

1885-005

Nansemond Co. (Suffolk)

Chancery Causes: Daniel W. Milteer et al vs Talbot Rawls et al

Morgan, Smith

~~\$~~192

Reid of R.H. Rawles Special
Commissioner one dollar & ninety
two cents in full of my share
in the case of W.W. Mitter et al
vs Felton Rawles et al

Witness:-

Almira Hannaford

W. J. ^{this} Morgan
mark

Rec'd of N.H. Rawler as special Com
missioner one dollar & ninety two
cents in the case of D.W. Mitten et al
it being in full for the share of Frances
J. Duke the wife of Warner Duke
and daughter of Amos Morgan
\$1.92 $\frac{00}{4}$ Warner ^{his} X Duke
mark

Witness

$$\begin{array}{r} 192 \\ 192 \\ 192 \\ 192 \\ \hline \$7.68 \end{array}$$

Recd of R.H. Rawley Special Com-
missioner Seven Dollars + Sixty
Eight cents in full payment
of the share of money coming to
my wards Chas Morgan, Lela Morgan
Wm Morgan and Jno. T. Morgan
infants, in the suit of D.W. Miller et al
vs Jethro Rawley et al. Amos ^{his} Morgan
Witness Wm. H. H. H. H. H. ⁱⁿ Guardian

\$15 ⁷⁰/₁₀₀

Rec'd of R. H. Rawles Special Commissioner
in the case of D. W. Miller et als vs
Talbott Rawles et als Fifteen dollars
and Seventy cents in full of
my share of sale of land in said
suit: also a like sum for my
brother Eliza Miller. Jan 10th 1886
Daniel Miller

Reid of A. H. Rawles special Com-
missioner the sum of
Fifteen Dollars, ^{and seventy cents} in full
of the account owing to
me for Betty Eva Rawles
in the sum of $\frac{15}{100}$

\$15⁷⁰/₁₀₀

Apr 11 1885. J. O. Best
Guardian for
Betty Eva Rawles

Recd of R. H. Rawles special Com-
missioner Fifteen Dollars and
seventy cents in full of my share
of sale of land in said suit: ~~also~~
~~that is~~ in suit of D. W. Miltner et al,
vs Jacob Rawls et al Jan 10 1885

Elisha Miltner

\$ 1.52
\$ 1.92
\$ 3.84

Recd of R H Rawls Special Com-
missioner Three dollars and
Eighty Four cents in full payment
of the two shares of my children
Alex Morgan and Jan Morgan
in the suit of D. W. Nielsen et
als vs Jakob Rawls et als.

Sept 1 1885.

Witness

A. U. Kilby.

Jan Morgan
Alex Morgan
per Amos Morgan
mark

Jan 3rd 1885. Recd of R.H. Rawles
Special Commissioner one dollar each
for acting as commissioners in the case
of D.W. Miller vs Talbot Rawles.

\$3.00

Martin Wells
Christopher Bell
Oraych Langston
per Rawles

Jan 3rd 1885. Recd of R.H. Rawles
special Commissioner fifty cents in full
in case of D.W. Miller et als.

John T. Cox Dep
for J.L. Sulphore Shiff
per Rawles

Recd of R.H. Rawles Special Commissioner
in the case of D.W. Miller et als vs
Talbot Rawles Two dollars for each
fee
A.H. Rawles Com

If not called for in 10 days, return to

RICHARD H. RAWLES,
ATTORNEY AT LAW,
SUFFOLK, VA.

David Milteer.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY - GREETING :
YOU ARE HEREBY COMMANDED TO SUMMON *Jalboh Rawls and Bettie
Flaine Rawls: the latter an infant, under the age of twenty-one
years.*

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be
held for the said Court, on the first Monday in *February* next to answer a
Bill in Chancery, exhibited against *them*
in the said Court by *W. W. Milteer, J. A. Milteer, Eliza
Milteer, Amos Morgan and Mary Ann, his wife,*

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said
Court, at his office, this *22nd* day of *January* 1883, in the *107th*
year of the Commonwealth.

Teste :

Peter B. Prentis Clerk.

Executed & copy of the within given to Lubat Rawles
J. S. Brigham S. J.

RECEIVED BY THE SECRETARY OF THE U.S. DEPARTMENT OF THE INTERIOR
JAN 10 1883

Pro. B. No. 1. Page
Cir. Co.

C. H. Cansey & R. H. Rawls. p. 9

D. W. Milteen & Co.

$\frac{24}{25}$ { Sam. W. Chy.

Jaloh Rawls and Bettie
Florine Rawls, an infant &c

To February Rules, 1883.

Know All Men by These Presents,

THAT WE, *Richard H. Rawles and Charles H. Causey,*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of *Five hundred (500)* 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 *24th* day of *October*, in the year one thousand eight hundred and *eighty-three (1883)*, and in the *108th* year of the Commonwealth. And we hereby waive our homestead exemption as to this obligation.

THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above bound *Richard H. Rawles*

was, by a Decree of the
who ~~has~~ *this day qualified before the* *Circuit* Court of Nansemond County, *promised on the 10th day of October, 1883, in the Chancery Cause of D. W. Mutton et al. Plaintiffs vs. Talbot Rawles et al. Defendants, appointed, a Special Commissioner to make sale of certain Real Estate, in said Cause described, shall faithfully discharge his duties, as such Commissioner, under said Decree,*

~~shall faithfully discharge the duties of his said trust,~~ then the above obligation to be void, or else to remain in full force and virtue.

Executed in presence }
of the Court.

Peter B. Penick, Clerk
of the Cir. Co. of Nans.

R. H. Rawles (SEAL.)

C. H. Causey (SEAL.)

(SEAL.)

(SEAL.)

(SEAL.)

Richard H. Rawles,
Comr.

To { Bond

Commonwealth

Oct: 24th 1883

Virginia

At Rules, in the Clerk's Office of the Circuit
Court of Hansemond County, on Monday, the 5th
day of March 1883.

D W Miller, J S Miller, Elisha Miller
and Amos Morgan and Mary Ann his wife Complainants
Against J M Chaney.

Full St. Rawls and Betsey Florine Rawls.

the latter an infant, under the age of
twenty one years.

Defendants.

On the motion of the Complainants, by Counsel, Peter B.
Pentis is appointed guardian ad litem to the infant
defendant in this suit, and it is ordered that said
guardian be notified of his appointment by serving
upon him, a copy of this order.

Teste:

Peter B. Pentis, Clerk

1883. February 5th I hereby acknowledge service of the
foregoing order, and that I have ^{received} a copy thereof.

Peter B. Pentis,
guardian ad litem

U. W. Miltner Sal:

$\frac{1}{2}$ } order aptly: ground
 } item
Talbot Rauls Sal:

D.W. Miller et als

$\frac{11}{75}$

Talbot Rawles et als.

To the Hon. Geo. Blinn, Judge of the
Circuit Court of Harrison County:-

The undersigned special Commissioner,
appointed under a decree of this Court
rendered on the 10th of October 1883 ~~for~~
to sell the real estate mentioned in
the above Cause, respectfully reports to
Court, that he sold the said land
at public auction before the Courthouse
door of this County at the November term
of the County Court 1883, after having ad-
vertised the same according to said decree,
and after having fully complied in all
aspects with the requirements of said
decree. The land was sold on the terms
named in said decree, to Willis Aidchik
a Colored man for \$150, which he has
now paid in full to the said Commissioner
who has given him the usual Commissioner's
deed for the same; and the said money
has been distributed as per account rendered
on the other side of this sheet: vouchers are
all herewith filed. Respectfully Submitted
R.H. Rawles Special Commissioner,

Amount rec'd from sale of land \$150.00
 Paid Costs of suit including
 Commissions on sale, deed to purchaser,
 Crier's fee, clerk's fee, sheriff's fee \$46.50 ✓
 Attorney's fee by agreement 25.00 ✓
 D.W. Miller 15.70 ✓
 Elisha Miller 15.70 ✓
 Jas. Miller 15.70 ✓
 Talbot Rawles Guardian 15.70 ✓
 Amos Morgan Guardian 7.85 ✓
 Francis Renta, Jas. A. Morgan,
 Alex Morgan & W^m J. Morgan
 each \$1.96 1/4 7.85 ✓

 \$150.00 \$150.00

Vouchers all filed

D.W. Miller et als
 Talbot Rawles et als

Report

of
Sale.

R.H. Rawles

Special Commissioner

Miller et als

vs

Rawles et als.

In obedience to the order made in this cause at the April Term of the circuit Court 1883, the undersigned, three of the special Commissioners named in said order after having been duly sworn, proceeded on the day of 27th day of July 1883 to execute their duties as set forth in said order, and they now respectfully report as follows:— that after a due and thorough inspection of the property mentioned in the bill and proceedings, consisting of a tract of land of which Elizabeth Smith died seized and possessed, being a word land tract of land, situated in the County of Trausemann, containing seventy (70) acres more or less, adjoining the lands of Jackson Baxter, Hardy Skeeter, R. H. Drinkley and Christopher Paul, they are strongly of opinion that the said land is so situated as to render a division of the said land in kind among the parties entitled altogether impracticable and out of the question: that to attempt to divide it in kind would be a useless sacrifice, rendering each part thereof of

little or no value. We are therefore
of opinion and beg to report that
a division can only be had, by a sale
of the whole Tract and a division
of the proceeds. This course we respect-
fully recommend believing that the
interest of all parties would be promoted
thereby. The fee simple value of the said
property is about \$225 or \$250.
All of which is respectfully submitted.

Martin Walls
Iraiah Langston
Christopher Peel

} Commissioners

Virginia, Hanover County Court:-
J. R. H. Rawles, a Notary Public, do hereby certify that
Martin Walls, Iraiah Langston and
Christopher Peel three of the Commissioners
named in the order of the Court in this cause, and
whose names are signed to the report above, appeared
before me in my County aforesaid and made
before proceeding to discharge their duties named
in the said order and made oath that they
would perform their duties named in the said
order honestly, faithfully, and to the best of their
knowledge and good judgment. Given under
my hand this 27th day of July
1883.

J. R. H. Rawles.
N. P.

Report of Commissioners

Jan. 29th 1883
C. H.

At a Circuit Court held for Hanson and County
the 10th day of October 1883.

D W Mitter & al

Plaintiffs

Against } In Chancery
Talbot Rawls & al

Defendants

This cause came on this day to be again heard upon the papers formerly read and upon the report of Martin Walls, Isaiah Langston and Christopher Peel three of the Commissioners under the decree of the 13th day of April 1883 to which report there is no exception, And was argued by Counsel.

On consideration whereof the Court doth approve and confirm the said report. and doth adjudge, order and decree that R A Rawls, who is hereby appointed a special Commissioner for that purpose, do proceed, after having first advertised the time, place and terms of sale by Notices posted at the Court house door and at least three conspicuous places in the neighborhood where the land is situated, for twenty days, to sell the said real estate in the bill and proceedings mentioned at public Auction in front of the Court house door of Hanson and County on some Court day, upon the following terms, to wit: For Cash necessary to pay the costs and expenses of this suit, including the sale, the balance on a credit of six and twelve months, in two equal installments.

But the said R. B. Rawles is not to act under this decree until he shall have entered into a bond with good security before the Clerk of this Court, in the penalty of \$500. for the faithful discharge of his duties as Commissioner in this cause, and he is directed to report his proceedings under this decree to the Court.

А Спр.

Teste:

Peter B. Prentiss. Clerk.

D. W. Muttter del
Xnd
20 { copy given of the 10th.
Oto: 1883

Miller et al

vs

Rawles et al.

This cause come on this day to be again heard upon the papers formally read and upon the report of Martin Wall, Drajah Langston and Christopher Deel three of the Commissioners under the decree of the 13th day of April 1883, to which report there is no exception: Oral was argued by Counsel. On Consideration whereof the Court doth approve and confirm the said report and doth adjudge order and decree that R H Rawles who is hereby appointed a special Commissioner for that purpose, do proceed, after having first advertised the time, place and terms of sale by notices posted at the Court house door and at least three conspicuous places in the neighborhood where the land is situated, for twenty days, to sell the said real estate in the bill and proceedings mentioned at public auction in front of the Court house door of Lawrence County on some Court day upon the following terms to wit: For cash necessary to pay the costs

Decree for sale.

Oct 10th 1883.

To be entered.

Wm. B. Brown.

Copied

Entered 883 No 1 page 629

and expenses of this suit, including the sale, the balance on a credit of six and twelve months in two equal installments. But the said N.H. Dawles is not to act under this decree until he shall have entered into a bond with good security before the clerk of this court, in the penalty of \$500. for the faithful discharge of his duties as commissioner in this cause: and he is directed to report his proceedings under this decree to the court.

Miltee ~~et al~~
vs & cher
Rawls & al

This cause came on this day to be heard upon the bill taken for confessed as to the actual defendant, upon the answer of the infant defendant by P. B. Prentiss her guardian ad litem, with general replication thereto and was argued by counsel; on consideration whereof, the court doth order that Christopher Peel, Martin Wallis, Isaac Langston, William Brinkley and Jas. J. Langston, who are hereby appointed Commissioners for the purpose, any three of whom may act, having been first duly sworn, do proceed to lay off and divide the real estate of which Elizabeth Smith died seized and possessed consisting of a tract of wood land in the County of Newsumond containing Seventy (70) acres, more or less, adjoining the lands of Jackson Baxter, Hardy Sheeter, Richard H. Brinkley and Christopher Peel, into five equal parts, having regard to quality and quantity, and assign one of said parts to each of the children of the said Daniel Miltee, deceased - to wit, Daniel W. Miltee, J. A. Miltee, Eliza Miltee, Mary Ann Morgan and Elizabeth Rawls or to their

respective heirs. But if said Commissioners should find it impracticable to divide the said land among the aforesaid parties, or should be of opinion that the interest of the said parties would be more promoted by a sale of the same, in such case they are required to report the facts upon which their opinion is based to the court and also what in their opinion is the fee simple value of the whole of the real estate, of which said Elizabeth Smith died seized and possessed; and in either case they are required to report their proceedings under this decree to the court.

"

Mullen & al
vs J. St. deane
Rawlin & al

1883 apt. term 1884

Rough draft

To be entered

Geo. W. Bacon

Copied

Entered O.B. No 1 page 604

D. W. Miller et als

vs

Talbot Rawles et als.

This cause come on this day to be again heard upon the papers formerly read and upon the report of special Commissioner R. H. Rawles, to which report there is no exception, and was argued by counsel. On consideration whereof the Court doth approve and confirm the said report including the sale of the said land therein mentioned, the execution of the deed to the purchaser Willis Riddick and the distribution of the purchase money. And it appearing from said report that all the purchase money for the said land in the Bill and proceedings mentioned had been fully paid and distributed among the parties entitled thereto and that all the costs of this suit had also been paid and that nothing further remains to be done in this cause, the Court doth order that the same be removed from the docket.

D. W. Milten et als

^H

Talbot Rawles et als.

Final Decree.

To be entered.

Oct 1885.

Geo. Blow,



Final

Entered 613 Nov 60

Mittursol.

vs.

Rawls.

The answer of Betsey Florine Rawls, an infant under twenty one years of age by Peter B. Prentiss her guardian at litem, to the Bill of the Complainants, exhibited against her in the Circuit Court of Ansonand County, by D W Mitter, J A Mitter, Elisha Mitter, Amos Morgan and Mary Ann his wife.

This Respondent answers and says, that so far as she knows, the allegations and statements contained in the Bill of Complaint, may be true; but that being an infant and ignorant of her rights and interest in the premises she submits the same to the Disposing of the Court, and prays that no order or decree may be made herein inconsistent with her rights.

(Signed)

Peter B. Prentiss,
Guard ad litem

20. W. Milteer Sal:

vs^d { answer of Defant
Talbot Rawls, Sal

In the Circuit Court for the County of
Hansemond.

Miller
vs
Rawles.

In Chancery
To the Hon^{ble} George Blow, Judge of
Said Court.

Humblly complaining,
sheweth unto your honor that Elizabeth
Smith, a resident of the county of Hanse-
mond, in the State of Virginia, was in
her lifetime seized and possessed in fee
simple of a certain tract or parcel
of land lying and being in the Coun-
ty aforesaid on the East side of what
is known as the Meadow road, adjoin-
ing the lands of Jackson Baxter Hardy
Sheeter, Richard H. Brinkley and
Christopher Peel, containing about
Seventy (70) acres, more or less, and
the said Elizabeth Smith being so
thereof seized and possessed some
time in the year 1852 or 1853, departed
this life leaving the said tract of land
by her last will and testament, to Daniel
Miller for life, with remainder in
fee to the children of said Miller af-
ter his death.

That said Daniel Miller departed this
life on or about the 4th day of December

1870, leaving the following children, Daniel W. Miltner, J. A. Miltner, Elisha Miltner, Mary Ann Morgan, wife of Amos Morgan and Elizabeth Rawls, wife of Talbot Rawls, said Elizabeth having since died, leaving one child now surviving, born of her marriage with Talbot Rawls, Bettie Florine by name, and who is now an infant.

And your orators further state, that the said real estate is as they believe, susceptible of partition amongst the parties entitled thereto, but if it be not, then your orators desired the same to be sold, and the proceeds distributed amongst the parties, in proportion to their respective interests therein.

In tender consideration whereof, and forasmuch as your orators ~~are~~ are remediless in the premises save by the aid of a court of equity, where matters of the kind are alone and properly cognizable, your orators pray that Talbot Rawls and Bettie Florine Rawls be made parties defendant to this bill, and be required on their corporal oaths to answer the same, according to the best of their knowledge, remembrance

information and belief, as fully and particularly as if the statements of this bill were here again repeated, and the said defendants thereto specially interrogated; that a proper guardian, ad litem, be assigned the infant defendant, to defend her interests in this suit; that the said real estate be divided between the parties aforementioned entitled thereto, and your orators' portions severally allowed them; and in case the said real estate be indivisible that the same be exposed to sale, and the proceeds thereof be distributed among the parties entitled thereto; that proper process may issue, and that such other further and general relief may be afforded your orators as the nature of the case may require, or to equity shall seem meet.

And your orator will ever pray &c

C. H. Mansueto & p. g.
R. W. Rucker

Rawls & Co
Cousin

Miller & Co
to Echey paper
Rawls & Co

Bill

D. W. Milleson & al:

^{vs} Chy: Notes

Talbot Rawls & al:

1883. Jan'y: 22nd: Sum. in Chy: Issued to Feb'y: Rules, 1883.

" Feb'y: 5th: Bill - filed - & decree nisi vs adult debt:

" " " Peter B. Prentiss applied & returned Petition for support,
debt:

" " " Answer of defendant filed & Cause set for hearing as
to how, in mo: of Pltff's Counsel.

" March 5th: Decree nisi suspended & Cause set for hearing
in mo: of Pltff's Counsel.

" April 13th: Decree for partition made

" Sept'r: 29th: Report filed

" Octo: 17th: Decree for sale

Chy: Notes