1900-008
Nansemond Co (Suffolk) Chancery Causes: Mary Brothers et al vs Etta V. Borum et al

Hosier, Jones, Eley, Harrell

S. a Alexis: Went all over the ground. Surveyed all the way. 100 buckets deeds option: 300 & 500 Shaw option & check.
I saw stakes around the ground: then were corner stakes and at least 2 other stakes out 4 ft in on one side of the ground & all way along: Carried take up bushel at time.
There were James River & others.

Bunting: 100 - 350 - & 500
Saw iron stakes shown to us as boundary stakes.
I went at request of both parties.

$\frac{1}{5} - \frac{1}{5} - \frac{1}{5} - \frac{1}{5} - = \frac{1}{5} -$

$\frac{1}{5} - \frac{1}{5} - \frac{1}{5} - \frac{1}{5} - \frac{1}{5} -$

1

$1111 - 1$

$\frac{2}{5} - \frac{2}{5} - \frac{2}{5} - \frac{2}{5} - \frac{1}{9} - \frac{9}{9}$

$\frac{3}{5} - \frac{3}{5} - \frac{2}{9} = 1/9 = \frac{9}{9}$

Law Office of

R. H. RAWLES, ASSIGNEE OF S. A. BAKER.

SUFFOLK, VA., January 20, 1897.

Having been appointed assignee of Mr. S. A. BAKER, I am now proceeding to collect all accounts due him. I find on his books an account against you for $_____. This you must pay to me at once. The Deed requires me to proceed by action at law or suit to collect all not paid on demand. Therefore you will save trouble by paying at once.

Very respectfully,

R. H. RAWLES.

Children	53.40
	587.40
Lewis	881.10
Mary	881.10
Maggie	$2403.00
	97.00
Costs	2500.00

Pay out the above

B.	L	M.	M.	D.

53.25 for children
78.00 6 gun shan curls
26.00 Lemin shan curls
#157.25

78
26
104

~~57.25~~

55.00
97.00 +

#152.

97
38.34
58.66
15
73.66 fee

32.34
5.00
1.00

38.34
58.66
97.00

Law Office of

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Very respectfully,

R. H. RAWLES.

B	I	m	m	D	$\frac{2}{9} - \frac{2}{9} - \frac{2}{9} \frac{2}{9} - \frac{1}{9} = \frac{2}{9}$

$\frac{2}{9} \times \frac{1}{5} = \frac{2}{45}$

$\frac{1}{5} + \frac{2}{45}$	$\frac{1}{5} + \frac{2}{45}$	$\frac{1}{5} \times \frac{2}{45}$	$\frac{1}{5} + \frac{2}{45}$	$\frac{1}{45}$

$\frac{11}{45} \quad \frac{11}{45} \quad \frac{11}{45} \quad \frac{11}{45} \quad \frac{1}{45} = \frac{45}{45}$

$\frac{33}{45} = \frac{11}{45} = \frac{1}{45}$

$\frac{34}{45} \rightarrow \frac{11}{45} = \frac{45}{45}$

$7 34/100 Recd of R H. Rawles Special Commr
Seven & 34/100 dollars in full of all Costs
and mit Tax in case of Mary Burton
vs. Etta V. Brumett et al, to end of
Case. May 26 - 1900.

A D Gomey Clerk

$5.00 Rec'd of R. H. Rauber, Special
Commissioner of Brokers, Borough
of Bronx Five dollars for copying one
land lot 20 x 20 in such case.

May 26 — 1900.

J. Walsh Jones
Asst.

$10.00 Recd of R.H. Rawles special Commr in cause of Barker vs Brown Ten dollars fee for stating account. May - 25 - 1900.

C. H. Causey Jr.
Comm in Chy.

1

$1.00 Recd of P H. Rawles special
counsel in Com'th of Boynton v. Bowman
one dollar for printing notice
of sale of Real. May 26–1900.

Jesse Boynton
Prop'r Suffolk Herald
May 26

#587 40/100 Reid of R. H. Rawles Special Commissioner in the case of Mary Britton et als vs. Ella V. Bowen et als the sum of Five Hundred and Eighty seven & 40/100 Dollars in full payment of the amount due me for my share of the real estate mentioned and sold in said suit: same being taken in my share of the land. May 26-1900,

Lewis Brothers

$881.40 Rec'd of R. H. Rawles Special
Commissioner in the case of Mary
Brothers et als vs. Etta V. Bowman et als
the sum of Eight Hundred Eighty one
& 40/100 Dollars in full payment of the
amount coming to me from my
share of the real estate mentioned
and sold in said suit; same be-
ing taken in cash. May 26—1900

Mary Brothers

$881.10/100 Rec'd of R. H. Rawlings Special Commissioner in the case of Mary Brothers et al vs Ella V. Borum et al the sum of Eight Hundred & Eighty one 10/100 dollars in full payment of amount due me for my share of the land sold in said suit. Same being taken in Cash. May 26 - 1900.

Magill Brothers.

#5-3 40/11 Rec'd of R. H. Rawles special Commr in case of Mary Brothers et al vs Ella S. Bowen et al fifty three & 40/100 dollars in full of the amount due my wards, Ella S. Bowen, Sallie G. Bowen and Helen C. Bowen, coming from sale of real estate vested in Bill. Sept. 18th 1900.

Lewis Brothers

Guardian of Ella S. Bowen, Sallie George Bowen and Helen C. Bowen.

Hon. A.P. Gower, Clerk of the Circuit
Court of Drummond County:

Mary Brothers,
Maggie Brothers
Lewis Brothers } Ptffs,

vs

Ella V Bowen
Sallie G. Bowen
Helen C. Bowen } Defts
the three defendants all being infants
under the age of 21 years.

Issue summons for plaintiffs
against defendants to second Monk
rule (third Monday) 1900 to answer
of a Bill in chancery.

R. H. Rawles p.q.

Tax $1.50

Bothers sothes
by
Borum sothes

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Etta V Bourn Sallie G Bourn and Helen Bourn

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, ou the Third Monday in March 1900, to answer A Bill in Chancery, exhibited against them in the said Court by Mary Brothers Maggie Brothers and Louis Brothers

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 14th day of March, 1900, in the 124th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste: A P Gomer, CLERK.

R D Rawles p. q.

Mary Brothers
and others

vs. } *In Chancery.*

Etta V Borum
and others

1900

March *Rules.*

Third *Monday.*

Nansemond Circuit Court.

Process Book No. 21

*Page*_____

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A copy—Teste:
A P Gomer, CLERK.

Teste:
A P Gomer, CLERK.

R. H. Rawles p. q.

A Copy for
Sallie G. Bowen

vs. } In Chancery.

1900

March Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 21

Page

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A copy—Teste:
C A P Gomer, CLERK.

Teste:
C A P Gomer, CLERK.

R N Rawles p. q.

A Copy for
Helen C Brown

vs. } In Chancery.

1900
March Rules.
Third Monday.

Nansemond Circuit Court.

Process Book No. 21

Page

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and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 14th day of March, 1900, in the 124th year of the Commonwealth.

A copy—Teste:
A P Gomer, CLERK.

Teste:
A P Gomer, CLERK.

R A Rawles p. q.

A Copy for
Etta V Brown

vs. } In Chancery.

1900

March Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 2

Page

Know all Men by these Presents That I J T Rawles of the County of Nansemond have made constituted and apponted and by these presents do make, constitute and apponit in my place and stead put and depute R A Rawles of the County of Nansemond true and lawful attorney for me and in my name and place and stead to make and sign my name to a bond in the penalty of $3500. to be given by him as Special Commissioner in the Chancery cause of Maggie Brothers et als Vs Etta V Bowne et als in the Circuit Court of Nansemond County; my name to be signed by him to said bond as surety, the said R A Rawles being the principal in said bond, giving and granting unto my said attorney by these presents my full and whole power and authority in and about the premises to have, use and take all lawful ways and means in my name for the purposes aforesaid. And generally, all and every other act or acts thing or things in the law whatsoever needful and necessary to be done in the premises for me and in my name to do, execute and perform, as fully, largely and amply to all intents and purposes as I might or could do, if personally present. Hereby ratifying, allowing and holding for firm and effectual, all and whatever my said attorney shall lawfully

do in and about the premises by virtue hereof.

In witness whereof I have hereunto set my hand and seal this 18th day of April 1900.

J. T. Rawles {L S}

A Copy
Teste:
A. P. Gomez Clerk

Know All Men by These Presents, That we, Richard N Rawles and Julius P Rawles

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Thirty five 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.

And we waive the benefit of our exemption as to this obligation, and also waive any claim or right to discharge any liability to the said Commonwealth arising under this bond, or by virtue of the office, post or trust herein mentioned, with coupons detached from bonds of said Commonwealth.

Sealed with our seals, and dated this 19th day of April in the year of our Lord one thousand ~~eight~~ nine hundred ~~and~~ , and in the 124th year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a decree of the Circuit Court of Nansemond County Virginia pronounced on the 17th day of April 1900 in the Chancery Cause pending in said Court between Mary Brothers and others Complainants against Etta V Bowen and others Defendants, the above bound Richard N Rawles, who was appointed Special Commissioner for the purposes specified in said decree. Now therefore if the said Richard N Rawles shall faithfully discharge his duty under said decree and all other decrees he may be required to execute in said cause then the above obligation is to be void otherwise it is to remain in full force and effect.

R N Rawles SEAL
J S Rawles by SEAL
R N Rawles attorney SEAL
in fact. SEAL
SEAL

In the office of the Clerk of the Circuit Court of Nansemond County, on the 19th day of April 1900 ~~19~~.

The above bond was executed and acknowledged by the obligors (~~the surety justifying on oath as to sufficiency~~) and recorded.

Teste: A P Gomey CLERK.

A copy Teste A P Gomey clerk

Richard N Rawles

To Spec. Com. Bond

The Commonwealth.

1900

April 19th.

Recorded in Official
Bond Book No 1 Page 198

A Copy.

On the Motion of the Complainants
E E Holland a discreet Atty at Law
is hereby appointed Sdr ad litem
for the infant defendants and required
to defend their interest in this suit.

A L Gomey Clerk

To the Honorable Robert R. Prentis
Judge of the Circuit Court of
Wauseemond County:

The undersigned special commissioner
in the cause of Mary Brothers and
others against Ella E. Bowen et al
now pending in said Court respect-
fully asks leave to submit the
following report:
Pursuant to the requirements of the decree
entered in said cause on the 26th day
of May 1900 your commissioner has
made a deed with the usual cove-
nants of title to the purchasers of the
property mentioned in the Bill and
proceedings: that he has collected the
whole of the purchase money: that he
has paid the costs and expenses of this
suit and sale and he herewith files
vouchers for all his disbursements of
said funds. The following is a state-
ment of the collection and disbursement,
to wit:

(over)

1900. May 15. Sold Hires + Lot to
Mary Brothers, Maggie Brothers and
Lewis Brothers Jr $2500.00

Paid out:

A.P. Gomer Clerk	$7.34	
C.H. Causey Commr	10.00	
J.W. Hozier, Crier	5.00	
J.E. Brooker advertising	1.00	
City tax fee	15.00	
Commissions (Reduced)	58.66	
	$97.00	97.00
		$2403.00

Paid to heirs as follows:-

Lewis Brothers	11/45	$587.40
Mary Brothers	16½/45	881.10
Maggie Brothers	16½/45	881.10
~~Geo. L. Brown~~ Lewis Brothers Guar- dian of Etta V. Brown, S. Georgia Brown and Helen C. Brown	1/45	53.40
	$2403.00	$2403.00

The said ~~George L. Brown~~ Lewis Brothers has been appointed and duly qualified as guardian of the said Etta V. Brown, S. Georgia Brown and Helen C. Brown and has given bond with sufficient and ample security in my opinion. all of which is respectfully submitted.

R. H. Rawles
Special Commissioner.

Final Report
of
R. H. Rawles
Special Commr

Filed Sept. 18. 1900
A. L. Gomez Clk

Commissioner's Office,

Suffolk, Va., April 2, 1900.

Maggie Brothers, Mary Brothers and Lewis Brothers, Complainants,

And

Etta V. Borum, Sallie G. Borum and Heken C. Brum, infants under the age of twenty-one years and Edward E. Holland, guardian ad litem of the said infants, Defendants.

You are hereby notified that I have fixed upon the 4, day of April, 1900, if fair, if not, on the next fair day thereafter Sunday excepted, to take and settle at my office the following Accounts:

First: An account of the the real estate named in the bill belonging to the said parties, plaintiffs and defendants, together with its fee simple and annual values.

Second: The liens thereon, if any, together with their amounts dignities and priorities; and also whether said real estate has been sold for delinquent taxes.

Third: Whether the said real estate can be conveniently divided in kind among those entitled thereto, without a sacrifice of interest.

Fourth: Whether any of the said partis, plaintiffs or defendants, will take the whole of the said real estate and pay to the others in money, the value of their respective portions of the same.

Fifth: Any other matter deemed pertinent by the Commissioner or which any party in interest may require to be stated required to be taken by a decree of the Circuit Court of the County of Nansemond, rendered on the 31, day of March, 1900, in a suit in chancery depending in said court between you, 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.

E. H. Causey Jr.
Commissioner in Chancery.

1900, April 2nd.

Due, sufficient and legal service of the within notice is hereby accepted.

Magee Brothers.

Mary Brothers.

Leiba Brothers.

Etta V. Bowne.

Sallie G. Bowne.

E. E. Hallowell

Gdn. ad litem for Etta V. Bowne Sallie G. Bowne, and Helen C. Bowne infant defendants.

Commissioner's Office,

Suffolk, Va.,April 4th. 1900.

Maggie Brothers, Mary Brothers and Lewis Brothers, Complainants.

Against -:- In Chancery

Etta V. Borum, Sallie G. Borum and Helen C. Borum, infants under the age of twenty one years and Edward E. Holland, guardian ad litem of the said infants, Defendants.

To the Circuit Court of Nansemond County.

Pursuant to the Decree of this Court pronounced in the above entitled cause, on the 31, day of March, 1900,the undersigned, one of the Commissioners in Chancery of this Court,having first given notice, which said notice is herewith returned, service of the same having been accepted by all the parties in interest, as required by law, proceeded on the day named in the said notice to take and settle the several accounts as directed by said Decree.

The result of your Commissioner's work is as follows:

I.

An account of the real estate named in the bill belonging to the said parties, plaintiff and defendants, together with its fee simple and annual values.

That certain house and lot situated on the West side of Park-Street, in Suffolk, Virginia, and bounded as follows; on the East by said Franklin Street, on which it fronts seventy-two feet, more or less,said lot runs westwardly from said Franklin Street two hundred and twenty-five feet, more or less;on the North by the lot of H. T. Artman; on the South by the lots of A. R. Daughtrey,Louis Gatogni and the estate of J. M. Butler, deceased, and on the West by the lot of the estate of J. M. Butler, deceased.

The annual value of said real estate is $150.00

The fee simple value of said real estate is 2250.00

II.

The liens thereon, if any, together with their amounts, dignities and priorities; and also whether said real estate has been sold for delinquent taxes.

You Commissioner reports that the said real estate in the bill and proceedings mentioned, is not encumbered, nor has the same been sold for delinquent taxes.

III.

Whether the said real estate can be conveniently divided in kind among those entitled thereto, without a sacrifice of interest.

You Commissioner reports that the said real estate cannot be conveniently divided in kind, there being six persons interested, while the real estate consists only of one house and lot, in Suffolk, Va.

IV.

Whether any of the said parties, plaintiffs or defendants, will take the whole of the said real estate and pay to the others in money, the value of their respective portions of the same.

Your Commissioner is advised that neither party in interest desires to take the property as a whole, paying to the others in interest, their respective portions in money for the same.

V.

Any other matter deemed pertinent by the Commissioner of which any party in interest may require to be stated.

Your Commissioner desires to call the attention of the Court to the depositions herewith filed, and asks that they be taken as a part of this Report.

Respectfully submitted,

C. H. Causey Jr.

Commissioner in Chancery.

Commissioner's Fee $10.00

To Etta V. Borum, Sallie G. Borum , Helen C. Borum, and E. E. Holland Guardian ad litem for the said Etta V. Borum, Sallie G. Borum, and Helen C. Borum .

Please take notice that we shall appaear before the Homorable Robert R. Prentis Judge of the Circuit Court of Nansemond county, in vacation, at his office in Suffolk Virginia, on Saturday the 26th day of May 1900, and move the said court do make and enter the annexed decree in the chancery cause of "Mary Brothers et als vs Etta V. Borum et als" now pending in the said court, in which we are plaintiffs and you are defendants; and if from any cause the said motion is not heard on that day, the the same will be renewed and continued from day to day at the same place and before the same court until the same is heard and determined.

Reppectfully Yours

Mary Brothers
Maggie Brothers
Lewis Brothers
By R. H. Rawles
Counsil.

We hereby accept sufficient and legal service of the above notice and offer no objection to the making and entering of the decree therein mentioned and hereunto annexed,

Etta V. Borum.
Sallie G. Borum.
E. E. Holland Guardian
for Etta V. Borum, Sallie G.
Borum and Helen Borum

Circuit Court of Nansemond County, in vacation, on the 26th. day of May 1900. -

Mary Brothers, Maggie Brothers and Lewis Brothers

vs In Chancery.

Etta V. Borum, Sallie G. Borum and Helen C. Borum

This cause came on this day to be again heard on the papers formerly read as well as on the report of R. H. Rawles special commissioner who was appointed by the decree of April 17th 1900 to sell the real estate mentioned in the bill and proceedings which said report was filed on the 15th day of May 1900, and to which no exception has ben filed, and was argued by counsel .

~~the defendants having had reasonable notice of the complainants intention to apply~~ for this decree,

On consideration whereof the court doth confirm the said report and doth also confirm the sale of the said real estate therein mentioned; and it appearing from said report that the purchasers of the said real estate elected to, and have paid the entire purchase money for the same in cash, the court doth order adjudge and decree that the said special commissioner shall make to the said purchasers a deed for the said real estate with the usual covenants of title in such cases, conveying to them the interest in said property which they each purchased at said sale; and he shall out of the proceeds arising from said sale pay off and discharge all the costs and expenses of said suit and sale and the residue he shall pay over to those entitled to receive the same according to their respective interest in said property, taking vouchers for all said paymnets and filing the same with the papers in this cause. And the said special commissioner is required to report all his transactions under this decree to this court and this cause is continued .

Robt. H. Rawles

To the Clerk of the
Circuit Court of
Nansemond County:

Entered May 26, 1900

Robert R. Davis

Entered in Chancery
Order Book No 3
Page 296

To the Honorable Robert R. Prentis , Judge of the Circuit Court of Nansemond County ;

The undersigned special commissioner in the chancery cause of Mary Brothers et als, vs. Etta V. Borum et als, now pending in the said court reppectfully begs leave to report, that pursuant to the requirements of a decree rendered in said cause on April I7th I900, he proceeded to sell the real estate mentioned in the bill at public auction before the post office in Suffolk Virginia on May the I5th I900, after having first advertiesed said sale for twenty days as required by said decree, and after having given the bond as required by said decree, and in all other respect having fully complied with all the terms and requirements of said decree, to the highest bidder, on the terms as stated in said decree, when the same was struck off to Mary ~~Bor~~ Brothers, Maggie Brothers and Lewis ~~Bro~~ Brothers, they being the highest bidders therefor. for the sum of $25-00 00/100 twenty five Hundred dollars.
Upon calculation Etta V. Borum, Sallie G. Borum and Helen C. Borum the infant children of George L. Borum, were found to own one forty fifth interest in said property in common, it being the share of their deceased mother ;Mary Brothers owning eleven forty fifths ; Maggie Brothers eleven forty fifths ; Lewis Brothers eleven forty fifths and Beverly Brothers eleven forty fifths; but the said Beverly Brothers had previcusly sold and conveyed his undivided interest in the same to his sisters Mary and Maggie Brothers. In the sale it was purchased by said parties, so that Mary Brothers acquired seventeen forty fifths, Maggie Brothers seventeen forty fifths and Lewis Brothers eleven forty fifths, and they desire to have the deed made to them so that their respective interest in said property will be as above set forth . The said purchasers have elected to, and have paid to the said special commissioner the whole of the purchase money for the said lot. Your commissioner reports that in his opinion the said sale is a fair and reasonable one; that all parties interested are satisfied with the same, and he respectfully requests that it be confirmed, if the court should think proper to do so, and that he be allowed to make to the purchasers a deed for the same and to distribute the purchase money .

All of which is respectfully submitted .

R H. Rawles
Special Commissioner

1900 May 15th Filed

Maggie Brothers, Mary Brothers and Lewis Brothers

vs

Etta V. Borum, Sallie G. Borum , and Helen C. Borum .

3 In chancery.

This cause came on this day to be again heard on the papers formerly read as well as on the report of C. H. Causey one of the Commissioners of this court to whom it was referred which said report was filed on the 4th day of April 1900 and to which no exception has been filed , and was argued by counsel .

On consideration whereof the court doth confirm the said report and doth order adjudge and decree that R. H. Rawles who is hereby appointed a special commissioner for that purpose shall after first advertising the time place and terms thereof for twenty days by hand bills publicly posted in at least five different places in the town of Suffolk including one at the court house door proceed to sell the real estate mentioned in the bill and belonging to the parties plaintiffs and defendants ~~beofre~~ before the Post Office door, in Suffolk Virginia to the highest bidder at public auction on the following terms to-wit ; one half cash and the remainder in two equal payments at six and twelve months each the title to the said real estate to be retained till the whole of the purchasemoney is paid and until the further order of the court; but with the option to the purchaser after the sale is over to pay the whole of the purchase money in cash in case he shall desire to do so; but before the said special commissioner shall act under this decree he shall, ~~nter~~ enter into a bond before the clerk of this court in the penalty of $3500.— conditioned for the faithful performance of his duties under this and all other decrees which may be entered in this cause with security deemed sufficient by the clerk of this court ; and the said special commissioner is required to report all his actions under this decree to this court and this cause is continued .

Decree for Sale.

Entered Apl. 17, 1900

Robt. M. Ellis

Entered in Chancery
Order Book No. 3.
Page 286.

Maggie Brothers et als

vs

Etta V. Borum et als.

In the Circuit Court of Nansemond county in vacation on this 31st day of March 1900.

This cause came on this day to be heard on the bill and exhibits filed, the answers of Etta V. Borum and Sallie G. Borum infants over the age of fourteen years in their own proper persons and the answers of all the infant defendants by the E. E. Holland their guardian ad litem duly assigned and was ~~argued by counsel~~; at rules to defend them in this suit with counsel application to said answers on the notice of the complainants yesterday to apply for this interlocutory decree, duly executed, and was argued by counsel.—

On consideration whereof the court doth order adjudge and decree that one of the commissioners of this court shall proceed to take and state the following accounts after having first given due notice to all parties entitled to receive the same;

First ; an account of the real estate named in the bill belonging to the said parties, plaintiffs and defendants, together with its fee simple and annual values.

Second ; the liens thereon, if any, together with their amounts dignities and priorities ; and also whether said real estate has been sold for delinquent taxes.

Third; whether the said real estate can be conveniently divided in kind among those entitled thereto, without a sacrifice of interest.

Fourth ; Whether any one of the said parties, plaintiffs or defendants will take the whole of the said real esttae estate and pay to the others in money, the value of their respective portions of the same.

Fifth ; any other matter deemed pertinent by said commissioner or which any party in interest may require to be stated.

And the said commissioner is required to make rport to this court of all his acts under this decree, and this cause is continued.

Robt R Prentis

To the Clerk of the Circuit Court of Nansemond County:

To Etta V. Borum, Sallie G. Borum, Helen C. Borum, and E. E. Holland guardian ad litem for the infants Etta V. Borum, Sallie G. Borum and Helen C. Borum ;

Take notice that we shall appear before the Honorable Robert R. Prentis Judge of the Circuit Court of Nansemond county at his office in Suffolk Virginia on Saturday the 31st day of March 1900 an move the said court to make and enter the above decree in the chancery cause of Maggie Brothers et als vs Etta V. Borum et als wherein we are plaintiffs and you are defendants ; and if from any cause the said motion is not heard on that day then we shall renew the same and make the same from day to day at the same place and before the same court until the same is heard and determined.

Maggie Brothers
Mary Brothers
Lewis Brothers
By R H Rawls Counsel.

We hereby accept service of the above notice and agree and consent that the said decree may be made and entered in the said cause .

Etta V. Borum.

Sallie G. Borum.

E. E. Holland guardian ad litem for infant defendants.

Clerk's Fee
Accounts.

Filed May 31, 1900

Robert Dennis

Entered in Chancery
Order Book No 3
Page 266.

Everett Waddey, Stationer and Printer, Richmond, Va. } Form No. 35.

In the Circuit Court for the County of Nansemond,

to wit:

THE ANSWER OF Etta V. Bonum, Sallie G. Bonum and Helen C. Bonum

infants under the age of twenty-one years, by E. E. Holland their guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against them ~~and others~~ in the Circuit Court for the County of Nansemond, by Maggie Brothers and others.

The respondents, reserving to themselves the benefit of all just exceptions to the said bill, for answer thereto, answering by said guardian *ad litem*, say, that they are infants of tender years, and by reason of such disability are incapable of understanding, or of taking care of their rights and interests, they therefore commend the same to the protection of the court, and prays that no decree may be pronounced which will tend to their prejudice.

And having answered. the respondent pray to be hence dismissed with their reasonable costs in this behalf expended; and they will ever pray, &c.

E. E. Holland Guardian *ad litem*.

p. d.

Virginia: Nansemond County to wit:—

Sworn to before me in my said County by E. E. Holland Guardian ad litem this 23rd day of March 1900.

W. H. Lawton N. P.

Form No. 35.

adv.

ANSWER
OF
INFANT DEFENDANT.

Depositions of J. Walter Hosier, Frank T. Jones and Walter W. Eley taken before C. H. Causey, Commissioner in Chancery, to be filed with the Report of said Commissioner in the Chancery cause of Maggie Brothers and others Complainants and Etta V. Borum and others, infants, defendants, taken by said Commissioner, April 4th. 1900.

))))))

Frank T. Jones Being duly sworn deposes and says as follows:

Q. 1. Please state your name, age, residence and occupation and do you know the parties to this suit?

A. 1. Frank T. Jones – 33 years – Suffolk, Va. – yes –

Q. 2. Are you acquainted with the Brothers lot, mentioned in the Bill and Proceedings in this suit?

A. 2. Yes – very well

Q. 3. Will you state its fee simple and annual values?

A. 3. Fee simple value from $2300 to $2500 – Annual value $150.

Q. 4. Will you state, whether in your opinion, it is divisible in kind among the six heirs entitled to the same, without a sacrifice of interest?

A. 4. I do not think it could be divided – only one house and lot and six persons to be divided among.

Q. 5. Dos you know anyone or more of the heirs who would be willing to take the entire property and pay to the other heirs their interest in the same in money.

A. 5. I dont know –

Further this deponent saith not.

Frank T Jones

Walter W Eley Being duly sworn deposes and says as follows:

Q. 1. Please state your name, age, residence and occupation and do you know the parties to this suit?

A.1. Walter W. Eley - 44 years - Suffolk, Va, merchant. Yes

Q.2. Are you acquainted with the Brothers lot, mentioned in the Bill and Proceedings in this suit?

A.2. yes -

Q. 3. Will you state its fee simple and annual values?

A. 3. I do not think it will bring more than $2500, possibly not more than $2300. Its annual value about $150.

Q. 4. Will you state, whether in your opinion, it is divisible in kind among the six heirs entitled to the same, without a sacrifice of interest?

A.4. No I dont think it could be divided in kind among the parties entitled thereto.

Q. 5. Do you know anyone or more of the heirs who would be willing to take the entire property and pay to the other heirs their interest in the same in money.

A.5. I do not -

Further this deponent saith not.

W. W. Eley

Brother et als

vs.

Commissioner
C.N. Causey Jr
Report
dated Apr 4. 1900.

Bonum Defts Atty

Filed April 4th 1900.
A.L. Gomez Clerk

Mary Brothers et als
vs.
Etta V. Bowen et als } In Chancery.

This cause come on this day to be again heard on the papers formerly read as well as on the report of R. H. Rawls Special Commissioner, which said report was filed on September - 18th - 1900, and to which no exception has been filed, and was argued by Counsel.
On Consideration whereof, the Court doth confirm said report, it appearing therefrom that the said Special Commissioner has made to the purchaser of the property named in the Bill and proceedings a deed with the usual covenants of title: that he has collected the whole of the purchase money: that he has paid all the costs and expenses of this suit and sale: and that he has paid the remainder of the same over to the proper heirs and owners of said real estate according to their respective interest therein, and that he has duly filed vouchers for all of his said payments and disbursements: and nothing further remaining to be done in this cause the Court doth order adjudge and decree that the same be stricken from the docket.

Final Decree

Enter:

Octo. 9, 1900

Robert C. Ellis

Entered in Chancery
Order Book No. 3,
Page 308.

The answers of Ella V. Bowen and Sallie G. Bowen infants under the age of twenty one years but over the age of fourteen years to a Bill in Chancery exhibited against them and others in the Circuit Court of Wood-ward County by Maggie Bowlers and others.

These defendants in their own proper person for answer to said bill of-fer and say that they are infants under the age of twenty one years and by reason of such infancy are incapable of understanding or protecting their interest in said suit: they therefore commend their interest to the protection of the Court and pray that no decree may be rendered in said cause that may jeopardize their interest: they say further that as soon as they are capable of understanding the con the matters alleged in said bill as true and they know of no reason why the prayer of the said bill should not be granted. And having fully answered they pray to be hence dismissed with their reasonable costs in their behalf expended and they will ever pray &c

Ella V. Bowen.
Sallie G. Bowen.

Virginia:
Wallace and Co Court:

Sworn to & sub-scribed before me this 23 day of March 1900 by Ella V. Bowen & Sallie G. Bowen.

R. H. Rauch N. P.

Answer of
Infant Defendants
in
their own proper person

To the Honorable Robert R. Prentis, Judge of the Circuit Court of Nansemond County;

Humbly complaining showeth unto your Honor, your complainants, Mary Brothers, Maggie Brothers and Lewis Brothers of Suffolk, Virginia, the following case;

That on the 19th day of February, 1878, D. C. Harrell and Mary E. Harrell his wife, sold and conveyed by their certain deed the following tract of real estate to their mother Cornelia Brothers for her natural life, and after her daath to the surviving children of the said Cornelia Brothers, born of her body during her coverture, with their father Daniel Brothers which said real estate is now bounded and described as follows; said deed being herewith filed marked Ex. "A" and prayed to be read as a part of this bill

" that certain lot or parcel of land with the buildings thereon, situated on the West side of Franklin street in the town of Suffolk, Nansemond County in the State of Virginia, fronting on said street seventy-two(72) feet, more or less, and running back therefrom in a Westwardly direction two hundred and twenty-five (225) feet, more or less, and bounded on the North by the lot of H. T. Artman; on the South by the lots of Mr. or Mrs. A. B. Daughtry, Louis Catogni and James M. Butler's estate;;on the East by said Franklin street, and on the West by the land formerly belonging to the estate of J. M. Butler, deceased.

Your complainants say that their father; Daniel Brothers, departed this life some time in the year 1891 ; that their mother Cornelia Brothers, departed this life some time in the year 1881 ; leaving the following surviving children by her said husband, Daniel Brothers, to wit;

Maggie Brothers -- Mary Brothers -- Daniel Brothers -- Beverly Brothers and Lewis Brothers, who then became the sole owners of the said real estate, and who in fact were her only heirs at law. That on the 24th day of April, 1899, their brother Daniel Brothers departed this life intestate, leaving as his heirs at law, Maggie Brothers, Mary Brothers, Beverly Brothers and Lewis Brothers, and the following children

of his half-sister Sallie H. Borum, the deceased wife of George L. Borum, to wit;

Etta V. Borum, now age 19 years -- Sallie G. Borum, now age 15 years and Helen C. Borum, now age 7 years. That on the 18th day of November, 1899 their brother, Beverly Brothers made a deed conveying all his interest in said lot to the said Maggie Brothers and Mary Brothers: said deed being herewith filed Marked Ex. B. and prayed to be read as a part of this bill.

Your complainants therefore allege that they, the said Maggie Brothers, Mary Brothers and Lewis Brothers together with the said infants, Etta V., Sallie G., and Helen C. Borum are now the sole owners of said real estate.

Your complainants further say that if the said real estate is susceptible of partition among the owners thereof in kind without a sacrifice of interests, then they desire that partition may be made of the same; but your complainants are of opinion and therefore charge that the same is not susceptible of a division in kind among those entitled thereto without a great sacrifice of interests.

Your complainants therefore pray that the said real estate may be sold, and the proceeds distributed amongst the said parties in proportion to their respective interests therein.

In tender consideration whereof, and for as much as your complainants are without remedy in the premises save by the aid of a court of Equity where matters of this kind are alone and properly cognizable.

Your complainants pray that the said Etta V. Borum, Sallie G. Borum and Helen C. Borum may be made parties defendant to this suit, and required to answer the same though answer under oath is waived; that proper process may issue. That a guardian ad litem may be assigned the infant defendants to ~~divide~~ defend their interests in this suit; that all proper accounts may be taken. That the said real estate may be divided in kind if it can be conveniently done without a sacrifice of interest among those entitled to the same; and that if such division be impracticable as your complainants allege it is, that the same may be sold, and the proceeds divided among those entitled to receive the same; that all such other further and general relief may be afforded your complainants as this case may require or which to equity may seem meet, and your complainants

that a reasonable fee may be allowed Counsel for bringing this suit

will ever pray &c.

Maggie Brothers.
Lucy Brothers.
Mary Brothers

Virginia, Nansemond County, to wit;

I, R. H. Rawles, A Notary Public for the county aforesaid, in the State of Virginia, do certify that Maggie Brothers whose name is signed to the above bill has this day personally appeared before me in my said county and made oath that the statements contained in the said bill as coming from her own knowledge are true, and that all such other statements in said bill which is derived from knowledge or information of others she believes to be true.

Given under my hand this 20th day of March, 1900.

R H Rawles N.P.

Bill.

Circuit Court.

Tuesday after the Second Monday in April and October,

HON. ROBERT R. PRENTIS, Judge.
AZRA P. GOMER, Clerk.

Nansemond County Clerks' Office.

County Court.

Second Monday in each month.

HON. WILBUR J. KILBY, Judge.
ROBERT R. SMITH, Clerk.
E. E. HOLLAND, Commonwealth's Attorney.
ALEX. H. BAKER, Sheriff.
SYDNEY T. ELLIS, County Treasurer.
JOHN B. PINNER, Commissioner of Accounts.

Suffolk, Va., 1

Mary Bolton and others
against
In Chancery
Etta V Bowen tolhen

1900 March 11th Process issued returnable to march
Rules third Monday
" " 1912. Guardian ad litem for infant defendt
appointed
Bill filed,
Report of Gdn ad litem filed

Mary E Rothes vs Fra
vs Inchancey
Etta V Borum vs Thes.

1900 Oct 9th
Final Decree

ds
Clerk 684.00
Jay 150.00
Atty 1500.
Comy 1000
$3234