

1910-005
Nansemond Co (Suffolk)

Chancery Causes: Sue Longstan vs I.A. Everett et al

Rawles, Scott, Kitchen, Everitt

Plat

R. F. D.
No. 1

~~Holland, Mich.~~ 6/6 1910

Judge R. H. Pauler
Suffolk Co.

Dear Sir -

I received checks
and have paid men &
will mail receipt to you
today. Mr Morgan
says how about the
4th day of April that
he and I was down
there as witnesses.

Resigned - J. Pauler \$4.00 in full for
commission fee.

Harper Scott

Re Col of Judge Rawls four dollars for
acting as a commissioner in the division of
the Loalngston land to the Wm Everett Children
this 6th day of June 1910

Charles J. Cross

Received - From Rufus
Scott one dollar & seventy five
cents (\$1.75) For labor on the
Linn Sangre River Road.

Claude Wilbur

JLP/HH.

Rec'd of Mr Rufus Scott
four dollars \$4.00 from Judge
R H Rawls.

L. H Morgan.

June, 4th, 1910.

Rec'd of Mr Rufus Scott
seventy five cents 75-cts. from
Judge R H Rawls.

J. C. Morgan.

June, 4th, 1910.

Received From Thomas
Scott three dollars and
fifty cents (\$3.50) in full
for labor on the Langston
tract of land.

Simon Scott

Per

June the 4th 1890
Reck of Angus

2600 lbs for
R. H. Pauls Main Dallas
and half \$15.00

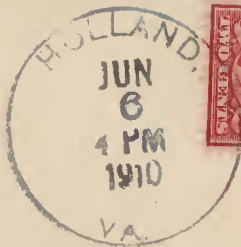
W J H Hornum

received from

H. D. Hancock

Special Commissioner
one dollar and fifty cents
for labor on a part of
the Tigua Gavett's tract
of land

H. D. Hancock



R. H. Paulsen. at Law.

Suffolk, Va.



May, 12th, 1910.

Mr. R. H. Rawles, Special Commissioner,
Suffolk, Va.

Dear Sir:

In the Chancery Cause of Sue Langstun vs. I. A. Everett,
et als, you will pay out of my share of the proceedings of the sale
of the timber, on said land, the sum of \$100.00 to my sister, Mrs.
Alice Langstun, in settlement of her deed of trust against me for that
amount, and you will also pay the cost of releasing said deed of trust
in the Clerk's Office amounting to \$3.00, and then pay the remainder
over to my father, W. P. Everett, for me, and this shall be your re-
ceipt for so doing.

Sign here to Isaac A. Everett,

Fort Perry
N.Y.

Mr R. H. Rawles.

Suffolk Va

Dear Sir I reciev'd your
letter and will say in
reply you can pay
Mrs Alice Langston the
amount and then give
my father the paper
and let me hear from
you just as soon as
the matter is settled
and tell me how much
money I had left
after the expenses is
pay y^r most truly
S. R. Ennis

12560 Fort Perry N.Y.

Holland J^r

July 2 '91

Judge Baileys

Suffolk Va

Dear Sir.

I have drawn
off another form of the expenses
if this is not right please
draw one off and send us to
sign this is a small expense
that can be made, and
if the Court would allow
this, the Law allows a man
his labor, we was authorize
to survey the land and was
no thing set and sure we
do it as quick as possible
(over)

The men changed $\frac{1}{2}$ ~~the~~
per day and would
not work for no less
and stop their farming
Please send me the
check for the amt because
the men want the money

Yours Truly
J. J. J. J. J.
R. F. D. # 1 Box 36

The Commission acted
4 days

Expenses and Report
Bush cutters

John Fannie $1\frac{1}{2}$ da's = \$1.50

Frank Boutwell " " = 1.50

Jasper Morgan $\frac{3}{4}$ day = .75-

Elmon Scott $1\frac{1}{2}$ day = 1.50

Chain Bearers

Claude Wilkins $1\frac{3}{4}$ da's 1.75-

Elmon Scott 2 days 2.00
\$9.00

Surveyor 4 da's = 20.00
Surveyor charges \$5.00 a day

Commissioners 3 acted

Rufus Scott

C. J. Cross

L. H. Morgan

Expenses

Surveyor = 4 days = \$20.⁰⁰

Chain barress = 4'' = \$5.25⁴

Bush cutters 4 da \$3.00²⁵⁰

Surveyor's board + horse ^{4 da} \$4.00^{up}
\$7.75

Total - \$32.75.

You can mail Mr Copeland
a check for his amt.

Mr Jesse Copeland
Holland Va,

This is the expenses of
the Labor besides the
3 Commissioners fee

We do not know the
expenses for the commission
that is left for you
to settle, what ever it
may be.

Yours very truly
Darius S. Scott

P.S. The reason it took
so long it was a terrible
piece of land so thick
and desolate.

Holland 9
May 28-18.
Judge B. H. Rouse
Suffolk
Va

Dear Sir

The commissioners

Today are sending you
the total expenses of
surveying the land of
the Everett heirs. They
proceed as follows. Judge
now want you to draw
this account off in
shape. This is rough
estimating

Holland Va Rout 2

May 28-10

Hon R. H. Rawlee
Suffolk Va.

Dear Sir.

By the request of your committee
I have been and divided the Langston
land as they directed, and at your
request I herewith submit a plot and
report of my work which I hope will
prove satisfactory. The commissioners
will submit a summary of expenses &
and such other information as they
think necessary.

Yours truly
J. W. Copeland.

R. R. Smith
I, ~~AZRA P. COMER~~, Clerk of the Circuit Court of Nansemond County, Virginia,
do certify that the bond required of R. H. Rawles
_____ as Special Commissioner under the decree of said Court
made on the 11th day of April 1910, ~~189~~, in the Chancery cause pending
in said court between Aue Langston & others
_____, complainants, and J. R. Everett & others
_____, defendant A,
has been executed with security deemed sufficient by me.

Given under my hand this 5th day of May 1910 ~~189~~.

R. R. Smith, Clerk.
By M. M. Watkins D.C.

Letter No. R^o 2
5-19 / 18

Judge R H Rawls

Dear Sir

I enclose herewith
having a Deed of
Trust on a Queen's
own fourth of land.
you can settle with
her when and interest
she does charge him
any interest. I will
attend to having the
land divide as soon
as possible.

I am yours truly

J. B. Langston

Gates N.C.

P. I. D. #1

May 20th 1910.

Mr. R. H. Ratoles,
Suffolk, Va.

Dear Sir:- As my brother
Mr. I. A. Everett was pay-
ing me after he return-
home, so you can send his
check right on to his father
Mr. H. C. Everett.

Thanking over

you for your kindness
you have done for us.

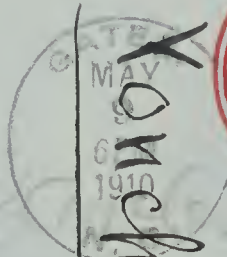
Yours Very truly,
Mrs. Alice Langston

After.....days, return to

R. D. Route No. 2,
GATES, N. C.

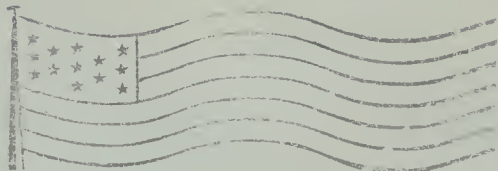


Konchaert.

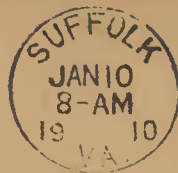


Judge R. A. R.
Suffolk

ra



SOUTHERN RAILWAY.
RAILWAY BUSINESS.



Judge R. H. Rawles

Suffolk, Va

*See Sample
Card*

#15.00 Recd of R.A. Rawber special Com-
mission in the money comm
San Langsten is J. A. Everett also fifteen
dollars for making report in
said comm. May. 7. 1910.

Bradford Kilby, Comr.

WOODWARD & ELAM,
INSURANCE

Suffolk, Va., May 12th 1900

Received of R. H. Rawles

Five & 00/100

Dollars

and on the Car Lumber for Car

Woodward & Elam,

\$1200

Per *W*



Received

June 29th 1900

of R H Rader special Commis

Sixteen $\frac{81}{100}$ — Dollars.

is full payment of all fees in chancery cause of Sue
Langsten vs J. A. Everett et al, including writ tax,
all clerk fees and four dollars for Commis Revenue
for 4 transfers

(\$1.⁵⁰ of this paid on Apr 12/10)

\$16 $\frac{81}{100}$

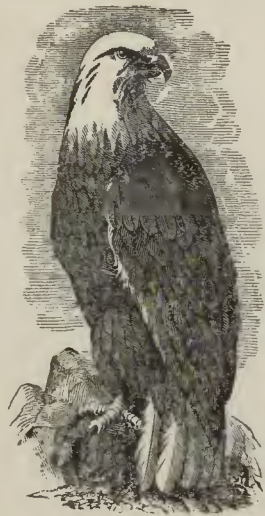
LINEN

R. R. Smith, Clerk
By M M Watkins D.C.

\$20.00

Received of R. H. Rawles, Special Commissioner, in the Chancery cause of Sue Langstun vs. I. A. Everett, et als, twenty (\$20.00) dollars, in full for surveying and laying off land mentioned in suit.
June 3d. 1910.

J. W. Copeland



\$125.

LINEN



of

June 27th 1900
R.H. Ready, Special Comptroller
One Hundred & Twenty Five Dollars.
in full for all services in and out
of San Lorenzo de los Rios, in J. A. Everett and

R.H. Ready atty

\$575.00

Received of R. H. Rawles, Special Commissioner, in the Chancery cause of Sue Langstuh vs. I. A. Everett, et als, five hundred and seventy-five (\$575.00) dollars, in ~~full~~ payment of my share of the proceeds of the sale of certain standing timber, to C. H. Bull, which said timber was sold by virtue of a decree rendered in said cause, on the real estate mentioned in said cause, in which I have an interest.

May 7th, 1910.

Mary Sue Langstuh,

\$575.00

Received of R. H. Rawles, Special Commissioner, in the Chancery cause of Sue Langstuh vs. I. A. Everett, et als, five hundred and seventy-five (\$575.00) dollars, in ~~part~~ payment of my share of the proceeds of the sale of certain standing timber, to C. H. Bull, which said timber was sold by virtue of a decree rendered in said cause, on the real estate mentioned in ssid cause, in which I have an interest.

May 7th, 1910.

A. L. Langston.
Alice Langston.

\$575.00

Received of R. H. Hawles, Special Commissioner, in the
Chancery cause of Sue Langston vs. I. A. Everett, et als, five hundred
and seventy-five (\$575.00) dollars, in ~~xxx~~ payment of my share of
the proceeds of the sale of certain standing timber, to C. H. Hall,
which said timber was sold by virtue of a decree rendered in said
cause, on the real estate mentioned in said cause, in which I have
an interest.

May 7th, 1910.

X *Mrs Lucile B. Everett* X
Guardian of Ophele Win Everett
and Willie Jackson Everett.

Fort Terry, New York.

May 4th 1910

Mr R. H. Rawles.

Suffolk Va.

Dear Sir I received
a letter from my father and
he said that you was
going to settle with him^{the} for
the timber of hams I
want you to pay my
part over to my father
W. P. Everett and let me
hear from you as soon
as the matter is settle

as I am so far away from
home I can not attend
to it Very respectfully

Isaac A. Everett

125 Co. C. A. C.

Fairbury
N.Y.

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

SUFFOLK, VA.,

\$575.00

Received of R. H. Rawles, Special Commissioner, in the Chancery cause of Sue Langstun, vs. I. A. Everett, et als, now pending in the Circuit Court of Nansemond County, being ~~a part of~~ the sum due I. A. Everett, from sale of timber sold to C. H. Bull from the land mentioned in said cause.

May, 23d, 1910.

Acct rec'd being \$575.00
W. P. Everett Agent for
I. A. Everett

PRACTICES IN ALL STATE AND
FEDERAL COURTS

Sue Langston vs J. A. Everett et al.

Partial Expenses of Survey.

Suffolk, Va., June 2nd 1910

Commissioners:

Rufus Scott, 4 days	4.00
C. J. Lewis " "	4.00
L. H. Morgan " "	4.00
Bush Cutters, John Hamlin	1.50
" Frank Rountree	1.50
" Elmon Scott	1.50
" Jasper Morgan	.75-
Chain Bearers: Claud Wilkins	1.75-
" Elmon Scott	2.00
	\$ 21.00

Recd of R. H. Rawles special Commissioner
twenty one dollars in full payment of
same which I agree to distribute properly.

Rufus Scott

THE SPACE BELOW MAY BE USED FOR CORRESPONDENCE.



POSTAL CARD

THE SPACE BELOW IS FOR THE ADDRESS ONLY.

R. H. Rawles,
Suffolk
Va.

Rec. 2.16-1910
Gatun N.C.

Dear Sir-

Mr. Bull will
have to ^{have} write
on card for you to
speak of it if you
want to.

Yours Truly
G. J. Hamilton



Gates, N.C.
Feb 15th - 1910

Mr. R. H. Rawles.

Suffolk, Va

Dear Sir

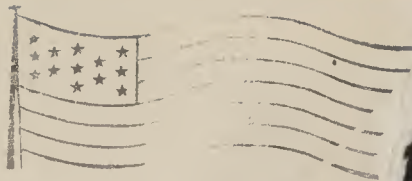
I am answering
your letter that I received
yesterday concerning the
tract of land and timber
that Mrs Leslie B. Everett
has mentioned to you.

The tract of timbered land
contains about 375 acres.
Mr Bulls offer was \$2500⁰⁰/₁₀₀
Twenty five hundred dollars
for pine and poplar.

Mr L. A. Everett address.
125 Co. Fort Terry. N.Y.
Yours very truly
H. J. Langston



Mr. R. H. Rawles,
Suffolk Va



IN THE CIRCUIT COURT OF NANSEMOND COUNTY, IN VACATION, ON THE 11th
DAY OF APRIL, 1910.

-----#
Sue Langston, et als. . #

vs. #

In Chancery. #

I. A. Everett, et als. #
-----#

This cause came on this day to be heard in vacation, by consent of all parties, plaintiffs and defendants, entered of record, and on the report of Bradford Kilby, one of the commissioners of this court, to whom the papers in this cause had been referred, which said *upon the consent in writing of all parties in interest waiving the ten days requirement for said report to be* report was filed on the 4th day of April, 1910, [^] and to which no excep-
tion 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 sell and convey at private sale to C. H. Bull, the pine and poplar timber now standing on the land belonging to the said plaintiffs, and defendants, and fully described in the bill in this cause, on the following terms and conditions, to-wit: the said pine and poplar timber to be sold down to twelve inches in diameter on the stump, with the stump twelve inches from the ground, the said C. H. Bull to have the privilege of five years from the date hereof, in which to cut and remove the said timber from the said land and no longer, and he is also to have the privilege of a mill site on said land for the purpose of erecting ^{and operating} a saw mill, ^{with the right to remove same} and he is to straw the stables, and to have one-half of the manure from the stables, and the other one-half to ^{and all necessary rights of way to remove said timber except sawmill timber land} be left on the farm, [^] and is to pay twenty-five hundred (\$2,500.00) dollars for the said timber, in cash, and when so paid the said special commissioner is directed to enter into a written contract conveying same to him on the terms and conditions herein stated, but before the said commissioner shall act under this report, he shall

enter into a bond in the sum of three thousand (\$3,000.00) dollars, conditioned for the faithful performance of his duties under this and all other decrees that may be entered in this cause, with security deemed sufficient by the Clerk of this Court, and he is required to report all his proceedings under this cause to this court.

The court doth also order, adjudge, and decree that L. H. Morgan, ^{John Haslett} Rufus Scott, Charles Cross, and Fred March, who are hereby appointed commissioners for that purpose, any three of whom may act shall after having given due notice to all parties in interest, proceed to go upon the land in the bill and proceedings mentioned, and lay off into four equal parts, the said lands, having due regard both to quantity and quality, and assign one of the said parts to each of the parties in interest, ~~named~~ in this cause; and the said commissioners are hereby authorized to employ a competent surveyor to assist them in the discharge of their duties, in laying off, and dividing said land, and the said commissioners shall also make report to court of their proceedings under this decree, and this cause is continued.

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

James L. W. Moore

TO THE HONORABLE JAMES L. McLEMORE,

JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY:

Sue Langstun, et als.

vs.

I. A. Everett, et als.

In Chancery.

We, the undersigned plaintiffs and defendants, being all the parties in interest in the above entitled cause, hereby waive the benefit and effect of the statute which requires that the report of Bradford Kilby, Commissioner in Chancery in this cause to whom the papers in this case had been referred, and which was filed on the 4th day of April, 1920, to lie in the Clerk's Office ten days before any action is taken therein, and we ^{hereby} express our willingness that the decree hereto annexed may be entered in this cause.

Sue Langstun
George I. Langstun Plffs
G. R. H. Naylor atty.

I. A. Everett.
Alice Langstun
Harry Langstun
Terlin B. Everett Plffs
G. R. H. Naylor atty.

John D. Lee
Guardian ad litem for
Ophelia Wier Everett
Willie Jackson Everett infants.

Decree

For Sale of Timber
and Partition of Land.

Enter April 1th. 1910.

Anna L. L. L. L.

Entered in Chancery
Order Book No. 4.
Page 414.

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

-----#
Sue Langstun, et als. #

vs. #

I. A. Everett, et als. #
-----#

In Chancery.

This cause came on this day to be heard on the bill of the complainant and exhibit filed, and the answer of John P. Lee, Guardian ad litem, for the infant defendants, ^{with general replication thereto} duly appointed at rules, and the adult defendants, failing to plead answer or demurr, 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 the papers in this cause shall be referred to one of the commissioners of this court, to ascertain and report to the court as follows:

1st.

Whether the real estate mentioned in the bill can be conveniently divided in kind, between the several parties, entitled thereto without a sacrifice of interest.

2d.

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

3d.

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

4th.

The annual and fee simple value of said property, together with the liens if any, and their amount, dignities and priorities, and whether the same has ever been sold for delinquent taxes. Whether it will be to the interest of all parties in interest to sell the standing pine and poplar growing on said land, for the sum of twenty-five hundred (\$2,500.00) dollars, or publicly for what it will bring, and whether all parties in interest desire to carry out a certain contract entered into with C. H. Bull, of Norfolk, for the sale of the said timber, for the sum of twenty-five hundred (\$2,500.00) dollars, previous to the death of W. J. Everett.

6th.

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

By consent of all parties, plaintiffs and defendants, entered of record it is ordered that this cause may be submitted to the Judge of this Court, in vacation, for such decrees, or decisions therein, in vacation, as might be made in term.

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

Decree for Accounts,

Enter March 14. 1910
Jamm L McLimore

Entered in Chancery
Order Book No. 4 Page 403.

We consent to this
decree. R. H. Rawles atty
for Plaintiffs.

J. A. Everett
Alice Longstun
Harry Longstun
Leslie B. Everett
J. R. H. Rawles Counsel.

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

Know All Men by These Presents, That we, R. H. Rawles and The
United States Fidelity & Guaranty Company

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of
Three Thousand DOLLARS,

to the payment whereof, well and truly to be made to the Commonwealth of Virginia, we bind our-
selves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

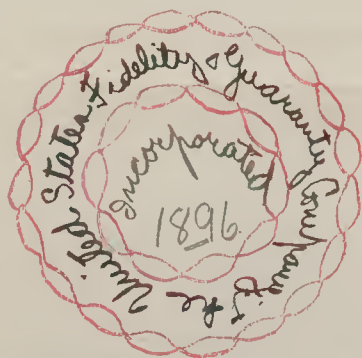
And we waive the benefit of our exemption as to this obligation, and also waive any claim or
right to discharge any liability to the Commonwealth arising under this bond, or by virtue of the
office, post or trust herein mentioned, with coupons detached from bonds of said State.

~~Sealed with our seals, and dated this~~ ----- day of ----- in the year
~~of Our Lord one thousand nine hundred and~~ -----, and in the ----- year of
~~the Commonwealth,-----~~

In Testimony Whereof, the said R. H. Rawles has
hereto set his hand and seal, and the said The United States Fidelity & Guaranty
Company has caused its corporate name to be hereto signed, and its
corporate seal to be hereto affixed, this 5th day of May in the year of our
Lord, one thousand nine hundred and ten, and in the 34th year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That ~~if the above bound~~
WHEREAS, by a decree pronounced on the 11th day of April, 1910, in vacation,
by Hon. James L. McLemore, Judge, in a certain cause pending in the Circuit
Court of Nansemond County, Virginia, between Sue Langston et als, Plaintiffs,
vs, I. A. Everett et als, Defendants, it was decreed that R. H. Rawles, who
was thereby appointed Special Commissioner, for the purpose, should sell &
convey at private sale to C. H. Bull, (subject to certain terms & conditions
therein stated) certain timber in the bill & proceedings mentioned belonging
to said plaintiffs and defendants.

Now, therefore, if the said R. H. Rawles shall faithfully discharge
and perform his duties under said decree and all other decrees he may be
required to execute in said cause then the above obligation is to be void,
otherwise it is to remain in full force & effect.



R. H. Rawles

SEAL

The United States Fidelity &

SEAL

Guaranty Co.

SEAL

by W. G. Elam, its atty in fact

SEAL

SEAL

VIRGINIA : W. G. Elam

In the Clerk's Office of the Circuit Court of Nansemond County, on the 5th day
of May, 1910 :

The above bond was executed and acknowledged before me by the obligors to the same
(the security ^{approved} ~~justifying~~) and ordered to be recorded.

A Copy - Fresh:

Teste: R. R. Smith, Clerk.

By M. M. Watkins, D. C.

R. R. Smith, Clerk
By M. M. Watkins, D. C.

Due Langston & als
to } chancery
J. A. Everett & als

R. H. Rawles.

To } Special Court.

The Commonwealth.

1910

May 5.

Recorded in Official
Bond Book No. 2. Pg. 140.

A Copy

R. H. Rawles

p. q.

Copy of Costs

Taxed in the Suit of:

Sue Langston
vs.

J. A. Everett & als

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Writ Tax

Paid Apr 12/10 -

1 50

Clerk

Suit 8.00 Copy of Will 1.50 Recording Report 1.75
Comm of Revenue transferring 4 lots 4.00

15 31

Sheriff

✓

Attorney

15 00

Commissioner

15 00

Printer, for Order of Publication, etc.

✓

\$ 46 81

Date of Judgment or Final Decree

191

1910, June 17 - Costs include 1 decree & 2 reports yet to come -

Copy of Certs -

Everett,	Offelia Wier	=	From Langston	Langston	beings
"	Willie Jackson	"	"	"	"
"	J. A.	"	"	"	"
Langston	May Lee	"	"	"	"
"	Alice	"	"	"	"

Very truly,

R. H. RAWLES, Administrator.

R. R. Smith Clerk of the Circuit
Court of Mauremune County:

Sue Longston
George I. Longston

Plffs

vs

J. A. Everett

In chancery

Alice Longston

Harry Longston

Lester B. Everett

Ofelia Wise Everett

Willie Jackson Everett.

^{should not have been}
infants

Defts

Issue summons for plaintiffs against
defendants to second Hilmaney rules
1910 to answer a Bill in chancery.

R. H. Mauler p. g.

Send all summons to
R. H. Mauler

Memo -
—

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *J. A. Everett, Alice Langston, Harry Langston, Leslie B. Everett, Ophelia Nise Everett and Willie Jackson Everett, the last two being infants*

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* Mouday in *February* 1910, to answer *a* Bill in Chancery, exhibited against *them* in the said Court by *Lue Langston and George J. Langston*

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this *16th* day of *February*, 19*10*, in the 13*4th* year of the Commonwealth.

A copy—Teste:

R. R. Smith, CLERK. }
By A. L. Mitty, De.

Teste:

R. R. Smith, Clerk
By A. L. Mitty, De. CLERK.

R. H. Rawler p. q.

Copy for

vs.

IN CHANCERY.

Willie Jackson Everett,
an infant

1910.....

February Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. *3*.....

PAGE *81*.....

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *J. A. Everett, Alice Langston, Harry Langston, Leslie B. Everett, Ophelia Wise Everett and Willie Jackson Everett, the last two being infants*

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*, 1910, to answer *a* Bill in Chancery, exhibited against *them* in the said Court by *Lue Langston and George I. Langston*

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this *16th* day of *February*, 1910, in the 13^{4th} year of the Commonwealth.

A copy—Teste:

R. R. Smith }
By A. L. Smith, Sec. }
 CLERK

Teste:

R. R. Smith, Clerk
By A. L. Smith, Sec. }
 CLERK

R. H. Rawles

p. q.

Copy for

vs.

IN CHANCERY.

Harry Langston

1910.....

February

Rules.

Thurs

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. *2*

PAGE *81*

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *J. A. Everett, Alice Langston, Harry Langston, Leslie B. Everett, Ophelia Wise Everett and Willie Jackson Everett, the last two being infants*

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*, 1910, to answer *a* Bill in Chancery, exhibited against *them* in the said Court by *Lue Langston and George I. Langston*

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this *16th* day of *February*, 1910, in the 13^{4th} year of the Commonwealth.

A copy—Teste:

R. R. Smith, CLERK.
By A. L. Smith, Sec.

Teste:

R. R. Smith, Clerk
By A. L. Smith, Sec. CLERK

Whereby accept legal and sufficient service
of the within summons or notice and appoint
R. H. Carley or his agent and atty at Law
and in fact to represent us and our
interest in all proceedings in this suit in
cause. Feb. 17. 1910.

both of whom
Sign here to

Alice Langston.

Harry J. Langston,

R. H. Carley

p. q.

Copy for

vs.

IN CHANCERY.

Alice Langston
Harry Langston

1910

February

Rules.

Third

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. 3

PAGE 81

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *J. A. Everett, Alice Langston, Harry Langston, Leslie B. Everett, Ophelia Nell Everett, and Willie Jackson Everett, the last two being infants*

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, 1910*, to answer *a* Bill in Chancery, exhibited against *them* in the said Court by *Lue Langston and George I. Langston*

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this *16th* day of *February*, 19*10*, in the 13*4th* year of the Commonwealth.

A copy—Teste:

R. R. Smith
By *A. L. Smith*, *de* CLERK.

Teste:

R. R. Smith Clerk
By *A. L. Smith*, *de* CLERK.

I herby accept legal and sufficient service
of the within summons or notice and appoint
R. H. Rawles or my atty at law and in each
to represent me and all my interest in all
proceedings in this suit or cause. Feb. 17. 1910.

Leslie B. Everett +

R. H. Rawles

p. q.

A copy for

vs.

IN CHANCERY.

Leslie B. Everett

1910

February

Rules.

Third

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. 3

PAGE 81

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *J. A. Everett, Alice Langston, Harry Langston, Leslie B. Everett, Ophelia Wise Everett and Willie Jackson Everett, the last two being infants*

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*, 1910, to answer *a* Bill in Chancery, exhibited against *them* in the said Court by *Lue Langston and George T. Langston*

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this *16th* day of *February*, 1910, in the 13^{4th} year of the Commonwealth.

A copy—Teste:

, CLERK.

Teste:

R. R. Smith, Clerk,
By A. L. Britty, Deputy CLERK.

R. H. Rawles p. q.

Luc Langston and
George I. Langston

vs. } IN CHANCERY.

J. A. Everett, Alice Langston,
Harry Langston, Lillie B. Everett,
Opheelia Mild Everett & Willie Jackson
Everett, the last two being infants

1910.....

February Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. 3

PAGE 81

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

*J. A. Everett, Alice
Langston, Harry Langston, Leslie B. Everett,
Ophelia Wise Everett and Willie Jackson Everett,
the last two being infants*

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*, 1910, to answer

a Bill in Chancery, exhibited against *them*
in the said Court by *Lue Langston and George I. Langston*

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this *16th* day of
February, 1910, in the 13^{4th} year of the Commonwealth.

A copy—Teste:

R. R. Smith }
By A. L. Smith, Jr. } CLERK.

Teste:

R. R. Smith, Clerk
By A. L. Smith, Jr. } CLERK.

R. H. Rawler . p. q.

Copy for

vs.

IN CHANCERY.

Ophelia Wise Everett,
an infant

1910.....

February Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. *3*.....

PAGE *81*.....

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *J. A. Everett,*
Uice Langston, Harry Langston, Leslie B. Everett,
Ophelia Wise Everett, Willie Jackson Everett,
the last two being infants

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* 1910, to answer
a Bill in Chancery, exhibited against *them*
 in the said Court by *Aue Langston and George F. Langston*

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this *16th* day of
February, 1910, in the 134th year of the Commonwealth.

A copy—Teste:

Teste:

R. R. Smith
By M. M. Watkins CLERK.

R. R. Smith
By M. M. Watkins CLERK.

I herely a-cuth sufficient and legal service
of the within summons on notice and havey appear
Dr. H. H. Caudy on my attorney at Law and in fact to
represent me and my interest in all proceedings hereafter
in this suit. Feb. 19th 1910.

Joac C. Everett.

R. H. Rawles p. q.

Sue Langston & other

vs.

} IN CHANCERY.

J. A. Everett & other

1910.....

February Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. 3.....

PAGE 81-

VIRGINIA, in the Clerk's Office of the Circuit Court of Nansemond
County, in vacation, on the 21st day of February, 1910.

-----#
Sue Langstun & George T. Langstun. #

vs. #

In Chancery. #

I. A. Everett, et al s. #
-----#

On motion of the complainants, John P. Lee, a competent and
discreet Attorney-at-Law is hereby appointed Guardian ad litem for
the infant defendants, Ophelia Wise Everett, and Willie Jackson Ev-
erett, in the above entitled cause, and required to defend their in-
terest in the same.

R. R. Smith, Clerk
By M. M. Warriner, D.C.


Order
Appointing Guardian
ad litem.

VIRGINIA, NANSEMOND COUNTY, to-wit:

I, R. H. Rawles, a Notary Public for the county aforesaid, in the State of Virginia, do certify that Rufus Scott, C. T. Cross, and L. H. Morgan, three of the commissioners appointed by a decree of the Circuit Court of Nansemond County, entered on the 11th day of April, 1910, in the Chancery Cause therein pending, under the style of Sue Langstun et als, vs. I. A. Everett, et als, have this day appeared before me, in my county aforesaid, and after being duly sworn made oath that as such commissioners, ^{under} they ~~both~~ laid off and divided the land in the bill and proceedings mentioned in said cause, into four equal parcels or shares, having due regard to quality and quantity, and assigned each one of the said shares to each one of the said heirs-at-law, according to the terms of said decree, and that they ~~would~~ in all other respects fully and faithfully discharged all their duties under said decree, to the best of their knowledge and judgment.

Witness my hand this 26th day of May, 1910.

My term of office expires on the 30th day of January, 1911.

R H Rawles N.P.

Oath of
Commissioners

TO THE HONORABLE JAMES L. McLEMORE:

JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY:

The undersigned special commissioner, duly appointed as such by a decree, in the Chancery Cause now pending in said court under the style of Sue Langstun et als, vs. I. A. Everett, et als, on the 11th day of April, 1910, and directed by said decree to sell the standing timber on the lands in the bill and proceedings mentioned belonging to Sue Langstun, I. A. Everett, Alice Langstun, and Ophelia Wise Everett, and Willie Jackson Everett, the two last being infants, to C. H. Bull, for the price and sum of twenty-five hundred (\$2500.00) dollars in cash, respectfully reports that pursuant to said decree and after having given bond as required by said decree, the said special commissioner sold at private sale to C. H. Bull the said standing timber mentioned in said decree on said land, for the said sum of twenty-five hundred (\$2500.00) dollars in cash; that the said timber was sold according to the specifications and directions mentioned in said decree; that the said purchaser C. H. Bull, has paid the whole of the purchase money for said timber, and that this special commissioner has executed to him a deed for the same.

And your said special commissioner further reports that he has paid all of the cost and expenses of said suit and sale, and has paid the remainder of the purchase money over to the said Sue Langstun, I. A. Everett, Alice Langstun, and to Leslie B. Everett, Guardian for Ophelia Wise Everett, and Willie Jackson Everett, according to their respective interest therein, and he herewith submits a statement of all his said disbursements each one of which is accompanied by a proper voucher, all of which is respectfully submitted.

June 27. 1910.

*R. H. Rauls
Special Commissioner.*

Aluacuk Reed of C. H. Reed for standing
timber on the Longstem land \$2500.00

Paid out:

Bradford Kelly Commissioner for report 15.00
Woodward & Helen from commission on land 12.00

R. R. Smith Clerk of Court all cost
in case including from transfer of land 16.81

J. W. Copeland Surveyor & dep work 20.00

Rafus Scott for himself and two other
Commissioners to divide land and for
services of from barkeeper and two
chair-bearers - from dep work each 21.00

R. H. Roeder atty for services rendered
as Counsel in said cases in his
fall fees and other expenses 125.00

Paid

\$ 209.81

J. A. Everett (by W. P. Everett agent) 575.00

Sam Longstem 575.00

Alice Longstem 575.00

Leslie B. Everett Guardian of
Offspring of Wm Everett and Wilhelmina
Jackson Everett infant children
of W. J. Everett dec'd 575.00

\$ 2509.81

2500.00

Aluacuk Reed as above

Bot. due Commis

9.81

Reed said balance of said for

9.81

Vouchers are filed for each of the above payments.

Jun 27. 1910.

Respectfully Submitted

R. H. Roeder Special
Commissioner

Report of Sale
of timber
Distribution of money

Filed June 27. 1910.
M. M. Watkins D.C.

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

TO THE HONORABLE JAMES L. McLEMORE,

JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY:

The undersigned commissioners appointed by a decree of the Circuit Court of said County, on the 11th day of April, 1910, in the Chancery cause now pending, under the style of Sue Langstun, et als. vs. I. A. Everett, et als, to lay off, and divide the land in the bill and proceedings mentioned, among those entitled to the same, and to assign one of the said parts to each of the said parties in interest, respectfully beg leave to report that after having been duly sworn, we went upon the land in question on the 27th day of May, 1910, having first secured the services of J. W. Copeland, a competent surveyor, as we deemed it absolutely necessary to have the services of a surveyor, and proceeded to survey, lay off, and divide the said land according to the said decree. We first caused the whole tract of said land to be surveyed, and then having due regard to quantity and quality, we laid off and divided the same into four tracts as shown by the report of the said J. W. Copeland, surveyor which said report is adopted by us, and herewith filed as a part of our report, we then required each one of the said parties to draw lots for their respective share of said land, the lot of the infant children of W. J. Everett, having been drawn for them by John P. Lee Guardian ad litem. And we further report that the said land was assigned as follows:

Lot No. 1. on the surveyor's report was drawn by Opheelia
Wm Everett and Willie Jackson Everett infant
children of W. J. Everett
and that lot was assigned to them
as their portion of said land, free
from the claims of any of the other heirs.

Lot No. 2. was drawn by Alice Langstun
and that lot was assigned to her
as her portion of said

land, free from the claims of any of the other heirs.

Lot No. 3. was drawn by Isaac A. Everett
-----, and that lot was assigned to him
-----as his-----portion
of said land, free from the claims of any of the other heirs.

Lot No. 4. was drawn by Mary Sue Langstein
-----, and that lot was assigned to her
-----as her-----portion
of said land, free from the claims of any of the other heirs.

We have therefore assigned one of the said lots to each one
of the four said heirs, or devisees, to be henceforth held by them
-----as their-----
-----share or portion of said land, free
of the
from any claim of any other said heirs or devisees. All of which
is respectfully submitted.

Reuben Scott
C. F. Cross
L. H. Morgan

)
Commissioners

Filed June 27. 1910.

The above represents the heretofore undivided interest of the real estate of Timothy Langston Dec^r containing 412 acres more or less, divided in four lots as indicated above, with boundaries as follows. All of that part lying within the angle of the two roads and the land of L.H. Morgan, starting at a symour on side of road and running as follows, S 37° W 110 ps then road N 24° W 121 ps to a pine stump a cor on L.H. Morgan then N 59° E 65 ps to a dead pine then N 12° W 37 ps to a pine a cor on L.H.M. then S 63° E 16 ps to a pine then 72 ps to the beginning containing 54 acres, which constitutes a part of lot No 1. the remainder of lot No 1 begins at a poplar in the angle formed by the two line fences & running S 10° W 94 ps then S 27° W 17 ps to a cypress in run of swamp a cor in the line of Charlie Cross then along run of swamp (which is the line of Charlie Cross) to a sweet gum a cor on Tobe Hasellett then N 79° E to the beginning containing 44 acres more or less. and is the remainder of lot No 1 Lot No 2 starts at a sedge & runs S 81° W 40 ps to a poplar then S 79° W along a line of new marked trees to a sweet gum a cor on Tobe Hasellett & lot No 1 then ~~along run of swamp~~ S 84° W 17 ps to a pine then S 57° W 16 ps to a pine then S 74° W 14 ps to an oak
(over)

Then S 58° W. 9 ps to a pine then S 70° W 37 ps to a pine
a cor on Charlie Cross + F. A. Rountree then S 89° W 22 ps
then N 78° W 20 ps to a pine then 6 ps in same line to a
pine then W 31 ps to a black gum in run of branch
a cor on Tobie Hasseltt then a N & E course along
run of branch to a black gum then N 89° E
along a line of new marked trees to co road
then S 24° E 20 ps to the beginning, containing
103 acres more or less. Lot N 3 com at cor of lot
No 2 and runs S 89° W. along line of lot N 2 to
black gum in run of branch then along run
of branch a N & E course to a black gum in
run of branch then S 85° E along a line of
new marked trees to co road then S 24° E 42 ps
to beginning, containing 103 acres more or less!
Lot N 4 begins in cor of lot N 3 runs the
line of lot No 3 to a black gum in run
of branch then along run of branch in a
N. E. course to a bunch of bays a cor on Jim
Hare then S 78° E 13 ps to a pine then along same
course 33 ps to a pine then 11 ps further to a holly
then S 85° E 42 ps to head of a ditch then along ditch
S 82° E 80 ps to a pine then N 51° E 24 ps to a pine
then N 65° E 32 ps to a post a cor on Dick March
then S 45° E 79 ps to a pine stump a cor on L. H. Morgan
the S 24° E 42 ps to beginning, containing 108 acres
more or less.

Respectfully submitted,

J. W. Copeland
Surveyor.

May 27-10.

Virginia:

In the Clerk's Office of the Circuit Court of
Nansemond County, the 11th day of July, 1910:

This report and partition is admitted to record in pursuance
of chancery decree entered July 11th, 1910, in the cause
of Sue Langston et als., vs. I. A. Everett et als.

Teste:

R. R. Smith Clerk
By A. L. Tritt, D.C.

a cor on
Tob Hasslett B. gum

Dead pine

Pine
Pine

Lot No 2 - 103 a

Lot No 3 - 103. a

Lot No 4 - 105 a

Bunch of bay
a cor on Jim Harv.
Pine

Pine
Holly

Head of a ditch which
ditch is a its length

Pine

Pine

Post

Pine stump a cor on
L. H. Morgan.

cor on L.H.M. Pine

Pine cor on
L.H. M.

Pine

Sycamore starting point.

a cor on Chas
Gross & P.A.
Wountrell.

Pine
Pine
Pine

Chas Langston's Ed

J. A. Everett's Ed

May Sam Langston's Ed

a cor on Tob Hasslett.

Walnut

Pine

Cypress
Officer Wm Everett
Willie Jackson Everett's
Ed.

Lot No 1 - 44 a

Cypress

myrtille

Cypress

Pine
Sedat

Co road

Langston residence

Lot No 1 - 54 a.
Officer Wm Everett
Willie Jackson Everett's
Ed.

passing

Indep^d Rep^h 2

Commissioners

Dividing Land.

Timothy Langston
Do

Alice & Mary Sue Langston,
J. A. Everett & Phelia Ann
Everett & Willie Jackson
Everett.

Admitted to record
July 11. 1910

Recorded in W. B.
70. Page 50.

Filed June 27, 1910.
M. M. Watkins D.C.

Examined,

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

ALVAN BUSHNELL CO., LAW STATIONERS, 342 MARKET ST., PHILADELPHIA, PA.

-62/9

Virginia,

Circuit Court for the County of Nansemond, to-wit:

Sue Langstun et als.

Complainants.

v.

In Chancery.

I. A. Everett et als.

Defendants.

Commissioner's Office,

Suffolk, Va. April 4, 1910.

To Honorable James L. McLemore, Judge of the Circuit Court
for the County of Nansemond:

In pursuance of the decree of the Circuit Court for the
County of Nansemond pronounced on the 14th. day of March 1910
in the suit in chancery pending in said court between Sue Lang-
stun and others, Complainants and I. A. Everett and others, De-
fendants, the undersigned, Bradford Kilby, one of the Commission-
ers in Chancery of said court, respectfully reports as follows:

That on the 24th. day of March 1910, your commissioner gave
notice to the parties to the said suit that he would proceed
on the 4th. day of April 1910 at his office in Suffolk, Va. to
make the several inquiries required by said decree to be made
by one of the commissioners in chancery of said court.

That sufficient and legal service of the notice was duly
accepted by the parties to said suit as will appear by the en-
dorsations on the notice herewith returned.

That your commissioner on the 4th. day of April, took the
depositions of W. P. Everett, Rufus Scott, George T. Langstun,
and Harry L. Langstun touching said inquiries which depositions
are returned herewith.

That from the testimony of said witnesses and from infor-
mation otherwise obtained, your commissioner reports as follows:

(1)

That the real estate mentioned in the bill can be conveniently divided in kind between the several parties entitled thereto without a sacrifice of interest, inasmuch as there are four parties among whom it will be divided, and the land has four hundred acres, only 25 acres of which is cleared and tillable.

(2)

No one in interest will take the entire property and pay therefor to the other parties such amounts of money as their respective interests may entitle them to.

(3)

The interests of those entitled to said property will not be promoted by a sale of the entire property, nor by an allotment of part and sale of the residue

(4)

The fee-simple value of the said land after the timber is sold and cut off is about \$2500. The present annual value of it \$35.

There are no delinquent taxes against said property, and it has never been sold for delinquent taxes.

There is one deed of trust against the one-fourth undivided interest of Isaac A. Everett. This is to secure the sum of \$100. and is dated Aug. 8, 1907, bond secured by same is of even date. Wm. P. Everett is trustee and Alice M. Everett is beneficiary. See Deed-book No. 65, page 167. The bond secured by this deed of trust fell due Aug. 9, 1908.

It will be to the interest of all parties in interest to sell the standing pine and poplar growing on said land, privately for the sum of \$2500.

It is the desire of all parties in interest to carry out a certain contract entered into with C. H. Bull of Norfolk, Va. for the sale of said standing pine and poplar, for the sum of \$2500. This said contract was entered into previous to the

death of Wm. J. Everett.

(5)

There is no other matter deemed pertinent by your commissioner or which is required to be stated by any party in interest.

Respectfully submitted.

Bradford Kilby
Commissioner in Chancery.

Comis. fee ~~\$\$\$~~ \$15. Paid.

Commissioner's Office,

To *Sue Langston and George P. Langston*,
Complainants

and

*J. A. Everett, Alice Langston, Harry Langston
Leslie B. Everett, Aphelia Wise Everett, and
Willie Jackson Everett, the two last being
infants, and J. P. Lee, Guardian ad Litem of the infant
defendants,*

You are hereby notified that on the *4th* day of *April* *1910*
at my office, in *Suffolk*, Va., (at which time and place you are required to attend), I
shall take, state and settle the following accounts which are to be taken, stated and settled and
reported to Court in pursuance of the decree of the *Circuit* Court of *Stansemond County*
Va., rendered the *14th* day of *March* *1910*, in the suit in chancery

pending in said Court to which you are parties plaintiff and defendant, to-wit:

- (1) *Whether the real estate mentioned in the bill can be
conveniently divided in kind between the several parties, en-
titled thereto without a sacrifice of interest,*
- (2) *If the same can not be conveniently divided in kind
whether any party in interest will take the entire property and
pay therefor to the other parties such amounts of money as their
respective interests 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 shares,
whether the interest of those entitled to the said property or its proceeds
will be promoted by a sale of the entire property or by the allotment
of a part and sale of the residue,*
- (4) *The annual or simple value of said property, together with the liens if any
and their amount, dignities and priorities, and whether the same has ever been
sold for delinquent taxes. Whether it will be to the interest of all parties in interest
to sell the standing pine and poplar growing on said land, privately, for the
sum of \$2500. or publicly for what it will bring, and whether all parties in interest
desire to carry out a certain contract entered into with C. H. Bull, of Norfolk for
the sale of the said timber, for the sum of \$2500., previous to the death of W. J. Everett,*
- (5) *Any other matter deemed pertinent by said Commissioner or
which may be required to be stated by any party in interest,*

Given under my hand, as Commissioner in Chancery of said Court, the *24th* day of

March *1910*

Bradford Kilby
Commissioner in Chancery.

Sue Langston et als

vs. }

COMMISSIONER'S NOTICE.

J. A. Everett et als.

1910 March 24. Sufficient and legal notice of the within notice is hereby accepted by us.

Sue Langston
 Geo. J. Langston
 1871 Main, Concord,
 J. A. Everett
 Alice Langston
 Harry J. Langston
 1871 Main, Concord, N.H.
 Frederick and Helen
 J. O. Julia W. W. Everett
 1871 Main, Concord,
 N.H.

I, Timothy E. Langstun of the County of Nansemond in the State of Virginia, being of sound mind and calling to mind the uncertainty of human life do make and appoint this to be my last will and testament in manner and form as follows:-

1st. I give and bequeath to my daughter Margaret F. Kitchen, (now the wife of I. A. Kitchen) the following described land. Viz: Commencing at the County road crossing of Langstun Swamp at the bridge and running on up the said swamp the various courses thereof along the line of Bruce Smith, or the Robt. Smith lands, to a black or papa gum, in the channel of said swamp, at Rungo dam, from thence along a line of marked trees a somewhat west course to the county road, leading from Doctor Everetts on by the Justin Rawles farm to Langstun Swamp; to a holly tree on the west side of said road, from thence down said road in the direction of the house to the fork of the roads against the big Gin house; from thence along the Holy Neck Road a short distance to a cedar tree (marked) on the west side of the road opposite a small house; thence across the field or cleared lands, a west course a straight line to the head of a branch; thence down said branch to a cross fence leading from the Holy Neck Road down to the flat of the swamp on Chales Cross' Line, and on down said flat to the corner of the fence on the road to a poplar tree (marked) and on along said road to the beginning- supposed to contain three hundred acres, more or less-

2nd- I give and bequeath to my grandson, Timothy L. Everitt (the son of Wm. P. Everett the following real estate to wit: Commencing at the aforesaid papa or black gum in the channel of the swamp at punge dam, and running on up the swamp the various courses thereof along the line of Lucy Hunter and James H. King, and on to the high or up land to a large pine a corner on Lucius Morgan, and on along the line of the said Morgan a line of marked trees to the County road leading from Doctor Everitts on by the Justin Rawles farm to Langstun's Swamp, and on along said road to a Holly tree on the west side of said road- supposed to be and contain one hundred acres more or less, & known as the Tom Langstun Land.

3rd- I give and bequeathe to my grandchildren William J. Everitt, Mary Sue Everitt, I. A. Everitt, and Alice Everitt the children of my daughter by Wm. P. Everitt the following real estate, namely, embracing all the rest and residue of my lands not disposed of in this paper; containing four hundred acres more or less, and described as follows: Commencing at a pine tree a corner on the lands herein bequeathed to Timothy L. Everitt, and on the line of Lucius Morgan; thence along the said Morgan's line the various courses thereof to the road leading from Langstun Swamp to Holy Neck, thence across said road to J. R. Jones line, and on along said Jones line the various courses thereof to James Hare's line, and on along said Hare's line to the Briery Branch and down said branch along said Hare's line to a large black gum in said branch marked, and a corner on Jno. Cross, and James Holland; thence on an east course along J no. Cross line of marked trees to Charles Cross line, thence along Charles Cross line of marked trees the various courses thereof, to the Meadow Branch, & down said branch the various courses along a line of marked trees, to the line of the lands herein bequeathed to Margaret F. Kitchen; and it is herein specially provided by me the said Timothy E. Langstun, that should either of my grand children to whom bequests are herein made; that is to say, should Timothy L. Everitt, William J. Everitt, Mary Sue Everitt, I. A. Everitt and Alice Everitt, either or any of them, die before arriving at the age of

twenty one years, then the bequests or bequest herein made shall resort to those living-

4th- After the payment of all my ^{just} debts, if anything is left from my personal estate, I give and bequeathe all my personal estate of every kind and character, to my beloved wife, Mary; and to my son, Z. T. Langstun, my daughter, Margaret F. Kitchen, and to the heirs of my deceased daughter, Alice Everitt,- And I do hereby nominate and appoint my friend William T. Holland, executor of this my last will and testament, hereby revoking any and all former will, or wills, made by me at any time and declare these presents to be my last will and testament.

Signed, sealed and delivered by me the said testator Timothy E. Langstun on this 6th day of January, 1886.
Timothy E. Langstun. (SEAL).

Signed, sealed, published and declared by me the testator, Timothy E. Langstun, as for his last will and testament, in the presence of us, who in his presence, at his request, and in the presence of each other have hereunto subscribed our names as witnesses.

Witness: /

L. H. Morgan.

Augustus A. Holland.

At a County Court held for Nansemond County, the 12th day of March, 1888: this last will and testament of Timothy E. Langstun late of this county, deceased, was this day fully proved by the oaths of L. H. Morgan and Augustus A. Holland, subscribing witnesses thereto, and was thereupon ordered to be recorded, and on the motion of William T. Holland, the only executor named in the said will, who made oath as the law directs and entered into a bond in the penalty of three thousand dollars, conditioned according to law, with W. P. Everett, I. A. Kitchen and Z. T. Langstun, his sureties therein (who justified on oath as to their sufficiency, and which said bond being acknowledged by the obligors therein, is ordered to be recorded). Certificate is granted the said William T. Holland for obtaining a probate of the said will in due form.

Teste;

Peter B. Prentiss, Clerk.

A COPY:

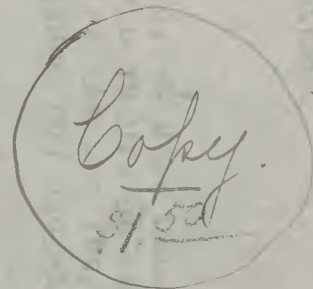
Teste:

R. R. Smith, Clerk,
By A. L. Mitty, De.

Timothy E. Langston's Will

Recorded in Will Book

No. 4 Page 164.



Ex a.

W. P. Everett, being duly sworn deposes and says as follows:

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

A. W. P. Everett, sixty, Nansemond County, Virginia, farmer, and I know all the parties to this suit.

Q. Please state whether you are well acquainted with the tract of land that is mentioned in the bill in this cause?

A. Yes I am well acquainted with it, I have known of it for thirty-five years, I live not far from it.

Q. Will you please state whether in your opinion this land can be conveniently divided in kind among the four different heirs?

A. Yes I think it can, it is quite a large tract of over four hundred acres, mostly wood land, and I see no reason why it cannot be so divided.

Q. Do you know of any of the parties who are willing to take the whole tract and pay to the other heirs their shares in money?

A. No I do not, so far as I know I think they all want it divided.

Q. If the timber was sold off this tract of land, how much do you think the land would then be worth?

A. About \$2,500.00 in my opinion.

Q. What would you consider its annual value?

A. About \$35.00 or \$40.00 as there is only about twenty-five acres of cleared land.

Q. It is stated in the bill in this cause that previous to the death of one of the four heirs, Mr. W. J. Everett that a bargain or a contract had been entered into with one Mr. C. H. Bull of Norfolk, to purchase the timber on this land at the price of \$2,500.00 cash, the timber to be cut down to twelve inches on the stump in diameter, with the stump twelve inches high, only the pine and poplar timber to be sold, with the privilege to him to cut down and remove the same within five years from the date of this contract, and with the further

privilege to him to have a mill site on said land, for the purpose of erecting a saw mill, and with the understanding that he was to straw the stables and that one-half of the manure was to be left on the farm, and that Bull was to have the other one-half. Would it in your opinion be advisable and to the best interest of all parties concerned to still carry out that contract?

A. I think so, as I think that is about a fair valuation of that timber. I think now is about the best time to sell it, as the timber most of it will soon be cut in that neighborhood and that would be left there to itself, and I think it would be difficult to sell it probably after the buyer had left the neighborhood, for that reason I think it best to accept his offer.

And further this deponent saith not. Signature waived.

Rufus Scott being duly sworn deposes and says as follows:

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

A. Rufus Scott, fifty-eight, Nansemond County, Virginia, farmer, and I know all the parties to the suit.

Q. Are you well acquainted with the tract of land mentioned in the bill in this cause?

A. Yes I am very well acquainted with that tract of land, I have been knowing it for the last fourteen or fifteen years, I live within one-half a mile of it, and am very familiar with it.

Q. What do you consider is the fee simple value of that land, with the timber sold off?

A. About two thousand or twenty-five hundred dollars in my opinion after the lumber has been sold off.

Q. What is its annual value?

A. There are only about twenty-five acres cleared and it now rents for \$40.00, and that in my opinion is its annual value.

Q. State whether it lies in such a position as to make it practicable of being divided into four equal parts?

A. Yes, I think it can be easily divided into four equal parts.

Q. Do you know of any of the parties in interest in this cause, who are willing to take the whole tract himself, and pay the others for their shares on it?

A. I do not.

Q. It has been stated that one Mr. C. H. Bull, had formerly bargained to buy the pine and poplar timber, on this land, down to twelve inches on the stump, and to have five years in which to cut and remove it. Please state whether in your opinion this is a fair price for the timber on this land?

A. Yes, I think it is a fair price for it.

Q. Do you think it would be advisable to sell the timber to him, at that price, and if so why do you say so?

A. Yes sir I do, because they are cutting and moving timber in that neighborhood and as soon as the buyer left that neighborhood he would hardly return for this one tract, and it would remain there unsold for many years.

Q. Do you think the rights of any person would be violated by the sale of this timber?

A. I do not think so.

And further this deponent saith not.

Signature waived.

George T. Langstun being duly sworn deposes and says as follows:

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

A. George T. Langstun, thirty-seven, Gates County, North Carolina, farmer, and I know all the parties to the suit, my wife is one of the heirs to this land, and we both are parties to the suit.

Q. Do you think this tract of land in the bill mentioned, can be conveniently divided into four equal parts?

A. Yes sir.

Q. So far as you know it is the wish of all the heirs to have it so divided if it can be?

A. It is.

Q. What do you consider the land worth with the timber sold off?

A. About twenty-five hundred dollars.

Q. What is its annual value?

A. \$35.00.

Q. You have heard us speak about a contract with one Mr. C. H. Bull, of Norfolk. Are you familiar with all the terms of that contract?

A. Yes, I am familiar with that contract, as I was one of the parties or my wife was, and it would have been carried out and performed But for the unfortunate death of one of the heirs, Mr. W. J. Everett, and I know it was his desire to have it carried out, as I have a letter from him written just previous to his death to that effect.

Q. Do you think it would be wise and to the best interest of all concerned to still carry out that contract, and allow Mr. Bull to have that lumber at the price agreed on to-wit: Twenty-five hundred dollars if he still desires to purchase it?

A. Yes sir.

Q. So far as you know is it the wish of all the parties in interest to carry it out?

A. It is.

Q. Do you know of any of the parties who have an interest in that land, who are willing to take the whole tract and pay cash to the other heirs for their parts?

A. No sir I do not, I think they all want it divided in kind after the timber has been sold off.

And further this deponent saith not. Signature waived.

Harry L. Langstun being duly sworn deposes and says as follows:

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

A. Harry L. Langstun, thirty-one, Gates County, North Carolina, farmer, and I know all the parties to this suit, my wife is one of the heirs to this tract of land, and she and I are both parties to the suit.

Q. How much is this tract of land worth with the timber sold off?

A. About twenty-five hundred dollars.

Q. How much is its annual value?

A. I suppose about \$30.00 or \$40.00.

Q. Can it be conveniently divided in kind in four parts?

A. I guess so.

Q. So far as you know is it the desire of the heirs to have it divided in kind among the heirs.?

A. Yes sir.

Q. Do you know of any of the heirs that are willing to take the whole tract and pay the other heirs their share in money?

A. No sir I do not.

Q. You have heard of a certain contract entered into with Mr. C. H. Bull of Norfolk for the sale of the standing timber, pine and poplar on this tract of land just before the death of one of the parties, Mr. W. J. Everett, and which would have been carried out but for his death. Are you familiar with the terms of that contract?

A. Yes sir.

Q. Did you and your wife agree to it?

A. yes sir:

Q. Do you think it would have been carried out, but for Mr. Everett's death?

A. Yes sir:

Q. Do you still desire, and is it so far as you know the desire of all parties to have that contract still carried out?

A. Yes sir.

Q. Then I understand you to say in effect that you believe that it would be to the best interest of all parties to have it carried out?

A. Yes sir.

And further this deponent saith not.

Signature waived.

Sue Langston et als

v. } In Chancery

J. A. Everett et als

Report of Bradford
Kilby, Comr in Chan-
cery, under decree of
March 14. 1910.

Filed Apr. 4. 1910.

-----#
Sue Langstun, et als. #

vs. #

I. A. Everett, et als. #
-----#

In Chancery.

This cause came on this day to be again heard on the papers formerly read, as well as on the report of R. H. Rawles, Special Commissioner, who was heretofore appointed as such, and directed to sell the timber on the land in the bill and proceedings mentioned, which said report was filed on the 27th day of June, 1910, and to which no exception has been filed; and was also heard on the report of Rufus Scott. C. T. Cross, and L. H. Morgan, three of the commissioners appointed by said decree of April, 11th 1910, and directed to lay off and divide the land in the bill and proceedings mentioned, into four separate parcels, having due regard to quantity and quality, and to assign one of the said four parcels to each one of the said four devisees or owners of said land, to-wit: One parcel to Sue Langstun, one parcel to Alice Langstun, one parcel to I. A. Everett, and one parcel to Ophelia Wise Everett, and Willie Jackson Everett, the infant children of W. J. Everett, deceased, which said report was also filed on the 27th day of June, 1910, and to which no exception has been filed and was argued by counsel.

On consideration whereof, it appearing from said report of said Special Commissioner R. H. Rawles, that he had sold the standing timber on the land in the bill and proceedings mentioned, to C. H. Bull, for the sum of twenty-five hundred (\$2500.00) dollars; that he had collected the entire purchase money, for same; that he had paid all the cost and expenses of suit and sale; and that he had properly distributed the remainder of the purchase money among the heirs, and devisees entitled to receive the same, and all of his disbursements and payment being accompanied by proper and legal vouchers, the court doth confirm the said report,

And it appearing from the report of the said Rufus Scott and the other commissioners who were appointed to lay off and divide said land, as aforesaid, that they did after having been duly sworn, proceed to lay off and divide said land into four different parcels, having due regard to quantity and quality, and that they have properly assigned one of the said lots to each one of the four parties entitled to receive the same, the court doth confirm that said report also; and the court doth further order, adjudge and decree that the said report of the said Commissioners, Rufus Scott, C. T. Cross, and L. H. Morgan, shall be recorded in full, in the ^{deed book in} ~~D. R. in~~ the Clerk's Office of the Circuit Court of Nansemond County, and indexed in the name of each one of the said heirs or devisees, and that the said surveyor's report which is accompanied and is made a part of the said commissioners report shall also be recorded, as a part of the said commissioners report.

And it appearing that nothing further remains to be done in this cause, it is ordered that the same be stricken from the docket

Say
Timothy Langston's heirs to ^{Mary} Sue Langston
+ So on.

Final Decree.

Enter July 11 1910

James L. Moore.

Entered in Chancery Order
Book No. 4. Page 424

In the Circuit Court of the County of Mauremune.

The answer of

Offelia Wise Everett and
Willie Jackson Everett

infants under the age of twenty-one years, by John P. Lee (a discreet
and competent attorney at law), their guardian *ad litem* assigned to defend them in this suit, and the answer
of the said John P. Lee, guardian *ad litem* of the said infant defendants,
to a bill of complaint exhibited against the said infants and others by Sue Lupton Lee
in the Circuit Court of the County of Mauremune

For answer to the said bill the said infant defendants by their said guardian *ad litem* answer and say that
being of tender years they do not know what their true interests are in relation to the subject matter of the
said bill, nor do they know whether the statements therein contained are true or not. They confide the pro-
tection of their interests therein to the care of the court. And the said guardian *ad litem* of the said infant
defendants for answer to the said bill answers and says that he knows nothing as to the truth or falsity of
the statements in the bill contained. He prays full protection for the infant defendants. And now having
fully answered, these defendants pray to be hence dismissed with their costs, etc.

Offelia Wise Everett
Willie Jackson Everett

By

John P. Lee
Guardian *ad litem*.

John P. Lee

} Guardian *ad litem* of the said infants.

STATE OF VIRGINIA

County of Mauremune } ss.

Sworn to before me in my Circuit aforesaid by John P. Lee

guardian *ad litem* as aforesaid, this the 7th day of March A. D. 1890.

By term of Office Expires
Jan 30 1891

W. H. Rawley, N. P.

vs.

ANSWER OF INFANT DEFENDANTS BY
THEIR GUARDIAN AD LITEM, AND
ANSWER OF THE GUARDIAN AD
LITEM FOR THE INFANTS.

et als.

Filed 189

Filed Mch 9/10 —

TO THE HONORABLE JAMES L. McLEMORE,

Judge of the Circuit Court of Nansemond County:

Humbly complaining, sheweth unto the court, your oratrix Sue Langstun, otherwise known as Mary Sue Langstun, the following case. Your oratrix states that some time previous to his death her grandfather, Timothy E. Langstun, of this county, made his last will which was duly probated in the County Court of Nansemond County on the 12th day of March, 1888, a copy of which said will is herewith filed, marked "Exhibit A" and prayed to be read as a part of this bill. By said last will he gave and devised to your oratrix, who was then Mary Sue Everett, and to her sister Alice Everett, and to her brothers Wm. J. Everett, & I. A. Everett, jointly the following tract of real estate, to-wit: X A certain tract of land, situated in Holy Neck District, in Nansemond County, Virginia, containing about four hundred (400) acres, more or less, commencing at a pine tree corner on the lands herein bequeathed to Timothy L. Everett and on the line of Lucius Morgan; thence along the said Morgan line to the road leading from Langstun Swamp to Holy Neck; thence across said road to J. R. Jones line, and on along said Jones line to James Hare's line, and on along said Hare's line to the Briery Branch; thence down said branch along said Hare's line to a large black gum in said branch, marked, a corner on John Cross and James Holland; thence east along John Cross's line of marked trees to Charles Cross's line of marked trees, to the Meadow Branch; thence down said branch along the line of marked trees to the line of the lands of Margaret F. Kitchen. X Your oratrix further says that since said will was probated, she has married George T. Langstun, and that her sister Alice has married Harry L. Langstun called in this suit, Harry Langstun, that her brother W. J. Everett married Leslie B. Rawles, and that her said brother W. J. Everett departed this life on the 16th day of January, 1910, leaving his widow Leslie B. and two infant children to-wit: Ophelia Wise Everett, age nine years, and Willie Jackson Everett, age seven years.

Your oratrix believes, and therefore charges that the said tract of land is susceptible of a partition in kind among those entitled to the same, as it is a very large tract, it contains about twenty-five (25) acres of cleared land, and about three hundred and seventy-five (375) acres of wood land. If the said land be susceptible of a partition or division in kind among said parties without a sacrifice of interest, then your oratrix desires that the same may be partitioned and divided into four separate tracts, and one of the said tracts be allotted to each of the four respective heirs, or their descendants. And your oratrix further says that this is a friendly suit, and she is informed, and believes, and therefore charges that it is the wish of all the parties interested to have the said land so partitioned and divided. If however the said land cannot be divided in kind, as aforesaid, without a sacrifice of interest, then your oratrix prays that the same may be sold and the proceeds thereof be divided among the respective parties, according to their respective interests. Your oratrix further says that there is much timber now growing on said land, which is liable at any time to be destroyed by fire, and that just a few days previous to the death of their said brother W. J. Everett, and when the four aforesaid owners were all alive, that they bargained and sold the timber on the said tract of land, to one said C. H. Bull, in Norfolk, for the gross sum of twenty-five hundred (\$2,500.00) dollars, in cash, the timber being sold being the pine and poplar growing on said land, to be cut down to twelve (12) inches in diameter, across the stump, with the stump twelve (12) inches from the ground, and with the privilege to the said C. H. Bull, to have five years and no longer to cut and remove said timber, from said land. ^{and the right to erect and operate a saw mill and to remove some} This contract had been agreed to by all the parties in interest, and had their said brother W. J. Everett lived a few days longer, would have been fully consummated and carried out, but owing to his death the matter came abruptly to an end. Your oratrix therefore says that she is still willing and anxious to have the contract carried out and performed, and that she is informed and believes that her brothers and sisters also desire that the said contract should be carried out and performed in good faith.

and all necessary rights
have been provided for

She further says that she is informed, and believes and therefore charges that it will be to the interest of the infant children of her said brother W. J. Everett, to have this sale carried out, as they are in need of funds for their maintenance and education, and that the rights of no person would be violated by having said contract carried out as originally agreed upon.

In tender consideration whereof, and forasmuch as your oratrix is without remedy in the premises, save by the aid of a court of equity, where such matters are alone and properly cognizable, your oratrix prays that the said I. A. Everett, Alice Langstun, and Harry L. Lagstun, her husband, Leslie B. Everett, the widow of W. J. Everett and Ophelia Wise Everett, and Willie Jackson Everett, infants, may be made parties defendant, to this bill, and required to answer the same, though an answer under oath is hereby waived; that proper process may issue; that all proper accounts and depositions may be taken; that a proper guardian ad litem may be assigned the infant defendants and required to defend their interest in this case; that the said tract of land may be partitioned and divided among the parties entitled to receive the same, if such can be done without a sacrifice of interest, and that if such partition cannot be made without a sacrifice of interest, that the said real estate may be sold, and the proceeds be divided among those that are entitled to receive the same; that the standing pine and poplar timber on said land, may be sold at private sale to C. H. Bull, if he desires it, at the price of twenty-five hundred (\$2,500.00) dollars, so as to carry out the contract formerly made by them, and the proceeds derived therefrom divided among the said parties, according to their respective interest, or if said C. H. Bull, should now decline to take the same, then the said timber may be sold at public auction to the highest bidder, on such terms as the court may direct, and the proceeds divided as aforesaid, and for all such other, further and general relief, as this case may require, or which to equity may seem meet, your oratrix will ever pray, etc.

Notice is hereby given that the court will be asked to
allow proper fees to counsel for their services in conducting this
case.

*Sue Langston &
R.H. Rawls Counsel*

VIRGINIA, NANSEMOND COUNTY, to-wit:

I, *R.H. Rawls* a Notary Public, for the
county aforesaid, in the state of Virginia, do certify that Sue Lang-
ston whose name is signed, to the above bill, has this day personally
appeared before me, in my county aforesaid and made oath that the
statements contained in the said bill, are true. Given under my
hand this 21 day of February, 1910.

My term of office expires on the 30 day of Jan. 1911

*R.H. Rawls
N.D.*

Rawles Fe.

Bill.

Longstun is Event.

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

ALVAN BUSHNELL CO., LAW STATIONERS, 342 MARKET ST., PHILADELPHIA, PA.

Filed Feb 21/10 -

Alice Langston & al.

vs.

J. A. Everett & al.

1910

- | | | |
|----------|----|---|
| February | 16 | Process issued returnable to second February Rules - Executed |
| " | 21 | Bill filed and decree nisi against Alice Langston, Harry L. Langston, Leslie B. Everett and J. A. Everett - |
| " | " | J. P. Lee appointed guardian ad litem to Ophelia Wise Everett & Willie Jackson Everett |
| March | 9 | Answer of J. P. Lee Guardian ad litem filed and cause set for hearing - |

Notes

P. H. Bowles Jr.

See Langston re

W. F. in Chancery

J. A. Everett, etc.

1910 July 11-

Final Decree

Costs:

Tax 1.50

Clerk fees in suit 8.06

" Copy of Will off
J. E. Langston 1.50

" Recording Comm'r. of
Surveyor's Report 1.75

" for Comm'r Redemmed
by 4 lots or 4.00 15.31

Atty 15.00

Comm'r in Chy. 15.00

46.81

¹⁹¹⁰
June 17 - Costs include 1 decree
& 2 reports yet to come -