 88 -

Brittle et als.
vs.
Brittle's Infants } Report of Spl. Comr. A. S. Brittle.

In this cause the undersigned special Commissioner reports to the Court that, in pursuance of decree herein entered on the 9th day of December 1909, in the chancery cause of Brittle et als. vs. Brittle's Infants, depending in the Circuit Court of Southampton County, after having given due notice of the time, place, and terms of sale, he exposed to sale by public auction, at Brittles X Roads, on the 29th day of January 1910, the real estate in the bill and proceedings mentioned, of which A. S. H. Brittle died seized and possessed; and at the said sale J. A. Saunders and Thos. L. Bain, partners in business under the name and style of J. A. Saunders & Co., became the purchasers of the said real estate at the price of Five thousand six hundred and thirty & 00/100 dollars ($5630.00), that being the highest bid. The said J. A. Saunders & Co. have informed your Commissioner that they wish to pay the entire purchase money in cash and take a deed for the said real estate upon confirmation of the sale by the Court.

In the opinion of the Special Commissioner, the sale is a very good one, and he, therefore, recommends that the same be confirmed, and

that a deed be made to the said purchasers upon the payment of the said purchase price.

All which is respectfully submitted,

A. S. Brittle

Special Commissioner.

Brittle et als.
v.
Brittle's Infants.

Report of Spl. Com'r.
A. S. Brittle
1910 March 5th filed

Brittle et als.,

vs. { Decree.

Britts Infants.

March 5th/1910

Enter this,

James L. McGhee

ENTERED-- C.O.B.

PAGE 82 -

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 on the 5th day of March 1910:

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

This day this cause, which has been regularly submitted to the Judge of this Court for such decision and decree in vacation, as might be entered therein in term, came on to be further heard on the papers formerly read, and on the report of special Commissioner, A. S. Brittle, 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 sale therein reported be and the same is hereby confirmed and declared to be firm and binding; and it appearing from the said report that I. A. Saunders and Thos. L. Bain, partners in business under the name and style of I. A. Saunders & Co., the purchasers of the said real estate, desire to pay the entire purchase price in cash and take a deed for the said real estate, the said A. S. Brittle,

Special Commissioner, is hereby authorized and directed, upon receipt of the purchase price of $5630.00, to execute to the said purchasers a deed, with special warranty, for the said real estate in the bill and proceedings mentioned, to-wit, that certain tract or parcel of land, lying in Southampton County, of which the late A.S.H. Brittle died seized and possessed, containing 225 47/60 acres, more or less, and adjoining the lands of Mrs. Fannie O. Wilkinson, James Boykin, J. E. Presson, L. H. Brantley and others; (excepting ½ acre for family graveyard, with right of ingress and egress thereto), and out of the said funds so received by him, the said Special Commissioner is hereby directed to pay, first, the legal costs of this suit and sale, including an additional attorney's fee of $150~, to W. J. Sebrell, attorney for the plaintiffs, for his services in this suit, and the balance then remaining, (after deducting such amount, if any, as may be necessary to pay any outstanding taxes against said real estate,), the said special Commissioner will distribute among the parties entitled thereto, according to their respective interest therein, as shown by the report of Commissioner E. Frank Story filed in this cause on the 10th day of Nov. 1909, paying the shares of the infants to their legally qualified

guardians. But before the said special Commissioner shall pay to the guardian of the said infants the amounts coming to the said wards, the said guardian shall enter into bond, with approved security, before the Clerk of this Court, in the penalty of # each Conditioned for the faithful application of the 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, whether the same be vested or contingent.

And the said special Commissioner will take receipts from the parties for the amounts herein ordered to be paid by him, and return the same along with a report of his proceedings hereunder to this Court.

To the Clerk of the Circuit Court of Southampton County.

James L. McGhee

Brille et als.
v. Decree.
Brille.

In Vacation:
Dec. 9th 1909,
Enter this,
James S. Thomas

ENTERED - C.O.B.
PAGE - 71 -

We consent to this decree.
W. J. Sebrell, P.Q.

Chas. J. Edwards
Gdn. ad litem.

In Vacation: In the Circuit Court of Southampton County, on the 9th day of December 1909:—

Brille et als. }
vs. } Decree.
Brille. — }

This day this cause, which has been regularly submitted to the Judge of this Court for such decision as decree therein in vacation as might be made in Court, came on to be further heard on the papers formerly read and on the report of Commissioner E. Frank Story, filed Nov. 10th 1909, 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 A.S. Brille, who is hereby appointed a special Commissioner for the purpose, do proceed, after having duly advertised the time, place, and terms of sale, to sell the real estate in the bill and proceedings mentioned, to-wit, that certain tract or parcel of land containing 225 47/60 acres, more or less, and adjoining the lands of Mrs. Fannie O. Wilkinson, James Boykin, J.E. Presson, L.H. Brantley and others, same being the tract or parcel of land of which the late A.S.H. Brille died seized and possessed, upon the following terms, to-wit, One-half Cash, and the balance on a credit of one year from the day of sale, the credit instalment to

bear interest from the day of sale, taking from the purchaser a bond with good security for the deferred payment, and the title to be retained until all the purchase-price is paid, with the option to the purchaser 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 special Commissioner will not proceed to act under this decree, until he shall have entered into bond, with approved security, before the Clerk of this Court, in the penalty of $1500, conditioned for the faithful discharge of his duties under this and all subsequent decrees of the Court in this cause.

And the said special Commissioner will make report to this Court.

To the Clerk of the Circuit Court of Southampton County.

E. J. Mur L. M. Lomax,

Brittle et als.

—vs.— Report of Commissioner Story.

Brittle.

1909: Nov. 10 Filed.

H. B. McLemore, Clerk.

By: B. M. Hill, D. C.

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., Nov. 5, 1909.

TO:

A. S. Brittle and Lula Maud Brittle, his wife,
C. E. Brittle, and Mary A. Pittman (nee Brittle)
and J. W. Pittman, her husband,
and
Oscar J. Brittle and Celia A. Brittle, both
infants under twenty-one years of age,
C. J. Edwards, Jno. A. Holland.

You are hereby notified that I have fixed upon the 10th day of November, 1909, to take and settle, at my office, the following accounts, to-wit:

(1)The annual and the fee-simple value of the real estate in the bill mentioned, and the interests of the several parties, plaintiffs and defendants, in the said real estate:

(2) Whether the said real estate can be conveniantly divided in kind among the parties entitled thereto:

(3) If the same cannot be so divided, whether any party will take the entire property and pay to the other parties such sums pf money as their interest therein may entitle them to receive:

(4) 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:

(5) Whether there are any liens on the shares of any of the parties in interest, and if so, the amount of the same, in whose favor, and the priorities:

(6) Whether there are any delinquent taxes due on the said real estate:

All 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 interest party.

Whether all parties are property before the Court:

Required to be taken by a decree of the Circuit Court of Southampton County, Virginia, rendered on the 9th day of October, 1909, 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 the said Court, the day and year first aforesaid.

COMMISSIONER IN CHANCERY.

To the Sheriff of Southampton County, to execute.

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

COMMISSIONER'S OFFICE,

Courtland, Va., Nov. 10, 1909.

IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

COMMISSIONER'S REPORT:

Brittle et als.
vs.
Brittle.

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF THE SAID COURT:

The undersigned, E. Frank Story, a Commissioner in Chancery for the Circuit Court of Southampton County, having had referred to him for execution, a decree of your Honor's Court, entered on the 9th day of October, 1909, in the chancery cause, generally styled, Brittle et als. vs, Brittle, duly gave notice of his purpose to proceed with the execution of the said decree on the 10th day of November, 1909, at his office in the town of Courtland, Southampton County, Virginia, in one of the modes prescribed by law, a copy of which said notice is herewith filed, as a part of this report, together with a copy of the decree , setting forth the matters of examining and inquiry thereby referred to the said Commissioner:

That pursuant to the directions of the said decree and in conformity with the said notice, your said Commissioner, on the 10th day of November, 1909, at his office in the town of Courtland, Virginia, attended at the time and place so appointed, and took the depositions of J. T. Boykin and T. O. Camp, persons familiar with the property in question, which said depositions are herewith filed as a part of this report:

As touching the several matters required to be stated by the said decree, your Commissioner begs to report further:

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

(1) The annual value of the said property is about $75,00, and the fee-simple value about $3000.

The interests of the several parties in the said property is as follows:

A. S. Brittle, one-fourth:

C. E. Brittle, one-fourth:

Mary A. Pittman, one-fourth:

Oscar J. Brittle, infant, one-eighth:

Celia A. Brittle, infant, one-eighth:

(2) The real estate in question cannot be conveniently divided in kind among the parties in interest, for reasons stated in the depositions of witnesses:

(3) Your Commissioner is advised that no party in interest will take the entire subject matter, as contemplated by the Statute;

(4) Your Commissioner is of the opinion that the interests of the parties will be promoted by a sale of the entire subject matter, and a division of the proceeds, according to law:

(5) Your Commissioner has made a careful examination of the records of the Clerk's Office of this county, and reports that he does not find any liens binding the interest of the said parties:

(6) Your Commissioner does not find any delinquent taxes out-standing against the said property:

(7) All parties in interest are properly before the Court.

Respectfully submitted,

COMMISSIONER IN CHANCERY.

COMMISSIONER'S FEE $10.00/100.

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

****
* Brittle et als. *
* vs. *
* Brittle. *
****

DEPOSITIONS:

The depositions of J. T. Boykin and T. O. Camp, 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, Virginia, on the 10th day of November, 1909, to be used as a basis in determining certain questions to be stated by the undersigned as Commissioner, in his report, required to be stated by a decree of the Circuit Court of Southampton County, Virginia, entered in the cause of Brittle et als. vs. Brittle, on the 9th day of October, 1909.

Present: W. J. Sebrell, Attorney for plaintiffs.

The witness, J.T.Boykin, being duly sworn deposes as follows:

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

A. J.T.Boykin, 52 years old, live in Southampton county, Farmer, and I know the parties to the suit.

Q. Do you know the land in the bill mentioned; and if so, what is its annual and its fee-simple value?

A. I know the land well and have known it for 30 years. I think that $75.00 is the annual and $3000. the fee-simple value of the same.

Q. What are the interests of the parties in said land?

A. A.S.Brittle, C.E.Brittle, and Mary A.Pittman have each aone-fourth interest in it, and the two infant defendants have each a one-eighth interest in it.

Q. Do you think said real estate can be conveniently divided in kind among the parties, and give reason for your opinion.

A. IT cannot be so divided, because the open land and the timbered lands are so situated that it could not be divided so as to give each one an equal share without injuring the interest of all. All the timber is at one end.

Q. Do you know whether any one party will take it all and pay the others for their interests in it?

A. I think not.

Q. Do you think that 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?

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

Q. do you know of any other persons who have any interest in said land?

A. I do not. I think the plaintiffs and defendants own it all.

And further this deponent sayeth not.

L. T. Boykin

The witness T.O. Camp being duly sworn deposes as follows:

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

A. T.O.Camp, 38 years old, Southampton, and know the parties.

Q. Do you know the land in the bill mentioned, and what is its annual and fee-simple value?

A. I do. Its annual value is about $75. and its fee-simple value is about $3000.

Q. Do you think it can be conveniently divided in kind, and state your reasons.

A. I do not. The land lies in such shape that it could not be so divided without injuring the interests of the parties.

Q. Do you know whether any one will take it and pay the others for their interests?

A. I do not.

Q. Do you think that 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?

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

Q. What are the interests of the parties, and do you know of any other parties in interest in said land?

A. I think the interests are as stated by Mr. Boykin, and knew of no other parties in interest in said land.

And further this deponent sayeth not.

T. O. Camp

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 were duly taken, reduced to writing, and signed by the witnesses, respectively, before me, at the time and place therein mentioned, pursuant to the annexed notice.

Given under my hand this 10th day of November, 1909.

COMMISSIONER IN CHANCERY.

IN VACATION: IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, THIS 9TH DAY OF OCTOBER, 1909:

A. S. Brittle and Lula Maud Brittle, his wife, C. E. Brittle, and Mary A. Pittman (nee Brittle) and J. W. Pittman, her husband,

plaintiffs,

vs. } Decree.

Oscar J. Brittle and Celia A. Brittle, both infants under twenty-one years of age,-Defendants.

This day this cause came on to be heard 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 decisions and decrees therein in vation as might be made in term, which writing is made a part of the record in this cause, and upon the complainants' bill and exhibits therewith filed, the answer of the infant defendants by Claude J. Edwards, their guardian ad litem, duly assigned at rules to defend them in this suit, with general replication thereto, 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, plaintiffs and defendants, 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, wehther any party will take the entiee 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 of the same, in whose favor, and the priorities:

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

All of 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.

Whether all parties are properly before the Court.

All which is heereby certified to the Clerk of this Court to be entered in the Chancery order book.

James L. McLemore.

A Copy- Teste: H. B. McLemore, Clerk.
By: B. M. Hills, D. C.

Brittle et al.

v.

Brittle.

Consent in writing to make this a Vacation Cause.

In Vacation: In the Circuit Court of Southampton County, this 9th day of October 1909:—

A. S. Brille and Lula Maud Brille, his wife, C. E. Brille, and Mary A. Pillman (nee Brille) and J. W. Pillman her husband plaintiffs,

vs.

Oscar J. Brille and Celia A. Brille, both infants under twenty one years of age, — Defendants.

Decree:

This day this cause came on to be heard 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 decisions and decrees therein in vation as might be made in term, which writing is made a part of the record in this cause, and upon the complainants' bill and exhibits therewith filed, the answer of the infant defendants by Claude J. Edwards, their guardian ad litem, duly assigned at rules to defend them in this suit, with general replications thereto, 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, plaintiffs and defendants, 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 of the same, in whose favor, and the priorities.
6th: Whether there are any delinquent taxes due on the said real estate;

All 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.

Whether all parties are present before the Court. All which is hereby certified to the Clerk of this Court to be entered in the Chancery order book.

James L. McLemore

We, the parties, plaintiffs and defendants, in the Chancery cause of A. S. Brittle and Lula Maude Brittle, his wife, C. E. Brittle, and Mary A. Pittman (nee Brittle) and J. W. Pittman, her husband, vs. Oscar J. Brittle and Celia A. Brittle, both infants under twenty one years of age, 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. Sebrell, atty. for plffs.
Chas. J. Edwards for as Guardian
for Oscar J. and Celia A. Brittle infants,

Know all Men by these Presents, That we A. S. Brittle and Virginia Safe Deposit & Trust Corporation are held and firmly bound unto the Commonwealth of Virginia, in the sum of Forty Four 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 30th day of December one thousand nine hundred and Nine.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound A. S. Brittle shall faithfully perform the duties of his office or trust, as Special Commissioner under decree of the Circuit Court of the Chancery of Southampton pronounced on the 9th day of December, 1909, in the suit therein depending under the name and style of Brittle et als v. Brittle and all subsequent Decrees of this Court in this Case

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

Signed, sealed and acknowledged in the presence of

A. S. Brittle [SEAL]
Virginia Safe Deposit and Trust Corporation [SEAL]
by Jno. W. Sebrell Jr. 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.

Brittle et als,
Against,
Brittle Infants: | Statement of costs,

To summons 25¢ copy 13¢	.38
Recept 18¢ Attorney 10¢	.28
Docketing 18¢ Rule 50¢	.68
Entering return 35¢ Fil bill 15¢	.50
Rule	.50
Filing report of Comr 15¢ Fil Depositions 15¢	.30
Copying Decree 36¢	.36
Fil Answer of Gdn Ad-litem 15¢	.15
To entering 5 decrees @ 36¢ each	1.80
To filing report of A. S. Brittle Spec Commissioner	.15
To taking and recording Bond of A. S. Brittle Special Commissioner	1.45
To taxing cost 20¢ Copy 20¢	.40
Filing away papers	.25
Clerk	$ 7.20

Attorney	$ 16.50,	
E. Frank Story Comr,	10.00	26.50
		$ 33.70

Paid
W D McLemore. clerk

Baillie et als.

vs. } Stat: of Costs

Baillie et als.

Summ. 25. Cop. 13. receipt 18. atty 10. Docket 18= .84

Rules 1.00. return 35. filing bill 15= 1.50

Do. exhibits 15. Cop. Ex. 50. fil. Am.d of Bill. addition 15= .80

Replication 15 = .15

Do. Consent to make a vacation Cause 15= 15

Another Summ. 25. cop. 13. receipt 18. Docket 18= 74

Rules 1.00. return 35. fil. amended bill 15= 1.50

Do. report of Comr. in chancery 25 = 25

Taking Special Comrs bond 1,40 1.40

3 decrees and one copy 1,81, Tax costs 40= 2,21

Filing away papers 25 = 25

Return Costs absent 1.50 = 1.50

1/29/1903 pd by E.F. Story L. R. Gay Clerk $11,29

Sheff 0.00

Lawyer. 16.50

$27.79

Fee of Comr. J. B. Prince Jr. 5.00

$32.79

Teste: L. A. Gay C.C.

Brittle et als.

vs. } Stat: of Colo.

Brittle et als.

Brittle et al.
v.
Brittle.

Enter, Octo. 9th
1901.
J. Amis McSmore

ENTERED @ C.O.B.

Circuit Court of Southampton County, Virginia:

In Vacation, this 9th. day of October 1909:

I, Jas. L. McLemore, Judge of the Circuit Court of Southampton County, Virginia, do hereby certify that the parties, plaintiffs and defendants, in the Chancery cause of A.S. Brittle et als. vs. Oscar J. Brittle and Celia A. Brittle, both infants under twenty one years of age, pending in the Circuit Court of said County, have by consent out of Court, duly evidenced by a writing signed by Counsel for the adult parties and 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 decrees and decrees therein in vacation as might be made in term.

All which is hereby certified to the Clerk of the Circuit Court of Southampton County, Virginia, to be entered in the Chancery Order Book.

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

Jas. L. McLemore