1906-034
Nansemond Co(Suffolk)

Chancery Causes: Dempsey L. Sumner et al vs William E. Perdew by &c

Austin, Belker, Gardner

Deputy

I, AZRA P. GOMER, Clerk of the Circuit Court of Nansemond County, Virginia, do certify that the bond required of S E Everett as Special Commissioner under the decree of said Court made on the 6th day of July 1905, in the Chancery cause pending in said court between Dempsey L Sumner and others, complainants, and William E. Darden and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 8th day of July 1905.

A P Gomer D.C. Clerk.

$100.

Ten years after date with 2 interest from date we promise to pay to Thomas H. Savage, or to his heirs, Admrs. or assigns the just and full sum of One hundred dollars, for which we bind ourselves our heirs &c and we hereby waive the benefit of our Homestead Exemption as to this debt. obligation & contract. Witness our hands and seals this 1st day of February 1887.

Witness. Jacob X Austin (Seal)
mark

Wm. L. Holland Emeline P. Austin (Seal)

Interest paid to
first of Feb 1900
Interest paid to
first of Feb 1901.
Interest paid to first
of Feb 1902
Interest paid to
first Feb. 1903.
Interest paid to
first of Feb 1904

August 5th 1905
H. S. E. Everett please
release this as my attorney.
Thomas H. Savage

$100.

We promise to pay one year after date with interest from date we promise to pay to Thomas M. Savage or to his heirs, Admrs. or assigns, the just and full sum of One hundred dollars, for which we bind ourselves our heirs &c and we hereby waive the benefit of our Homestead Exemption as to this debt obligation or contract. Witness our hands and seals this 1st day of February 1887.

Witness } Jacob his X mark Austin (Seal)
Jno. T. Holland }

Witness } Fountain C. Austin (Seal)

Interest paid to
last of Feb 1900.
Interest paid to
last of Feb 1901
Interest paid to first
Feb 1902
Interest paid to
first Feb. 1903.
Interest paid to
first Feb 1904

August 6 - 11/4 1905 -
To S. F. Everett.
Please release this
as my attorney
Thomas W. Savage

$100.

One — with Interest from date

Three years after date, we promise to pay to

Thomas H. Savage or to his heirs, Executors, or

assigns, the just and full sum of One Hundred

Dollars, for which we bind our selves our heirs &c.

and we hereby waive the benefit of our Home

Stead Exemption as to this debt. Obligation or Con

tract. Witness our hands and Seals this 1st day of

February 1887 Jacob [his] X [mark] Nicholas [Seal]

Witness } Jacob [mark] Nicholas Jr. [Seal]

H. F. Bolcaw }

Interest paid to
first of Feb 1900
Interest paid to
first of Feb 1901
Interest paid to
first of Feb 1902
Interest paid to
date Feb 1903
Interest paid to
date Feb 1904

Received on Mortgage described here
Holland Nov 11th 1898
$ 75.-

August 5th 1905.
To S. E. Everett. Please release
this as my attorney.
Thomas W. Savage.

H Everett Atty

D L Summerals vs Wm E Daidenals.

190____ To R. R. SMITH, Clerk Circuit Court of Nansemond County, Dr.

Tax and Clerk Fees in ~~suit~~ above suit — 1.50 6.41

(Trial decree entered Mch 13. 1906) $7.91

Paid Mch 13/06 by H Everett Atty.

S M Lawrence DC Clerk.

$ 51 75

Sept 8 189 6

On or before the first day of ____ *189* 6 *I promise to pay to* **S. W. TRAVERS & CO.** *or order, without offset,* ____ Dollars, *for* ____ *bags Fertilizer; and we, the drawer and endorser, hereby waive the benefit of our Homestead Exemption as to this debt. Value received. It is understood that the Fertilizers, which is the consideration of this note, is bought without any guarantee on the part of S. W. Travers & Co., or their agent, as to results from its use.*

It is Further Agreed, *That in case the crop raised with said Fertilizer is sold before the maturity of this note, the same shall be then paid, deducting at the rate of* ____ *cents per ton per month for the unexpired time until maturity.*

Witness ____ *hand and seal the day and year as above written.*

Paid

WITNESS:

51 75
21 7 49
43 1

Jacob X Austin [SEAL.]

[SEAL.]

[SEAL.]

$ 76.37 due

PAY TO THE ORDER OF
Virginia-Carolina Chemical Co.
.....
FOR COLLECTION FOR ACC'T OF

S. W. Travers & Co

PAY TO THE ORDER OF

J. F. Eley

.....

FOR COLLECTION FOR ACC'T OF
VIRGINIA-CAROLINA CHEM. CO.
S. W. TRAVERS & CO., BRANCH.

For value Rec'd I promise to pay
assign this note to
W. E. Whitfield
Geo. W. Vaughan
Wm.
J. F. Eley

$ 265 ..... One thousand ..... promise to pay unto

..... L. A. Scaggs & Co., ...Heirs, Executors, Administrators or Assigns,

the just and full sum of..... two hundred & sixty five ..... DOLLARS and .....CENTS,

current money of the United States, for value received, with interest from date; for the payment of

which .....bind.....self.....Heirs, Executors and Administrators firmly by these presents;

and.....hereby waive the benefit of.....exemption as to this debt, obligation or contract.

As witness.....hand.....and seal.....this.....day of..... January ....., in the

year of our Lord one thousand eight hundred and ninety-.....

..... his
A. A. Estes [SEAL]
mark

WITNESS..... W. H. Holland .....

..... [SEAL]

Creditor Note

$99 ⅝

On demand, I owe and promise to pay unto Thomas H. Bennett his Heirs, Executors, Administrators or Assigns, the just and full sum of Ninety nine DOLLARS and ⅝ CENTS, current money of the United States, for value received, with interest from date; for the payment of which I bind myself, my Heirs, Executors and Administrators firmly by these presents; and I hereby waive the benefit of my Homestead Exemption as to this debt, obligation or contract.

As witness my hand and seal this 28th day of January, in the year of our Lord one thousand eight hundred and eighty-eight.

Witness A. M. C. F. Jones

his
Jacob X Austin (Seal.)
mark

(Seal.)

$ 20243
Ltr

Jacob Custon
$ To Bond
$99.00

Augt. 5th 1805 — Rec'd.
payment of D. C. Cornell
of the within note.
Wm. H. Benny.

$244 88/100 August 18 1906

Received of L. E. Everett

Two Hundred & forty four & 88/100 Dollars.

in full for 3 Notes due by Jacob Austin

L & L Vaughan

E. JOYNER & CO.,
HOLLAND, VIRGINIA.

No. ..... P. O. Address Cleopus

$ 6 60

On or before the first day of ..... 189 6 .. I ..... promise to pay to

the order of E. JOYNER & CO. ..... Paid Note Due Dec 25 1896

the sum of ..... Dollars,

for FERTILIZERS furnished for the year 189 6 ..... and ..... hereby constitute this obligation as a lien on my ..... crop of all kinds for 189 6 ..... and bind my ..... heirs, administrators and assigns, for the faithful payment of the same, waiving the benefit of homestead and all exemptions allowed by law.

Given under my hand and seal this 8 day of Dec 189 6

..... [SEAL.]

his
Jacob X Austin [SEAL.]
mark

..... [SEAL.]

Witness .....

Paid

3/11-97 S/F 672

28

No._____ P. O. Address_____

$ 22.00 On or before the 1st day of Nov 1897, I promise to pay to the order of Joyner & Co the sum of Twenty two 00/100 DOLLARS, for Fertilizers furnished for the year 1897; and I hereby constitute this obligation as a lien on my Crops of all kinds for 1897, and bind my heirs, administrators and assigns for the faithful payment of the same, waiving the benefit of homestead and all exemptions allowed by law. Given under my hand and seal this 8 day of May 1897

Witness D. T. Joyner

his
Jacob x Austin [Seal.]
mark

[Seal.]

[Seal.]

Paid

; COURTLAND, VA.

WOODWARD & ELAM,
INSURANCE.

Receipt

Suffolk, Va. Jany 16th, 1905

Jno W Austin

Twenty ——— 00/100 DOLLARS,

Prem on bond as adm'r Jacob Austin'

$20.00

Woodward & Elam,

Per W. G. Elam

John W. Austin Admr. of Jacob Austin dec'd.

1905

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

Jany 16. Tax and Clerk Fees ~~in suit~~ on qualification as Administrator of the above estate (including bond) $3.50

Jany 16/05 Paid R. R. Lawrence D.C. Clerk.

Mr. Jacob Austin Dr.

1903

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

No. 4

	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 94 valued $ 565	1 1 3		5 7	2 8	1 1 3	8 5	2 7	2 8	4 8	4 9 6
Persoual Property, schedule B. val. $ 102	2 0		1 0	5	2 0	1 5	5	5	8	8 8
Personal Property, schedule C. val. $										
Value $										
Poll-Tax for State aud County										1 50
Total										7 3 4
5 per cent. penalty										3 7
Total				Lost						7 7 1

7 71

Received payment 1st day of Sept 1904

W. E. Whitfield Treasurer.

7 93

4.03
2000
3.50
31.53

ESTABLISHED 1873.

Suffolk, Va., March 10 1906

M. D. E. Everett, Comr.

To SUFFOLK HERALD, Dr.

NEWSPAPER AND JOB PRINTING ESTABLISHMENT.

NO. 912 WASHINGTON STREET.

TERMS OF THIS BILL. NET CASH.

July	21	Adv. Sale Austin land	1 00

Paid Mch 10/06.
Suffolk Herald
K.

$7.50

Suffolk, Va. Aug 18-1905.

Received of S. E. Everett Special Commissioner in the chancery cause Summer v. Dardenet as Seven 50/100 dollars as Commissioner's fee

Robt. H. Withers
Comr in Chy.

$10.00

Received of S. E. Everett
Special Commr. in suit of Emmons
against Dunbar ten dollars for
auctioneer fee -

Aug - 10 - 1905. W. E. Whitfield auct

Mr. Jacob Austin Dr.

1904 To S. T. ELLIS, Treasurer of Nansemond County, Virginia.

No. 5

	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 94 valued $ 565	1 13		57	28	1 13	75	28	29	45	4 88
Personal Property, schedule B. val. $										
Personal Property, schedule C. val. $										
Value $										
Poll-Tax for State and County										~~1 50~~
Total										4 88
5 per cent. peualty										25
Total										5 13
						Int				21
										5.34

Received payment 11 day of Sept 1905

W. A. King D.S.M. Treasurer.

Dempsey L. Sumner and others

Against

William E. Darden and others

Received of S. E. Everett, Special Commissioner, in the abov styled suitthe following amounts:
The dower interest of the said widow of Jacob Austin and also her interest in the said Darden tract, the same being purchased by me. $329.35

Also the interest purchased by me of six heirs, Charlie, Holloday, Lucy, Willie Austin, Mary Austin, Eula Austin Gardner. 388.38

717.73

Aug 15, 1905.

D L Sumner

An account of Rev. P. Baker, trustee for Thomas W. Savage and Jacob Austin,

1905-

January 18th, farm of Austin sold for, 2040.00

Suffolk Herald, adv.	2.00
W. E. Whitfield, Act.	5.00
T. W. Savage's bonds,	238.01
D. P. Baker, comm.	102.00
E. C. Holland, writing deed,	5.00
Lee Pritt's and Clerk's fees,	3.50

Aug 3rd 1905- Rec'd payment of S. E. Everett

P. P. Baker Trustee

HOLLAND, VA., June 1st, 1905

Mr Dempsy Sumler

BOUGHT OF

S. W. HOLLAND,

Furniture Dealer & Undertaker,

Also an Up-to-date Stock of Fancy Groceries.

UNDERTAKING A SPECIALTY

1904			
Oct	30	To coffin for Mrs Jacob Auslow Paid S. W. Holland	$30.00

Dempsy L. Sumner and others Vs. William E. Darden and others.

$85.32. Received of S. E. Everett, Special Commissioner in the above styled suit, Eighty Five Dollars and Thirty Two Cents ($85.32), the amount due the Darden heirs in the said suit.

Mrs. W. E. Darden
Widow of Walter Darden, deceased.

Jos B Bruce
Attorney of T. W. Darden and R. A. Darden.

Jos B Bruce
Guardian of William E. Darden Harry L. Darden and Hurman V. Darden.

D. L. Sumner,.....Plaintiff.

vs.

Howell and others,.....Defendants.

$64.73

Received of S. E. Everett, Special Commissioner, Sixty-four and 73/100 dollars, my share of the proceeds of sale in the above styled suit after the payment of all liens and claims against the estate of Jacob Austin.

Sarah E. Howell

October 16, 1905.

S. E. Howell

S. E. EVERETT,
ATTORNEY AT LAW,
SUFFOLK, VA.

Sixty-five and 18/100 dollars, that being my share of my father's estate after all debts are paid.

Received of S. E. Everett, Special Commissioner, the above amount in the case of Dempsey L. Sumner and others against Barden and others it being my entire interest in the estate of my father Jacob Austin.

August 5th, 1905. Nora E. Davidson

State of Virginia, } To-Wit:
COUNTY OF NANSEMOND.

I, Wm. T. Holland a Notary Public for the county of Nansemond, in the State of Virginia, do certify that Emelene N. the wife of Jacob. Austin whose names are signed to the writing above, bearing date on the 1st day of February in the year eighteen hundred and eighty Seven personally appeared before me, in the County aforesaid, and being examined by me privily and apart from her husband, and having the writing aforesaid fully explained to her, she, the said Emelene N. Austin acknowledged the said writing to be her act, and declared that she had willingly executed the same, and does not wish to retract it.

Given under my hand this 1st day of February Anno Domini 1887

Wm. T. Holland Notary Public.

In the Clerk's Office of Nansemond County Court, the 8th day of February, 1887.
This Deed of Trust was presented with the Certificates annexed, and admitted to record.

Teste: Peter B. Prentis. Clerk

State of Virginia, } *To-Wit:*
COUNTY OF NANSEMOND.

I, Wm. T. Holland a Notary Public for the county aforesaid, in the State of Virginia, do certify that Jacob Austin whose name is signed to the writing above, bearing date on the 1st day of February in the year eighteen hundred and eighty seven has acknowledged the same before me, in my county aforesaid. If

Given under my hand, this 1st day of February in the year 1887

Wm. T. Holland *Notary Public.*

By mutual consent of the parties it is hereby agreed that the chancery suit now pending in the Circuit Court of Nansemond County wherein Dempsey L. Sumner and others are complainants, and William E. Darden, Harry L. Darden and Herman V. Darden, infant defendants by their guardian ad litem, J. U. Burges, are defendants, shall be made a vacation cause and that the same may be submitted to the Judge for such decisions and decrees therein in vacation as might be made in term.

H E Sumner

Atty. for complainants.

J U Burgess

Guardian ad litem for
William E. Darden,
Harry L. Darden, and
Herman V. Darden.

Comment for
Vacation Course

Commissioner's Office, Suffolk, Va., 26th day of May, 1905.

The parties in the suit of Dempsey L. Sumner and others vs. William E. Darden, Harry L. Darden and Herman V. Darden, infant defendants by J. U. Burges their guardian ad litem, will take notice, that on the 8th day of June, 1905, 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 24th day of May, 1905, when and where they are required to attend with such books, appers, vouchers and evidence, as will enable me to comply with the said order of court.

Robt. N. Stokes

Master Commissioner of the Circuit Court of Nansemond Co.

The within notice is hereby accepted

W. E. Bowen Atty for plaintiffs —

D. N. Berger guardian ad litem for infant defendants

Know All Men by These Presents, That we, S E Everett and D L Sumner

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Twenty five hundred 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 8th day of July in the year of our Lord one thousand nine hundred and five, and in the 130th 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 whereas by a decree of the circuit Court for the County of Nansemond pronounced on the 7th day of July 1905 in the Chancery cause pending in said Court between Dempsey L Sumner and others Complainants and William E Darden and others defendants it was adjudged ordered and decreed that the land mentioned and described in the bill and proceedings including one fourth interest in the thirty five acres owned by the heirs of John W Darden be sold and that S E Everett was appointed Special Commissioner by said decree for selling the same Now Therefore if the said S E Everett 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, other wise it is to remain in full force and effect.

S E Everett SEAL

D L Sumner SEAL

SEAL

SEAL

VIRGINIA:

In the Clerk's Office of the Circuit Court of Nansemond County, on the 8th day of July 1905, ~~190~~:

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 P Gomey D.C.

S E Everett

To } Spec. Com Bond

The Commonwealth.

1905

July 8th

Recorded in Official

Bond Book No 1

Page 435.

A copy.

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

Dempsey L. Sumner and others,.....Complainants.

vs.

W. E. Darden and others,.....Defendants.

The undersigned commissioner, S. E. Everett, appointed by the decree made in the above cause, proceeded to execute the duties thereby enjoined upon him after advertising the time, place and terms of sale by posting notices in numerous public places in the County. On the 25th day of July, 1905, proceeded to sell at public auction to the highest bidder in front of the Postoffice in Holland, Virginia, the said land in the bill and proceedings mentioned. R. H. Saunders made the highest bid and became the purchaser at twenty-two hundred and twenty-five dollars. Mr. Saunders is ready to pay for the said farm in cash as soon as the deed is ready to be delivered to him. The farm was sold as a whole, that is the interest of the Darden heirs was sold in with the said farm. Your commissioner believes it is best to give a deed to R. H. Saunders for the entire farm and to take out of the interest of D. L. Sumner the amount agreed by him for the Darden interest in said land, which was nine dollars and seventy-five cents per acre. Your commissioner further states that he executed the bond as required by law.

Respectfully,

S. E. Everett

Special Commissioner.

Dempsey L. Summer,

vs.

E. E. Darden.

Report of Commissioner.

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

D. L. Summer and others,

vs.)
) In Chancery.
Jno. W. Darden,)

Your undersigned commissioner, S. E. Everett, appointed in the solve styled suit, on the 6th. day of July 1906, made sale of the property on the 25th. day of July 1905, at Holland, at which sale the said property was struck off to H. M. Saunders, he being the highest bidder, for the sum of $2225.00. $2225.00.

Proceeds distributed as follows:

Still due Clerk.

Clerk	$6.41.
Writ tax	1.00
R. A. Withers, Com.	7.50. ✓
S. E. Everett, attorney	15.00.
W. E. Whitfield, auctioneer,	10.00. ✓
Attorneys fees	100.00.
E. T. Ellis, treasurer	5.34. ✓
Suffolk Herald, adv.	1.00. ✓
Commissions on $2225.00.	53.50. 199.75
Total	$200.25.
Reminder	$2024.75.

Mrs M. J. Darden
J. W. Darden
Mrs. Nancy E.
J. W. Darden

Paid S. E. Baker, trustee,	$357.00.	✓
" Jno. Darden 's heirs	85.33.	✓
" D. L. Summer	85.33.	✓
" J. W. Austin, Admr.	31.53.	✓
Total	$554.17.	
Reminder	$1470.58.	

Remainder brought forward from other page $1470.58.

To D. L. Sumner the dower interest of the widow of Jacob Austin, 60 years old, 244.03.

$1225.55.

S. W. Holland	$30.00
E. Joyner	83.00.
G. C. Vaughan	241.22.
Dr. Thomas H. Barnes	308.00.
I. A. Luke	38.00.
W. E. Whitfield	78.30.
J. W. Lawrence's judgment	86.54.
Total	$709.06.

709.06.

Remainder ---------- $517:49.

Paid to D. L.Sumner who purchased the interest of Charlie Austin, Holladay Austin, Lucy Austin, W. J. Austin, Mary Austin, Eulah Austin Gardner, $388.38.

Paid to Mrs. Nora Davis 64.73.

Paid to Mrs. Sarah Howell 64.73.

Total-------- $517.84.

Your commissioner states that it was the desire of the parties interested in this suit as well as the administrator that your commissioner should distribute this money instead of turning it over to the administrator. Your commissioner had in hand enough money to pay the entire indebtedness of the said and also states that no property when in the hands of the administrator. The J. W. Lawrence judgment against the estate is in the Clerk's office and has been marked"paid."

R. E. Evans Jr. Com.

Report of Comm.
S. E. Everett.

Distribution of Proceeds

TO THE HONORABLE ROBERT W. WITHERS, COMMISSIONER IN CHANCERY.

The undersigned, have been requested by the owners of a certain tract of land near Cleopas known as the "Jacob Austin" tract of land to go upon the land and make a report as to what we think the interest of the heirs of John W. Darden, deceased, is worth. We understand that it is one fourth of thirty-five acres of land adjoining the said land of Jacob Austin. It is our understanding that Jacob Austin owned two fourths of the said Darden land, and that his wife owned one fourth. John W. Darden owned the other one fourth. John W. Darden died leaving several children and a widow. This tract of land does not ~~think~~ take in any of the buildings. It is partly wood land and partly cleared. We also understand that Mr. Sumner is willing to give the Darden heirs a reasonable price for said property. We believe that a fair price of said property would be $95. per acre. This small tract of land would be almost worthless without the remainder of the farm. On the other hand the value of the farm would be considerably hurt if these eight acres or more ~~would~~ were not made a part of it. We have considered all of this and have given, we think, the advantage if anything to the Darden heirs. We further think if Mr. Sumner, who owns the most of the tract of land should give the amount that we have named that he will fully pay for the said small tract of land and possibly more than any other person would.

Respectfully submitted,

R. H. Saunders

B. D. Jones

E. H. Darden

Commissioner's Office, 21st day of June 1905.

The undersigned, in pursuance of a decree entered in the cause of Dempsey L. Sumner and others vs. William E. Darden, Harry L. Darden and Herman V. Darden, infants, by the Circuit Court of Nansemond County on the 24th day of May 1905, whereof the following is an extract:

On consideration whereof, the court doth adjudge, order and decree that the papers in this case be referred to one of the Commissioners of this Court, who is required to inquire into and report to Court.

(1)

Whether the real property in the bill mentioned can be conveniently divided in kind between the several parties entitled to share thereof.

(2)

If the same cannot be conveniently divideed in kind whether any party will take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to.

(3)

And if the same cannot be conveniently divided in kind and if no party will take the entire property and pay the others for their interests whether the interests of those, who are entitled to said property or its proceeds will be promoted by a sale of the property or by allotment of part and sale of the residue.

(4)

Whether there are any delinquent taxes due on said land and whether there be any liens on said land, which said several inquiries the said Commissioner shall make and to Court report with any matter deemed pertinent in this case.

And having given due notice to all the parties concerned, as will appear by the return of said notice hereto attached, proceeded on the 8th day of June 1905 to execute the said decree; and the proceedings having been thenceforward regularly adjourned from time to time, the undersigned master commissioner reports as follows:

First,- The real property in the proceedings mentioned consist of a tract of land containing about one hundred or one hundred and ten acres; Your Commissioner reports that he does not believe the property can be conveniently and profitably divided in kind between the several parties entitled to share therein.

Second,- Mr. Dempsey L. Sumner, one of the complainants, who owns the greater part of the land in the proceedings mentioned, will take all of the interest in said property owned by the Darden heirs and he will pay to them Nine Dollars and Seventy-five Cents ($9.75) per acre for their land, which is included in this tract. From the evidence before your Commissioner it is believed that the interest of the Darden heirs, is worth about Nine Dollars and Seventy-five Cents ($9.75) per acre.

Third,- It appears that Mrs. Seth Howell has an interest in this land and desires to dispose of the same; that Mr. Dempsey L. Sumner wishes to purchase her interest but they cannot agree on the value thereof, that both Mrs. Howell and Mr. Sumner desire the land sold at auction. Your Commissioner, therefore, reports that the interest of those who are entitled to said property will be promoted by a sale of the property.

Fourth,- There are no delinquent taxes due on the said land. The liens of record upon said land are as follows:

One judgment against Jacob Austin in favor of J. W. Lawrence for Forty Seven Dollars and Fifty-one Cents ($47.51) with interest thereon from June 5th, 1880 and One Dollar and Twenty Five Cents ($1.25) costs, subject to credits of Three Dollars and Sixty-three Cents ($3.63) as of April 14th, 1888 and of Twenty Dollars ($20.00) as of November 3rd, 1898, present amount of judgment Ninety Six Dollars and Thirty-nine Cents ($96.39).

One judgment against Jacob Austin in favor of C. C. Vaughan for Seventy Seven Dollars and Seventy-seven Cents $77.77)

with interest on Fifty Eight Dollars and Sixteen Cents ($58.16) thereof from January 1st, 1890 and ob Nineteen Dollars and Sixty One Cents (19.61) thereof from April 28th, 1888 and One Dollar and Forty Five Cents ($1.45) cost, present amount due One Hundred and Forty Eight Dollars and Thirty Six Cents ($148.36)

One other judgment against Jacob Austin in favor of C. C. Vaughan for Forty Seven Dollars and Twenty Three ($47.23) with interest from January 1st, 1891 and One Dollar and Forty Five Cents ($1.45) costs, present amount due Eighty Nine Dollars and Seventy-five Cents ($89.75).

Two deeds of trust executed by Jacob Austin and wife to B. P. Baker trustee for T. W. Savage, present amount due Two Hundred and Seventy Five Dollars ($275.00).

Robt. H. Withers,
Comr in Chy.

Fee $5.00

Circuit Court of Nansemond

Sumner

vs

Dordeu

Commissioner Report

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

JEWELL & COMPANY, PHILADELPHIA.

Filed June 10. 1905.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, IN VACATION ON THE 29th. DAY OF JULY, 1905.

Dempsey L. Sumner and others,.....Complainants

vs.

W. E. Darden and others,.....Defendants.

This cause came on again to be heard on the papers formerly read and on the report of Special Commissioner, S. E. Everett, this day filed, to which report there is no exception, and was argued by counsel.

On consideration whereof, the court doth approve and confirm the said report, and doth further adjudge, order and decree that Special Commissioner, S. E. Everett, after deducting from the twenty-two hundred and twenty-five dollars, the amount for which the land sold, the expenses of sale, including his commissions, a fee for the attorney, who instituted this suit, of $100.—, distribute the remainder among the parties entitled thereto. And the court doth further adjudge, order and decree that S. E. Everett, Special Commissioner, shall convey by good and sufficient deed with general warranty unto the said W. H. Saunders the property purchased by him at the sale made on the 25th day of July, 1905, and described in said bill and proceedings as follows, to-wit:

"All that certain tract of land containing one hundred and ten acres, more or less, bounded by the lands of S. M. Gardner, W. J. Cross, Parker Saunders and others, and being what is known as the "Jacob Austin" tract of land."

It is further ordered and decreed that the said Special Commissioner deduct from the amount due Dempsey L. Sumner the amount agreed to be paid by him to the Darden heirs and as reported by the Commissioner in Chancery, and that the said S. E. Everett deliver to them their interests in the said

land, but the Darden heirs shall pay their proportionate share of the costs of this suit.

And it is further adjudged, ordered and decreed that S. E. Everett make a report of his proceedings hereunder to court.

Robert R. Dennis

To the Clerk of the
Circuit Court of Nansemond
County.

Dempsey L. Sumner,

vs.

W. E. Darden,

Enter July 29, 1905.

Robert R. Blalock

Entered in Chancery
Order Book No 3,
page 675.

CIRCUIT COURT of NANSEMOND COUNTY, IN VACATION ON THE 6th DAY OF JULY, 1905.

Dempsey L. Sumner and others,.....Complainants.

vs. In Chancery.

Wm. E. Darden and others,.....Defendants.

This cause came on this day by consent to be again heard on the papers formerly read and on the report of T. W. Withers, Commissioner in Chancery, filed the IOth day of June, I905.

On consideration whereof, the court doth approve and confirm the said report and doth adjudge, order and decree that S. E. Everett, who is hereby appointed special commissioner for the purpose, do, after having advertised the time, place and terms of sale by posting notices in numerous public places in said county, proceed to sell, before the postoffice door in Holland, Nansemond County, Virginia, the said land in the bill and proceedings mentioned including one fourth interest in the thirty-five acres owned by heirs of John W. Darden, at public auction to the highest bidder ~~for cash.~~ on the following terms: one third cash and the ~~upon the date of sale with interest;~~ one and two years from ~~pay all in cash.~~ or the purchaser may

The said S. E. Everett, special commissioner, is directed to make a report of his proceedings to court, but said S. E. Everett shall not proceed to act under this decree until he shall enter into bond with sufficient security in the Clerk's Office of this court, payable to the Commonwealth of Virginia for the amount of $2500.— and conditioned on the faithful discharge of his duty under this decree and any other decrees in this cause.

Robert R. Reed

To the Clerk of the
Circuit Court of Nansemond
County.

D. L. Sumner and others,

vs.

J. W. Darden and other.

Enter July 6, 1905.

Robt. R. Reynolds

Enter in Chancery

Order Book No. 3,

page 665.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Dempsey L. Sumner, S. E. Howell, and Scrap Howell, his wife, M. F. Darden, the widow of Walter Darden, T. W. Darden, R. A. Darden, children of Walter Darden, Dora Davison and John A. Davison,.....Complainants.

vs.

William E. Darden, Harry L. Darden and Herman V. Darden, infants,.....Defendants.

This day came the complainants and filed their bill, thereupon J. U. Burges, a discreet and competent attorney at law, is assigned guardian ad litem to the infant defendants, William E. Darden, Harry L. Darden and Herman V. Darden, to defend their interests in this suit, and the said guardian ad litem then filed his answer to said bill, to which answer the complainants filed a general replication.

And by consent of the parties to this suit here entered of record it is ordered that this ~~matter~~ cause may be submitted to the judge of this Court for such decisions and decrees therein in vacation as might be made in term.

Dempsey L. Sumner and others,

vs.

Wm. E. Darden, Harry L.

Darden and Herman V. Darden.

Enter May 24, 1905.

Robert C. Davis

Entered in Chancery Order

Book No. 3, page 658.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Dempsey L. Sumner and others.....Complainants.

vs.

William E. Darden, Harry L. Darden
and Herman V. Darden, infants under the age
of twenty-one years.....Defendants.

This case came on again to be heard on the papers formerly read and on the bill, the answer of the infant defendants by J.C. Burgess their guardian ad litem, and was argued by counsel: On consideration whereof, the Court doth adjudge, order and decree that the papers in this cause be referred to one of the Commissioners of this Court, who is directed to inquire into and report to Court

(1)

Whether the real property in the bill mentioned can be conveniently divided in kind between the several parties entitled to share therein.

(2)

If the same can not be conveniently divdded in kind whether any party will take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to.

(3)

If the same can not be conveniently divided in kind and if no party will take the entire property and pay the others for their interests, whether the interests of those who are entitled to said property or its proceeds will be promoted by a sale of the property or by an allottment of part and sale of the residue.

(4)

Whether there are any delinquent taxes due on said property, and ~~as to~~ whether there are any liens on said land;
which several inquiries the said Commissioner shall make and to

the court report together with any matter deemed pertinent in this cause.

Dempsey L. Sumner and others,

vs.

Wm. E. Darden, Harry L.

Darden and Herman V.

Darden.

Enter May 24, 1905.

Robert E. Davis.

Entered in Chancery Order

Book No. 3, page 658.

This Deed, Made the 29 day of April in the year eighteen hundred and eighty Seven between Jacob Austin and Emeline H. his wife

of the County of Nansemond in the State of Virginia

of the one part, and Beverly R. Bakes Trustee

of the other part:

WITNESSETH, that the party of the first part do grant unto the said Trustee, the following property, to wit:

one that certain tract of land in Nansemond County Virginia containing ninety four acres, more or less, adjoining the lands of said Jacob Austin E. J. Lewis and others and being some land this day conveyed to said Jacob Austin by E. E. Holland Special Commissioner in the Chancery cause of Boyden & wife vs Borden & als.

In Trust, To secure to Thos. W. Savage of the County of Nansemond, Va the payment of the sum of five hundred dollars evidenced by five schedule bonds of one hundred dollars each, dated July 1st 1882, executed by said Jacob Austin, and payable one two, three, four and five years after date with interest from date.

This deed of trust is given as additional security for the payment of the above mentioned sum, which is already secured by and of trust on certain other lands of said Austin, made the 1st day of July 1882 and admitted to record the 5th day of July 1882 in Nansemond County Clerk office.

and upon the further trust that the said grantor shall remain in quiet and peaceable possession of the above granted and described premises, and take the profits thereof to h[illegible] own use, until default be made in the payment of the debt aforesaid, in whole or in part,

and

upon such default being made, the said Trustee shall, so soon thereafter as he shall be requested by the said Thos W. Savage or h[illegible] assigns so to do, sell the above granted property at public auction, at such time and place, and upon such terms and conditions, as he may deem expedient, having first given notice of such time and place of sale for at least ten (10) days, ~~by advertisement in one or more newspapers published in the City~~ of by hand bills

, and out of the proceeds of such sale, after paying all the expenses attending the execution of this trust, including commissions on said proceeds of sale to the said Trustee, at the rate of five per cent; and shall pay to the said Thos. W. Savage or h[illegible] assigns, the debt aforesaid with interest thereon, or so much thereof as may then remain unpaid, and the balance, if any, to the said grantor or h[illegible] assigns.

The said grantor covenant that he will, during the continuance of this trust, keep the buildings upon the aforesaid property insured against loss by fire, in a sum not less than

dollars, and assign the policy of insurance to the said trustee as an additional security for the payment of the debt aforesaid, and if h the said grantor fail to keep the said buildings insured as aforesaid, the said Trustee may cause the same to be insured, and the premium of such insurance shall be a charge on the trust property aforesaid. The said grantor covenants that he will warrant generally the property hereby conveyed, and will pay all taxes, levies and assessments upon said property so long as he, or h assigns, shall hold the same. And the said grantor hereby waives the benefit of his homestead exemption as to the aforesaid debt and obligation, and as to this contract.

If no default be made in the payment of the above mentioned debt upon the ~~receipt~~ request of the grantor, a good and sufficient deed of release, shall be executed to him at his own proper cost and charges.

WITNESS the following signatures and seals:

his
Jacob X Austin [SEAL.]
mark

[SEAL.]

Emeline P Austin

State of Virginia, } To-Wit:
COUNTY OF NANSEMOND.

I, E. E. Holland a Notary Public for the county aforesaid, in the State of Virginia, do certify that Jacob Austin whose name is signed to the writing above, bearing date on the 29 day of April in the year eighteen hundred and eighty Seven has acknowledged the same before me, in my county aforesaid. ~~If~~ or July

Given under my hand, this 29th day of April in the year 1887

E. E. Holland
Notary Public.

State of Virginia, } To-Wit:
COUNTY OF NANSEMOND.

I, E. E. Holland a Notary Public for the county of Nansemond, in the State of Virginia, do certify that Emiline R. Austin the wife of Jacob Austin whose names are signed to the writing above, bearing date on the 29 day of April in the year eighteen hundred and eighty Seven personally appeared before me, in the County aforesaid, and being examined by me privily and apart from her husband, and having the writing aforesaid fully explained to her, she, the said Emiline R. Austin acknowledged the said writing to be her act, and declared that she had willingly executed the same, and does not wish to retract it.

Given under my hand this 2 day of ~~May~~ July Anno Domini 1887

E. E. Holland Notary Public.

In the Clerk's Office of Nansemond County Court, the 16th day of September, 1887.
This Deed of Trust was presented with the certificates annexed, and thereupon admitted to record.

Teste. Peter B. Prentis. Clerk

Jacob Austin Pads

To } DEED OF TRUST.

B. P. Baker Trustee.

FOR

J. W. Savage

Admitted to Record 16th day of September 1887.

Recorded D. B. 19 p. 316.

Peter B. Prentis. s.
Clerk.

1890. October 31st.
Examined Verified
and delivered
Chas. P. Glennon D.C.

Tax $1.00
Fee $1.25
$2.25
(Paid)
clk

J. W. Austin
E. Cooper Esq

This Deed, Made the 1st day of Feby in the year eighteen hundred and eighty Seven between Jacob Austin and Emiline N. his wife

of the County of Nansemond in the State of Virginia of the one part, and Beverly P. Baker Trustee of the other part:

WITNESSETH, that the parties of the first part do grant unto the said Trustee, the following property, to wit:

All that certain tract of land in Holy Neck Magisterial District in Nansemond County, Virginia, containing sixty and one fourth acres, more or less, and bounded by the lands of Edward Howell, dec'd. E. T. Lewis, the Mildred Ann Dardan land and others according to the boundaries by said Austins.

In Trust, To secure to Thos W. Savage of the County of Nansemond Virginia the payment of the sum of five hundred dollars evidenced by five separate bonds of one hundred dollars each of even date with this deed executed by said Jacob Austin, and payable to said Thomas W. Savage one, two, three, four and five years after date, with interest from date

and upon the further trust that the said grantor shall remain in quiet and peaceable possession of the above granted and described premises, and take the profits thereof to his own use, until default be made in the payment of the debt aforesaid, in whole or in part, or of the interest thereon.

and upon such default being made, the said Trustee shall, so soon thereafter as he shall be requested by the said Thos. W. Savage or his assigns so to do, sell the above granted ~~property at public auction~~, at such time and place, and upon such terms and conditions, as he may deem expedient, having first given notice of such time and place of sale for at least fifteen (15) days, by advertisements ~~in one or more newspapers published in the City of~~ by posted notices, and out of the proceeds of such sale, after paying all the expenses attending the execution of this trust, including commissions on said proceeds of sale to the said Trustee, at the rate of five per cent.; and shall pay to the said Thos. W. Savage or his assigns, the debt aforesaid with interest thereon, or so much thereof as may then remain unpaid, and the balance, if any, to the said grantor or his assigns.

The said grantor covenant that he will, during the continuance of this trust, keep the buildings upon the aforesaid property insured against loss by fire, in a sum not less than

dollars, and assign the policy of insurance to the said trustee as an additional security for the payment of the debt aforesaid, and if h the said grantor fail to keep the said buildings insured as aforesaid, the said Trustee may cause the same to be insured, and the premium of such insurance shall be a charge on the trust property aforesaid. The said grantor covenant that they will warrant generally the property hereby conveyed, and will pay all taxes, levies and assessments upon said property so long as they, or his assigns, shall hold the same. And the said grantor hereby waive the benefit of his homestead exemption as to the aforesaid debt and obligation, and as to this contract.

If no default be made in the payment of the above mentioned debt upon the receipt of the grantor, a good and sufficient deed of release, shall be executed to him at his own proper cost and charges.

WITNESS the following signatures and seals:

Jacob his X mark Austin [SEAL.]

[SEAL.]

Jacob Austin & wife

To } DEED OF TRUST.

Beverly P. Baker Trus.

FOR

Thomas W. Savage

Admitted to Record 8th day of February

1887.

Recorded D. B. 18. p 25

Peter B. Preuss

1890. October 31st

Examined Verified and

delivered.

A. P. Gomez D.C

Tax $ 1.00

Fee $ 1.25

$2.25

Paid

Clk

This deed made the 29th day of April 1887, between E. E. Holland, Special Commissioner of the one part, and Jacob Austin, of Nansemond County of the other part, witnesseth: Whereas on the 15th day of October 1885 it was decreed and ordered by the Circuit Court of Nansemond County, in the Chancery cause of Bayse and others vs Darden and others, then depending in said Court that E. E. Holland, who was thereby appointed a Special Commissioner for the purpose, should at public auction, upon the following terms, to wit: one half cash, and the residue in two equal instalments, payable at six and twelve months from day of sale, the credit instalments bearing interest from day of sale, and the purchaser executing bonds therefor payable at said dates, and the title retained until payment of purchase money and conveyance directed by Court, make sale of a certain tract of land in Nansemond County Virginia, containing ninety four acres, more or less, adjoining the lands of E. T. Cross, Jacob Austin and others and being

a portion of the land of which James R. Darden died seized and possessed. on some Court day, in front of the Courthouse of Nansemond County, after first having advertised the time, terms and place of sale once a week for four successive weeks in the Suffolk Herald, a newspaper published in the Town of Suffolk, and posting notice of the same in one or more public places in the County. And whereas the said Commissioner E. E. Holland, in pursuance of said decree, did on the 11th day of Dec 1885. before the Courthouse door of Nansemond County, offer for sale, at public auction, the tract of land aforesaid, having first advertised the time, terms and place of sale as directed by said decree, at which sale Jacob Austin, being the highest bidder, became the purchaser thereof at five hundred dollars. And whereas by a decree entered in said cause on the 11th day of October A. D. 1882, the entire purchase money being paid, the said E. E. Holland, Special Commissioner was authorized and directed to convey unto said Ja-

Joh Austin the track of land in the dee
and proceedings mentioned consisting
of a track of land in Nansemond County,
Virginia, containing ninety four acres,
more or less, and adjoining the lands of
said Joseh Austin, E. J. Cross and others and
lately belonging to the estate of James R. Dar-
den, dec'd. Now this deed witnesseth that
the said E. E. Holland Special Commissioner
as aforesaid in order to carry into effect
said sale, made as aforesaid in pursuance
of said decree, in consideration of the premises
and of the said sum of five hundred dollars,
the receipt whereof is hereby acknowledged,
doth grant and convey, with special war-
ranty unto said Joseh Austin, his heirs and
assigns the said track of land above descri-
bed, as situated in Nansemond County, Vir-
ginia, containing ninety four acres, more or
less and being part of the land of which James
R. Darden died seized and possessed.
Witness the following signature and seal.

E. E. Holland Special Comm'r. (Seal)

Virginia

Nansemond County, to wit:

I, Jno H. Wright, a Notary Public, in and
for said County in said State do certify
that E. E. Holland Special Commissioner, whose

name is signed to the writing above, dated the 20th day of April 1887 has acknowledged the same before me in my County aforesaid. Given under my hand the 9th day of June 1887

Jno. H. Wright N.P.

In the Clerk's Office of Nansemond County Court. the 16th day of September, 1887.

This Deed was presented with the Certificate annexed, and admitted to record.

Teste:

Peter B. Prentis. Clerk

E. E. Holland
Special Commissioner
To
Deed
Jacob Austin

Sept. 16th 1887. Presented in the Clerk's Office with the Certificate & annexed & admitted to record.

1905 - Jany 21st - Ex'd - annexed verified and delivered

E. E. Holland Sp. Com.

Recorded in Deed Book No. 19, page 34 this 22nd day of Sept. 1887.

In the Circuit Court of Nansemond County.

D. L. Sumner and others plaintiffs.

vs.

William E. Darden,)

Harry L Darden,) infants under the age of 21 defendants.

Herman V. Darden,)

This cause came on again to be heard on the papers formerly read and on the report of the Commissioner, S. E. Everett, this day filed, and it appearing that the proceeds of the sale of said property have been properly distributed by the said Commissioner, the court doth approve and confirm the said report and there remaining nothing further to be done in this suit, the court doth adjudge, order and decree that the same be stricken from the docket.

Entered March 14, 1906
Robert D. Heintz

Entered in City-
Order Book No. 4
Page 48.

Dempsey L. Sumner and others,.....Complainants.

vs.

William E. Darden, Harry L. Darden and Herman V. Darden,..... .....Defendants.

The answer of J. U. Burges, guardian ad litem to the infant defendants, William E. Darden, Harry L. Darden and Herman V. Darden, and the answer of the infant defendants, William E. Darden, Harry L. Darden and Herman V. Darden, by the said guardian ad litem, J. U. Burges, to the bill in equity exhibited against them in the Circuit Court of Nansemond County by Drmpsey L. Sumner and others.

For answer to said bill the said guardian ad litem answers and says that he does not know whether the interests of the infant defendants will be promoted by a sale of the property as prayed for in said bill or not. The said infant defendants by their guardian ad litem, J. U. Burges, answer and say that being infant of tender years they know nothing of the matter mentioned in the bill and commit the protection of their interest to the court .

And now having fully answered they pray, etc.

J. U. Burges

Guardian ad litem to
William E. Darden,
Harry L. Darden and
Herman V. Darden.

This day appeared beforeme J. U. Burges, guardian ad li'em of the infant defendants and who signed the above answer, and made oath that the statements therein mentioned are true.
Given under my hand this 24th day of May, 1905.

H. C. Burgess

Notary Public.

Answer of
Guardian ad
Litem, J. H. Burger.

S. E. Everett p.q.

D L Sumner et al

vs

In Chancery

Snow Darden & others.

1906

March 13th

Final Decree

Costs

Clerk	6.41
Say	1.50
Comr.	5.00
Atty	15.00
	$27.91