1904-005
Nansemond Co(Suffolk) Chancery Causes: Walter S. Harrell et al vs C.O. Harrell et al

Bowen, Camp, Savage, Weatherly, Miles

Collected

C. O. Harrell

5 years rent $125.00
Pd
5 yrs taxes at 5.69
= to $ 28.44
Improvements 15.00

43.00
$82.00
19.31
1/3 | 101 31
33.77
19.31
$14.46

Josie Scoggin

1 yr rent $25.00
taxes 5.69
$19.31

Harrell collected Neb $82.00.

She collected 1/3 years rent
& paid 1/3 years taxes

4.44
3 | 88.44
29.48
4.44
$23.04

833.
189
644.

She is entitled to 1/3 the
& from land

Entitled to
part of rent.

7 27
7.50

K.77
24 50

30.27
50
80
13

5.50
35.00
18.00
13.00

124.50

Allen
Harris
Pulley

30 Oct

Zo -

Mr. Allen Sept 1
Mr. Harris
Mr. Pulley

regard to Taken by a clerk of the
duties in not in a hurry
sure answer before you
time + place for an appointment

1218

82
6.44
3 | 88.44
29.48
6.44
23.04

11.154
73.08
11.154
73.
33462
78078
81.42.42
23
15 4

an op[illegible]
Harper's Weekly
set of Conan Doyle's SHERLOCK
HOLMES STORIES, in three volumes, at a price which is only a fraction of a dollar more than the Weekly would cost you at a news-stand for one year.

Harper's Weekly sells on all news-stands at 10 cents a copy for 51 numbers and 50 cents for the magnificent Christmas number—i.e., $5.60 for one year.

The SHERLOCK HOLMES STORIES, which we have just published in a uniform set,

R. H. RAWLES,
Attorney at Law and Notary Public,
SUFFOLK, VA.

Southern States Telephone.

PRACTICES IN ALL STATES AND
FEDERAL COURTS.

Nov. 14. 1903.

Mrs. Josie Savage:
Whaley Va:-

Dear Madam:-

As I promised I will write you concerning the rent collected from the farm. The account as I can get it stands thus:

Rent collected by C.O. Hamell for 5 years $125.00
Paid out by Hamell:
5 years taxes at $5.69 $28.45
Paid out for improvements on place 15.00
$43.45 43.45
$81.55

Rent collected by you for 1898 Last Aug. 1898 $25.00
Paid taxes by you 5.69
$19.31 19.31
Total rent amount collected as rent = $100.86

1/3 of which belongs to you: or $33.62
Already paid by you as above 19.31
Balance due you on rent = $14.31

This of course has nothing to do with which you will get from the sale of the land but will be paid you in addition to what you then get. Look over this account and let me know if it is correct. I want to fully protect your interest. Very Truly Yours

R. H. Rawles.

$5.33⅓
1.89⅓
6.43⅓

IF NOT DELIVERED IN FIVE DAYS RETURN TO

R. H. RAWLES,

ATTORNEY AT LAW AND NOTARY PUBLIC,

SUFFOLK, VA.

SUFFOLK, VA.
NOV 4
4 PM
1903

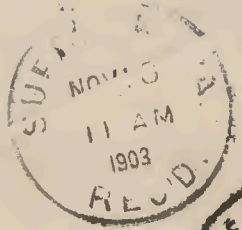
2

Mrs. Josie Savage

Whaleyville

Suffolk Co Va.

ch Whaley's Station


NOV
11 AM
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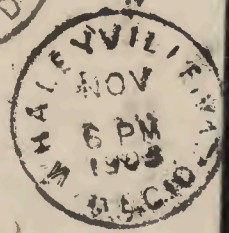
NOV
6 PM

$8 74/100

Feb. 20th 1904

Receive of R. H. Rawles Special Commis

Eight — 74/100 — Dollars

in full payment of writ tax, Sheriff's Costs and Clerks Costs in "Walter L. Harrell etal vs C. O. Harrell etal" Chancery Cause now pending in Circuit Court of Laurens Co.

J. O. Gonier Clerk

No.

$10 00

Jan 1904

Received of W. H. Rawls Special Commr

Ten x x x Dollars

for making up accounts in case of

Walter S. Harrell et als vs C. O. Harrell et

als in chancery.

C. H. Causey Jr

Comm'r in Chy.

No

$ 12 50

Feb. 20th 1904

Receive of R H Rawles Special Commr

Twelve 50/100 — Dollars

amt allowed me as compensation in

the Chancery cause of Walter S. Harrell etals

vs. C. O. Harrell etals.

C O Harrell

No

$23 04/100

Suffolk Va. March 2nd 1904

Receive of R.H.Rawles Special Commr

Twenty three - 04/100 - Dollars

in full payment of Rent due me from Rent of farm in cause of Walter S. Harrell etals vs C.O. Harrell etals now pending in the Circuit Court of Nansemond County Va.

Witness: J. Theo. Bowden

Mrs. Josie Savage

$242 26/100

Suffolk Va. March 2nd 1904

Received of R.H. Rawles Special Commr

Two Hundred and forty two and 26/100 Dollars

in full payment of amount due me in Commutation of dower for my dower interest in the Real Estate sold in the Chancery Cause of Walter S. Harrell adv. &c. C.O. Harrell &c. &c. now pending in the Circuit Court of Nansemond County Va. and in full release and discharge of said Special Commr from all future obligations whatever.

Witness:
J. Theo. Bowden

Mrs. Josie Savage

$84 34

March 9th 1904

Received of W. R. Rawles Special Commr

Eighty four 34/100 Dollars

to be credited to the credit of A. C. Harrell an infant, on Saving account; proceeds of sale of Real Estate in the cause of Walter S. Harrell etals vs. Ella O. Harrell etals.

No

Bank of Suffolk

By C. E. Hargrave

$84.34.

Received of R. H. Rawles, special commissioner in the chancery cause of Walter S. Harrell et als, vs. C. O. Harrell et als, now pending in the Circuit Court of Nansemond County, the sum of Eighty-four and 34/100 Dollars, in full payment for my share of the real estate sold under decree in said cause and in full release and discharge of the said special commissioner, and said estate from all further obligations or demands, whatever.

February 20, 1904.

S. Walter Harrell

$84.34.

Received of R. H. Rawles, special commissioner in the chancery cause of Walter S. Harrell et als, vs. C. O. Harrell et als, now pending in the Circuit Court of Nansemond County, the sum of Eighty-four and 34/100 Dollars, in full payment for my share of the ~~rela~~ Real estate sold under decree in said cause and in full release and discharge of the said special commissioner and said estate from all further obligations or demands, whatever. February 20, 1904.

Rob S Harrell
by C A Harrell
agent

$84.34.

Received of R. H. Rawles, special commissioner in the chancery cause of Walter S. Harrell et als, vs. C. O. Harrell et als, now pending in the Circuit Court of Nansemond County, the sum of Eighty-four 34/100 Dollars, in full payment for my share of the real e state sold under decree in said cause and in full release and discharge of the said special commissioner andsaid estate from all further obligations or demands, whatever.

February 20, 1904.

Wm. H. Harrell

$84.34.

Received of R. H. Rawles, special commissioner in the chancery cause of Walter S. Harrell et las, vs. C. O. Harrell et als, now pending in the Circuit Court of Nansemond County, the sum of Eighty-four and 34/100 Dollars, in full payment for my share of the real estate sold under decree in said cause and in full release and discharge of the said special commissioner and said estate from all further obligations or demands, whatever. February 20, 1904.

L. H. Harrell

$84.34.

Received of R. H. Rawles, special commissioner in the chancery cause of Walter S. Harrell et als, vs. C. O. Harrell et als, now pending in the Circuit Court of Nansemond County, the sum of Eighty-four and 34/100 Dollars, in full payment for my share of the real estate sold under decree in said cause and in full release and discharge of the said special commissioner and said estate from all further obligations or demands, whatever.

February 20, 1904.

L. G. Harrell

$84.34.

Received of R. H. Rawles, pecial commissioner in the chancery cause of Walter S. Harrell et als, v. C. O. Harrell et als, now pending in the Circuit Court of Nansemond Canty, the sum of Eighty-four and 34/100 Dollars, in full payment fo my share of the real estate sold under decree in said cause and in ful release and discharge of the said special commissioner and said estate from all further obligations or demands, whatever.

February 20, 1904.

Geo. T. Harrell.

All Available Text Successfully Captured

$84.34.

Received of R. H. Rawles, special commissioner in the chancery cause of Walter S. Harrell et als, vs. C. O. Harrell et als, now pending in the Circuit Court of Nansemond County, the sum of Eighty-four and 34/100 Dollars, in full payment for my share of the real estate sold under decree in said cause and in full release and discharge of the said special commissioner and said estate from all further obligations or demands, whatever.

February 20, 1904.

Recd Feb 24=1904

Clara Bowen

$84.34.

Received of R. H. Rawles, special commissioner in the chancery cause of Walter S. Harrell et als, vs. C. O. Harrell et als, now pending in the Circuit Court of Nansemond County, the sum of Eighty-four and 34/100 Dollars, in full payment for my share of the real estate sold under decree in said cause and in full release and discharge of the said special commissioner and said estate from all further obligations or demands, whatever.

February 20, 1904.

Nettie Camp

$84.34.

Received of R. H. Rawles, special commissioner in the chancery cause of Walter S. Harrell et als vs. C. O. Harrell et als, now pending in the Circuit Court of Nansemond County, the sum of Eighty-four and 34/I00 Dollars, in full payment for my share of the real estate sold under decree in said cause and in full release and discharge of the said special commissioner and said estate from all further obligations or demands, whatever. February 20, I904.

C O Harrell

2/4-5-th Lt.

Ocala Fla.

Sept. 21-1903

My dear brother:-

Your letter received yesterday, and at your request will answer back at once. I think it is the wisest thing you can do, is to sell that piece of property, and get it off your hand. I think the price

you mentioned,
is as well as you
will ever do, and
as long as you
rent a place, it
is apt to go down,
instead of improv-
ing any, so I think
you had better
sell it as quickly
as possible. Tell
Mollie I will write
to her as soon as
I can. With Love
I am as ever
Your devoted sister
Hettie.

Richmond Va
Sept 15 1903

Dear Brother

I just received your of the 17th in regards to the Westbury Place you say you can get seven dollars a acre I think that you have done most that he have me use for so I think you had bete take it from him and settle up the old estate so you can use your

fragment about it

Your Brother
L. L. Harrell
#705 East Clay St.
Richmond
Va

Whaleyville Va
Sept 29 1903

Dear Brother

Your letter received in reply will say I am willing for you to sell the farm if you think best it will be all right with me I would write more but have no time

Yours Truly
W. H. Harrell

C. S. Beller.

REFERENCES:
National Exchange Bank
PROMPTNESS and ACCURACY

LOANS NEGOTIATED.

BELLER & HARRELL,

REAL ESTATE AND RENTALS,

211 S. Jefferson Street.

S. W. Harrell

SPECIALTIES:
City and Farm Properties, Mineral and Timber Lands.

Roanoke, Va., Sept 19, 1903.

Mr. C. O. Harrell,
Suffolk, Va.
Dear Brother:-

Yours of the 17th just to hand, and in reply thereto beg to say that I am perfectly willing to sell the farm at the price named in your letter. You can go ahead and close the matter up as far as I am concerned.

Yours &c.,

S W Harrell.

'Phone, Main 1576-2.

Harrell Bros.,

IMPORTERS,
WHOLESALERS AND
RETAILERS OF

GROCERIES, TEAS & COFFEES,

HOME DRESSED MEATS,

1816 14th Street, N. W.,

Washington, D. C., Sept 21 1905

Dear Brother:—

Yours of the 17th inst received this A. M. and its contense noted. I think the best thing we can do with the track of land in question is to sell it. the only thing it could ever be of any valuer for is the lumber. and of course I can't judge the value of that as I was never on the property. I don't see how it will ever benefit any of us unless it is sold and the estate settled up. and as for the price seven hundred per ~~A~~ acre

'Phone, Main 1576-2.

Harrell Bros.,

IMPORTERS,
WHOLESALERS AND
RETAILERS OF

GROCERIES, TEAS & COFFEES,

HOME DRESSED MEATS,

1816 14th Street, N. W.,

Washington, D. C., 190

I think you ought to know whether that is the real value or not. therefore as for myself I will say You can use your own judgment and dispose of the property any way you may think best.

As ever Your Brother

G. T. Harrell.

Lexington Ky
Sept 21/903

Dear Brother

I received your letter this morning in regard to the Wetherly-track of land-now so fare as I am Concerned I think it would be a good Idear to sell & settle it up the best you Can for if you hold it will be a great troble to some one so you have may Consent to dispose of it the best you

Can for it will never
do any of us any
good as it is, so
that is all I have
to say about it-
I am satisfied for
you to do as you
think best- I wrote
to you last week
so I will make
this one short- love
to all I am as ever
your Brother

R. L. Harrell

J. B. HARRELL, Proprietor.

THE FAMILY SUPPLY CO.,

Importers, Wholesalers and Retailers

FINE GROCERIES,

732 to 736 7th Street N. E.

Main Entrance, 701 H Street N. E.

Fine Wines and Liquors of every description
Sold at Wholesale Only.

Washington, D. C., Sept 2, 1903

Dear Brother

your letter of the 17th inst received — in reply will say, that so far as I am concerned I am willing to leave the matter in your hands to do as you think best.

Yours Truly

J B Harrell

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON C A Narrell Josie Savage and A C Narrell the last named being 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 October 1903, to answer a Bill in Chancery, exhibited against them, in the said Court by Walter S Narrell Robert L Narrell W H Narrell L N Narrell John B Narrell George T Narrell Clara Bowen Nettie Leamp and Annie M Narrell.

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 30th day of September, 1903, in the 128th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste: A P Gomer, CLERK.

Executed this 5th day of Oct 1903 by leaving a true copy of the within process with Mrs W A Rawles a female member of the family and appearing over the age of 16 years and explaining to her the purports of the same
of abroad

R & H Norfolk Dpty
For A St. Baker Shff

R N Rawles p. q.

Waller S Narrell
and others

vs. | In Chancery.

C O Narrell & others

1903

October Rules.

First Monday.

Nansemond Circuit Court

Process Book No. 2

Page 248

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON C O Harrell Josie Savage and A C Harrell the last-named being 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 October 1903, to answer a Bill in Chancery, exhibited against them in the said Court by Walter S Harrell Robert L Harrell W H Harrell L N Harrell John B Harrell George T Harrell Clara Bowen Nettie Camp and Annie M Harrell

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 30th day of September, 1903, in the 12th year of the Commonwealth.

A copy—Teste: A P Gomer, CLERK.

Teste: A P Gomer, CLERK.

R N Rawles p. q.

A Copy Per
A. C. Harrell Defant

vs. | *In Chancery.*

1903

October *Rules.*

First *Monday.*

Nansemond Circuit Court

Process Book No. 2

Page 248

Walter S. Harrell et als

vs

C. O. Harrell et als.

On Motion of the Complainants ~~John~~ E. E. Holland ~~Tate~~, a Competent and discreet attorney at Law is hereby appointed guardian ad litem for the infant defendant A.C. Harrell and required to defend his interest in this suit.

L. P. Gomez clk

Orden

Afpinting guerchien Sd-
Akten

Mr. A.P. Somers, Clerk of the Circuit Court of Nansemond County:—

Walter S. Harrell, Robert L. Harrell, W. H. Harrell, L. H. Harrell, John B. Harrell, George T. Harrell, Clora Bowen, Nellie Camp, Annie M. Harrell

&

VS

C. O. Harrell, Josie Savage and A. C. Harrell, the last named being an infant under the age of twenty one year.

Issue summons for plaintiffs against defendants to first October rules 1903 to answer a Bill in Chancery.

R. A. Rawles p.q.

Memo. Fr Clerk

Know All Men by These Presents, That we, R A Rawles and L C A Harrell

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Fifteen 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 23rd day of November in the year of our Lord one thousand ~~eight~~ nine hundred and three, and in the 128th year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a decree of the Circuit Court of Nansemond County pronounced by Hon Robert R Prentis Judge thereof in vacation on the 21st day of November 1903 in the Chancery cause of Walter S Harrell and others Complainants against L C A Harrell and others defendants it was adjudged ordered and decreed that the lands in the bill and proceedings mentioned be sold to wit: the "Washington Wharf Tract of land" and that R A Rawles was appointed a Special Commissioner for that purpose.

Now Therefore if the said R A Rawles shall faithfully discharge his duties 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 ~~be~~ remain in full force and effect.

R A Rawles SEAL

L C A Harrell SEAL

SEAL

SEAL

SEAL

In the office of the Clerk of the Circuit Court of Nansemond County, on the 23rd day of November 1903 ~~89~~

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

Teste: L C Gomey CLERK.

A copy Teste: L C Gomey clerk

R. N. Rawles

To { Spec. Comrs
Bond

The Commonwealth.

1902

Nov 23rd

Recorded in Official
Bond Book No 1 Page
313

A Copy

W. S. Harris
Jas
L. O. Kennedy

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

Your undersigned special Commissioner in the Chancery Cause of Walter S. Harrell et als vs. C. O. Harrell etals now pending in said Court respectfully begs leave to report that since the last report and decree in said cause showing collection of purchase money, and payment of costs and distribution of remainder among those entitled to receive the Same, C. O. Harrell has been duly appointed as guardian of the infant A. C. Harrell, and has qualified and given bond as such in the penalty of $200 - with Robert F. Harrell as security; that in the opinion of your Commissioner the security is ample to fully protect the ward for all such sums as will come into the hands of the said guardian: and that the said guardian is now entitled to withdraw from the Bank of Suffolk the amount of $84.34 the share due to the infant A. C. Harrell as shown by last report, which said amount was deposited in said Bank by your Commissioner. All of which is respectfully submitted.

R. H. Rawles Special Commr.

Final Report Storming
Account due in part
turned over to his
guardian.

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

The undersigned, special commissioner, in the cause of Walter S. Harrell, et als, vs. C. O. Harrell, et als, now pending in said court, begs leave to make the following report:

The real estate, mentioned in the bill and proceedings in said cause, having already been sold by said commissioner, and the sale having been confirmed by the said report, by decree dated the 29th day of December, 1903, and your commissioner having been ordered by said decree, to collect the purchase money and make to the purchasers of said real estate, a deed for the same, your commissioner respectfully reports, that he has collected the whole of the purchase money from the purchasers, the Camp Manufacturing Company and has made to them a deed for said real estate, with the usual covenants of title; that he has paid all the costs and expenses of said suit and sale, and has paid out to the widow, Josie Savage, the amount allowed her for rent collected from said real estate, before sale; has paid to C. O. Harrell, the amount allowed him for his services in managing the said estate, before sale; and has paid also to the widow, Josie Savage the amount due her in commutation of her dower interest in said land; and the balance he has paid over to the heirs and distributees, according to their respective interests therein; the share of the infant defendant, A. C. Harrell, he has deposited, to the credit of said infant, in the Bank of Suffolk, in the savings account department; and he herewith files vouchers for all his disbursements in this cause, showing that all of said money has been properly distributed and paid out.

The following is an itemized statement of the account:

Sold real estate to Camp Manufacturing Company for $1218.00

Paid out to A. P. Gomer, Clerk

A. H. Baker, sheriff.

See next page.

Sold Real Estate to Camp Manfg Co for $1218.00

Paid out

A.P. Somers Clerk's Costs & writ Tax	$7.74
A.H. Baker sheriff	1.00
C.H. Causey Commissioner	10.00
R.H. Rawles atty fee allowed by decree	25.00
R.H. Rawles taxed fee	15.00
R.H. Rawles Commissions on Sale	33.06
R.H. Rawles writing deed to purchaser	5.00
C.O. Harrell expenses allowed by decree	12.50
Josie Savage widow, her share of rents	23.04
Josie Savage widow, dower Commuted	242.26
	$374.60

Paid remainder to heirs and distributees as follows:

Walter S. Harrell	84.34
Robert L. Harrell	84.34
W.H. Harrell	84.34
L.H. Harrell	84.34
Jno. B. Harrell	84.34
Geo. T. Harrell	84.34
C.O. Harrell	84.34
Elora Brown	84.34
Nellie Camp	84.34
Deposited in Bank of Suffolk on Savings account on intent the share of the infant A.C. Harrell	84.34
	$1218.00

All of which is respectfully submitted.

R.H. Rawles
Special Commr.

Final Report.
of
Distribution.

Filed March 1st
1904.
A. P. Gomez

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

------o------

The undersigned special commissioner in the chancery cause of "Walter S. Harrell and others vs C. O. Harrell and others", now pending in said court, respectfully reports that, pursuant to a decree entered in said cause, on the 2Ist day of November, I903, he has sold, at private sale to the Camp Manufacturing Company, the tract of land in the bill and proceedings mentioned, belonging to the plaintiffs and defendants, and known as the "Washington Weatherly" tract for the price and sum of $I2I8, as directed by said decree. The said land was sold in gross and as a whole, and not by the acre, and the said purchaser is now about ready to pay for the same. All of which is respectfully submitted.

R. H. Rawles
Special Commissioner.

Report of Sale.

Filed Dec 17th 1903,
A P Gomez clk

To C. O. Harrell, Josie Savage and E. E. Holland, guardian ad litem for A. C. Harrell, an infant.

You are hereby notified that we shall appear before the Judge of the Circuit Court of Nansemond County, at his office in Suffolk, Virginia, on the ----------day of December, 1903, and move the said court to make and enter the annexed decree, in the cause pending in said court under the name and style of Walter S. Harrell and others vs C. O. Harrell and others, wherein we are plaintiffs and you are defendants; and if, from any cause, the said motion be not heard and determined on that day, we shall renew the same from day to day, at the same place, until the same shall have been heard and determined.

Respectfully,
Walter S. Harrell
R. L. Harrell
W. H. Harrell
L. H. Harrell
Jno. B. Harrell
Geo. T. Harrell
Elora Brown
Nellie Camp
Minnie M. Harrell
By R. H. Rawles Counsel.

We hereby accept efficient and legal notice service of the above notice and agree and consent that the decree mentioned ~~annexed~~ therein may be entered. Dec 17, 1903.

C. O. Harrell
E. E. Holland
Guardian ad litem
Josie Savage by
R. H. Rawles atty.

In the Circuit Court of Nansemond County, in vacation on the 29th day of December, 1903.

Walter S. Harrell, and others,

vs

C. O. Harrell and others.

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 as such by a decree in this cause, entered on the 21st day of November, 1903, and directed to sell the real estate in the bill and proceedings mentioned, which said report was filed on the 17th day of December, 1903, and to which said report no exception has been filed.

On consideration whereof, it appearing to the court that defendants in this cause have had notice of the intention of the plaintiffs to apply for this decree, the court doth confirm the said report, and the said sale, and doth order, adjudge and decree that as soon as the purchaser of the tract of land mentioned shall have paid the whole of the purchase money in cash, then the said special commissioner shall make to the Camp Manufacturing Company a good and sufficient deed for the said tract of land, with the usual covenants of title; and out of the proceeds of sale, the special commissioner is hereby directed to pay all the taxed costs and expenses of this suit and sale, including an additional fee of $25.00 to the said R. H. Rawles for his services, as counsel, in this case, and the remainder of the purchase money he shall proceed to distribute and pay over to all the adult parties in interest in this suit, plaintiffs and defendants, according to their respective rights and interests in the said tract of land.

The said commissioner shall take and file proper vouchers for all his disbursements under this decree, and he is required to report all his actions under this decree to this court, and this cause is continued, all of which is hereby certified to the Clerk of this court to be entered in the chancery order book.

Robert R. Willis

To the Clerk of the
Circuit Court of
Nansemond County:

Decree
Confirming Sale.

Enter:

Entered Dec. 29, 1903

Robt. R. Adams

Entered in Chancery
Order Book No 3
Page 333.

Walter S. Harrell et als

vs.

C. O. Harrell et als.

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, which said report was filed on the Ist day of March, I904, and to which no exception has been taken, and was argued by counsel.

On consideration whereof, it appearing to the court that the said special commissioner has collected the whole of the purchase money, to-wit Twelve Hundred and Eighteen Dollars, ($I2I8) from the sale of the real estate, mentioned in the bill and proceedings, in this cause; that he has paid all the costs and expenses of said suit and sale, and the amounts allowed by decree in said cause, and the remainder he had paid over to the heirs-at-law mentioned in said suit, according to their respective interests therein; and had taken vouchers for all of said payments, and filed them with the papers in this cause.

that he has paid to the widow Josie Savage the amounts due her in Commutation of dower except the share of the infant A. C. Harrell whose share $84.3+ has been deposited in the Bank of Sumrall subject to the further order of this court, but payable to such infant on his attaining his majority or sooner withdrawn.

The court doth approve and confirm the said report, and ~~nothing further remaining to be done in this cause, it is ordered that the same be stricken from the docket~~ and the cause is continued

Final Decree,

Enter:

March 14 1904

Robert R. Hawes

Entered in Chancery
Order Book No. 3.
Page 563.

To C. O. Harrell, Josie Savage and E. E. Holland, guardian ad litem for A. C. Harrell, an infant.

You are hereby notified that we shall appear before the Judge of the Circuit Court of Nansemond County, at his office in Suffolk, Virginia, on the 2Ist day of November, I903, and move the said court to make and enter the annexed decree, in the cause pending in said court under the name and style of "Walter S. Harrell and others, Vs. C. O. Harrell and others," wherein we are plaintiffs and you are defendants; and if from any cause the said motion be not heard and determined on that day, we shall renew the same from day to day at the same place ~~and time~~, until the same shall have been heard and determined.

Respectfully,
Walter S. Harrell
R. L. Harrell
A. H. Harrell
L. H. Harrell
Jno. B. Harrell
Rev. J. Harrell
Clara Brown
Nettie Camp
Anna M. Harrell
By R. H. Rawles Counsel.

We hereby accept sufficient and legal service of the within notice and agree and consent that the decree annexed may be entered. Nov. 12th 1903.

C. O. Harrell
Josie Savage by
R. H. Rawles Counsel.
E. E. Holland
Guardian ad litem
for A. C. Harrell infant.

Circuit Court of Rankin County; In vacation on the day of November 1903.

Walter S. Harrell, Robert L. Harrell, W. H. Harrell, L. H. Harrell, John B. Harrell, George T. Harrell, Clara Bowen, Nettie Camp and Annie M. Harrell, plaintiffs.

Vs.

C. O. Harrell, Josie Savage, and E. E. Holland guardian ad litem for A. C. Harrell, an infant, defendants.

Which by consent of parties in person, by counsel and by guardian ad litem is this day submitted to the judge of this court for such decisions and decrees herein, in vacation as might be made in term time,

This cause came on this day to be heard on the papers formerly read, as well as on the answer of Josie Savage filed since the last decree in this cause, and on the report of C. H. Causey, one of the commissioners of this court to whom the papers in this cause had been referred, which said report was filed on the IIth day of November, I903, and to which report no exception has been filed and was argued by counsel.

On consideration whereof, it appearing that the defendants having had reasonable notice of the complaintant's intention to apply for this decree, by consent of parties 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 having first advertised the time, place and terms of sale for at least ten days, by hand bills publicly posted in this county, proceed to sell the land in the bill and proceedings mentioned and known as in gross and not by the acre, the "Washington Weatherly land", at public auction to the highest bidder before the courthouse door of this county, on some court day, on the following terms to-wit:

One-half cash and the remainder in two equal installments at six and twelve months respectively, the deferred payments to bear interest at six per-cent. from the date of sale until paid. But if the said R. H. Rawles, special commissioner, shall have an offer made to purchase the said tract on the ~~lot~~ supposition that the tract contains 174 acres, to be sold in gross and not by the acre of land at $7.00 per acre, he is hereby authorized to make a sale to the party making such an offer at private sale, and when the party shall pay the whole of the purchase money in cash, ~~at the price of $7.00 per acre,~~ namely $1218.— for 174 acres then the said commissioner is hereby authorized to make a sale to the said party, at ~~$7.00 per acre~~ $1218 for said tract of land in gross and not by the acre and when the whole of the purchase money is paid ~~in cash~~, then the said commissioner is hereby au-

thorized and directed to make to the said purchaser a deed for said land with the usual covenants of title;

But before the said commissioner shall act under this decree, he shall enter into a bond before the clerk of this court, in the penalty of $1500.- with security deemed sufficient by said clerk, conditioned according to law, for the faithful performance of his duties under this and all other decrees which may be rendered in this cause.

And the said commissioner is directed to report to this court all his actions under this decree, and this cause is continued.

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

To the Clerk of the Circuit Court of Tuscumbia County:

Robt R. Banks

Decree for Sale.

Enter:
November 21st 1903.

Robert R. Willis

We consent to this decree and that the same may be entered in vacation.

R. H. Rawles Counsel for all the plaintiffs and for the defendants C. O. Harrell and Jesse Savage.

E. E. Howard
Gdn ad litem

Entered in
Chancery Order
Book No 3 Page 544.

E. E. Holland

To C. O. Harrell, ~~John R.~~ ~~Tice~~, guardian ad litem, for A. C. Harrell, (an infant), and Josie Savage.

Please take notice that we will appear before the Honorable Robert R. Prentis, Judge of the Circuit Court of Nansemond County, on the 31st day of October, 1903, at his office in Suffolk, Virginia, and move the court to make and enter the foregoing decree in the Chancery suit now pending in the said court, under the style of Walter S. Harrell and others vs C. O. Harrell and others, wherein we are plaintiffs and you are defendant; and if from any cause, the said motion be not heard and determined that day, the same will be renewed and continued from day to day at the same place until the same shall have been determined.

Respectfully yours,

Walter S. Harrell
R. L. Harrell
W. H. Harrell
L. H. Harrell
J. B. Harrell
Rev. T. Harrell
Elora Brown
Nettie Camp
By W. H. Lawler Counsel.

We hereby accept efficient and legal service of this notice and agree and Consent that the decree mentioned therein may be entered of record. Oct. 27. 1903

E. C. Harrell.
E. E. Holland Guardian ad litem

I have executed the within summons or notice by delivering a true copy of the same to Mrs. W. A. Rawls a member of the family of the defendant Josie Savage over the age of sixteen years and explaining its purport to her, not finding the defendant Josie Savage or her usual place of abode: said Service was made in my County aforesaid on the 26th day of October 1903.

J. D. Bazemore Deputy
For A. A. Bolton Sheriff

Circuit Court of Nansemond County in vacation, on the 31st. day of October 1903.

Walter S. Harrell and Others

vs

C. O. Harrell and Others. (enter names of all the parties)

This cause came on this day to be heard on the bill and exhibits filed, the answer of C. O. Harrell, the answer of ~~John P. Lee~~ E. E. Holland guardian ad litem, for A. C. Harrell, the infant defendant, and the defendant Josie Savage, on whom process has been duly served, failing to appear, plead, answer or demur, the said bill is taken for confessed as to her, 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:

First: An account of the real estate mentioned in the bill, together with its annual and fee simple values.

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

Third: Whether the said defendant, Josie Savage, widow of Edward W. Savage, deceased, is entitled to dower in the said land, and if so, whether she has already been paid for said dower, and if not, whether she is willing to commute the same and receive cash for the same.

Fourth: Whether the said real estate is devisable in kind among the parties entitled to receive the same without a sacrifice of interest.

Fifth: Whether any one or more of the parties are willing to take the said property, or any part thereof, by allotment and pay to the others what their interest in the same may be worth.

Sixth: Whether it would be to the best interest of all concerned to sell the property at private sale, in case it should be advisable to sell it at all, for the bid which has already been made for it.

Seventh: Any other matter deemed pertinent by said commissioner, or which shall be required to be stated by any party in interest.

And the said commissioner is directed to report all his actions, under this decree, to this court and this cause is continued.

Decree for
Accounts

Enter: Octo. 31
1903
Robt R. Reed

Entered in Chancery
Order Book No 3
Page 540

To the Clerk of the
Circuit Court of
Saunders County

Commissioner's Office, Suffolk, Va.,
November 2, 1903.

To Walter S. Harrell, Robert L. Harrell, W. H. Harrell, L. H. Harrell, John B. Harrell, George T. Harrell, Clara Bowen, Nettie Camp and Annie M. Harrell plaintiffs; and C. O. Harrell, Josie Savage and E. E. Holland, guardian ad litem for A. C. Harrell, an infant defendant, defendants.

You are hereby notified, that I have fixed upon Wednesday November IIth, Sunday excepted, 1903, if fair, and if not fair, then the first day thereafter, to take, state and settle the following accounts, required to be taken by a decree of the Circuit Court of Nansemond County, dated October 3I, I903, in a suit therein depending between you, at which time and place you are required to attend.

First: An account of the real estate mentioned in the bill, together with its annual and fee simple values.

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

Third: Whether the said defendant, Josie Savage, widow of Edward W. Savage, deceased, is entitled to dower in the said land, and if so, whether she has already been paid for said dower, and if not, whether she is willing to commute the same and receive cash for the same.

Fourth: Whether the said real estate is divisible in kind among the parties entitled to receive the same, without a sacrifice of interest.

Fifth: Whether any one or more of the parties are willing to take the said property, or any part thereof, by allotment and pay to the others what their interest in the same may be worth.

Sixth: Whether it would be to the best interest of all concerned to sell the property at private sale, in case it should be advisable to sell it at all, for the bid which has already been made for it.

Seventh: Any other matter deemed pertinent by said commissioner, or which shall be required to be stated by any party in interest.

Given under my hand the day and year aforesaid.

C.H. Causey Jr.
Commissioner in Chancery.

We hereby accept sufficient and legal service of the above notice.

Walter S. Hamill.
Robert L. Hamill.
W.H. Hamill
L.H. Hamill
John B. Hamill
Lev. I. Hamill
Clara Brown
Nellie Camp
Annie M. Hamill by
R.H. Landes Counsel.

C.C. Hamill

Josie Savage by R.H. Landes
atty in fact. and Counsel.
E.E. Hazzard. Edward Letson
for A. C. Hamill

Commissioner's Office, Suffolk, Va.
November II, I903.

Walter S. Harrell, and others, Robert L. Harrell, W. H. Harrell, L. H. Harrell, John B. Harrell, George T. Harrell, Clara Bowen, Nettie Camp and Annie N. Harrell, plaintiffs in chancery, Vs. C. O. Harrell, Josie Savage and E. E. Holland, guardian ad litem for A. C. Harrell, an infant, defendants:

To the Circuit Court of Nansemond County.

Pursuant to the decree of this court pronounced in the above entitled cause, on the 3Ist day of October, I903, the undersigned, one of the commissioners in chancery of this court, having first given notice as required by law, which notice is herewith returned, ~~as required by law~~ duly executed, proceeded on the day named in said notice, to take and settle the several accounts as directed in the said decree.

The result of your commissioner's work is herewith returned and is as follows:

I.

An account of the real estate, mentioned in the bill, together with its annual and fee simple values.

Such real estate consists of a tract of land, in Holy Neck District, Nansemond County Virginia, containing one hundred and seventy-four (I74) acres adjoining the lands of Elisha Davidson, Turner Howell and others and is known as the "Washington Weatherly" land.

Your commissioner is advised and believes the annual value of said tract of land does not exceed the sum of $25. The fee simple value of the same, in the opinion of your commissioner, does not exceed the sum of $II00.

2.

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

Your commissioner reports no liens upon the property in the bill men-

tioned; and further that the land, herein described, has not been sold for delinquent taxes.

3.

Whether the said defendant, Josie Savage, widow of Edward W. Savage, deceased, is entitled to dower in the said land, and if so, whether she has already been paid for said dower, and if not, whether she is willing to commute the same and receive cash for the same.

Your commissioner reports that the said defendant, Josie Savage, has not been paid for her dower interest in said land.

Your commissioner further reports that the said Josie Savage is willing to commute her dower interest in said land and receive cash therefor. Her age is forty-seven (47) years.

4.

Whether the said real estate is divisible in kind among the parties entitled to receive the same, without a sacrifice of interest.

Your commissioner reports that, owing to the large number of persons interested, that the land in these proceedings mentioned, is not divisible in kind among parties entitled to share therein.

5.

Whether any one or more of the parties are willing to take the said property, or any aprt thereof, by allotment and pay to the others what their interest in the same may be worth.

Your commissioner reports that no party in interest will take the entire property, or ~~so much~~ any part thereof, and pay to the other parties in interest such sums as they might be entitled to receive.

6.

Whether it would be to the best interest of all concerned, to sell the property at private sale, in case it should be advisable to sell it at all, for the bid which has already been made for it.

Your commissioner reports that he is advised and believes that the price offered for the property to-wit $7 per acre is an ~~in~~adequate price.

Your commissioner further reports that in his opinion the interest of the parties entitled to share therein, will be promoted by a private sale

of the property, rather than a sale at public auction, as in his opinion, property will not bring that sum at public auction.

7.

Any other matter deemed pertinent by said commissioner, or which shall be required to be stated by any other party in interest.

Your commissioner reports that Josie N. Savage, widow, received the rent of the land, herein mentioned, to-wit, $25, for the year I898, and paid taxes on said land for said year in the sum of $5.69. Since that time C. O. Harrell, one of the parties in interest, has collected, annually, the sum of $25 as rent for said land, which including the year I903, amounts to $I25. The said C. O. Harrell has also paid the sum of $5.69, per annum, in taxes and in addition to said payments for taxes the sum of $I5.00 has been expended in repairs on the property.

Your commissioner reports that the said C. O. Harrell has received no compensation for the care of the property, in the proceeds mentioned, therefore he reports that the said C. O. Harrell should be allowed the sum of ten per-cent. on the gross amount collected by him, as compensation for the same.

Your commissioner further reports that Josie Savage, widow, is entitled to dower in the rent, and that the portion yet due her as such, amounts as of this date to the sum of $I4.45.

Your commissioner begs leave to direct the attention of the court to the depositions of Robert F. Harrell and others, which are herewith filed, and ask that the same be taken as a part of this report.

Respectfully submitted.

W. H. Causey Jr.
Commissioner in Chancery

Walter S. Harrell and others,

Vs.

C. O. Harrell and others,

In Chancery.

Robert F. Harrell, being duly sworn, deposes and says as follows:

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

A. Robert F. Harrell, age 70 years, residence Suffolk, Virginia, occupation, retired. I know all the parties to the suit.

Q. Mr. Harrell, this is a suit brought for a division of the real estate, known as the "Washington Weatherly tract", among all the heirs. Will you please state if you are acquainted with this tract of land, and if so, how long you have known it?

A. I know where the tract of land is, and have known something of it for 40 years. It is partly clear, but mostly woodland. The buildings on it are not of much value, as they have run down considerably.

Q. About what would you consider the annual value of the said tract of land?

A. I should think $25 per year, or fair rental, in its present condition.

Q. How much would you consider the fee simple value of this tract of land, as it now stands?

A. I should say it is worth $I,000.

Q. In your judgment, is this tract of land divisible in kind among the parties ~~the parties~~ entitled to share therein, without a sacrifice of interest?

A. I feel sure that it is not divisible in kind, and for this reason, there are so many heirs that , if you were to divide it out among them all, each share would be so small that its value would be practically destroyed, either for farming purposes or for any other purpose, whatever.

A. My opinion is, that the interest of all parties would be better served if the land was sold as a body, and in a whole, and the proceeds divided among the parties. I feel sure that they would reap much better results from it, and would get more from it in this way than in any other.

Q. It has been said, that an offer has been made, for this tract of land privately, at the price of $7.00 per acre, taking it all in all. What would be your judgment as to the price thus offered?

A. In my judgment, I should consider this a very fair price for the land.

Q. Do you know whether or not any one or more of the heirs are willing to take this land, or any part of it, by allotment and to pay the other heirs for the same?

A. No, I do not.

Q. Under the circumstances surrounding the case, do you think the interest of all the parties to this suit would be better promoted by a private sale, at $7 per acre, or by taking the chances of a sale at public auction, of this tract of land?

A. I believe that better results would be obtained by accepting this offer at $7 per acre at private sale; for then, no risk whatever, would be run and all would know exactly what they were doing.

And further this deponent saith not.

Rob't H Harrell

C. O. Harrell, being duly sworn, deposes and says as follows:

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

A. C. O. Harrell, age 47, Suffolk, Virginia, occupation, brick maker. I know all the parties to this suit. I am one of the defendants.

Q. Are you acquainted with the "Washington Weatherly tract", and if so, how long have you known it and in what condition it is at present?

A. I have known the tract of land about 25 years, part woodland and part arrable land. It is not in a very good condition, at present, because it has been rented now for a number of years, and it is a well known fact that all

rented land deteriorates in value.

Q. State whether or not this land is divisible in kind among the parties entitled thereto, without a sacrifice of interest?

A. As one of the defendants, I feel quite sure that is not, and that everybody's interest in it would be sacrificed, if an attempt was made to divide it in kind; each tract in that case, would be very small and would be robbed of what little value it had.

Q. What would you say of a sale of the land and a division of the proceeds?

A. I think the interest of all parties, including the infant, would be far better served by having a sale of the land, and a division of the proceeds.

Q. Do you know whether an offer has been made to purchase this land at private sale? If so, state it.

A. Yes, the Camp M'f'g. Co. has made an offer of $7 per acre for the land, taking it altogether.

Q. What is your opinion of this offer?

A. I think this is a fair offer for the property.

Q. As one of the defendants, do you think your interest, as well as the interest of others, will be as well served to sell it privately, at this offer, or would it be better to sell it at public auction?

A. I think it would be better to accept this offer, I believe we would all get more out of it in this way.

Q. What, in your opinion, is the annual value of this farm?

A. I have been renting it as agent for all the owners for the last five years, and $25 per year is all I have ever been able to get for it, and it was renting for that when I took charge of it.

Q. What in your opinion, is the fee simple value of this farm?

A. At $I,000 or $I200.

Q. Do you know whether any of the parties, in interest, are willing or desire to take the whole or any part of the said land by allotment, and account to the other heirs for the value thereof?

A. I do not, I have been in correspondence and have seen personally ~~they~~ all ~~do~~ of the heirs and I know they all de-

sire a sale , and that none of them wish to have any part of it alloted to them.

Q. How long have you rented this tract of land, and what have you received for it?

A. I have rented it for five years and received $25 per year, and have therefore received $I25 for it, but I have also paid the taxes on it each year out of this rent, the taxes amounting to $5.69 per annum, and I have also, during that time, spent $15 in improvements on the said tract of land; this I claim as a deduction from the rent received, and also I claim ten per-cent. of the gross amount collected, as compensation for my services. I have accounted to the parties, entitled, already for the rent which I have collected.

And further this deponent saith not.

C C Harvell

Thomas J. Miles being duly sworn deposes and says as follows ;

Q. Please state your name, age, residence, occupation, and whether you know the parties to the suit .

Ans . Thomas J. Miles, age sixty seven, Suffolk Virginia, blacksmith ; I know Mr. C. O. Harrel, I do not know any of the other parties .

Q. Are you acquaunted with the Washington Weatherly tract of land and if so how long have you known it and what do you know of it ?

Ans . I know it quite well . Have known it ever since 1867. I lived in two and one half miles of it since that time till last January twelve months ago. It is partly cleared land and partly wood land . The buildings on it are in a bad state now, and the farm itself is in a bad condition for farming purposes .

Q. Will you please state whether it will be practicable to divide it in kind among the twelve heirs without a sacrifice of interest ?

Ans . It will not in my judgment ; the parts would all be so small that they would only be fit for a graveyard for the different heirs . The value of each part would be practically destroyed .

Q. What in your opinion would be the best way in which to make a division among the heirs ?

Ans . To sell the land as a whole tract and divide the money .

Q. What is its annual value and what its fee simple value ?

Ans .I should say about twenty five dollars per year for rent ; and say from $900 to $1100 as its fee simple value.

I think it has been decreasing in value every year for several years past.

Q. If an offer to purchase this place at seven dollars per acre, were made do you think it would be best for all the heirs to accept this offer in cash, or to the chance of a public sale at auction ?

Q. I should think it much better to accept this offer in cash, for this reason, it would be a clean cut proposition, there would be no risks to run and a all would know just what they were doing. and besides every body in the community knows just how the place has gone down, and would not make high bids on it, and a stranger would have to purchase it .

And further this deponent saith not .

Thomas J. Miles

Depositions
Robert F. Harnett et al.
Report of
Commissioner Lowry
1903 March 11th Filed

Walter S. Harrell et als.
v.
C. O. Harrell 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.Rawles special Commissioner showing that C. O. Harrell has been duly appointed as guardian of the infant A.C. Harrell and has qualified as such and given bond in a sufficient penalty and with sufficient security, to which report no exception has been filed and was agreed by counsel.

On Consideration whereof the court being of the opinion that the said guardian C. O. Harrell has given bond with security sufficient to fully protect all the rights of the infant A. C. Harrell doth order adjudge and decree that the said guardian C. O. Harrell be authorized to withdraw from the Bank of Suffolk the sum of $84 34/100 which said amount had formerly been deposited in said Bank by said Commissioner R.H.Rawles to the credit of the said infant A.C. Harrell, and such Guardian is authorized to expend the principal of such amount in necessaries for such infant, in his discretion.

The objects of this suit having been accomplished it is ordered to be stricken from the docket.

Final Decree

Entered Mar. 17, 1904

Robert R. Hawes

Chancery Order
Book No 3 Page 371

The separate answer of G. O. Harrell to a bill in chancery exhibited against him and others in the Circuit Court of Nansemond County, by Walter S. Harrell and others.

For answer to the said bill, or to so much thereof as it may be necessary to answer, this defendant answering saith:

That the statements contained in the said bill, so far as he is informed, are all true. That the said real estate named therein, belongs, in fee simple, to the plaintiffs and defendants as therein stated, and this defendant does not believe that said real estate can be divided in kind among all the heirs at law, without a sacrifice of interests; nor does he think that any of the plaintiffs or defendants desire either the whole or any part of the same alloted to them; but this defendant believes it would be for the best interest of all concerned for the property to be sold and the proceeds divided among said heirs at law, according to their respective rights; and this defendant further says that he believes the offer which has been made by an outside party for said land, is a just and fair offer, and that it would be for the benefit and interest of all, if the land could be sold privately to said party for the price offered. This defendant, therefore, joins in the prayer of the bill, asking the court to have the said land sold and the proceeds of sale, after the payment of cost and expenses, divided among said heirs at law; and having fully answered, this defendant prays to be hence dismissed, with his reasonable cost in this behalf expended, he will ever pray, etc.

G O Harrell

Answer
of C. O. Hamill

1903 Oct 5th Filed
H. H. Gomez Clk

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

In the Circuit Court for the County of Nansemond,

to wit:

THE ANSWER OF A. C. Harrell an

infant under the age of twenty-one years, by ~~John P. Lee~~ E. E. Holland guardian *ad litem*, assigned to defend him in ~~this~~ suit, to a bill of complaint exhibited against him and others in the Circuit Court for the County of Nansemond, by Walter S. Harrell and others.

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

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

E. E. Holland Guardian *ad litem*.

p. d.

Virginia: Nansemond County to wit:—

I. R. H. Rawles a Notary Public for the County aforesaid in the State of Virginia do certify that ~~John P. Lee~~ E. E. Holland Guardian ad litem for A. C. Harrell an infant, whose name is signed to the above answer has this day after being duly sworn made oath before me in my said County that the statements contained in said answer are True to the best of his Knowledge and belief. Given under my hand this 26th day of October 1903. My term of office Expires on the 28 day of January 1907. R. H. Rawles. N. P.

Form No. 35.

Harrell et als

adv.

ANSWER
OF
INFANT DEFENDANT.

Harrell et als

Walter S. Harrell et als.

vs.

C. O. Harrell et als.

The answer of Josie Savage to a Bill in Chancery filed against her and others in the Circuit Court of Rockingham County by Walter S. Harrell et als.

This defendant answering says: She is the widow of Edward W. Savage deceased; that her present age is forty seven (47) years; that she is informed that she is entitled to dower in the real estate mentioned in the Bill and known as the "Washington Heatherly Land", and that she claims her dower rights in same; but that she is willing to Commute her dower and to take the same in cash at such sum of money as the Court decides is legal and right; and she hereby appoints R. H. Rawles as her attorney at law and in fact to represent her and her interest in said suit who is hereby authorized to act for her in all respects and to do any and all acts for her as fully as if she were personally present. And having fully answered the prays to be hence dismissed with her reasonable costs in this behalf expended and she will ever pray &c.

Sign here [illegible]

Josie Savage,

Answer of
Josie Savage

Dr 7.

1903 Nov 7th Filed
A P Gomez Clk

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

Humbly complaining, showeth unto the court your complainants, Walter S. Harrell, Robert L. Harrell, W. H. Harrell, L. H. Harrell, John B. Harrell, Geo. T. Harrell, Clara Bowen, Nettie Camp and Annie M. Harrell, the following case. Your complainants say that they and C. O. Harrell are the children of of John W. Harrell and that A. C. Harrell is a grandchild of the said John W. Harrell, the said A. C. Harrell being the child of A. C Harrell, deceased, and that your complainants together with the defendants, are the only heirs at law of the said John W. Harrell; and Josie Savage is the widow of Edward W. Savage.

Your complainants say that, as the heirs at law of the said John W. Harrell, they and the defendants C. O. Harrell and A. C. Harrell, the last name being an infant, are seized and possessed in fee simple of a tract of land situated in Holy Neck District, in Nansemond County, in the State of Virginia, containing about one hundred and seventy-four (I74) acres and adjoining the lands of Elisha Davidson, Turner Howell, the Cay tract and the Hayes land. They say that they received this land by virtue of the last will and testament of Washington Weatherly which was probated in the County of Nansemond on the I4th day of September, I874, a copy of which is herewith filed marked exhibit "A" and prayed to be taken as a part of this bill, and that the said will was judicially ~~judiciously~~ construed by a decree of the Circuit Court of Nansemond County, entered on the 23rd day of October, I902, in Chancery orderbook No. 3, page 472 in the Clerk's Office of the Circuit Court of said County, by which said decree the said land was declared to be theirs in fee simple, subject to such rights of dower as the said Josie Savage, widow of Edward W. Savage, deceased, might have in the same according to law. And your orators desire a partition and division of the said estate among ~~amoung~~ the parties entitled thereto, if the same be susceptible of partition without a sacrifice of interests; your complainants, however, believe that owing to the great number of interests, that the same is not Susceptible ~~indebted~~ of partition, and if it be not, ~~driven~~ - then your complainants desire that the same may be sold and the proceeds divided among those entitl-

ed to receive the same, according to their respective rights therein; your complainants further state that so far as they are informed none of those entitled, desire an allotment of any part of said real estate, but it is the wish and desire of all, that the same be sold; your complainants further allege that they are informed that the said Josie Savage, may be entitled to dower in the said real estate, but they are also informed, that she has already received from said estate, or from timber sold therfrom, more than her dower interests would amount to; your complainant furthermore say that an offer has been made to purchase said estate, if sold at private sale, at a sum which they believe to be a fair and just price for the same.

In tender consideration whereof, and forasmuch as your complainants are remediless in the premises save by the aid of a court of Equity, where matters of this kind are alone and properly cognizable, your complainants (~~who is an infant under the age of twenty-one years~~) ~~and~~ pray that the said C. O. Harrell, A. C. Harrell, (Who is an infant under the age of twenty-one years) and Josie Savage be made parties defendant to this bill and required to answer the same, though an answer under oath is waived; that proper process may issue: That a proper gardian ad litem may be assigned to the infant defendant, A. C. Harrell, and required to defend his interests in this case; that all proper accounts may be taken, especially, whether the said Josie Savage is entitled to any dower interest in said estate, and if so, to what extent, and whether she has been paid anything on account of said dower interest; that the said real estate may be partitioned among your complainants, if the same can be done conveniently and without a sacrifice of interest, but if ~~that~~ it cannot be conveniently done, that the said real estate may be sold by a commissioner appointed by your court, and the proceeds divided among those entitled to receive the same according to their respective interests therein; that the said sale may be either publicly or privately, as may to the court seem most advantageous for all parties concerned; that all proper orders and decrees may be made; and for all such other, further and general relief as this case may require, or which to equity may seem meet, and your orators will ever pray, etc. and notice hereby given that the Court will be asked to allow a reasonable fee to Counsel for services in this cause.

Walter J Harrell
Rob L Harrell

W H Hamill
S H Hamill
John B Hamill
Geo Y Hamill
Clara Bannn
Nettie Camp
By C O Hamill Their
agent and Attorney in Fact

Virginia, Nansemond County, To-wit:

I, R. H. Rawles, a Notary Public for the County aforesaid, in the State of Virginia, do hereby certify that C.O. Hamill agent and attorney in fact whose name is signed to the above bill has this day personally appeared before mein my said County, and made oath that the statements contained in the said bill, as coming of his own knowledge are true; and that all the other statements in said bill derived from knowledge or information received from others, he believes to be true.

Given under my hand this 5th day of October, I903.

My commission expires January 28, I907.

R H Rawles N P

Bill.

1903 Oct 5th Filed
H. A. Gomez Clk

Circuit Court.

Tuesday after the second Monday in April and October.

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

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, Commissiouer of Accounts.

Nansemond County Clerks' Office.

Suffolk, Va., ----------, 190---

Waller S Harrell &others
Vs In Chancery
& O Harrell &others

1903 Sept 30th. Process issued returnable to October Rules First Monday.

" Oct 5th Process returned executed on defendants Bill filed and decree nisi as them

" " 1917. Decree nisi confirmed and cause set for hearing.

Chancery Notes

W. S. Harrell vs. C. O. Harrell et als

R. N. Rawles p.q.

Walter S Harrell

vs } In Chancery

C O Harrell et als

1904

March 17th

Final Decree

Costs

Clerk	5.88
"	.36
	$6.24
Shff	1.00
Tax	1.50
atty	15.00
	$23.74

624
150
cek $7.74