1904-006 Chancery Causes - Isle of Wight County

D. + al

L. Outland ~ Adolphus E. Outland vs William E. Outland

other surnames: Coleman
Darden, Haskett, Edwards
Butler

Outland J L & A. S.

vs

Outland Wm E et als

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Bill of Complaint

Filed April 6th 1903

1st April rules 1903, Bill and exhibits filed, summons issued. on all parties. de nisi

2d April rules 1903. Bill taken for confessed and case set for hearing

April Term 1903 decree

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

J. L. Outland and Adolphus E. Outland

Vs

Wm. E. Outland, Ella Coleman and Henry Coleman her husband, Judith Ann Haskett who was Judith Ann Outland and Robert A. Edwards, Sheriff and as such administrator of Martha R. Outland deceased.

and Adolphus E. Outland

Your complainants, J. L. Outland, humbly complaining, respectfully represent to the Court;

That on the 13th day of October, 1868 Edward A. Outland by his deed duly recorded in the Clerk's Office of the County Court of Isle of Wight County conveyed to the said Wm. E. Outland a certain tract of land, situate in the County of Isle of Wight and in the State of Virginia, containing by estimation two hundred acres, an attested copy of which deed is herewith filed marked "Exhibit A" and is prayed to be taken and read as a part of this bill of complaint; that afterwards on the 23d day of February 1875 the said Wm. E. Outland conveyed to Geo. R. Outland, Mary A. Outland, said J. L. Outland, and Adolphus E. Outland, a part of the tract of land aforesaid estimated to contain one hundred acres more or less by his deed of record in the said Clerk's Office, an attested copy of which is herewith filed as an exhibit marked "B" and is prayed to be taken and read as a part of this bill of complaint.

Your orators say that said Mary A. Outland departed this life intestate on or about the year 1891 leaving as her only heirs at law, her brothers, the said Wm. E. Outland, J. L. Outland and Adolphus E. Outland, and a niece, the said Ella Coleman, daughter of Geo. R. Outland; that after a long illness and at an advanced age, the said Martha R. Outland died intestate on the 31st day of January, 1903. It will be seen that by the terms of the deed from

Wm. E. Outland to Geo. R. Outland and others, that there was a charge made upon the property conveyed for the support and maintainance of the said Martha R. Outland and Edward A. Outland during their joint lives, and during the life of the survivor. Your orators say that the said Edward A. Outland died more than twenty years ago and that your orators supported and maintained the said Martha A. Outland up to the time of her death, that they paid her doctor's bills, and her burial expenses. They say that for about four years next prior to her death she was very old, weak and feeble, and that for three years prior to her death she was almost helpless, and that during the last three years of her life they are entitled to have out if the proceeds of the sale of the said land the sum of ten (10) dollars per month at least, and that for the seven years beginning Jan. 31, 1893 and ending Jan. 31, 1900, they should receive the sum of five dollars per month and should receive the sum of sixty (60) dollars for doctor's bills in the last sickness and burial expenses of the said Martha R. Outland. They say that their said father was not sick very long before his death and they make no charge for his support and maintenance, but do make a charge of fifty (50) dollars for his burial expenses and doctor's bill in his last sickness.

Your orators say that the said Geo. R. Outland was married to Judity Ann Darden and lived with her a few months and that of that marriage there was born one child, the said Ella Coleman who was Outland, now the wife of Henry Coleman, that the said Geo. R. Outland became involved in some sort of a trouble and left the State of Virginia, and went South, that for some years after he went away, he wrote to his father during the life time of the said father, and to his mother regularly, but that since the year 1890 nothing has been heard of him whatever, that your orators verily believe that he is dead, they say if he was alive, he would surely come back or write home. Your orators say that Judith Ann Outland wife of Geo. R. Outland had inter-married with one, Haskett, and her name is now Judith Ann Haskett.

Your orators say that subject to said charges for the support and maintenance of the sakd Edward A. Outland and Martha R. Outland their father and mother, they took under the said deed from Wm. E. Outland, each a one-fourth interest in the said tract of land, that as two of the four heirs at law of the said Mary A. Outland they each inherited a one-sixteenth interest in the said tract of land, and they therefore, now jointly own a five-eighths interest in the said tract of land , that the said Ella Coleman daughter of Geo. R. Outland subject to the charges aforesaid takes a five-sixteenths interest in the said tract of land, and that the said Wm. E. Outland as one of the heirs at law of the said Mary A. Outland deceased takes a one-sixteenths interest subject to the charges aforesaid.

For as much as your orators are without remedy save in this honorable Court, where matters of this sort are alone and properly cognizable, they pray that the said Wm. E. Outland, Ella Coleman and Henry Coleman her husband, Judith Ann Haskett, and Robert A. Edwards, Sheriff and administrator of Martha R. Outland deceased, be made parties defendants to this bill of complaint, and be required to answer the same, but an answer on oath is hereby expressly waived in accordence with the statute in such cases made and provided, that an account be taken showing the liens on the said land be the said deed created as aforesaid, and otherwise, that the tract of land be sold and out of the proceeds of the sale, pay first, the cost of this suit and sale, including a reasonable attorney's fee,, then pay off the said liens created by the terms of the said deed as aforesaid for the support and maintenance of the said Edward A. Outland and Martha R. Outland, and then divide the rest among the parties thereto entitled, paying to your orators their shares as above stated. Your orators pray that all such other inquiries and accounts be taken, stated and reported

#4.

to Court as the nature of this case may require, that the said liens may be enforced, that all such other further and general relief may be afforded your orators as to equity and good conscience may seem meet. And they will ever pray. etc.

J L Outland and
A. E. Outland
by W. S. Holland
their Attys.

Filed

Outland J. L. & V. E.

v. S. ~~Z~~ in chancy

Outland W^m E. et. als

# Amended Bill

Filed Feby 1st 1904

1st Feby rules 1904. Bill filed & summons & attachment issued returnable to all defendants. Capias interrogatories & order of pub. as to them.

2nd Feby Rules 1904 summons & attachment issued to all the defendants except interrogatories omitted as to them

1st March rules 1904 continued as to the interrogatories

2nd March rules 1904 interrogatories & order of pub.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

To the Honorable Robert R. Prentis, Judge of the Circuit Court of Isle of Wight County.

Your complainants J. L. Outland and Adolphus E. Outland humbly complaining, respectfully represent to the Court;

That heretofore, to-wit; at the first rules held in the Clerk's office of the Circuit Court of Isle of Wight County in April, 1903 your complainants filed their bill of complaint in writing which is in words and figures as follows:

" IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

J. L. Outland and Adolphus E. outland
vs.
Wm. E. Outland, Ella Coleman and Henry Coleman her husband, Judith Ann Haskett who was Judith Ann Outland and Robert A. Edwards, Sheriff and as such administrator of Martha R. outland deceased.

Your complainants, J. L. Outland and Adolphus E. Outland humbly complaining, respectfully represent to the Court;

That on the 13th day of October, 1868 Edward A Outland by his deed duly recorded in the Clerk's office of the County Court of Isle of Wight County conveyed to the said Wm. E. Outland a certain tract of land, situate in the County of Isle of Wight and in the State of Virginia, containing by estimation two hundred acres, an attested copy of which deed is herewith filed marked "Exhibit A" and is prayed to be taken and read as a part of this bill of complaint; that afterwards on the 23d day of February 1875 the said Wm. E. Outland conveyed to Geo. R. Outland, Mary A. Outland said J. L. Outland and Adolphus E. Outland, a part of the tract

of land aforesaid estimated to contain one hundred acres more or less by his deed of record in the said Clerk's office, an attested copy of which is herewith filed as an exhibit marked "B" and is prayed to be taken and read as a part of this bill of complaint.

Your orators say that said Mary A. Outland departed this life intestate on or about the year 1891 leaving as her only heirs at law, her brothers, the said Wm. E. Outland, J. L. Outland and Adolphus E. Outland, and a niece, the said Ella Coleman, daughter of Geo. R. Outland; that after a long illness and at an advanced age, the said Martha R. Outland died intestate on the 31st day of January, 1903. It will be seen by the terms of the deed from Wm. E. Outland to Geo. R. Outland and others, that there was a charge made upon the property conveyed for the support and maintainance of the said Martha R. Outland and Edward A. Outland during their joint lives, and during the life of the survivor. Your orator says that the said Edward A. Outland died more than twenty years ago and that your orators supported and maintained the said Martha A. Outland up to the time of her death, that they paid her doctor's bills, and her burial expenses. They say that for about four years next prior to her death she was very old, weak and feeble, and that for three years prior to her death she was almost helpless, and that during the last three years of her life they are entitled to have out of the proceeds of the sale of the said land the sum of ten (10) dollars per month at least, and that for the seven years beginning Jan. 31, 1893 and ending Jan. 31, 1900, they should receive the sum of five(5) dollars per month and should receive the sum of sixty(60) dollars for doctor's bills in the last sickness and burial expenses of the said Martha R. Outland. They say that their said father was not sick very long before his death and they make no charge for his support and maintenance, but do make a charge of fifty(50) dollars for his burial expenses and doctor's bill in his last sickness.

Your orator says that the said Geo R. Outland was married to Judith Ann Darden and lived with her a few months and that of that marriage there was born one child, the said Ella Coleman who was Outland, now the wife of Henry Coleman, that the said Geo. R. Outland became involved in some sort of a trouble and left the State of Virginia, and went South, that for some years after he went away, he wrote to his father during the life time of the said father, and to his mother regularly, but that since the year 1890 nothing has been heard of him whatever, that your orators verily believe that he is dead, they say if he was alive, he would surely come back or write home. Your orators say that Judith Ann Outland wife of Geo. R. Outland has inter-married with one, Haskett, and her name is now Judith Ann Haskett.

Your orators say that subject to said charges for the support and maintenance of the said Edward A. Outland and Martha R. Outland their father and mother. they took under the said deed from Wm. E. Outland, each a one-fourth interest in the said tract of land, that as two of the four heirs at law of the said Mary A. Outland they, each inherited a one-sixteenth interest in the said tract of land, and they therefore. now jointly own a five-eights interest in the said tract of land, that the said Ella Coleman daughter of Geo. R. Outland subject to the charges aforesaid takes a five-sixteenth interest in the said tract of land, and that the said Wm. E. Outland as one of the heirs at law of the said Mary A. Outland, deceased, t takes a one- sixteenths interest subject to the charges aforesaid.

For as much as your orators are without remedy save in this honorable Court, where matters of this sort are alone and properly cognizable, they pray that the said Wm. E. Outland, Ella Coleman and Henry Coleman her husband, Judith Ann Haskett, and Robert A. Edwards, Sheriff and administrator of Martha R. Outland deceased, be made parties defendants to this bill of complaint, and be required to answer the same, but an answer on oath is hereby expressly waived in accordance with the statute in such cases made and

provided, that an account be taken showing the liens on the said land by the said deed created as aforesaid, and otherwise, that the tract of land be sold and out of the proceeds of the sale, pay first, the cost of this suit and sale, including a reasonable attorney's fee, then pay off the said liens created by the terms of the said deed as aforesaid for the support and maintenance of the said Edward A. Outland and Martha R. Outland, and then divide the rest among the parties thereto entitled, paying to your orators their shares as above stated. Your orators pray that all such other inquiries and accounts be taken, stated and reported to Court as the nature of this case may require, that the said liens may be enforced, that all such further and general relief may be afforded your orators as to equity and good conscience may seem meet. And they will ever pray. etc.

J. L. Outland and
A. E. Outland "
By Wm. S. Holland
their Atto.

For amendment to the said original bill of complaint your complainants allege that for more than ten years next before the institution of this suit Geo. R. Outland a brother of the said complainants has not been heard of or from in any way, that prior to that time he had been a resident of the State of Alabama, your complainants say that they are informed and believe that the said Geo. R. Outland left the State of Virginia as alleged in the said original bill and left a wife and a daughter in the County of Isle of Wight in the State of Virginia. They believe that the said Geo. R. Outland is dead and have never known or heard of his having any child or heir at law other than the defendant Ella Coleman but

it is possible and may be that he is dead and that he left children who are interested in the land in the bill and proceedings mentioned to be divided or disposed of but if there are any such children or heirs at law of the said Geo. R. Outland other than the daughter aforesaid their names are absolutely unknown to your complainants. Your complainants say that defendant Wm. E. Outland is a married man and that his wife who may be interested in the subject matter of this suit is named Martha L. Outland.

For as much as your orators are without remedy save in this honorable Court, where matters of this sort are alone and properly cognizable, they pray that the said Wm. E. Outland, Ella Coleman and Henry Coleman her husband, Judith Ann Haskett, and Robert A. Edwards, Sheriff and administrator of Martha R. Outland,deceased, Martha L. wife of Wm. E. Outland, ~~Geo. R. Outland~~ and the heirs at law of Geo. R. Outland if there are such"under the general description of parties unknown" be made parties defendant to this amended bill of complaint and be required to answer the same, but an answer on oath is waived in accordance with the statute in such cases made and provided, that all proper accounts be taken, stated and reported to the Court; that the land in the bill and proceedings be partitioned in kind or be sold by private sale if it should seem proper to the Court or by public auction and the proceeds of sale be divided among those entitled thereto; that the title of the said property be cleared of all liens and of any cloud of any description whatsoever; your orators pray that all such other and further general relief as the nature of this case may require or as to equity and good conscience may seem meet. Notice is given that the Court will be asked to allow a proper fee to counsel for plaintiffs. And they will ever pray.

Wm. S. Hamm Jr.

J. L. & A. E. Auld & Wm. S. Hamm Jr. Solicitors

#6.

State of Virginia,

County of Isle of Wight, to-wit:

I, ~~A. L. Saunders,~~ Lily Cabell Scott Notary Public ~~a Justice of the Peace~~ in and for the County of Isle of Wight in the State of Virginia, do certify that Wm. S. Holland personally appeared before me in my County aforesaid and made solemn affirmation that he is the Attorney and agent for the complainants in the original and amended bills hereto annexed, that the allegations in the said amended and original bills as far as made upon his own knowledge are true and as far as made upon the knowledge of others he believes them to be true.

Given under my hand this 8 th day of January, 1904.

Lily Cabell Scott N.P. ~~J. P.~~

J. L. Outland et al

vs. { SUBPOENA IN CHANCERY.

Wm. E. Outland et als

Wm S. Holland p. q

To First April Rules,

Circuit Court.

1903

B 33119

Executed by delivering a copy to the within named Wm S Holland this 6th day of April 1903

Wm Sherry Sheriff

Received a like copy April 2nd 1903

Wm S Holland

I acknowledge service of the within notice April 6th 1903

A. A. Edwards Atty for Pltff

# The Commonwealth of Virginia,

*To the Sheriff of the County of Isle of Wight, Greeting:*

WE COMMAND YOU that you summon Wm. E. Outland, Ella Coleman, and Denny Coleman her husband, Judith Ann Haskett who was Judith Ann Outland and R. A. Edwards sheriff and as such administrator of Martha R. Outland, deceased

to appear at the Clerk's office of the Circuit Court of the County of Isle of Wight at the rules to be held for the said Court, on the First Monday in April 1903, to answer a bill in chancery, exhibited against them in our said court ~~for~~ by J. L. Outland and Adolphus E. Outland

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the 23d day of March 1903, and in the 127 year of the Commonwealth.

N. F. Young cc

Form No. 401.

J. L. Outland et als

vs. } WITNESS' SUBPOENA. before Comm'r

Wm E. Outland et als

Sept 24th/03

Executed on the within Sept 22d 1903 Ro A. Edwards Sheff

Stationers and Printers, Richmond, Va. } Form No. 401.

# The Commonwealth of Virginia:

To the Sheriff of the County of Isle of Wight, Greeting:

You are hereby commanded to summon Jas. H. Butler D. B. Holland and Jason Holland

personally to appear before the undersigned, one of the Commissioners in Chancery of the Circuit Court of the County of Isle of Wight, at his office, at the courthouse of said county, on the 24th day of September 1903 ~~next~~, to testify and the truth to say in behalf of the plaintiffs

in a certain matter of accounts

referred to the said commissioner for his report thereon by a decree of the said court in a suit in chancery therein pending between J. L. Outland etal against Wm. E. Outland etals

And this ~~them~~ shall in no wise omit, under penalty of £100. And have then there this writ.

Witness, N. F. Young, Commissioner of our said court, at the court-house of said county, the 19th day of September 1903, and in the 126 year of the Commonwealth.

N. F. Young Comr.

All Available Text Successfully Captured

Form No. 401.

J. L. Outland State

vs. { WITNESS' SUBPOENA.

Wm. E. Outland State

Received Sept. 22
1903.
Co. A. Bowers
Sheriff

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 401.

The Commonwealth of Virginia:

To the Sheriff of the County of Isle of Wight, Greeting:

You are hereby commanded to summon Jas. A. Johnson

personally to appear before the undersigned, one of the Commissioners in Chancery of the Circuit Court of the County of Isle of Wight, at his office, at the courthouse of said county, on the 24th day of September 1903 ~~next~~, to testify and the truth to say in behalf of Plaintiffs

in a certain matter of account

referred to the said commissioner for Investigation by a decree of the said court in a suit in chancery therein pending between J. L. Outland etals against Wm. E. Outland etals

And this he shall in no wise omit, under penalty of £100. And have then there this writ.

Witness, N. F. Young, Commissioner of our said court, at the court-house of said county, the 14th day of September 1903, and in the 128 year of the Commonwealth.

N. F. Young Jr.

J. L. Outland et al

vs. { SUBPOENA IN CHANCERY.

Wm. E. Outland et al

Wm. S. Holland p. q

To First February Rules,

District Court.

B 33119

Executed this Ist day of Febr
ruay 1904 by delivering a true
copy to Wm. E. Ooutland and Mar-
that L. Outland, the within nam-
ed defendandants. W Broadshaw.
Deputy for R A Edwards Shriff

# The Commonwealth of Virginia,

*To the Sheriff of the County of Isle of Wight, Greeting:*

WE COMMAND YOU that you summon Ella Coleman and Henry Coleman her husband Judith Ann Hackett, Robert A. Edwards Sheriff and administrator of Martha R. Outland deceased, Wm E. Outland and Martha L. Outland his wife, and the heirs at law of Geo. R. Outland other than said Ella Coleman under the general description of Parties unknown -

to appear at the Clerk's office of the Circuit Court of the County of Isle of Wight at the rules to be held for the said Court, on the First Monday in February 1904, to answer a bill in chancery, exhibited against them in our said court for J. L. Outland and Adolphus E. Outland

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the 28th day of January 1904, and in the 128 year of the Commonwealth.

N. F. Young c.c.

A Copy Teste N. F. Young c.c.

J. L. Outland et als

vs. { SUBPOENA IN CHANCERY.

Wm. E. Outland et als

Wm. J. Holland p. q

To 25 February Rules,

Circuit Court.

B 34119

Due and legal service
on a witness
Feb 15 - 1904 -

J. P. Evans Sheriff
by Deputy

# The Commonwealth of Virginia,

*To the Sheriff of the County of Isle of Wight, Greeting:*

WE COMMAND YOU that you summon again Ella Coleman and Henry Coleman her husband, Judith Ann Vaskett, Robert A. Edwards Sheriff and administrator of Martha R Outland deceased, Wm E. Outland and Martha L Outland his wife and the heirs at law of Geo R. Outland other than said Ella Coleman under the general description of parties unknown

to appear at the Clerk's office of the Circuit Court of the County of Isle of Wight at the rules to be held for the said Court, on the 2d Monday in February 1904, to answer an amended bill in chancery, exhibited against them in our said court by J. L. Outland and Adolphus E. Outland

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the 1st day of February 1904, and in the 128 year of the Commonwealth.

N. F. Young Cc

MEMORANDUM OF AGREEMENT, Made this the 23rd day of December, in the year 1903, between J. L. Outland and Adolphus E. Outland/ parties of the first part, and Plaintiffs in the suit of Outland et als v. Outland-Coleman et als; and William E. Outland, Martha L. Outland, his wife, Ella Coleman, sometimes called Ella C. Coleman, and Henry Coleman, sometimes called Henry M. Coleman, her husband, Judith Ann Haskett, who was Judith Ann Outland, and Robert A. Edwards, Sheriff, and as such Administrator of M. Ann Outland, deceased, parties of the second part, and the Defendants in the said suit.

WITNESSETH: That whereas various controversies and questions have arisen concerning the amount of money which ought to be paid out of the proceeds of the sale of the land in the bill and proceedings mentioned for the support and maintenance of E. A. Outland and Martha R. Outland and concerning the value of the land in controversy, the said parties in actual interest have met and after considerable discussion have agreed upon a proposition of compromise and final settlement of the matters in controversy in the said suit as follows;

That the said parties of the first part shall have a good and perfect fee-simple right to the land in the bill and proceedings mentioned by paying in cash the sum of three thousand dollars ($3000.00) which is to be distributed as follows:

FIRST. Pay the costs of this suit and of the suit brought by said Ella C. Coleman et als against J. L. Outland et als for partition of the said land which is pending in the Circuit Court of Isle of Wight County, and will be brought on to be heard by consent of parties along with the suit hereinbefore mentioned: and pay the residue of said sum of three thousand dollars, J. L. Outland five sixteenths, A. E. Outland five sixteenths, Ella C. Coleman five sixteenths and William E. Outland one sixteenth, unless the Court by its decree shall otherwise direct. It being the object of the parties to divide the said residue in accordance with the Statute of Decents and Distributions.

It is further mutuall agreed that the said William E. Outland and wife, and Ella C. Coleman and husband and said J. A. Haskett

shall unite in a deed conveying the said property to the said J. T. Outland and A. E. Outland by a deed or deeds, with general warranty, containing the usual covenants of title, in which deed or deeds it shall be recited that the said Goerge R. Outland left the County of Isle of Wight, State of Virginia, in the year 1879 and went to some point in the far South, but returned to the said County of Isle of Wight for a short time during the year 1881 and then left the State of Virginia and was heard from by letters a few time up to the year 1889, since which time none of his family on either side have heard anything whatever from him.

It is further mutuallyagreed that if, in the opinion of the court, it will be better, or will make the title more ~~clear~~ secure in any way, then S. E. Everett and William S. Holland may be appointed Special Commissioners by the Circuit Court of Isle of Wight County in Vacation, and that the said parties above named will unite with them in a deed.

It is further agreed by all parties hereto that the papers in this Cause may be submitted to the Judge of the Circuit Court of Isle of Wight County in Vacation for such decisions and decrees in vacation as might be entered during a regular term of his said court in said County of Isle of Wight.

Witness our hands and seals :

Witness
J. L. Freeman

J. J. L. Outland (SEAL)
A. E. Outland (SEAL)
Judith A. Hackett (SEAL)
W. M. Coleman (SEAL)
E. E. Coleman (SEAL)
(SEAL)
(SEAL)

James L. Outland et al.....Plaintiffs.

vs.

W. E. Outland et als.....Defendants.

We consent without notice to the taking of the depositions in this cause on the 23rd day of December, 1903, at the office of the Commissioner.

Wm. S. Hilliard

Atty. for Plaintiffs.

J. E. Everett

Atty. for Defendants.

by consent.

RESPECTFULLY SUBMITTED,

N. F. Vanna
Commissioner.

Time Consumed 2 2 hours
Comm fee $16.50
Sheriff fee $3.50
Stenographer " 5.00

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of J. H. Butler, J. L. Outland, H. M. Coleman and W. E. Outland, which depositions are herewith returned as a part of this report:

YOUR COMMISSIONER REPORTS: (first) That the annual value of the said land is one hundred and fifty dollars; and the fee simple value thereof is three thousand dollars. (second) There are no liens or charges upon the said land for delinquent taxes, or otherwise. (third) The land in the bill and proceedings mentioned cannot be partitioned in kind, advantageously to the parties in interest. (fourth) From the evidence, and from the memorandum of agreement signed by all the parties to this suit, except Wm. E. Outland and his wife, but agreed to by the said W. E. Outland when he heard it read by the stenographer, which said memorandum and agreement, so signed, is returned herewith as a part of this report.

YOUR COMMISSIONER REPORTS; that there are no charges to be allowed the plaintiff for the support and maintenance of their father and mother, and that there is no charge upon the said land for such support and maintenance. And, on the other hand, there is no rent to be paid by the said plaintiffs, who have had the possession of the farm during the lives of their father and mother. (fifth) The said land in the bill and proceedings mentioned belonged to, and was conveyed to, George R. Outland and Mary L. Outland by deed executed by W. E. Outland dated the 23rd. day of February 1875; but it is conveyed to the above parties with this clause- " to be chargeable with the support and maintenance of my father and mother, Edward A. Outland and Martha R. Outland, during their joint lives, and the maintenance and support of the said E. A. Outland, should he survive his said wife and with the support and maintenance of the said Martha R. Outland should she survive the said E. A. Outland, her husband, but free from the debts or liabilities or contracts of the said E. A. Outland or Martha R. Outland, or either of them now existing or hereafter made." Mary A. Outland died in February 1887, and had never married. E. A. Outland died in 1888 and his wife Martha R. Outland, died on the 31st. day of January 1903. E. A. Outland, the father of Mary A. Outland, heired Mary A. Outland's interest in said land, which was one fourth. James J. L. Outland derived one fourth interest in said land by deed and one sixteenth from his father, who heired one fourth from Mary A. Outland. A. E. Outland derived

one fourth interest in said land by deed and one sixteenth from his father, E. A. Outland, who heired one fourth from his daughter, Mary A. Outland. Ella C. Coleman heired one fourth in said land from her father, George R. Outland, who, according to the evidence before me, was born and reared in Isle of Wight County, in the State of Virginia, and resided and lived in said County till after manhood and marriage, but went from the said State of Virginia and for fourteen years, successively next before the institution of this suit has been from and out of the said State of Virginia, and that, during all that time, has not been back to the said State.

YOUR COMMISSIONER FURTHER REPORTS: That the said George R. Outland left the State of Virginia about thirty five years ago and went to Alabama, but came home once, about the year 1861 or 1862, and remained a short time and returned to Alabama, but wrote to his father and mother and relatives for awhile; but, during the fourteen years aforesaid, nothing has been heard from him at all; although efforts have been made to hear from him of late.

Pursuant to Section 3373, Code of Vorginia, 1887, your Commissioner reports that the death of said Geo. R. Outland comes in question, and he presumes his death and reports his ~~only~~ daughter as his only heir at law and entitled to his share in the lands in the bill and proceedings mentioned. The said Ella C. Coleman inherits one sixteenth from her father or her grand-father, who heired from said Mary A. Outland, making her share, in all, five sixteenths (5/16). W. E. Outland one sixteenth from his father, E. A. Outland.

RECAPITULATION.

James J. L. Outland.....5/16
A. E. Outland,.....5/16
Ella C. Coleman.....5/16
W. E Outland.....1/16

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The examination of witnesses were duly taken, sworn to by the witnesses at the time mentioned herein, and the signatures of witnesses waived,

J. L. Outland et al

vs. } Report of Comm
N. F. Harris

Wm E. Outland et als

Filed January 7th 1904

Mr. WILLIAM E. OUTLAND being duly sworn deposeth and says as follows;

Q. Please state your name, age, residence and occupation ?

A. William E. Outland, 56 years old, farmer, Isle of Wight County. and I am one of the parties to this suit.

Q. Will you please state the heirs of your father, Edwin A. Outland ?

A. J. L. Outland, A. E. Outland, W. E. Outland and George R. Outland if he is living, Ella C. Coleman, is the daughter of George R. Outland. I conveyed the property mentioned in the bill and proceedings to J. L. Outland, A. E. Outland, Mary R. Outland, and George R. Outland, charging the land with the support of my father and mother. George R. Outland left here about 25 years ago, has been heard from since but has not been heard from in about 12 years. Mary C. Outland died before her father, and, as I understand it, her interest in the property went to her father and that the property now stands in this way and ought to be divided in this way; 5/16 to J. L. Outland, 5/16 to E. A. Outland, and 5/16 George R. Outland or to his daughter Ella C. Coleman, and 1/16 to myself. I have stated about all I know about how the property stands.

Q. Have you ever heard anything from George R. Outland since he was in here about ~~12~~ 20 or ~~13~~ 23 years ago ?

A. No I have only heard from him indirectly.

Q. Have you ever heard that Mr. J. L. Outland has tried in every way to find George R. Outland but has not succeeded ?

A. Yes I have heard that.

Q. Do you know whether he is in the State or out of the State ?

A. ~~No I don't know.~~ out of State we heard It has been understood from the letters that were received about ~~twelve~~ 14 years ago and from what could be heard that he was down in Alabama some where.

Q. I understand Mr. Outland that you have agreed to the memorandum that has been dictated to the stenographer here this morning, that is, giveing you 1/16 of three thousand dollars after the costs are paid as mentioned in the memorandum ?

A. Yes Sir.

Further this deponent saith not.

Signature waived.

Fee for stenographer taking
above depositions $5.00.

Mr. J. L. OUTLAND being duly sworn deposeth and says as follows;

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

A. J. L. Outland, forty-one years of age, Isle of Wight County Virginia, and am a farmer by occupation ?

Q. Have you heard the testimony of your brother A. E. Outland ?

A. Yes Sir.

Q. Do you know anything about this case more than he has testified ?

A. No Sir. I agree as to what he has said. If I were asked the questions in full I should have to answer them the same way except in one in which he states that his brother, meaning myself, was one that tried to find George R. Outland. I am the one that tried to find him. I have done everything that I could and have also gotten Mr. W. S. Holland to do all that he could, but we have heard nothing from him.

Further this deponent saith not.

Signature waived.

Mr. H. M. COLEMAN being duly sworn deposeth and says as follows;

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

A. H. M. Coleman, 31 years old, Suffolk, Virginia, and am a painter by trade. I married the daughter of George R. Outland.

Q. Are you a party to this suit ?

A. Yes.

Q. Are you the husband of Mrs. Ella C. Coleman ?

A. Yes.

Q. Where is Mrs. Coleman ?

A. She is in the hospital in Norfolk and she would have been here if she had been able.

Q. Then,as you understand it, she has agreed to the contract or memorandum filed with these deposition do you ?

A. I do.

Further this deponent saith not.

Signature waived.

A. E. OUTLAND being duly sworn deposeth and says as follows;

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

A. My name is A. E. Outland, thirty-nine years old, reside on the land in the bill and proceedings mentioned in the County of Isle of Wight and am a farmer by occupation. I am one of the Plaintiffs in this suit, my brother J. L. Outland is another, my brother William E. Outland is a defendant, and Mrs. Ella C. Coleman is the daughter of my brother George R. Outland, and I am no relation to the other parties to this suit.

Q. Please state what yuu know in regard to whether or not George R. Outland is living or dead and where he is ?

A. He was in Alabama the last we heard from him. We got a letter I think it was 1888 or 1889, the year my father died, and we have not heard from him since. He left the County of Isle of Wight in the year 1879 and came back in the year 1881 or 1882 for a short time and then went back to Alabama and we got a few letters from him up to about 1889, but I have heard nothing since that time.

Q. Have you, within the last twelve months, made any effort to find out whether George R. Outland is dead or alive ?

A. I have not made any personally but my brother J. E. Outland has, and our Attorneys in this suit have for us. We did so by asking R. G. Dunn and Co. to locate him for us if possible, and they could not, and by writing to the Clerk of the Court, Sheriff and several postmasters of the County and State wherein he lived when we got the last letter, and we have gotten various letters and reports but no one could give us any information as to whether he is dead or alive or otherwise in regard to him during the last fifteen years.

Further this deponent saith not.

Signature waived.

Outland, a son, and A. E. Outland another son, and no other children unless George R. Outland was living.

Q. Please state, in your opinion, and as fully as you please, when George R. Outland lived in the County of Isle of Wight, when he left, when he returned and how long since he has been hear from ?

A. He left in 1879 and went South to Alabama and he returned home for a short time in 1881 or 1882. I have not seen him or heard from him since unless by a letter I have seen since. He was in Alabama when that letter was written the same year his father died, and since then I have not heard anything about him. I am a near neighbor of two of the sons and live not very far from and of the parties and I have heard the matter discussed and think I can safely say that he has not been heard from since 1888 or 1889, and have heard that the parties have tried to find him and could not.

Q. Do you know Ella C. Coleman, and is she the daughter of George R. Outland ?

A. She was always said to be and , as far as I kno, the only heir.

Q. What is the annual and fee-simple value of the farm ?

A. The fee-simple value is three thousand dollars and the annual value about one hundred and fifty dollars.

Memorandum. J. L. Outland and A. E. Outland, by their Attorneys, respectfully request that the Commissioner in the fifth clause in the decree will report to whom the land in the bill and proceedings belonged, and what is the share of each, and whether the said several interests were derived by deed, will or otherwise ?

Further this deponent saith not.

Signature waived.

The depositions of James H. Butler and others taken before N. F. Young, Commissioner in Chancery, at his office in the County of Isle of Wight, Virginia, this 23rd day of December, 1903, the time and place having been agreed upon by all parties and notice being waived.

J. H. BUTLER being duly sworn deposeth and says as follows;

Q. State your name, age, residence and occupation, and if you are related by blood or marriage to any of the parties to this suit ?

A. J. H. Butler is my name, sixty-four years old, reside in Isle of Wight County, State of Virginia, about a quarter of a mile from the land in the bill and proceedings mentioned, a farmer by occupation, and I am not related to the parties to this suit by blood or marriage.

Q. It appears from the records in this suit that A. E. Outland, owns 5/16, J. L. Outland 5/16 and Ella C. Coleman 5/16 and William E. Outland 1/16 interest in the land in the bill and proceedings mentioned. Please state whether or not it could be divided between the parties entitled thereto in that proportion with damaging very materially the value of each share ?

A. No Sir, it could not.

Q. You have been present in the room and heard dictated the Memorandum of Agreement by which all matters in dispute have been settled, will you please state whether or not you think this settlement is perfectly fair, and if the price mentioned, in your opinion, is a good price for the land ?

A. Yes Sir, I think that it is fair and equitable to all parties as could be made. I think three thousand dollars ($3000.00) is a fair valuation for the land.

Q. Is Mary A. Outland living or dead, and if so when and where did she die ?

A. Yes Sir she is dead, and died at the old homestead in the County of Isle of Wight. She died in 1887, Febreuary, and had never been married and left her father as her only heir.

Q. Will you please state when Edwin Augustus Outland and his wife Martha R. Outland died respectively, and what children they left, if any ?

A. Mr. Outland died in 1888 and Mrs. Outland died on the 31st day of January, 1903, and they left William E. Outland ,a son, J. L.

J. P. HOLLAND, PRESIDENT & TREASURER. J. M. DARDEN, VICE-PRESIDENT. W. A. MAGEE, SECRETARY.

# THE J. P. HOLLAND PUBLISHING COMPANY,

—INCORPORATED—

..Publishers of THE GRAPHIC..

PRINTERS, ENGRAVERS AND BINDERS.

..BOOK WORK A SPECIALTY..

FRANKLIN, VA.,

In the C'erk's Office of the Circuit Court of the County of Isle of Wight on the 28th. day of January 1904.

J. L. Outland and Adolphus E. Outland, plantiff,

against

Ella Coleman and Henry Coleman, her husband, Judith Ann Haskett, Robert A. Edwards, Sheriff and administrator of Martha R Outland, deceased, Wm E. Outland and Martha L. Outland, his wife, and the heirs at law of George R. Outland, other than said Ella Coleman under the general description of unknown parties,

defendant.

The object of this suit is to partition or divide the land in the bill mentioned by sale or otherwise to the parties interested therein and to clear it of any lien or liens.

The bill of complaint alleging that there is or may be persons interested in said land whose names are unknown and who in said bill are made defendants under the general description of "unknown parties", it is ordered that they do appear here within 15 days after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four snecessive weeks in THE GRAPHIC, a newspaper published in the town of Franklin, Va., and that a copy be posted at the front door of the court-house of this County.

A copy—Teste:

N. F. Young, Clerk.

Wm. S. Holland, P. Q.

I hereby certify that the above court order was published in The Graphic, a newspaper published in the town of Franklin Virginia for four successive weeks, February 5th. 12th. 19th. 26th. 1904.

J. P. Holland .....Editor The Graphic.

Outlaw et als

vs. { ORDER OF PUBLICATION.

Outlaw et als

B 21568

In the Clerk's Office of the Circuit Court of the County of Isle of Wight on the 28th day of January 1904 189.

J. L. Outland and Adolphus E. Outland

Plaintiff,

against

Ella Coleman and Henry Coleman her husband, Judith Ann Haskett, Robert A. Edwards, sheriff and administrator of Martha R. Outland deceased Wm E. Outland and Martha L. Outland his wife and the heirs at law of Geo R. Outland and all persons claiming under said Ella Coleman under the general description of parties unknown

Defendant.

The object of this suit is to partition or divide the land in the bill mentioned by sale or otherwise to the parties interested therein and to clear it of any lien or liens

The bill of complaint alleging that there are or may be persons interested in said land ~~And an affidavit having been made and filed that the defendant~~ whose names are unknown and who in said bill are made defendants under the general description of "parties unknown"

~~not resident of the State of Virginia~~, it is ordered that they do appear here within 15 day after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the "Graphic" a newspaper published in the town of Franklin Va, and that a copy be posted at the front door of the court-house of this County ~~on the first day of the next term of the~~ Court.

A copy—Teste:

Wm. L. Outland p. q. N. B. Young Clerk.

Franklin, Va., Mar 14, 1907

Mr. Wm. S. Holland, Windsor, Va.

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

Publishers of THE GRAPHIC.

**..PRINTERS, Engravers and Binders.**

BOOK WORK A Specialty.

| 1904 | | | |
|---|---|---|---|
| Feb | 8 | 2o Pub. court order, J. L. Outland + Adolphus E. Outland, Plaintiff, vs. Ella Coleman + Henry Coleman, her husband, Judith Ann Haskett, Robt. A. Edwards, Sheriff + Admr of Martha R. Outland, deceased. Wm. E. Outland + Martha L. Outland his wife + others, 5 in, 4 t, Mar, 4, 11, 18, 25 | $7 50 |

J. L. Outland et als.

vs.

Wm. E. Outland et als.

-:-:-:

J. L. Outland et als.

vs.

Wm. E. Outland et als.

The under signed, your special commissioners respectfully report to court that J. J. L. Outland, sometimes called J. L. Outland, and A. E. Outland purchased the land in the bill and proceedings mentioned at the price and sum agreed on as shown by a contract in writing filed with the papers and mentioned in a decree herein entered on the 6th day of June, 1904; that said Ella Coleman and Henry Coleman with some of her friends uniting made a deed to the said grantees with general warranty, containing the usual covenants of title and especially providing against any claim which hereafter may be set up by George R. Outland or any unknown heirs at law of his, and upon the delivery of said deed containing said covenants the said grantees paid to S. E. Everett, the attorney for Wm. E. Outland and wife, and Ella Coleman and her husband the sum of money which had been agreed upon. S. E. Everett and Wm. S. Holland special commissioners united in said deed in order to convey the interest of Wm. E. Outland and wife who did not sign the said deed.

Your commissioners say that all the money has been paid out and receipted for and that the cost of this suit has been fully paid as shown by vouchers herewith filed.

Respectfully submitted.

S. E. Everett Special Comr.
Wm S Holland Spe. Comr.

Received July 9th 1904 of S. E. Everett and Wm. S. Holland, Special Commissioners the sum of $1,687.50, it being our share in accordance with a rough estimate in the lands whereon we reside and which has been conveyed to us by a deed from S. E. Everett and Wm. S. Holland, Special Commissioners and others, dated on the 17th day of June, 1904.

A. E. Cutland

J. D. L. Cutland

E. E. HOLLAND,
ATTORNEY AT LAW.
COMMONWEALTH'S ATTORNEY FOR NANSEMOND COUNTY.
OFFICE IN THE BOOTHE BUILDING.
SUFFOLK, VA.

Received of W. S. Holland, Atty., the sum of five dollars ($5.00), being amount of fee for taking depositions in the case of Outland v. Colemand and others.

Aug. 29,1904.

W. W. Dell.
Stenographer

WM. S. HOLLAND,
ATTORNEY-AT-LAW.

..... .....
vs.
.....

No.....

30.00
3.00
1.25
1
5.25

Windsor Station, Va., 190

Rec'd- Sept. 3rd 1904 of Wm S. Holland forty two (42) dollars and sixty (60) cents bal. in full settlement of all matters connected with or appertaining to the settlement of suits of Coleman v Rutland and Rutland et als v Coleman et als in Cir. Ct of Isle of Wight, Sale of land, reconveying deeds, in other words this is a full settlement of all matters.

Jas. J. L. Rutland

A. E. Rutland by
J. J. L. Rutland

E. E. HOLLAND,
ATTORNEY AT LAW.
COMMONWEALTH'S ATTORNEY FOR NANSEMOND COUNTY.
OFFICE IN THE BOOTHE BUILDING.
SUFFOLK, VA.

Suffok, Va.,

Sept. 5, 1904.

Mr. W. S. Holland,

Windsor, Va.

Dear Sir:-

I beg to hand you herewith receipt for fee for taking depositions in the case of Outland v. Coleman. With thanks, I am,

Very truly yours,

E. E. Holland

Recipes

After 5 days, return to
E. E. HOLLAND,
Lock Box 102,
SUFFOLK, VA.

SUFFOLK VA
SEP 5
4 PM
1904

Receipt from
Mrs Dodd

Reply

Mr. W. S. Holland,

Windsor,

Va.

Franklin, Va., Sept 6 - 1904

Mr. Wm. S. Holland, Windsor, Va.

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

Publishers of THE GRAPHIC.

**..PRINTERS, Engravers and Binders.**

**BOOK WORK A Specialty.**

| | | |
|---|---|---|
| 1904 | | |
| Feb 8 | To Sub. court order of L. Rutland + Adolphus E. Rutland, Plaintiff, vs Ella Coleman + Henry Coleman her husband, Judith Ann Haskett, Robt. A. Edwards, Sheriff + Admr. of Martha R. Rutland, deceased Wm. E. Rutland + Martha L. Rutland his wife + others, 5th in 4th, Mar 11, 1904 | $7 50 |

PAID
Sept 5 - 1904
The J. P. Holland Publishing Co.
Per. J. P. Holland

J. L. Outland et als vs. Wm. E. Outland et ald.

Bill of Costs.

| | | |
|---|---|---|
| Attorney fee and tax. | $16.50 | |
| Clerk's fees | 13.21 | N. J. Young clerk paid |
| Sheriff " | 7.50 | |
| Comr. Young | 16.50 | N. J. Young Comr paid |
| Stenographer | 5.00 | |
| Printer ord. Pub. | 7.50 | Pd Ro A Edwards Sh'ff |
| | 56.21 | |

Ella C. Coleman et als.vs. Outland et als.

| | | |
|---|---|---|
| Clerk fee | $6.52 | N. J. Young clerk paid |
| Sheriff " | 3.00 | Pd Ro A Edwards Sh'ff |
| | 9.52 | |
| | 56.21 | |
| | 65.31 | 75.12 |

J. L. Outland et als

Vs

Wm. E. Outland et als.

---

D E C R E E .

April 27, 1903.

To be entered.

Robt. R. Hawes

C.O.B. No. 6, p. 300

J. L. Outland and A. E. Outland

Vs

Wm. E. Outland, Ella Coleman and Henry Coleman her husband Judith Ann Haskett and Robert A. Edwards Sheriff, and administrator of Martha R. Outland deceased.

This cause came on this day to be heard on the bill of complaint, taken for confessed as to the defendants, on whom process has been served, they still failing to appear. plead, answer or demur, and was argued by counsel.

On consideration whereof, the Court doth adjudge order and decree, that one of the Commissioners of this Court inquire, take, state, and report the following inquiries and accounts: first, what is the annual and fee simple value of the land in the bill and proceedings mentioned,

Second, if there are any liens or charges upon the said land for delinquent taxes or otherwise, and if so report said liens or charges together with their priorities.

Third, Whether or not the land in the bill and proceedings mentioned can be partitioned in kind.

Fourth, What sum of money is due to the plaintiffs as alleged in the bill for the support and maintenance of their father and mother respectively, and whether or not such amount thus due is a charge upon the land in the bill and proceedings mentioned,

Fifth, Any matter deemed pertinent by the Commissioner or which any party in interest may require to be so taken, stated and reported to Court.

On the motion of the defendants leave is given them to file their answer to the bill within thirty days.

L. J Mulland et als
vs. Vacation Order
W. E Mullane et als

Entered Oct 26. 1915

Robt R. Ellis

Co 136 P 316

J L Autland and A. E. Autland

vs

Wm E. Autland, Ella Coleman and Henry Coleman her husband, Judith Ann Hoskat & R.A. Edwards sheriff and admr. of Martha A Autland deceased

By consent of the parties, both plaintiffs and defendants here entered of record it is ordered that this cause be submitted to the judge of this court for such decisions and decree therein in vacation as might be made in term

We consent to the above

L.L. Evans
atty for defendants

Wm S. Hollaway atty for plaintiffs.

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF
ISLE OF WIGHT COUNTY THIS 9th DAY OF MAY 1904.

J. L. &. A. S. Outland. )
)
vs. )
)
Outland Wm. E. et als. )

I. N. F. Young, Clerk of the Circuit Court of the County of Isle of Wight do hereby certify that the order of publication entered in this cause on the 28th day of January, 1904, which has been duly executed according to law, was by me posted at the front door of the Court House in the County of Isle of Wight wherein the Circuit Court of the said County is held on and before the rule day next succeeding the day of the entry of the said order of publication in accordance with the statute in such case made and provided.

N. F. Young

Clerk of the Circuit Court.

J. L. & A. E. OUTLAND.

vs.

OUTLAND Wm. E. et als.

---

D E C R E E.

IN VACATION.

To be entered

May 12th 1904.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY
IN VACATION THIS 28TH. DAY OF MAY 1904.

J. L. &. A. E. OUTLAND. )
)
vs. )
)
OUTLAND Wm. E. et als. )

This cause, which by consent of parties entered of record in open Court the papers in which are submitted to the Judge of this Court in vacation for such decrees and decisions herein as might be entered or made in turn, came on this day to be again heard on the papers formerly read, on the amended bill of complaint, taken for confessed as to all the known defendants, on whom process has been duly executed, they still failing to appear, plead, answer or demur, and as to the heirs at law of Geo. R. Outland, if there are such, "under the general description of parties unknown", against whom the complainants appear to have proceeded in the manner prescribed by law against absent defendants or unknown defendants, by order of publication duly issued executed, certified and posted according to law, they still failing to appear, plead, answer or demur, ~~on motion of the complainants, by counsel, the Court doth take this amended bill for confessed as to said unknown defendants, if there be such~~, upon the report of Commissioner N. F. Young, filed on the 7th day of January 1904, to which there is no exception, and on the agreement in writing of the parties to this cause, a memorandum of which signed by counsel is filed with the said report of Commissioner Young and is referred to by the said Commissioner in his said report, and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that the said report of Commissioner Young be, and

the same is, hereby approved, ratified and confirmed as to all the parties of this suit except those proceeded against as unknown defendants by order of publication; and it appearing to the Court that the said report of Commissioner Young was made and filed before the said order of publication against said unknown parties, had been duly executed according to law, the Court doth further adjudge, order and decree, that one of the Commissioners of this Court, to whom the papers herein may be referred, shall immediately proceed to execute the decree entered in this cause on the 27th. day of April 1903 as to the said unknown defendants just as if the same had not been executed as to any of the defendants, and the said Commissioner shall make report to Court.

To the Clerk of the Circuit Court of Isle of Wight County.

6th.

Enter June 1904

Robert R. Reuter

Entered in C. O. B

# 6, fo. 342.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY
IN VACATION THIS 3rd DAY OF June I904.

J. L. Outland and A. E. Outland,.....Plaintiffs.

vs.

William E. Outland et als,.....Defendants.

This cause, ~~which by consent of parties entered of record in open Court the papers in which are submitted to the Judge of this Court in vacation for such decrees and decisions herein as might be entered or made in term~~, came on this day to be again heard on the papers formerly read, on the amended bill of complaint, taken for confessed as to all the known defendants, on whom process has been duly executed, they still failing to appear, plead, answer or demur, and as to the heirs at law of Geo. R. Outland, if there are such, "under the general description of parties unknown", against whom the complainants appear to have proceeded in the manner prescribed by law as to ~~against~~ absent defendants or unknown defendants, by order of publication duly issued, executed, certified and posted according to law, they still failing to appear, plead, answer or demur, upon the report of Commissioner N. F. Young, filed on the 7th day of January, I904, to which there is no exception, and on the agreement in writing of the parties to this cause, a memorandum of which signed by counsel is filed with the said report of Commissioner Young and is referred to by the said Commissioner in his said report, and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that said report of said Commissioner Young be and the same is hereby approved, ratified and confirmed and W. S. Holland and S. E. Everett are appointed Special Commissioners to execute a deed conveying the property

mentioned in said proceedings to J. L. Outland and E. A. Outland as soon as the amount mentioned in the contract filed with the report of the Commissioner is paid. And the said Special Commissioners are directed to deduct from the amount for which the land sold the expenses as agreed upon in the said contract filed with the Commissioners' report and the fee of $200 for the attorneys in said cause and the remainder depositied in bank to the credit of the Court in this cause and the Special Commissioners will report their proceedings hereunder to the Court returning therewith a certificate of said deposit.

Robert R. Willis

To the Clerk of the Circuit Court of Isle of Wight County.

J.J.L.Ooutland sometimes cal
ed J.L.Outland et als

vs

Wm.E.Ooutland et als.

D E C R E E

Oct 6th. 1904

To be entered

Robt R Reynolds

Chancery C. Book No.
6 f. 372.

We consent to this
decree
W G Lawrence p d
W.S. Hallam

J.J.L.Outland et als.

vs

Wm.E.Outland et als.

This cause came on this day to be again heard on the papers formerly read, on the report of S.E.Everett and Wm.S.Holland special commissioners, reporting a conveyance of the property in the bill and proceeding s mentioned, and a distribution of the proceeds of sale as by an agreement in writing signed by the parties, filed this day by leave of court, and was argued by counsel:

On consideration whereof the court doth adjudge, order and decree that said report of special commissioners Eferett and Holland be, and the same is, hereby approved, ratified and confirmed, it appearing that the costs of this suit have been paid and that the purchase price of the land in the bill and proceedings mention sold to J.J.L.Ooutland and A.E.Outland has been paid to the parties to whom it belongs.

And nothing further appearning to be done it is ordered that this ca use be stricken from the docket.

Edward A. Outland

To) Bargain and Sale.

William E. Outland

COPY.

D.B. 41, P. 189

T H I S  D E E D, made this 13th. day of October 1868, between Edward A. Outland of the County of Isle of Wight and State of Virginia of the one part, and William E. Outland of said County and State of the other part-

WITNESSETH: That in consideration of the sum of THIRTEEN HUNDRED AND FIFTY DOLLARS, do grant unto the said William E. Outland the land and plantation whereon the said Edward A. Outland now resides containing by estimation TWO HUNDRED AND TEN ACRES, be the same more or less (the grave yard excepted) the lands adjoins the lands of William N. Outland's heirs on the North, by the lands of James M. Holland. On the East by the lands of James Butler, on the South and West by the lands of Kiziah Butler, one horse, fifteen head of hogs, six sheep four cows, fifty barrels corn and four thousand pounds blade fodder, one cart and wheels TO HAVE AND TO HOLD THE SAID TRACT OF LAND and the other property named above to the said William E. Outland and his heirs forever, the right and title to the said property I warrant and defend generally against any and every person whatsoever.

Witness the following signature and seal this above day and date aforesaid.

Edward A. Outland, (SEAL)

In the Clerk's Office of Isle of Wight County Court the 13th day of October 1868 this deed was acknowledged by Edward A. Outland, and the requisite United States Stamps being affixed and cancelled, the same is admitted to record.

Teste, H. H. Womble, D.C.

A Copy,

Teste, N. F. Young Clerk.

A Copy,

Teste, S. D. Young Clerk.

William E. Outland
To Gift
Geo. R. Outland, et als.

COPY.

D.B. 43, P 407

T H I S  D E E D, made this 23rd? day of February in the year 1875 between William E. Outland of the first part and George R. Outland, Mary A. Outland, James J. L. Outland and Adolphus E. Outland of the second part-

WITNESSETH: That the said party of the first part doth give and grant with Special Warranty unto the said parties of the second part the following property with the restrictions and charges thereon as hereinafter mentioned and provided, to-wit: A tract of land in Isle of Wight County being a portion of the land conveyed to him by deed from his father Edward A. Outland bounded as follows: commencing at a pine of Kesiah Butler's line; thence about East course to a pine corner on Jas. H. Holland; thence about North east to another pine on same; thence to another pine on same; thence to a pine stob on same; thence a straight line about Northwest to the road leading from Carrsville to Suffolk; thence down a branch to the commencement, containing ONE HUNDRED ACRES, more or less. Also the following personal property Viz: Two horses, nine head of cattle, seven head of hogs, three pairs cart wheels, four beds and furniture &c. lot of kitchen furniture and cooking utensils, TO BE HELD AND OWNED JOINTLY by the said parties of the second part. But it is hereby covenanted and provided that the said property hereby conveyed that the said property hereby conveyed is to be chargeable with the support and maintenance of my father and mother Edward A. Outland and Martha R. Outland during their joint lives and the support and maintenance of the said Edward A. Outland should he survive his said wife, and with the support and maintenance of the said Martha R. during her single life, should she survive the said E. A. her said husband, but free from the debts, liabilities or contracts of said Edward A. Outland or said Martha R. Outland or either of them now existing or hereafter made.

Witness the following signature and seal.

William E. Outland, (SEAL)

In the Clerk's Office of the County Court of Isle of Wight County the 23rd. day of February 1875, this deed from William E. Outland to George RR. Outland and others was acknowledged by said William E. Outland and admitted to record. Teste, N. P. Young, Clerk.

J. L. & A. E. Outlaw

vs. } Cutf. constituting the estate

W. E. Outlaw et als

In the County Court of Isle of Wight County
April 6th 1903
On the motion of W. S. Holland. It is
ordered that the estate of Martha R. Outland
deceased be committed to the hands of Robert
A. Edwards Sheriff of this County for
administration
A copy Teste N. D. Young C.C.

FORM No. 400.

J. L. Outland etals

vs. } COMMISSIONER'S NOTICE.

Wm. E. Outland etals

✓ 24 Sept

Executed at the
Cotton Sept 22nd
1903
Ro A Bacon
Cap

Everett Waddey Co.,
Stationers and Printers,
Richmond, Va.
Form No. 400.

Commissioner's Office,

Isle of Wight Sept 5th 1903

To J. L. Outland and A. E. Outland Defendants. &c Wm E. Outland, Ella Coleman and Perry Coleman her husband Judith Ann Haskell and Robert A. Edwards, sheriff and administrator of Martha A. Outland deceased Plaintiffs

You are hereby notified that I have fixed upon the 24th day of September 1903 ~~next~~,

if fair; if not, on the next fair day thereafter (Sunday excepted), to take and settle, at my office, the account of 1st what is the annual and fee simple value of the land in the bill and proceedings mention. 2d If there are any liens or charges upon the said land for delinquent taxes or otherwise, and if so report said liens or charges together with their priorities. 3d Whether or not the land in the bill and proceedings mentioned can be partitioned in kind. 4th what sum of money is due to the plaintiffs as alleged in the bill for the support & maintenance of their father Martha respectively and whether or not such amount thus due is a charge upon the land in the bill and proceedings mentioned 5th any matter deem pertinent by the commissioner, or which any party in interest may require it be so stated

required to be taken by a decree of the Circuit Court of the County of Isle of Wight

rendered on the 24th day of April 1903 189 , in a suit in chancery depending in said Court between J. L. Outland et als vs Wm E. Outland et als

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.

A. J. Young Comr

.....

VS.

.....

No.....

WM. S. HOLLAND,
ATTORNEY-AT-LAW.

WINDSOR STATION, VA. Feb. 26, 1904.

Mr. S. E. Everett, Atty.,

Suffolk, Va.

Dear Sir:

Enclosed I am sending you a subpoena on which please acknowledge service for your clients to answer the amended bill of complaint and mail the same to Mr. Young direct. I should have sent you this two weeks ago but neglected it. Please let him have it at once.

Yours very truly,
Wm S. Holland

H/S