1904-014
Nansemond Co (Suffolk) Chancery Causes: W.D Boyett vs Jennie Capeheart et al

Mann, Lewis, Daniel, Lawrence

R H Rawles Special Comm. in Suit W D Boyett vs Jennie Copehart Tales

190 4

To R. R. SMITH, County Clerk of Nansemond County, Dr.

Aug. 1,

Tax and Recording Fee on deed from Union M Lawrence wife to John Daniel $ 1.75

Aug 2/04 Paid A M Lawrence Deputy Clerk.

$ .50

No

Aug 2 1904

Receive of R H Rawlinson

50
100 Dollars

For printing Circulars in connection with Boycott in Copeland case

Peter E Hendrickson

$2.50

August 2nd 1904

No.

Receive of R H Rawles Special Commr

Two 50/100 Dollars

for selling land in case of W.D. Boyett vs Jennie Copeheart et al

J. Walter Travis Clerk

$5.00 Rec'd of R.H. Rawls special Commissioner in W.D. Bryett vs Jennie Copeland et al for making of accounts & vouchers in said cause. Aug. 2. 1904

Scott H. Tucker

$8.50

Recd of R.H. Rawles Special Commr
Eight 50/100 dollars in full of all Costs
and writ Tax in cause of W.D. Boyett
vs Jennie Copeland et al. Aug. 4. 1904.

A.F. Gomez D.C.

$2 81/100. Rec'd of R. H. Rawles Special Commissr in the cause of W. D. Boyett &c vs Jennie Copeland &c for Ten 81/100 dollars being $1 53/100 taxes for 1903: and .28¢ Taxes for 1904 on Lot 1 John Daniel (Col'd) near Suffolk in 1st Prec. Nans. Dist.

S. T. Ellis Co. Tr.

ESTABLISHED 1873.
CIRCULATION 2,200.

SUFFOLK, VA., August 4 1904.

M. R. A. Rawles, Spl. Commissioner

TO SUFFOLK HERALD, DR.

NEWSPAPER AND JOB PRINTING ESTABLISHMENT.

NO. 9 WASHINGTON SQUARE.

ALL BILLS PAYABLE ON FIRST OF MONTH.

Mar	3	Pub. 4 times Suit W. D. Boyett vs J. Capehart Sals.		3 50
June	11	50 Bills " " "		1 00
				4 50

Paid Aug 4 1904
Suffolk Herald
Ko

$66.00

August 5th 1907

Received of R H Rawls Sp'l Commr

Sixty Six 100 Dollars

in full payment of debts due to me as reported in

Cause of W D. Boyett vs Jennie Capehart et als

in Circuit Court.

No

W D Boyett

Nov 190 3

M John Daniel, Dr.

To T. W. ARTMAN, Commissioner of Revenue.

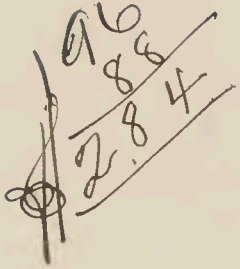
To transferring 1 ~~acres or~~ Lot of Land

from S. M Lawrence $1.00

Located Cypress Dist

Received payment T. W. Artman

Aug 4/1904


QC
88
.284

Mr. John Daniel Dr.

1902

To S. T. ELLIS, Treasurer of Nansemond County, Virginia.

No.	STATE TAXES. State Tax Support Gov. 20c. on $100. R. E and P. P. Schedule B.	State Tax Support Gov. 25c. on $200. P. P. Sched. C	State School Tax 10c. on $100. R. E. & P. P. Sched. B. & C	State Tax for Pensions 5c. on $100. R. E. & P. P. Schedule B.	County Levy. 20c. on $100	County Road Tax, 15c, on $100.	County School Tax, 5c. on $100.	District School Tax. 5c. on $100.	Parish Levy. 8c. on $100.	TOTAL TAX.
Real Estate, acres 1 0 1 valued $ 100	20		10	05	20	15	5	5	8	88
Personal Property, schedule B. val. $										
Personal Property, schedule C. val. $										
Value $										
Poll-Tax for State and County										1 50
Total										88
5 per cent. penalty										
Total										

Received payment 4 day of Aug 1904

Pd by R D Rawls

W. A. Kirby Treasurer.

Mr. John Daniel ---------- Dr.

See R. W. Writers

1903.

To S. T. ELLIS, Treasurer of Nansemond County, Virginia.

No. 227

	STATE TAXES.																	
	State Tax Support Gov. 20c. on $100. R. E. and P. P. Schedule B.		State Tax Sup. Gov. 25c. on $100. P. P. Sched. C		State School Tax, 10c. on $100. R. E. & P. P. Sched. B. & C		State Tax, for Pensions 5c. on $100. R. E. & P. P. Schedule B.		County Levy, 20c. on $100.		County Road Tax, 15c. on $100.		County School Tax, 5c. on $100.		District School Tax, 5c. on $100.		Parish Levy, 8c. on $100.		TOTAL TAX.	
Real Estate, acres 1 lot valued $ 100		20				10		5		20		15		5		5		8		88
Personal Property, schedule B. val. $																				
Personal Property, schedule C. val. $																				
Value $																				
Poll-Tax for State and County																			~~1~~ 50	
Total																				88
5 per cent penalty																				4
Total																				92

Received payment 4 day of Aug 1904 Interest

P. by R. W. Revels. W. A. King Treasurer. 96

$10.48

Oct. 4th 1904

Received of R. H. Rawles Special Commissioner
Ten 48/100 Dollars
in full payment of all coming to me from the sale of my Cotton & Corn Daniels' Land in the suit of W. D. Bozell vs Jennie Copeland et als. and do release all errors and release the said Special Commissioner from all further obligations whatever.

No Witness
L. D. Jacobs

her
Susan X Mann
mark

$ 10. 48/100

Oct 4th 1904

Received of D.H. Rawls special Commissioner

Ten 48/100 Dollars

in full payment of all claims & demands for the sale by my brother John Daniel Land in the suit of D.H.S. Bryett vs Jennie Copeheart et als and we release all errors and releases said Special Commissioner from all further obligations thereon.

No Witness
L.D. Jacobs.

her
Jennie X Copeheart
mark

$5-24/100

Oct. 14th 1904

Received of R. H. Rawls Special Comm

Five 24/100 Dollars

in full for such amount due 24/100 part of the money from the sale of the John Dennis land in the chancery suit of W. D. Byrd vs Jennie Copeland et al in the Circuit court of Jasper County.

Witness

No P. J. Gregory

Willis X his Daniel

mark

$5.26/100

Oct 14th 1904

Received of W. A. Rawls Special Comm

Five 26/100 Dollars

in full of the amt due me from the Estate of the late John Lazenby Dec'd in the Chancery Suit of W. D. Bozell Vs Jennie Copeland et al in the Circuit Court of Marion Co. Miss and Co.

Witness
R. T. Gregory

Reuben X Daniel
his mark

No

$5.24/100

Oct. 12th 1904

Received of R H Rawls Special Commr

Five 24/100 Dollars

in full payment of my share of the money due to me from the sale of the Cook in the chancery suit of W. D. Boyett vs. Jennie Copeland et al in the Circuit court of Habersham County.

her
Margaret X Joyner
mark

W. Boyett R Rawls

$5.- 24/100

Oct. 19th 11 1904

Received of R. H. Rankin Special Commr

Five 24/100 Dollars

in full payment of the amount due my party to-
day of the John Daniel Land in the Chancery
suit of W. D. Bozell vs Jennie Copeland &c.
pending in Cir. Ct. Jefferson County.

Witness:-
No Practicallen

Pattie Lewis

THE SUFFOLK PEANUT CO.
SUFFOLK, VA.

Judge Rawls
City

Vouchers.

$\$$ ..... *Suffolk, Va.,* *188*

..... *after date* .....

promise to pay to THE FIRST NATIONAL BANK, of Suffolk, Va., or order, negotiable and payable without offset, at said Bank, ... *DOLLARS*

for value received; having deposited with said Bank, as collateral security for the payment of this note,

.....

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.....

with such additional collaterals as may, from time to time, be required by its President or Cashier, and which additional collaterals ..... *hereby promise to give at any time, on demand. If these additional collaterals be not so given when demanded, then this note is to be due; and rebate of interest taken shall be allowed on payment prior to maturity. And* ..... *hereby give to said Bank, its President or Cashier, full power and authority to sell and assign and deliver the whole or any part of said collaterals, or any substitutes therefor, or any additions thereto, at public or private sale, at the option of said Bank, or its President or Cashier, or either of them, on the non-performance of the above promises, or any of them, or at any time thereafter, and without advertising or giving to* ..... *any notice, or making any demand of payment.*

IT IS ALSO AGREED *that said collaterals may from time to time, by mutual consent, be exchanged for others, which shall also be held by said Bank, on the terms above set forth; and that if* ..... *shall come under any liability or enter into any other engagement with said Bank, while it is the holder of this obligation, the net proceeds of the sale of the above securities may be applied either on this note, or on any other of* ..... *liabilities or engagements held by said Bank, as its President or Cashier may elect: and we the maker or makers, hereby waive the benefits of our Homestead Exemptions as to this debt and contract.*

.....

Susan Mann.	1 Pd	10.48
Jennie Copeland.	1 Pd	10.48
Margaret Taylor	1/2	5.24
William Lewis	1/2	5.24
Willis Daniel	1/2	5.24
Reuben Daniel	1/2	5.24
		41.94

4/4194
1048

Virginia, Nansemond County, To-wit.

In the clerk's office of the the Circuit Court of Nansemond County, Virginia, in vacation, on this IIth day of February, I904.

W. D. Boyett — Plaintiff.

vs.

Jennie Capeheart,

Susan Mann and — Defendants.

William Lewis.

The object of this suit is to recover judgment against the estate of John Daniel, deceased, for the sum of $-60-, with interest thereon from the -27th-day of December 1902, until paid, and to subject the real estate of the said John Daniel, in this county, to the payment of the said debt, said real estate being a certain lot in the county and state, aforesaid, situated on Pleasant Hill, and being the same that was conveyed to the said John Daniel by Simon N. Lawrence and wife, by deed dated the 7th day of June, I902. And affidavit having been made and filed that the defendants are non-residents of the State of Virginia, it is ordered that they appear at the said clerk's office within fifteen (I5) days after due publication hereof, and do what may be necessary to protect their interests; that a copy of this order be published ~~at~~ once a week for four successive weeks in the Suffolk Herald, and posted at the court-house door of this county and of the said court on or before the next succeeding rule day after it is entered, ~~a copy teste~~.

~~A Copy Teste~~: S. N. Lawrence D.C.

R. H. Rawles Jr.

On den Publication

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, Commissioner of Accounts.

Nansemond County Clerks' Office.

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

VIRGINIA, NANSEMOND COUNTY, To-wit: In the Clerk's Office of the Circuit Court of Nansemond county, Virginia, in vacation, on this 11th day of February, 1904.

W. D. Boyett.....Plaintiff

vs.

Jennie Capeheart, Susan Mann and William Lewis.....Defendants.

The object of this suit is to recover judgment against the estate of John Daniel, deceased, for the sum of $60 with interest thereon from the 27th day of December, 1902, until paid, and to subject the real estate of the said John Daniel in this county to the payment of the said debt, said real estate being a certain lot in the county and State aforesaid, situated on Pleasant Hill, and being the same that was conveyed to the said John Daniel by Simon M. Lawrence and wife, by deed dated the 7th day of June, 1902 An affidavit having been made and filed that the defendants are non-residents of the State of Virginia, it is ordered that they appear at the said clerk's office within fifteen (15) days after due publication hereof, and do what may be necessary to protect their interest; that a copy of this order be published once a week for four successive weeks in the SUFFOLK HERALD, and posted at the Courthouse door of this county and of the said court on or before the next succeeding rule day after it is entered.

A Copy Teste:

S. M. LAWRENCE, D. C.

R. H. RAWLES, p. q.

Publication Fee $

Order of
Publication

Virginia:
Nansemond County, to wit:

In the Office of the Clerk of the Circuit Court of Nansemond County in vacation on the 11th day of February 1904:

I S.M. Lawrence Deputy Clerk of the Circuit Court of Nansemond County, do hereby certify that R.H. Rawles agent and attorney for W.D. Boyett for this day made oath before me in my said Office that the defendants Jennie Copeheart, Luson Mann and William Lewis in the chancery suit of "W.D. Boyett against the said Jennie Copeheart Luson Mann and William Lewis" now pending in said Court are, to the best of his Knowledge and belief, non-residents of the State of Virginia. Given under my hand this 11th day of February 1904.

S.M. Lawrence, D.C.

Signed:
R.H. Rawles agent
and atty for W.D. Boyett.

Affidavit
as to Non-residents

To the Clerk of the Circuit Court of
Mauermond County:

W. D. Boyett Pltff

vs

Jennie Capehart
Susan Mann
and William Lewis. Defts

Issue summons for plaintiff against
defendants to second Tuesday rules
(third Monday) 1904 to answer a
Bill in Chancery.

Tax $1,50 ixd R H Rawles. p.q.

Memo. for Clerk

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Jennie Capehart Susan Mann and William Lewis

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 Third Monday in February 1904, to answer a Bill in Chancery, exhibited against them in the said Court by W D Boyett

and have then and there this summons.

Witness, ~~A. P. COMER~~ R R Smith, Clerk of our said Court, at his office, this 11th day of February, 1904, in the 128th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste: R R Smith, CLERK.
By S M Lawrence D.C.

R N Rawles p. q.

W D Boyett

vs. | In Chancery.

Jennie Capeheart &c

1904

February Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 2

Page 251

Jerome Copeheart Admr Mann
Jane Williams &c
Injunction
Filed 15th Feb 1904

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Jennie Leapheart Susan Mann and William Lewis

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 Third Monday in February 1904, to answer a Bill in Chancery, exhibited against them in the said Court by W D Boyett

and have then and there this summons.

Witness, ~~A. P. GOMER~~ R P Smith, Clerk of our said Court, at his office, this 11th day of February, 1904, in the 128th year of the Commonwealth.

A copy—Teste:
S M Lawrence, D C, ~~CLERK.~~

Teste:
R P Smith, CLERK.
By S M Lawrence, D C

R N Raiveles p. q.

A copy for
William Lewis

vs. | *In Chancery.*

1904

February ---*Rules.*

Third ---*Monday.*

Nansemond Circuit Court

Process Book No. 2

Page 251

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Jennie Peakehearst Susan Mann and William Lewis

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 third Monday in February 1904, to answer a Bill in Chancery, exhibited against them in the said Court by W D Boyett

and have then and there this summons.

Witness, ~~A. P. COMER~~ R R Smith, Clerk of our said Court, at his office, this 11th day of February, 1904, in the 128th year of the Commonwealth.

A copy—Teste:
S M Lawrence DC, ~~CLERK.~~

Teste:
R R Smith, CLERK.
By S M Lawrence DC.

R. H. Ravenel p. q.

A Copy for
Susan Mann

vs. | *In Chancery.*

1904

February *Rules.*

Third *Monday.*

Nansemond Circuit Court.

Process Book No. 2

Page 251.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Jennie Capeheart Susan Mann and William Lewis

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 Third Monday in February 1904, to answer a Bill in Chancery, exhibited against them in the said Court by W. D. Boyette

and have then and there this summons.

Witness, ~~A. P. COMER~~ R. R. Smith, Clerk of our said Court, at his office, this 11th day of February, 1904, in the 128th year of the Commonwealth.

A copy—Teste:
S. M. Lawrence D.C., ~~CLERK.~~

Teste: R. R. Smith, CLERK.
By S. M. Lawrence D.C.

R N Rawles p. q.

A Copy for
Jennie Capehart

vs. | In Chancery.

1904

February Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 2

Page 251

Know All Men by These Presents, That we, R N Rawles and W D Boyett

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of One Hundred ($100) DOLLARS,

to the payment whereof, well and truly to be made to the Commonwealth of Virginia, we bind ourselves, 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 Commonwealth arising under this bond, or by virtue of the office, post or trust herein mentioned, with coupons detached from bonds of said State.

Sealed with our seals, and dated this 21st day of July in the year of our Lord one thousand nine hundred and four, and in the 129th year of the Commonwealth.

~~In Testimony Whereof, the said ..... has hereto set his hand and seal, and the said ..... has caused its corporate name to be hereto signed, and its corporate seal to be hereto affixed, this ..... day of ..... in the year of our Lord, one thousand nine hundred and ....., and in the ..... year of the Commonwealth.~~

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound R N Rawles who was by a decree entered in the Chancery cause of W D Boyett Complainant against Jennie Copeland and others defendants on the 12th day of July in the year 1904 appointed Special Commissioner to sell the real estate mentioned and described in the bill in this cause shall faithfully discharge his duties under said decree or any other decree entered in said Cause then this obligation shall be void but otherwise remain in full force and effect.

R N Rawles SEAL

W D Boyett SEAL

SEAL

SEAL

SEAL

VIRGINIA:

In the Clerk's Office of the Circuit Court of Nansemond County, on the 21st day of July, 1904:

The above bond was executed and acknowledged before me by the obligors to the same (the security ---justifying), and ordered to be recorded.

Teste:

A Copy Teste: A E Gomes D C

A E Gomes D.C.

R. A. Rawles

To Spec. Comr. Bond

The Commonwealth.

1904

July 21st-

Recorded in Official Bond Book No 1 Page 386 Circuit Court

A Copy

TO THE HONORABLE ROBERT R. PRENTIS JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY.

Your undersigned special commissioner, in the case of W. D. Boyett vs. Jennie Capeheart and others, now pending in said court, respectfully reports to the court that, pursuant to decree entered in said cause, on the Ist day of August, I904, he has made to the purchaser of the real estate, in the bill and proceedings mentioned, a deed for said real estate, with the usual covenants of title; that he has collected, from the said purchaser, W. D. Boyett, the whole of the purchase money, amounting to $I5I; that he has paid off all the expenses of said suit and sale; that he has paid the debt due to the complainant, W. D. Boyett, as stated in the bill, and the remainder of the money he has paid over and distributed to the heirs-at-law of John Daniel, deceased. And your special commissioner herewith renders an account, showing the distribution of the said money accompanied by proper vouchers, all of which is respectfully submitted.

Amount of purchase money received from John Daniel lot.		$I5I.00
Paid out.		
R. R. Smith, clerk of court, recording deed	$I.75	
P. H. Shackleford, posting bills	.50	
J. W. Hosier, crier	2.50	
R. H. Rawles, Atty. taxed fee	5.00	
R. H. Rawless, writing deed to purchaser	5.00	
R. H. Rawles commissions on sale	7.50	
R. W. Withers, commissioner in Chancery	5.00	
Robert R. Smith, clerk of court, cost in case, including writ tax	8.50	
S. T. Ellis, treasurer taxes	2.8I	
"Suffolk Herald" advertisement	4.50	
W. D. Boyett account and interest	66.00	
Total	$I09.06	$I09.06
Balance due heirs-at-law of John Daniel		$4I.94

Forward $ 41.94

Paid Susan Mann, whole sister of John Daniel, deceased, $10.48

Paid Jennie Capeheart, whole sister of John Daniel, ", 10.48

Paid Willis, half brother of John Daniel, deceased, 5.24

Paid Reuben, half brother of John Daniel, deceased, 5.26

Paid Margaret Taylor, half sister, John Daniel, deceased, 5.24

Paid Pattie Lewis, wife Wm. Lewis, half brother of
John Daniel, deceased, as per his order, herewith attached 5.24

$ 41.94

R H Rawles
Special Commr.

Report of
Distribution

Filed Oct. 19. 1904.

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

The undersigned special commissioner, in the chancery cause entitled W. D. Boyett vs. Jennie Capeheart et als, now pending in said court, respectfully begs leave to report that, pursuant to a decree entered in said cause on the I2th day of July, I904, the said special commissioner, after having given bond, as required by said decree and having advertised the real estate mentioned in the bill in said cause, according to the requirements of the said decree, and having in all other respects complied with all the provisions of said decree, he proceeded on the 30th day of July, I904, before the Post Office door, in Suffolk, Virginia, to sell the real estate in the bill and proceedings mentioned.

The same was sold on the time, and according to the terms prescribed by the said decree, and was struck off to Simon M. Lawrence for the sum of one hundred and fifty ($I50) dollars, he being the highest bidder for the same.

Your special commissioner further reports that the purchaser has elected to pay the whole of the purchase money in cash, which he has accordingly done.

Your commissioner would respectfully report that in his opinion this is a very fair sale, as the property brought more than double the sum, at which it was valued by the commissioner to whom the papers in this cause had been referred. Your commissioner therefore respectfully asks that the court will confirm the said sale and order that a deed be made to the purchaser for the said property; all of which is respectfully submitted.

R. A. R. Rawles
Special Commr.

Report of Sale.

Filed Aug 1. 1904
A.P.S. D.C

Commissioner's Office, Suffolk, Virginia, June, 2, 1904.

The parties in the suit of W. D. Boyett vs. Jennie Capeheart, Susan Mann and William Lewis, and others, will take notice, that on the 23rd day of June 1904, at my office in the town of Suffolk, I will proceed to execute the decree rendered in said cause by the Circuit court of Nansemond county on the 23rd day of May, 1904, when and where they are required to attend with such books, papers, vouches and evidence, which will enable me to comply with the said order of court.

Robt. N. Withers
Commissioner in Chancery

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

W D Boyett by
R A Rawles Atty

Commissioner's Office, 23rd day of June, 1904.

The undersigned in pursuance of a decree entered in the cause of W. D. Boyett vs. Jennie Capeheart, Susan Mann, and William Lewis, by the Circuit Court of Nansemond county, on the 23rd day of May, 1904, wherein the commissioner is required to inquire into and report to the Court:—

"1. An account of the real estate of which John Daniel died seized and possessed, together with its annual and fee simple values.

2. the liens thereon, if any, together with their amounts, dignities and priorities, and whether the same has ever been sold for delinquent taxes.

3. whether the said real estate will rent for enough in five years to pay off and discharge the amount due by the said John Daniel to the said W. D. Boyett, after paying the costs and expenses of this suit.

4. who are the heirs-at-law and distributees of the said John Daniel, deceased.

5. What personal estate, if any, was left by said John Daniel.

6. Any other matter deemed pertinent by said Commissioner, or which may be required to be stated by any party in interest."

All the parties to this suit except the plaintiff who has accepted service of process as will appear by the return thereto attached, being non-residents, have been proceeded against in the manner prescribed by law as to non-resident defendants, and no notice could or has been served upon them as is allowed by the statute in such case made and provided.

Your Commissioner proceeded on the 23 day of June, 1904, to execute the said decree; and the said proceedings being completed, ~~and~~ he reports as follows:

1. the real estate owned by John Daniel, at the time of his death is described in the bill of the complainant in this suit; it consists of a small lot of land, or half lot of land in that suburb of the town of Suffolk, known as Pleasant Hill.

Your Commissioner is informed that the fee simple value of the said lot of land is $65.00 or $75.00, and that it has no rental value in

its present condition, the house there on being in a ruinous state.

2. There are no liens of record upon this land and the same has never been sold for delinquent taxes, there are due on said lot, taxes for the years 1903, and 1904, amounting respectively to $1.93, and $.88, making a total of $2.81.

3. Said lot of land will not rent for enough in five years to pay off the amount due by the said John Daniel ~~and~~ to the said W. D. Boyett, after paying the cost and expenses of this suit.

4. Your Commissioner was unable to ascertain the heirs at law and distributees of John Daniel decease, other than set forth in complainant's ~~build~~ bill.

5. John Daniel was ~~in~~ charged with no personal estate on the personal tax books of this county, and your Commissioner is informed that he had none in this county, and that he resided in Norfolk, county. And it being required by complainant to be so stated, your commissioner further reports that complainant proved a claim against the estate of the said John Daniel amounting to Sixty dollars, and that no other claims were so proved before him.

Respectfully submitted.

Fee $5.00

Paid.

Robt. N. Riches

Commissioner in Chy.

#6n2.00

W. D. Boyett

vs.

Jennie Capehart, Susan Mann and William Lewis

Commissioner's Report

Filed June 24. 1904.

A P Gomeyac

Fee $5.00

ROBT. W. WITHERS,
ATTORNEY AT LAW,
SUFFOLK, VA.
PRACTICING IN ALL COURTS IN FIRST JUDICIAL CIRCUIT.

1904 Dec

JEWELL & COMPANY, PHILADELPHIA.

LAP OVER MARGIN

AUCTION SALE

—OF—

REAL ESTATE

By virtue of a decree of the Circuit Court of Nansemond County entered on the 12th day of July, 1904, in the chancery cause entitled "W. D. Boyett vs. Jennie Capeheart et als," I shall sell at public auction, to the highest bidder, before the postoffice door, in Suffolk, Virginia, at 12 o'clock M.,

ON SATURDAY, JULY 30, 1904,

THE FOLLOWING REAL ESTATE TO-WIT:

That certain lot or parcel of land situated in Nansemond county, Virginia, in what is commonly called "Pleasant Hill," near Suffolk, in Cypress district, and being a part of the Henry Wilson land and bounded and described as follows: All that certain lot or parcel of land fronting on the north side of Pleasant street and known as the southern half of lot No. 74 on the plat of building lots recorded in D. B. No. 24, page 25, in the Clerk's office of Nansemond County Court, and bounded north by the lot of David White (the northern half of lot No. 74); east by the land of the Norfolk and Carolina Railroad Company; south by said Pleasant street, and west by lot No. 75 on said plat, and being the same lot conveyed to John Daniel by Simon M. Lawrence and wife by deed dated June 7, 1902, and deed recorded in said Clerk's office.

TERMS:—One-half cash, balance in two equal installments of six and twelve months, purchaser to give bonds with good security for deferred payments, bearing interest from date until paid and title to be retained until further order of court; but the purchaser will have the option to pay whole of purchase money in cash if he so desires.

R. H. RAWLES,
Special Commissioner.

JULY 15, 1904.

I, R. R. SMITH, Clerk of the Circuit Court of Nansemond county, do certify that R. H. Rawles, special commissioner, in the above entitled chancery cause, has given bond as required by decree in said cause with security deemed sufficient by me. A. P. GOMER, D. C.

In the Circuit Court of Nansemond County, in vacation, on the Ist day of August, I904.

W. D. Boyett #
vs. # In Chancery.
Jennie Capeheart et als. #
#

By consent of the complainant, the defendants against whom the cause has been ordered by order of publication and who have not appeared by motion, demurred, plead or answered.

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 ----1st---- -- day of August, I904, and to which no exception has been filed, and was argued by counsel.

On consideration whereof, it appearing to the said court from the papers filed in said cause, that the said special commissioner, R. H. Rawles, after having fully complied with all the terms and requirements of the said decree, entered in said cause on the I2th day of July, I904, has sold the real estate mentioned in the bill in this cause for the sum of ~~eight~~ one hundred and fifty (~~$800~~ $150) dollars, and that the purchaser of the same has elected to pay the whole of the purchase money in cash, which he has accordingly done; and the court being of the opinion that the said sale was in all respects a fair one and the price fully adequate, doth confirm the same and doth further adjudge order and decree that the said R. H. Rawles special commissioner shall make to the purchaser of the said real estate, in the bill and proceedings mentioned, a deed for the same, with the usual covenants of title. And out of the proceeds arising from the sale of the said real estate, the said special commissioner shall first pay off and discharge all the expenses of this suit and sale, as well as the taxes reported on the said real estate by R. W. Withers, commissioner, and then to pay off and discharge the debt due to W. D. Boyett, as claimed in said bill, and the residue of the said purchase money shall be paid over to the heirs-at-law and distributees of the said John Daniel, deceased; and he is required to report all his actions under this decree and this cause is continued. All of which is hereby certified

Decree
Confirming Sale.

Enter
August 1, 1904
Robt. H. Blount

Entered in Chancery
Order Book No 3
Page 598

to the Clerk of said Court to be
entered in the Chancery order
Book.

To the Clerk of the Circuit Court of the Northern Circuit of Duval County.

Robt. H. Blount

W. D. Boyett

vs.

Jennie Capehart et als

In Chancery.

This cause came on this day to be heard on the papers formerly read, as well as on the report of R. W. Withers, one of the commissioners in chancery of this court, to whom the papers in this cause had been referred, which said report was filed on the 24th day of June, 1904, 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 advertising the time, place and terms thereof, for two weeks, by hand-bills duly posted, proceed to sell at public auction, before the Post Office, in Suffolk, Virginia, on some day named in said advertisement, the real estate mentioned and described in the bill in this cause, and belonging to John Daniel, deceased. The said property shall be sold on the following terms, to-wit:

One-half cash and the balance of the purchase money in two equal installments at six and twelve months each, the purchaser to give bonds for the deferred payments bearing interest from date until paid, at six per-cent. per annum, but the purchaser may have the option, if he so desires, after the sale is over, to pay the whole of the purchase money, in cash, and the title to the said property shall be retained until the whole of the purchase money is paid, and until the further order of this court; but the said special commissioner shall not act under this decree until he shall have first entered into a bond in the penalty of $100.-- before the clerk of this court, and conditioned for the faithful discharge of his duties under this and all other decrees that may be rendered in this cause. And the said special commissioner is directed to report his actions under this decree to this court, and this cause is continued.

Decree for Sale.

Enter:

July 12, 1904

Robert R. Prentis

Entered in Chancery
Order Book No. 3.
Page 591

W. D. Boyett

vs.

Jennie Capeheart, et als.

This cause came on this day to be heard on the papers formerly read as well as on the petition of W. D. Boyett praying that A. H. Baker, committee of the estate of John Daniel, deceased, be made a party defendant to said cause, and was argued by counsel.

On consideration whereof, the court being of opinion that the said A. H. Baker, committee of John Daniel, deceased, should be a party defendant to said cause, doth order, adjudge and decree that the said A. H. Baker be made a party defendant to said cause, and this cause is continued.

Decree: 1

Entered:-

May 23, 1904

Robert R. Reynolds

Entered in Order Book
No 3 Page 584

W. D. Boyett Plaintiff
vs.
Jennie Capeheart,
Susan Mann and
William Lewis. } Defendants } In Chancery.

This cause came on this day to be heard on the bill and exhibit filed and the defendants, who appear to have been proceeded against in the manner prescribed by law, failing to plead, answer or demur, the said bill was taken for confessed as to them, 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 of which John Daniel died seized and possessed, together with its annual and fee simple values.

Second: the liens thereon, if any, together with their amounts, dignities and priorities, and whether the same has ever been sold for delinquent taxes.

Third: Whether the said real estate will rent for enough in five years to pay off and discharge the amount due by the said John Daniel to the said W. D. Boyett, after paying the costs and expenses of this suit.

Fourth: who are the heirs-at-law and distributees of the said John Daniel, deceased.

Sixth: Any other matter deemed pertinent by said commissioner, or which may 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 2

For Accounts

Enter:

May 23, 1904

Robert Prewitt

Entered in Chancery
Order Book No 3
Page 384

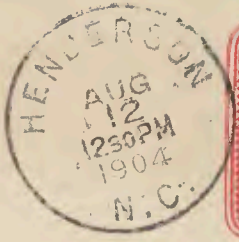
New York am
Oct 17 Ot 1.
Oct 17

Mrs Ropes Dear
Sir I am to tell you
Dear Garet Fay. I am to
tell you one and
one am to tell
us all to not but I tell
of us cause I am the
oldest but one of the sis ters
Dear Garet Fay Ropes

After 10 days, return to

Margaret Taylor

HENDERSON, N. C.



Mr. R H Rawles

atty. at Law.

Suppoena

AUG 2
5 PM
1954
RECD.

Richmond Va Aug. 11th 1904.

R. H. Rawles,
Attorney at Law.
Suffolk Va

Dear Sir:-

Please pay to my wife Pattie Lewis whatever sum of money is due me from the estate of my half-brother John Daniel, deceased.

Yours respectfully
his
William X Lewis
mark

Witness:
E. A. Morgan

The Penitentiary.
Richmond Va. Aug. 11th 04.

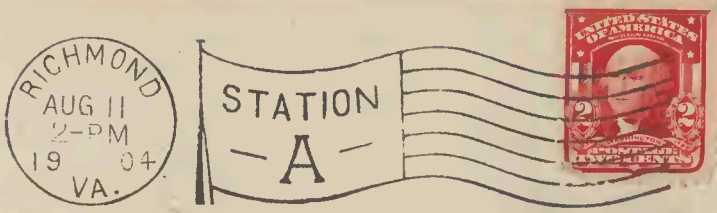
R. H. Rawles, Attorney.
Suffolk Va.

Dear Sir:-

Your favor of the 10th inst. received and contents noted. John Daniel, deceased, was my half-brother, Susan Mann and Jennie Capehart, are my half Sisters. Margeret Taylor is my whole Sister, the only whole Sister I have. There are no other Brothers or Sisters living and no other heirs of the deceased. What ever money is due me from the estate, I wish to have same paid over to my wife Pattie Lewis, not (Hattie Lewis") I enclosed herewith order to have it paid over to her as requested. Thanking you for your interest in this matter I remain

Yours respectfully

Wm Lewis # 1510.



R. A. Rawles,

Suffolk,

Attorney at Law. Virginia.

SUFFOLK
AUG 2

Virginia, Nansemond County, To-wit:

We, the undersigned, Susan Mann and Jennie Capeheart, being duly sworn do hereby swear and affirm that we are both whole sisters of John Daniel, deceased; that Margeret Taylor was his half sister; that William Lewis was his half brother; that Willis Daniel and Reuben Daniel were also his half brothers; and we further swear that he had no brothers or sisters or half brothers or sisters, nor the descendants of any others, and that those above named, together with all ourselves, are his only heirs-at-law all of which we solemnly swear and affirm to be true.

Given under our hands this 4th day of October, 1904.

Witness
J. D. Jacobs

Susan her X Mann mark

Jennie her X Capeheart mark

Sworn to and subscribed before me this 4th day of October 1904

R. H. Lawler N. P.

TO THE HONORABLE ROBERT R. PRENTIS JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY.

Your undersigned petitioner, W. D. Boyett, respectfully represents to the court that he is advised that in the chancery cause of W. D. Boyett vs Jennie Capeheart, et als, now pending in said court, A. H. Baker, sheriff of Nansemond County, and committee administrator of the estate of John Daniel, deceased, ought properly to have been made a party defendant to said suit and required to answer said bill.

Your petitioner therefore prays the court that the said A. H. Baker, sheriff and committee, as aforesaid, may be made a party defendant to said cause and be required to answer said bill, though an answer under oath is waived.

And your petitioner will ever pray, etc.

W D Boyett
By Counsel

Petition of W. D. Boyett

W. D. Boyett	#	
vs.	#	In Chancery.
Jennie Capeheart, 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 I9th day of October, I904, and to which no exception has been filed, and was argued by counsel.

On consideration whereof, it appearing to the court, from said report, that the said R. H. Rawles, Special Commissioner has collected the whole of the purchase money for the real estate, mentioned in the bill, and heretofore ordered to be sold; that he has made , to the purchaser thereof, ~~W. D. Boyett~~ Simon M. Lawrence, a deed for the said real estate, with the usual covenants of title; that he has paid all the costs and expenses of this suit and sale, including taxes due on said real estate; that he has paid the bill of the complainant, W. D. Boyett, in full, and that he has distributed the remainder of the purchase money among the heirs-at-law and distributees of the said John Daniel, deceased, and that he has filed proper vouchers showing all of the payments; the court doth 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.

Final Decree. 2

Enter Oct. 31, 1904

Robert Ruhlis

Entered in Chy. Order
Book. No. 3. Page 611.

---#

N. D. Boyett #

vs. #

Jennie Capeheart, et als. #

#

The answer of A. H. Baker, Sheriff of Nansemond County, and committee of the estate of John Daniel, deceased, to a bill in chancery exhibited against him and others, in the Circuit Court of Nansemond County, by N. D. Boyett.

For answer to the said bill, or to so much thereof, as it is necessary that this defendant should answer, this defendant answering, saith: that he was appointed committee of the estate of John Daniel, deceased, by an order of the Circuit Court of Nansemond County, at the May term, I904; that he is informed that the said John Daniel, deceased, left no personal or chattel property, or mixed property of any kind, whatever; and certain it is, that your respondent has not been able to find any such property of the said John Daniel, deceased, nor has anyone produced any such property to him.

As to the other facts charged in the bill, this defendant has no knowledge, but he has no reason to think they are not true. And having fully answered, this defendant prays to be hence dismissed with his reasonable cost in this behalf expended, and he will ever pray, etc.

A. H. Baker
Committee of the Estate
of John Daniel dec'd

Answer of
A. H. Baker, Committee

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

Humbly complaining showeth unto your honor, your orator, W. D. Boyett, the following case:

Your orator says, that sometime in the month of December, I902, John Daniel departed this life intestate, leaving as his only heirs-at-law his two sisters, Jennie Capeheart and Susan Mann, and his half-brother, William Lewis. He further says that during the year I902 the said John Daniel became indebted to your orator in the sum of Sixty Dollars, ($60), partly for goods sold and delivered unto him, at his request, and partly for cash loaned him. He further says that, the said John Daniel was at the time seized and possessed of a certain lot of real estate situated on Pleasant Hill, in Cypress District, in Nansemond County, and bounded and described, as follows:

" All that certain lot or parcel of land fronting on the north side of Pleasant Street, and known as the southern half of lot No. 74 of the "Henry Wilson land;" and bounded on the north by the lot of David White (the northern half of lot No. 74) on the east by the land of the Norfolk & Carolina Railroad Company; on the south by the said Pleasant Street; and on the west by lot No. 75, in the plat of the said Wilson lot; it being the same lot that was conveyed to the said John Daniel by Simon M. Lawrence and wife, by deed dated the 7th day of June, I902, but never recorded; which said deed is herewith filed and marked exhibit "A" and prayed to be taken as a part of this bill.

Now your orator further says that his said debt is a lien on the said real estate, by virtue of the following facts: he says, at the time the said John Daniel became indebted to him in the sum aforesaid, he refused to grant him credit until the said John Daniel should furnish him with reasonable security for the same, and that the said John Daniel then and there brought him the said deed, which is herewith filed, and deposited the same with him as security for his said debt, with the understanding that your orator should hold the said deed as his own property until the said debt should be paid, and in case of failure, to pay the same that he might subject the said real estate to payment of the same; and your orator is

therefore advised, believes and charges that his said debt is a lien on the said real estate, and he asks that the same may be sold to satisfy his said indebtedness. Your orator is further informed and believes, and therefore charges, that the said Jennie Capeheart, Susan Mann and William Lewis are non-residents of the State of Virginia; he therefore asks that an order of publication, according to law, may be had against them.

In tender consideration whereof, and for-as-much as your orator is remediless in the premises save by the aid of a court of equity, where such matters are alone and properly cognizable, your orator prays that the said Jennie Capeheart, Susan Mann and William Lewis may be made parties defendant to this bill and required to answer to same, though an answer under oath is hereby waived; that proper process may issue; that proper orders may be made, that all proper accounts may be taken, and that the said real estate may be sold to satisfy your orator's said debt, and for all such other, further and general relief as this case may require, or which to equity may seem meet, and your orator will ever pray, etc.

W. D. Boyett

Virginia, Nansemond County, To-wit:

I, R. H. Rawles, a notary public for the county, aforesaid, in the State of Virginia, do certify that W. D. Boyett, 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 of his own knowledge ~~or truth~~ are true, and that all other statements, therein contained, as coming from knowledge or information derived from others, he believes to be true.

Given under my hand this IIth day of February, I904.

My term of office expires on the 28th day of January, I907.

R. H. Rawles N. P.

Bill.

1904 Feby 15th Ticket

W. D. Boyett
against In Chancery
Jennie Capehead and others

1904 Feby 11th Process issued returnable
to February Rules third Monday.

" " 12th Order of Publication for four
weeks

" " 15th Bill filed

" March 25th. Set for hearing on order
of Publication

Chancery Notes

Costs
Clerk $ 7.00
Tax 1.50
Atty 5.00
$ 13.50

Boyer vs Lachenaye

1904
October 31st.
Circuit Court.

Boyer vs Lachenaye

Writ of Error
Judgment of Lower
Court Affirmed