

1892-009 Chancery Causes: Kena K. Chapman, adm of George Bourne & Annie E. Holmes
Isle of Wight County vs Henry H. Holmes & ux, George Bourne, by v c & J

other surnames: Wilson, folk,
Bickers, Boykin, Womble,
ATKINSON

Know All Men by These Presents:

THAT WE, *Kenneth K. Chapman and Augustus Berkeley and A. P. Young*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of *Twenty Seven Hundred* DOLLARS, to the payment whereof well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this *15th* day of *Feby.*, in the year one thousand eight hundred and eighty-*Eight* and in the *112th* year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound *Kenneth K. Chapman* guardian of *George Bonner* who by the decree of the Circuit Court of *Wright County* rendered at the Oct. term 1887 in the suit of *Bonner v. Bonner et al.* was required to execute a Bond with the Clerk of the Circuit Court aforesaid in the penalty of \$2700. which in addition to a bond executed with the County Court 5. Aug. 1885.

shall faithfully discharge the duties of said office or trust then the above obligation to be void, or else to remain in full force and virtue. We hereby waive the Homestead Exemption as to this obligation, and we also waive any right, claim or privilege to discharge any liability arising under said bond, or by virtue of said office or trust, in any currency, funds, counter-claims, or offsets other than legal tender currency of the United States.

K. K. Chapman
A. Berkeley
A. P. Young

SEAL
SEAL
SEAL
SEAL
SEAL

the Clerk of the Circuit Court
IN ISLE OF WIGHT COUNTY COURT *February 6th* 1888:

This bond was executed and acknowledged in ~~open Court~~ *admitted* by the obligors to the same, and ~~ordered~~ *ordered* to be recorded.

*Copy with A. P. Young & Co
by Geo. S. S. S.*

A. P. Young

CLERK.

Bourne's gdw.

vs. { Bound of
K. K. Chap-
man gdw.
Gen. Bourne

Bourne Etals.

A copy

This deed made this 10th day of June in the year eighteen Hundred and twenty six between George R. Atkinson, commissioner as hereinafter mentioned, of the first part and Margaret L. Bourne of the second part: Whereas on the 22nd day of October in the year 1875 it was decreed and ordered by the Circuit Court of Isle of Wight County in a certain suit and cause between depending in said court between W. H. Pettus, complainant and R. F. Graves defendant that unless the said R. F. Graves or some one for him should pay to the said W. H. Pettus, within sixty days from the date of the said decree, the sum of six hundred dollars with interest thereon at the rate of ten percent per annum, the said George R. Atkinson, commissioner appointed by said court should sell the house and lot in the said proceedings mentioned at public auction at Isle of Wight Court House on some court day, after first giving at least twenty days notice of the time and place of sale by advertisement posted in the Town of Smithfield and at three more public places in said county upon the following terms to wit: for each defendant to pay the costs of said suit and the expenses of sale and to discharge the principal and interest of each of the bonds of the said R. F. Graves in the proceedings mentioned as should then be due and payable, and for the balance bonds should be taken with sufficient security for each amount as is equal to the amount, principal and interest of such bonds as might not then be due, with interest from the day of sale on the principal of such bonds not due and payable, and payable at the time such unmatured bonds would fall due, and should there be any surplus of proceeds of sale the same should be payable at such time and be disposed in such manner as the said R. F. Graves should direct, or in case of his failure to give such direction, at such time and in such manner as the said George R. Atkinson should think fit: And whereas the said R. F. Graves having failed to pay to the said W. H. Pettus the said sum of six hundred dollars and interest thereon as aforesaid within the said sixty

Now, the said George R. Atkinson, commissioner, in pursuance of the said decree, did, on the 3rd day of January in the year 1876, that being court day, offer for sale at public auction, at the office of the Clerk of the Court, the herein after described house and lots being the house and lots mentioned in the said decree having first advertised the time place and terms of sale as required by the said decree: at which sale the said house and lots was struck off to the said Margaret L. Bonne for the sum of One thousand and thirty dollars, that being the highest bid for the same: And it is in the said sale having been reported to the said court, the court by its decree of the 22nd day of April 1876 confirmed the said sale, and directed that in the payment of the said sum of one thousand and thirty dollars to the said commissioner George R. Atkinson the said commissioner should make to the said Margaret L. Bonne a good and sufficient deed with special warranty for the said land and the said sum of One thousand and thirty dollars having been paid to the said commissioner according to the said decree: Now this deed recites that the said George R. Atkinson commissioner as aforesaid, in consideration of the premises and of the said sum of One thousand and thirty dollars both good and sufficient warranty to the said Margaret L. Bonne the same and lots situated lying and being in the town of Smithfield in the county aforesaid and known on the plot of said town as lots number forty nine and fifty being the same house and lots above mentioned and sold as aforesaid.

Witness the following signatures and seal

George R. Atkinson

State of Virginia
County of Allegheny
I, K. A. Chapman a Notary Public for the county aforesaid certify that George R. Atkinson whose name is signed to the writing above bearing date the 1st day of June 1876 has this day acknowledged the same before me in my county aforesaid, seen under my hand this 1st day of June 1876

K. A. Chapman
Notary Public

In the Clerk's office of the county court of
Allegheny County, the 17th. day of June
1876, This Deed from Geo. R. Atkinson
to Margaret L. Bourne was received
and admitted to record upon the au-
thorized certificate of H. K. Chapman notary
public.

Attest, J. P. Youngblood

Geo. R. Atkinson Comd.

To Seed.

Margaret H. Bourne

June 17th. 1896.
Reed. & A.Rd. on the
auth. and d.

Recorded.

P. 44. pg. 47.

A. S. Granger

Tax on Seed . . . 1.10

Fee for recording 1.25

\$ 2.35

Bourmes & Co

vs } In the Circuit Court of Ark of Wyo Co
Bourmes et als

This Cause came on this day when
again heard on the papers formerly read
and on the report of ~~the~~ solicitor and
payment of costs Boykin, this day taken
by leave of Court, and was argued by
counsel, on consideration whereof the
Court doth confirm said report, and
nothing further remaining to be done
herein. It is order that this suit be
stricken from the docket.

Bourne's son
p } Du chey
Bourne & Co

Rough sketch
^{Nov 1st}
~~set term~~ 1892
To be entered
C. M. L.

Entered #8

Bourne & Son
v } In Chancery
Bourne & Sons

This cause came on this day & he again heard on the papers formerly read, and on the report of here-in of Court Boykin filed Oct 10th 1887, and was argued by counsel; on consideration whereof the Court confirming said report, to which no exceptions have been filed, doth adjudge order and decree that Rd Boykin who has heretofore been appointed Court in this cause, withdraw the Certificate of deposit returned with said report, having first filed his receipt therefor and proceed to collect the same, and having first paid the unpaid costs of this suit, he shall pay one half of the proceeds of said collection to Anna E Holmes wife of Henry Holmes the remaining one half of said collection he shall pay to K K Chapman guardian of Geo Bourne, The said K K Chapman guardian aforesaid, having first executed in the Clerk's office of this Court a bond as such guardian in the penal-ty of the sum of \$2700.00 with certain sureties approved by the Court of his County and the said Court shall make report to Court of his proceedings under this decree.

Rourke's son
or } Duchay

Rourke

Rough Diary
Oct Term 1887
To be entered.
C. M. Hill

Entered
no. 9-

Reunited Bond

2 } On Day
Bonne et als

This cause, in which it
is suggested that since the last decree
between Annie Holmes, formerly
Bonne has arrived to the age of twenty
one years, it is ordered that this suit
be proceeded with against her in
her own proper person ^{as a party defendant} Come on
this day to be again heard on the
papers formerly read and on the
report of each of Court Boykin this
day filed by name of Court, and was
advised by Court, on consideration
whereof, the Court concerning said report
to which no exceptions have been filed,
doth adjudge order and decree, that
upon maturity of the said Bonds, R.E.
Boykin who has heretofore been
appointed Court in this cause, shall
proceed to collect the same, first
giving his receipt for said Bonds in the
papers of this cause, and the said
Bonds shall be paid ^{and the}
^{entire payment of said bonds before maturity of said bonds shall be tendered}
upon the payment of the said
Bonds, to extent and amount to the
said O. Le. Hootch a good and suf-
ficient and in full with plain
warranty, for the said House & Lot
and said vacant lot of which Mary-
ret Bonne did seize and possess.

in the Court of Chancery, in the Proceed-
 ings of this suit mentioned.
 And the said Court shall make report
 thereon of this proceeding under this
 name,

Reverend's Rev.

} in case

Reverend's Rev.

Rough note

Oct. 1886

to be entered -

Geo. B. Snow Jr.

[Signature]

Entered

4.

Bourne's Son
v J DuChay
Bourne et als

This Cause came on this day due thereon the bill taken for confessed as to the adult defendants Thos A Wilson and Matilda his wife, A L Richers and Margaret L his wife, Thos B Bourne, Jos Bourne and Jas M Bourne, upon whom process has been duly served they still failing to appear, gave answer or answers, upon the bill taken for confessed as to the defendants Fredk Holmes and Emily his wife, non residents of the state of Va. against whom the plaintiff has proceeded as required by law against absent defendants, upon the answer of the infant defendants under oath, the answer of the infant defendant by guardian ad litem and the answer of the said guardian ad litem under oath, with general replication thereto, and was argued by counsel on consideration thereof, the court doth approve order and decree that R D Boykin who is hereby appointed a commissioner for that purpose, proceed to sell at public auction in the town of Guilford the house and lot in the bill and Escutcheon of this suit mentioned of which Margaret Bourne did seize and possess, and which was devised by her

last will and testament to Annie E Thomas
formerly Bourne and Geo Bourne,
having first advertised the time place
and terms thereof for thirty days, prior
to the day of sale, by hand of the clerk
on the front door of the Court House
of said County on some Court day
prior to the day of sale, at three or
more public places in said County,
and in the discretion of said Court in
some newspaper, and upon the follow-
ing terms, to wit, for cash as much
cash he could as may be necessary
to pay the cost of suit and sale, in-
cluding an attorney fee to R C Seymour
attorney at \$100.00 for his services in this
cause, and the balance upon a credit
of one and two years, in equal pay-
ments, taking from the Geo Chase
bond, with approved personal secu-
rity, securing interest from said, with
main of homestead and retaining title
until the further order of this Court,
and the Court doth further adjudge order
and decree, that the said Court in this
opinion it will best promote the inter-
ests of said infants, shall divide the said
lot and sell separately, that portion
thereof from a point well designated
lying West of the said house,
and the said Commissioners shall make
report to Court of this proceedings made

this decree. But the said court shall not
execute this decree until he shall have
entered into a bond with good person
security, before the clerk of this court
in the penalty of Three thousand dol-
lars, conditions for the faithful
performance of this or any future
decree herein.

Roume's son

7 } Du chery

Roume et al

Rough Well
April Term 1886
To the entered

Geo. T. Blow

Entered clo. 17

Virginia

In the Clerk's office of the Circuit Court of the
County of Isle of Wight, the 17th. day of February
1886, in vacation.

Heena H. Chapman guardian of $\frac{2}{3}$
George Bourne $\frac{1}{3}$ complainant

Against $\frac{2}{3}$ In Chancery.

George Bourne, Henry H. Holmes and
Annie his wife, formerly Bourne; the
said George and Annie being infants
under the age of twenty one years; A. L.
Pickens and Margaret A. his wife, Thomas
A. Wilson and Matilda his wife, Frederick
Holmes & Emily his wife, Thomas B. Bourne,
Joseph Bourne and James M. Bourne. Defendants

The object of this suit is to effect a sale of a lot
of land in the town of Smithfield, in the county of
Isle of Wight which was devised by the last will and
testament of Margaret A. Bourne decd. to her ^{two} children
Annie E. Holmes and George Bourne, and to dis-
pose of the proceeds as the court may direct. And
affidavit having been made and filed, that the
defendants Frederick Holmes and Emily his wife,
are now residents of the state of Virginia, it is
ordered that they do appear here, within one month
after due publication of this order, and do what
may be necessary to protect their interests in this
suit.

a copy. Teste, J. S. Young clk.

Bourmes' gdw.

vs. $\frac{2}{3}$ Incha-

Bourne et al.

Ord. of Publication.

Smithfield, Va. 7 Aug 1889 No.

Farmers & Merchants' Savings Bank,

PAY TO THE ORDER OF

W. Chapman Genl of G. Brown

for renewed an amount for 1st

\$ 672³

Dollars.

R. E. Boykin
Cash Bk for a month

Recd Charlottsville Va 23^d Aug 1888 of R. E. Boykin
(Commissioner) in suit of Bourn's Guardian vs Bourn & ale.
Six Hundred & sixty eight ³²/₁₀₀ Dollars being amount
decreed to her by decree of Circuit Court of Shrovet Night
County Oct term 1887 entered in the said suit,

signed here

Being amount due on 1st Bonds A, B, H,

Annie C. Holmes

Rec of R. E. Boykin acts One hundred and seventy two
14/100 Dally in full of amt due me in suit of Bonomey
Guar^{ty} or Bonomey in circuit court of Seaford
County Vth up attorney's fee.

Ocalo Fla.

Signature: Annie E. Healdner.

19 Aug-1889

Bourne's Cove
V

Bourne -

Ocala Fla 12th December 1888

Rec^d of R^E Byrkin Receipts in Bank Guar^{anty} & Prom^{ises}
Five Hundred dollars in part payment of amt
due me from said suit.

Annie E Holmes.

Please date when paid.

Recd. Augt. 13. 1889, of R. E. Boykin
conver. in the suit of Bourne vs. B.
vs. Wilson & Wife, Bourne et al; \$3.⁴⁴
unpaid clerk's fees in said suit
to final decree to be entered.

A. P. Young clk.

July 31/89. Recd of R & Boykin court
in Bourne & Bourne as the three
dollars & Forty Five cents unpaid costs to
final decree

A. P. Youngy C.R. & C.

Rec Charlotteville N.H. 14. May 1888 of R.E. Byrnes
Carpenter in view of Byrnes Guard and Byrnes also for standard
and for the first 30 days being amount due to be paid
me as guardian of his Byrnes by the name of Act June
1887 returned in the same form

J. C. Chapman
Master of Byrnes

Bourne's Son

10 } In the Circuit of Iowa of Mylar County
Bourne et al

The undersigned R.E. Boykin Special
Court of said county, under the name herein of
act term 1887. Reports to Court, that in
pursuance of the said name, he collected
from the Farmers and Merchants Savings
Bank at Smithfield its certificate of deposit
for \$1358⁰⁰. returned ~~from~~ with Court Boykin
Report of Collection herein, and that he
collected from Ole Goodrich the amount of
his second bond returned with Court Boy-
kin's Report of said herein, and after paying
thereof the unpaid costs of this suit, he paid
one half of the residue to Annie E. Holmes and
the remaining one half to Geo. Bourne,
a statement of said Collection and payment,
with the receipts of the parties for said pay-
ments are herewith returned as a part of
this Report. All of which is respectfully
Submitted.

R.E. Boykin
Special Court.

Bourmes Gov
do } Du chay
Bourmes as

Comr Boykiss'
Report of Collections
& payment.

Wm H. Boykiss

	Bourne's Son	} Statement of collections and distribu- tion of the proceeds of sale of the real estate of Margaret L Bourne.		
	Do			
1887	Bourne et al			
July 31	By amt of prior rent (1 yr) on first bond			
1888	of O. & Goodrich			1358 17
Feb 23	To amt pd Annie E Holmes formerly Bourne		668 32	✓
" 14	" do pd K K Chapman & Son Geo Bourne		668 31	✓
Nov 2	By amt from O. & Goodrich in part 2 ^d bond			500 00
July 1 st 1889	" do in full of do			994 42
	To bal due court as per former report		2 00	
	" Coms on 2862 ⁷ int @ 2% pd R E Boykin		5 74	
	" fu for adv & paid today Paid R E Boykin		10 50	
	" paid unpaid costs of final decree		8 45	✓
	" amt to bal		1494 27	
			<u>\$ 2852 59</u>	<u>\$ 2852 59</u>
	By bal in hands of court			1494 27
	To paid atty fu 150 ⁰⁰ Paid R E Boykin		150 00	
	" amt due Mrs Holmes		672 14	
Aug 7/89	" " " Geo Bourne Pd See Chert to K K Chapman & Son		672 13	✓
			<u>\$ 1494 27</u>	<u>\$ 1494 27</u>
1888	By amt due Mrs Holmes			672 14
Nov 12	" " paid Mrs Holmes		500 00	✓
	" " to bal		172 14	✓
			<u>\$ 672 14</u>	<u>\$ 672 14</u>
	By bal per contra due Mrs Holmes			\$ 172 14
	To amt pd Mrs Holmes		172 14	
			<u>\$ 172 14</u>	<u>\$ 172 14</u>

Bourgeois Con

or } Duchay

Bourne et al

Statement of distributions
made by comr Bourgeois
aug 7th 1889,

Margaret L. Bunker, gen. & Fannie Anne Holmes
1883- Is the ltr. of all of High & ltr. ltr.

Octo - Pl. 25 Flor. al. 20 - Conting for Bill, - decr.)

Pl. 25. Decm. 4. 50 - tax. cost 40 - 10. 10 } \$ 9. 10

This is included in the \$19. 30
paid as costs at each time.
11 045

Pl. 25. Conting, ltr.

Trickus M. F.

gan -

\$2.16

Orin afe Nept

Bourn's Edn
a } In chcy
Bourn et als.

To the Circuit Court of the County of Islip of
N.Y.

The undersigned R E Boykin Special
Commr under the annexed decree herein of
Oct Term 1886, reports to Court That in
pursuance of said decree, he collected from
O E Goodrich at maturity, his first
purchase bond, returned with Comr Boykin's
Report of sale herein, amounting with inter-
est thereon to the sum of \$135.81⁸, which
sum he has deposited in the Farmers and
merchants Savings Bank at Smithfield
of the Credit of this Cause. The Certificate
of the Cashier of said Bank for said deposit
is herewith returned as a part of this
report. All of which is respectfully
submitted.

R E Boykin Commr in
Bourn's Edn v Bourn et als.

Bourne's son

or } Du chaz

Bourne

Comm Roykins
Report of collections.
Filed Dec 10th 1887

= Dec. term 1887
Confirmed by Comm.

Jan 1889.
Record of the Clerk
of Cir. Court of the
the certificate of deposit.
that was filed with this
report.

Jan 8/89

Dr Rile.

I send you the slips, in Holland
n. Hollander, a dwt, as requested. Let
me have them as soon as you
get through with them so that
you acct & evd. Capt. Thomson may
be recorded as required by Gov.

I send blank unpaid Certs in Roman
gds, n. Roman to Colville
is \$3.44 checks fees - including
find report to be made up
turn & find same.

Let this be paid to R. H. Blackman
gds, as he has \$1000 pay into
me.

Yours truly

A. P. Young

You will pay the \$3.44 to me as I
have not but the bills in Roman acct.

A. P. Young

The whole amt. of Clerks fees in the suit,
including the first summons & which was
dismissed, amounts to . . . 22.74

Conv. Boykin paid, as shown by
acct. filed with his rept. of sale } 19.30

Leaving balance to rept. & find do. \$ 3.44

N.P. Young clk.

To R. E. Boykin
E. W.

Sept 4th 1886. Recd of R. A. Brown com
in suit of Bourne & Co v Bourne & Co
the sum of Ten Dollars being auction-
ers fee for selling the Bourne House
and vacant lot

R. A. Brown Auctioneers

Aug 9/86 Recd of R O Rayburn Com
in the Dept of Commerce & Con Commerce
et als William Wallace and Charity
Leeds, being clerks for in above
ship's suit.

A. J. Pringle

IN THE CLERK'S OFFICE OF THE
Circuit Court of the County of Isle of
Wight, the 17th day of February 1886, in vaca-
tion:

Kena K. Chapman, guardian of George
Bourne.....Complainant,
against

George Bourne, Henry H. Holmes and Annie
E., his wife, formerly Bourne, the said
George and Annie being infants under the
age of 21 years, A. L. Bickers and Margaret
L., his wife, Thomas A. Wilson, and Matilda,
his wife, Frederick Holmes and Emily, his
wife, Thomas B. Bourne, Joseph Bourne
and James M. Bourne.....Defendants.

IN CHANCERY.

The object of this suit is to effect a sale of a
lot of land in the town of Smithfield, in the
County of Isle of Wight, which was devised
by the last will and testament of Margaret L.
Bourne deceased, to her two children, Annie E.
Holmes and George Bourne, and to dispose of
the proceeds as the Court may direct. And af-
fidavit having been made and filed that the
defendant, Frederick Holmes and Emily, his
wife, are non residents of the State of Vir-
ginia, it is ordered that they do appear here
within one month after due publication of
this order, and do what may be necessary to
protect their interest in this suit.

A Copy--Toste:

N. P. YOUNG, Clerk.

R. E. BOYKIN, p. q. "

fe19-law4w

I, *S. S. Nottingham Jr* Associate Editor of the
NORFOLK LANDMARK, a newspaper published in the City
of Norfolk, in the State of Virginia, do certify that the order of
publication, a copy of which is hereto annexed, has been pub-
lished once a week for four successive weeks, in said newspaper,
commencing on the *19th* day of *February* 18*86*,
and ending on the *13th* day of *March* 18*86*,

Given under my hand this *22* day of *March* 18*86*

S. S. Nottingham Jr
Associate Editor

any 3/86, Recd of R O Boykin Esq
2000 dollars for surveying and
laying off the Bourne Lot.

E. M. Morrison
W. Lurveyer

M. GLENNAN OWNER.

VIRGINIAN NEWSPAPER JOB PRINTING and PUBLISHING HOUSE
VIRGINIAN BUILDING. Cor. Main and Commerce Streets.

Norfolk, Va.

July 25 1886

Mr.

R. E. Joykin

T. NORFOLK VIRGINIAN, Dr.

July 3

To \$100.00 Dils suit Chapman vs.
Bourne et al.

\$150

Received Payment,

M. Glennan
M. Glennan

Folio

1886

Feb 19

To Adv.

Sq.

Time

Ad Smith KK Chapman Guardian of Geo
Bourne R Bourne et als

3 sqs and 4 weeks

\$

#540

Received Payment,

Per

Office of THE LANDMARK, Norfolk, Va.

July 23 1886

R C. Byrkin Esq. Commissioner, Chapman Geo vs
Bourne
TO THE NORFOLK LANDMARK, Dr.

Neatly and Promptly Executed.

IN THE CLERK'S OFFICE OF THE
Circuit Court of the County of Isle of
Wight, the 17th day of February 1886, in vaca-
tion:

Kena K. Chapman, guardian of George
Bourne.....Complainant,

against

George Bourne, Henry H. Holmes and Annie
E., his wife, formerly Bourne, the said
George and Annie being infants under the
age of 21 years, A. L. Bickers and Margaret
L., his wife, Thomas A. Wilson, and Matilda,
his wife, Frederick Holmes and Emily, his
wife, Thomas B. Bourne, Joseph Bourne
and James M. Bourne.....Defendants.

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lot of land in the town of Smithfield, in the
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by the last will and testament of Margaret L.
Bourne deceased, to her two children, Annie E.
Holmes and George Bourne, and to dispose of
the proceeds as the Court may direct. And af-
fidavit having been made and filed that the
defendants, Frederick Holmes and Emily, his
wife, are non residents of the State of Vir-
ginia, it is ordered that they do appear here
within one month after due publication of
this order, and do what may be necessary to
protect their interest in this suit.

A Copy—Teste:

N. P. YOUNG, Clerk.

R. E. BOYKIN, p. q. s

1e19-law4w

I, *S. S. Worthington* ~~Associate Editor~~ of the
NORFOLK LANDMARK, a newspaper published in the City
of Norfolk, in the State of Virginia, do certify that the order of
publication, a copy of which is hereto annexed, has been pub-
lished once a week for four successive weeks, in said newspaper,
commencing on the *19th* day of *July* 18*86*,
and ending on the *13th* day of *March* 18*86*,

Given under my hand this *23rd* day of *July* 18*86*.

S. S. Worthington
Associate Editor.

A line commencing
at the eastern corner
of the lot now occupied
by Mr. Jno. B. Lurdie.

Thence along East Church
St., S. 86 East $76\frac{2}{3}$ ft. To a
post, Thence S 04. E. To the
Creek, Thence along said
little Creek, to the lot
now occupied by the
said Jno. B. Lurdie,
Thence along the line of
the said lot, to the begin-
ning

E. M. Morrison
Co Surveyor

Smithfield Va
July 29th / 86

4. H. C. 760
H. C. 760

H. C. 760

July 31 1880
H. C. 760
760

NOTICE!

SALE OF

VALUABLE REAL ESTATE!

In the Town of Smithfield.

Pursuant to a decree of the Circuit Court of the County of Isle of Wight entered at the October term, 1885, in the Chancery suit in said Court depending of Bourne's Gdn. vs. Bourne et als.

I shall sell at

PUBLIC AUCTION

In the Town of Smithfield in Front of Parker's Hotel,

On the 31st Day of July, 1886,
AT 12 M.

The House and lot in the town of Smithfield, of which Margaret Bourne died, seized and possessed.

A part of said lot lying Northwest of the Dwelling will be severed and sold separately, the miles and bounds thereof will be made known on the day of sale, or prior thereto by application to the undersigned.

TERMS. Cash sufficient to pay costs of suit and sale, and the balance upon a credit of one and two years in equal payments, bond with approved security, bearing interest from date required for the deferred payments, and title retained until further order of the Court.

R. A. EDWARDS,

June 29th, 1886.

Auctioneer.

R. E. BOYKIN,

Commissioner.

In the Clerk's office of the Circuit Court of Isle of Wight County, }
June, 29th 1886. }

I certify that the bond required by the decree of said Court rendered at the April term, 1886, in the suit of Bourne's Gdn. vs. Bourne et als., to be given by the Commissioner of sale therein mentioned, has been duly executed and filed this day.

[Teste,]

N. P. YOUNG, Clerk.

July 31st 1886 ^{with Purchase}

This lot sold to J. C. Hammond
Amt 2025.00

Warranted to J. C. Hammond 760.00
27.85
R. B. Camp & Auctioneers

John C.
Hammond

Statement of distribution of cash
 payment on sale of Heuser & Co., in
 the suit of Brown's Exor v Brown
 et al.

By amt of cash payment 222 40

To po clerk's fee 19 30

" " atty Genl & atty for R Boykin 118 00

" " com in chg disbursement for R Boykin 25 00

" " witness 1 00

" " order of publication for R Boykin 5 40

" " chanc' fees ^{as} ^{do} 15 00

" " auctioneer ^{as} ^{do} for R Howard 10 00

" " com on 300⁰⁰ @ 5% R Boykin 15 00

" " " " 2485⁰⁰ @ 2% R Boykin 49 70

" po surveyor 2 00

By amt due 2 00

\$224 40 \$224 40

To bal due com 2 00

In the Circuit Court of the County of
Isle of Wight, the 31st day of April A.D. 1886:

Bonnie's adm. --- Plff.

vs.

In Chancery -

Bonnie's adm. --- Defs.

This cause came on this day to be heard
on the bill taken for confessed as to the
adversely defendants Thomas A. Wilson and
Matilda his wife, A. L. Dickler and Marg-
aret L. his wife, Thomas B. Bonnie, Jas.
Bonnie and Jas. M. Bonnie, upon whom
process has been duly served they still
failing to appear, plead, answer or demur
upon the bill taken for confessed as to
the defendants Fredk. Holmes and Emily
his wife now residents of the State of Va.
against whom the plaintiff has proceeded
as signified by ^{law} against absent defend-
ants, upon the answer of the infant
defendant under oath, the answer of
the infant defendants by guardian
ad litem, and the answer of the said
guardian ad litem under oath with
general replication thereto and was
argued by counsel: On consideration
whereof the Court doth adjudge order
and decree that R. E. Proctor who

is hereby appointed a Commissioner
for that purpose, proceed to sell at
public auction in the town of Smith-
field the house and lot in the bill and
proceedings of this suit mentioned of
which Margaret Bourne, died seized
and possessed, and which was devised
by her last will and testament to Annie
E. Holmes, formerly Bourne, and Geo.
Bourne, having first advertised the time
place and terms thereof for thirty day pri-
or to the day of sale, by hand bills posted
on the front door of the Court House
of said County on some Court day
prior to the day of sale, at three or
more public places in said County
and in the discussion of the said Com-
missioner in some news-paper,
and upon the following terms, to wit:
For cash to so much of the proceeds
as may be necessary to pay the costs
of suit and sale, including an
attorney's fee to R. E. Bryson attorney of
\$100.00 for his services in this cause and
the balance upon a credit of one and
two years in equal payments, taking
from the purchaser bond with approved
personal security, bearing interest from

date, with a waiver of homestead and retaining title until the further order of this court and the court doth further adjudge order and decree that the said Commissioner if in his opinion it will best promote the interests of said infants, shall divide the said lot and sell separately, that portion thereof from a point to be designated, lying West of the said house and the said Commissioner shall make report to court of his proceedings under this decree. But the said Commissioner shall not execute this decree until he shall have entered into a bond with good personal security, before the court of this court in the penalty of Three Thousand dollars, conditioned for the faithful performance of this or any future decree herein-

copy

Esst: A. P. Young clk.

Atto. fee & writ tapes \$103.00

Clerks fees to apl. 80 19.30

Comm. in chq. for dep. 2.50

J. G. Conable cert.50

W. D. Folk "50

Total costs \$125.80

Romney's garden: ^{B.}

r. { In chey

Romney's garden:

Appl. time circ. et: 1886.
Copy Decree for sale of
house and lot re
=

copy to be

Bourne's Edw }
1 } Saw the Cert of Jof M Co
Bourne et al }

The undersigned R E
Boydin, Special Commissioner of
sale, under the annexed decree
therein of April Term 1886, respect-
fully reports to Court, that in pursu-
ance of said decree, the exposed to sale
at public auction in the town of
Smithfield in front of Parkers Hotel,
on the 31st day of July 1886, the House
and Lot in the town of Smithfield of
Mrs Margaret Bourne did, being and
situate in said town; offering separ-
ately, that part thereof known as the
vacant lot, at one sale only, the highest
being the highest bidder, became the
purchaser of both House and Lot and
vacant lot, bidding off the House and
Lot at \$2025⁰⁰, and the vacant Lot at
\$760⁰⁰, total purchase price \$2785⁰⁰
That the said O L Goodrich paid in cash
the sum of \$222⁴⁰, and for the balance of
the purchase price, as aforesaid, executed
his two several ^{with good & lawful as his property} bonds for \$1281⁰⁰ each,
bearing date July 31st 1886, and paya-
ble respectively one and two years after
date, with interest from date, which
together with the said cash payment
made in the sum of \$2785⁰⁰ the pur-
chase price of said lots as aforesaid

as per statement

A

Pay amt of purchase price of		
House and lot, proper,		2025.00
" do of vacant lot		760.00
To cash payment	222.40	
" Bond at one year.	1281.30	
" " " Two years	1281.30	
	<u>\$2785.00</u>	<u>\$2785.00</u>

The notice of sale, with copy of certificate of clerk that the bonds required by said decree of the said court was duly executed, annexed thereto, together with the bonds of the purchaser are herewith returned as a part of this report.

Also the said cash payment of \$222.40
was only expended in the payment of
the bills of suit and sale leaving a
balance due the Court of \$20, as per
statement, 13

13

By amt of cash payment		222.40
To Geo Clerk's fees	19.50	
" " atty Geo Wirtley	118.00	
" " com in chcy for deposition	2.50	
" " Witnesses	1.00	
" " order publication	5.40	
" " for hand bills	1.50	
" " auctioneer	10.00	
" " com on \$300 @ 5%	15.00	
" " " " 2485 @ 2%	49.70	
" " Surveyor	2.00	
By amt to bal		2.00
To bal due comr	<u>\$224.40</u>	<u>\$224.40</u>
	\$2.00	

The receipts of the funds for said
past payments are herewith an-
nexed as a part of this report
all of which is respectfully sub-
mitted

R. D. Roylance
Comr of Sale.

July 31/87. Recd of the clerk of the circuit court
of the county of Isle of Wight. The bond of A.
Gordonick & Geo. Elmore dated July 31/86 for
\$1281.³⁰ payable on or after date to R. E. Boy-
kin come and return with the return report.

R. E. Boykin come

July 30th 1889.

in Court Geo. & Bourne et al

Under process of cir. court in this case
I have referred to the clerk of the court
the record book of A. G. Gordonick and
Geo. G. Elmore for \$1281.³⁰ which was filed
with this report.

R. E. Boykin come in suit of
Bourne's Geo. & Bourne et al

Bourne Geo
vs
Boykin et al

come Boykin
Report of sale
October 20th 1886
Filed by leave of Ct.
and confirmed

To A P Young Son of Ann
E Holmes and Geo Bourne, Henry H
Holmes, Chas Wilson and Matilda his
wife, A L Richers and Mary and his
wife Frank Holmes & Emily his wife Chas
Bourne, Jos Bourne and James Mc
Bourne,

Come notice, that on the 15th day of
April 1886, between the hours of 9 AM
and 7 PM, at the office of R A Reynier
in the town of Emporium and State of
Virginia, I shall make the depositions
of Geo Wilson & al, he was resi-
dent in my behalf as guardian of
Ann E Holmes and Geo Bourne in
a chancery suit depending in the Cir-
cuit Court of the County of Lee of West
Virginia as before said, I am Plaintiff
and you are defendants

Given under my hand this 15th day of
April 1886.

W H Chapman Son
of Ann E Holmes & Geo Bourne
by his atty

Roume's Cou
p f ou chey
Roume et als

Notice to Take
depositions

Each month of the year
service of this notice
R. P. Roume det
for d'p's
J. P. Roume det
admission of the
infant d'p's.

No 5. State whether or not in your opinion it would be the interests of said infants to sell the said house & to win the proceeds in some interest bearing fund.

Bourne's son
w } In Chancery
Bourne

Interrogatories agreed upon between
R D Joyner atty Gen. Plaintiff, and J S
Young guardian ad litem of the infant
defendants Annie E Holmes and Geo
Bourne, the propounded to

, and their
answers thereto the read as evidence in
the said suit of Bourne's son & Bourne
Interrogatory No 1.

No 1 State your age and residence whether you
own real estate in the town of Smithfield

No 2 State whether or not you are acquainted
with the Bourne house lot in the town
of Smithfield in the Will and Proceedings
of this suit mentioned, and if yes, what
is its condition and the probable cost
of repairing the same and the necessity,
if any, of such repairs, also the value of
said house lot

No 3 State whether or not in the present con-
dition of said house a responsible ten-
ant could be obtained therefor and
whether or not the same is now vacant,

No 4 State whether or not within your
knowledge the said Annie E Holmes and
Geo Bourne have the funds neces-
sary to repair said house

(Signed)

J. D. Joyner gen. att
Attorney of defendant infants,
Annie E. Holmes & George
Bourne.

No 5.

Shall mother or not in your opinion the
interest of the said infants would be
promoted by a sale of said property.

Buttress' Gov
p } Quakey
Bourne et al.

Interrogatories

Rourke & Co
P } in Chy
Rourke & Co

The depositions of Mrs Emma and
Mr Fack, in answer to the interrog-
atories, taken this 5th day of April 1886,
before me R B Rourke a commissioner in
Chancery for the Circuit Court of the
County of Erie ^{at my office in the town of Smithfield, in pursuance of the authority of the} and State of Pa the
read as evidence in behalf of the plaintiffs
in a suit in Chancery in said Court de-
pendent, wherein Mr Chapman Bond & Smith
& Holmes and Geo Rourke is plaintiffs and
the said Anna C Holmes and Geo Rourke
are defendants.

Mr Fack being duly
sworn deposes and says in answer to
the following interrogatories,

Interrogatory No 1

State your age and residence and whether
you own real estate in the town of
Smithfield

A I am 65 years of age, reside in the
town of Smithfield and own real estate
therein

No 2 Have you or not you are acquainted
with the Rourke House and lot in the town
of Smithfield, in the Hill and Broadway
of this suit mentioned, and if yes, what is
its condition the probable cost of repairing

the same, and the necessity of any of such repairs.

No 2 I am well acquainted with the Boston lot. I have recently and carefully examined it. It is in a very ^{deplorable} condition. The house is in very much need of repairs. Among other things the roof is leaky, the plastering is damp & from leakage and is falling, the entire roof and end should be shingled or lined. There is much loss for a short time with repairs, the bricks of the chimney are falling out, and unless soon repaired large continuous and increasing damage will be the result.

I have had considerable experience in building and repairing houses, and in my opinion it will cost \$600⁰⁰ to put said house and lot in ordinary repair and good habitable condition.

I consider the house and lot in its present condition worth from \$1500⁰⁰ to \$1800⁰⁰

No 3 It is either or not in the present condition of said house and lot a responsible tenant could be obtained without, and either or not the same is vacant.

A The premises are vacant, and I think in its present condition, that a responsible tenant could be obtained.

No 4 It is either or not in the present knowledge of the said Annine Holmes & Co

Bourne, have the funds necessary to
repair said House Flot.

They have no property but said House
Flot.

No 1 - State whether or not it would, in
your opinion, be to the interest of
the said infants to sell the said prop-
erty and invest the proceeds in some
interest bearing fund

A It unquestionably would,
and further this defendant pays the
not

John Womble

Mr Jack being duly sworn deposes and
says in answer to the following interrogatories

Interrogatory

No 1

I am 48 years of age, reside in the
town of Smithfield and own real estate
therein

No 2

I am well acquainted with Bourne
House Flot and have recently and con-
fidently examined it. The house and lot
is much in need of repairs, and the
house it is in need of the worse it will
get. I think it could be put in good
habitable condition at a cost of \$400.00
I think the house and lot in its present
condition is worth about \$1800.00

No 3

It is now vacant, I ^{don't} think a responsible
tenant could be obtained therefor.

No 4

They have no other property than the house
Not a person

No 8.

It would.

And further This deponent says not.

Wm D Folk

Sec of High County Court

I, R D Boykin a Commissioner
in Chancery for the Circuit Court
for the County of Howard in the State of Va,
do Certify that the foregoing depositions
were taken at the time and place mentioned
in the caption.

Given under my hand this 15th day
of April 1886.

R D Boykin
Comm in Chancery

Boe's son

in Chancery

Boe's son

depositions

Virginia, Isle of Wight County, To wit:

On this 17. day of Feby. 1886, before me
H. P. Young clerk of the Circuit Court of Isle
of Wight County, personally appeared R. E.
Boyle in att. for plff. in the ch. suit pending in
said court between H. H. Chapman & Geo.
Bourne plff. and Geo. Bourne, H. H. & Emma wife,
anns, and others

and made oath that Fred. W. Holmes & Emily his
wife defendants: are non residents of the state
of Virginia.

R. E. Boyle

Seen to and subscribed the day and
year above written.

H. P. Young clk

Bourne Geo

n. 3rd Chap.

Bourne vol.

Affidavit for
ord. of Subln.

Filed 1st Feb. 1886.

He

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU TO SUMMON *George Bourne, Henry M. Holmes, and Annie his wife formerly Bourne, the said George and Annie being infants under the age of twenty one year, A. L. Bickins, Margaret L. his wife, Thomas A. Niles & Matilda his wife, Frederick Holmes, & Emily H. his wife, Thomas B. Bourne, Joseph Bourne & James M. Bourne,* to appear at the Clerk's Office of the Circuit court of Isle of Wight county, at Rules to be holden for the said Court, on the first Monday in *September 1885* next to answer *the Bill in Chancery of K. K. Chapman, guardian of George Bourne*

of a plea of ~~_____~~ for ~~§~~ Damages ~~§~~ And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Courthouse the *31st* day of *September* 188 *5th*, in the *110th* year of the Commonwealth.

N. P. Young clk.

Chapman Edw.

to 3/3 Sem. in
Chy.

Bourne et als.

✓

To Sept. Rules 1885.

R. E. Bonkin pg.

We acknowledge
service of the within
process

Thos. A. Wilson.

J. M. Wilson

Joseph C. Bourne

J. M. Bonkin

The Commonwealth of Virginia
To the Sheriff of the County of
Sitting:

We Command you to summon
George Brown, Henry H. Holmes and Annie his
wife formerly Brown, the said George and
Annie being infants under the age of twenty
one years, D. L. Pickens & Margaret L. his wife,
Thomas R. Wilson & Matilda his wife, Frederick
Holmes & Emily H. his wife, Thomas B. Brown,
Jacob Brown & James M. Brown to appear
at the Clerk's Office of the Circuit Court of
the County of High, at Rules to be holden
for the said Court on the first Monday in
September 1875 to answer the Bill in Chan-
cery of R. R. Chapman guardian of George
Brown - And have them show this writ.
Witness H. P. Young, Clerk of our said Court,
at the Court House the 3rd day of September
1875, in the 11th year of the Commonwealth

~~R. R. Chapman~~

H. P. Young clk.

Chapman Edw.

to. 3/3 Saml. in
3/3 ch.

Bourne et al.

For Sept. Reels 1885.

R. E. Boykin

We acknowledge your
service of the within
process

A. L. Bickers
M. L. Bickers

The Commonwealth of Virginia

To the Sheriff of the High Court of Chancery

We command you to summon George Browne,

Henry H. Holmes and Annie his wife personally

Browne the said George and Annie being infants

under the age of twenty-one years, R. L. Riches

and Margaret L. his wife Thomas R. Wilson

and Matilda his wife Frederick Holmes and

Annie H. his wife, Thomas B. Browne Joseph

Browne & James M. Browne to appear at the

Clerk's Office of the Circuit Court of the

High Court, at Rules to be holden for the

said Court on the first Monday in September

1885 to answer the Bill in Chancery of R. H.

Chapman guardian of George Browne.

And have them then this writ. Witness,

R. P. Young, Clerk of our said Court, at the

Courthouse the 3rd day of September 1885

in the 11th year of the Commonwealth

~~Attest~~

R. P. Young clk.

Chapman Geo.
to 3/4 Sum. in
3/4 ch.

Bourne et al.

To Sept. Rules 1880.

R. E. Boykin Esq.

We acknowledge
legal service of the
within process

H. H. Holmes.

Annie E. Holmes.

The Commonwealth of Virginia:

To the Sheriff of Elk of Wight Co.: Greeting.
We command you to summon George Boune
Henry H. Holmes and Annie his wife, formerly
Boune, the said George and Annie being
infants under the age of twenty one years,
A. L. Bickens and Margaret L. his wife, Thomas
A. Wilson and Matilda his wife, Frederick
Holmes and Emily W. his wife, Thomas B.
Boune, Joseph Boune and James M. Boune,
to appear at the Clerk's office of the Circuit
Court of Elk of Wight County, at Rules to be
holden for the said Court on the first
Monday in September, 1885, to answer the
Bill in Chancery of H. H. Chapman,
guardian of George Boune. And have
thus done this writ. Witness, M. S. Young,
Clerk of our said Court, at the Court-house
the 3rd. day of September, 1885, in the 110th
year of the Commonwealth.

~~A Copy~~

M. S. Young clk.

Chapman Edw.

to $\frac{2}{3}$ Sum. in
 $\frac{1}{3}$ sh.

Bourne et al.

To Sept. Rules 1880.

R. E. Bog King.

I acknowledge your
service of the within
process.

Thomas Bourne.

541

Chapman Son
P } on Chas
Bourne et als

The joint and several
answer of Annie E Holmes and Geo
Bourne, infants orphans of Margaret
Bourne, by A P Young, their guardian
ad litem, to the bill of complaint in said
court exhibited by W H Chapman their
guardian, against them et als.

These defendants having and
receiving all right education with
many errors and imperfections in said
bill containing for answer thereto or to so
much thereof, as they are advised it is
material or necessary for them to an-
swer, answering say, that they are
infants under the age of twenty one
years, and commit their interests in
the premises to the protection of this
honorable court; and having answered
they pray hence to be dismissed with
their costs in this behalf most un-
necessarily expended.

A. P. Young
Son ad litem for Annie
E Holmes Geo Bourne

Reverend You
p } du chey

Roume et als

Infants answer
by You ad item

Bourne's Con
p } Duchey
Bourne & als

The answer of A. P. Young
guardian ad litem of Annie & Holmes and
Geo Bourne, infants orphans of Margaret
Bourne.

This defendant saving and reserving
all rights of exception to the said bill, for
answer thereto only so much thereof as
he is advised is material or necessary
for him to answer, answering say, that
he admits to be true the general allega-
tions in said bill containing as to the
death of Margaret Bourne, the devise to
said infants, the general condition of
said house and lot, that the said infants
have not sufficient funds to repair the
same, and that in his opinion it would
promote the interests of said infants
to sell the same, and invest the proceeds
of sale in some interest bearing fund,
and having answered the said bill
he is dismissed with his costs in
this behalf most unreasonably ex-
pended.

A. P. Young guardian ad litem
of infants defendants Annie & Holmes & George
Bourne.

All of High County Court

J. R. A. Bourne a
counsel in and for the Circuit Court for
the County aforesaid in the State of

Virginia do certify that A. P. Young whose
name is signed to the foregoing answer
personally appeared before me in
my said County, and made oath that
the statements therein contained were
as made of his own knowledge and true,
and so far as made on information
or information derived from others,
the same were true.
Signed under my hand this 15th day
of April 1886.

Answered to
p } du chaz

Reverend

Answer of A. P. Young
to an address of J. A. L.
of Madison and also
Reverend

Chapman & Co
v } In the Circuit Court of Del of Wyo county.
Holmes et als.

The answer of Geo Bourne an
infant above the age of fourteen years, to
the bill of complaint in said court exhibited
by KK Chapman guardian of the said George
Bourne, against him et als

This defendant saving and reserving
all rights of exception to the many errors and
imperfections in said bill contained, for
answer thereto or to so much thereof as he
is advised it is material or necessary for
him to answer, answering says,

That he believes it proved by the in-
terest of himself & his sister Annie Holmes
to sell the house and lot in the Town
of Smithfield, devised them by the last will
and Testaments of his dead mother, Margu-
ret Bourne; and having answered he
prays hence to be dismissed with his
costs in this behalf most unreasonably ex-
pended.

signed
Attest of Notary Public
City of

George Bourne.

S. Albert B. Ruffa Notary
Public in & for the Corporation of
in the State of District of Columbia certifying that
Geo Bourne whose name is signed to the
foregoing writing personally appeared
before me in my said District

I make oath that the statements, contained
in the said answer, so far as made of
this own knowledge are true & so far as
made from knowledge or information
derived from others he believes to be true,
Given under my hand and notarial
seal this 21st day of Oct 1885.

Albert B. Ruff
Notary Public

Chapman Hon

to } on Aug

Hornesbals

Infants answer

Filed Dec 1885

1885

Chapman & Co

V } In the Circuit Court of S. C. of W. J. Co
Holmes et als

The answer of Annie Holmes
formerly Bourne an infant above the age
of fourteen years, to the bill of complaint
in said Court exhibited by W. H. Chapman
Guardian of her Bourne against her et
als.

This defendant saving and reserving all
rights of exception &c. for answer to said
bill or to so much thereof as she is advised
it is material or necessary for her to
answer, answering says, That she claims
it would be to the interest of ^{her} ~~her~~ ^{her} Bourne
and Lot in the town of Smithfield derived
from by the last will and Testament of
her deceased Mother Margaret Bourne,
and having answered she prays hence to be
dismissed with her costs in this behalf
most unreasonably expended.

Signed: Annie O. Holmes.

State of Georgia
County of Green

I A. S. Kincaid a Notary Public
of the County aforesaid in the State
of Georgia, do certify that Annie
Holmes, personally appeared before me
in my said County and made oath that
the statements contained in said ^{answer} bill as far
as made of her own knowledge are true and
as far as made on knowledge or information

derived from others & he believes to be true.
Given under my hand this 17th day of
October 1885.

A. H. Winter

N.P. & Co. P.

Chapman & Co
or } in charge
H. H. H.

Chapman & Co
H. H. H.

Filed Nov. 1885

Edw Howell Reed, Judge of
the Circuit Court of law and
Chancery for the County of Dale
of Mich. in Chancery sitting.

Respectfully petition
sheweth to the Court your complai-
ant, R R Chapman — Guardian
of George Bourne ^{Ann & Nedmes} formerly Anne
E Bourne, the infant under the care
of Chapman.

That by the last will
and testament of Margaret Bourne
decd, she devised and bequeathed to
her infant children Anne &
Nedmes formerly Bourne, nine &
Rings to Nedmes, and Geo Bourne,
a house and lot in the town of
Smithfield, situated on East Church
street adjoining the Heraps lot
and the lot of Chas Smith, dis-
tinct on the West of said town a
lot No

That the said lot is of the value of
about \$2000.00

That said infants have no other
estate real or personal.

That at the ^{and} ¹⁸⁸⁵ term of the County
Court of the County aforesaid, your

Complainant qualified as the guardian of the said Geo. Bourne.

That the said House is ruinous and out of repair and will require an expenditure of at least \$600⁰⁰, to put the same in good order and habitable condition.

That the said infants have not the funds to repair the same.

That therefore the said House and lot has been yielding an annual rent of \$125⁰⁰. But unless repaired that sum can not be hereafter obtained, in fact it is doubtful whether a ^{reasonable} sum can be obtained therefor at any time as from the nature of the roof the ^{millions become} leaks are damp and the House ^{uninhabitable}.

That if the said property is sold and the proceeds invested in some interest bearing fund, would yield a much larger annual return than can be hereafter obtained by renting the same.

That if the said house and lot is exposed to sale, its full and

fair value can be obtained, and a much larger sum can be obtained than heretofore, as by many of the said affairs, the House must necessarily depreciate in value, and for the further reason that at the present time lots in the town of Enithguis are in demand and commanding good prices.

Your complainant is informed and so charges that it will be greatly to the interest of the said infants that the said House and lot be sold and that the right of no persons would be violated by the sale of said land.

That in the event of the death of said infants, their brothers and sisters, to wit, Matilda Wilson wife of Chas. Atkinson, Margaret & Rickers wife of A. L. Rickers, Emily Kraemer wife of Frank Kraemer, Chas. B. Bourne, Jos. Bourne and Jas. M. Bourne, would be their sole heirs at law.

In tender consideration thereof and forasmuch as your complainant is without remedy at law and

can only be relieved by the aid of
this Hon Court of Chancery, where
matrimonial suits are alone and
properly cognizable. To the end
that justice may be done in the
premises, Your Honor assigns Grand
and the said Henry Le Normes and
Anne his wife and Les Bourne,
the said Anne and Les Bourne in-
fants under the age of 21 years, be
some one their guardian ad litem
appointed to defend their interests
in this suit, Thos J. Mason and
Matilda E his wife, A. E. Richards
and Margaret E his wife, Frank
Kedrales and Emily W his wife, Thos
B Bourne, Jos Bourne and Jas M
Bourne, be made parties de-
fendant to this bill and be required
to answer the same.

That the said Anne be allowed the
costs and the proceeds be paid, or
in what as the Court shall direct.

That a proper guardian ad
litem be appointed, to defend the
interests of the infants defendants
in this suit.

That all proper allowances of costs

Just may be made, that proper orders may issue, and all proper orders and decrees may be made and inquiries directed, and that such other further and general relief may be granted in the premises as the nature of the case may require or as equity shall seem meet; And your complainant will ever pray &c

Signature *H. H. Chapman* } *Geo. Annie E. Holmes*
Boydell pg

State of Virginia
County of Lee of North and

a commissioner in chancery for the circuit court
~~a Notary Public~~ for the County

of the State of Virginia
do certify that *H. H. Chapman*
personally appeared before me in
my said county and made oath
that he truly believes the statements
contained in the foregoing bill, to be
true. Given under my hand this
1st day of Sept. 1881=

R. E. Boydell
Com.

164

Bourne's Gov

} In Choy

Bourne's also

Compliments Bill.

Sept. Rules 1885.

Bill & debts. filed. Tunc
on all adults except J. Holmes & wife
and in de cur nisi ad
adult debts. Jan. ad
litum appt. to inf. &
his ans. filed. ~~also~~
~~and~~ and genl. Deplms.

Octo. Res. Bill to Rem
for conf. as to adrell
deft. & act for hearing
except J. Holmes & wife
Nov. Res. ans. of Anna &
Geo. Bourne filed & genl. repl.

Feby. 17. 1886. Offest. filed
& ord. publ. n. Geo. Holmes
& wife.

Apr. 786. de for sale. P. Q.

March 15. 1886.

Sit for hearing
on ord. of subd.

Octo. 1886. de. Confug
Rept of sale, and for Collon
and to make deed &c

Oct. term 1887.

de. Confug. rept. and
to withdraw cert. Deposit
and distribution. &c.

Oct. term 1892

Final