

1911-011
Nonsemond Co (Suffolk)

Chancery Causes: Harry Council vs Arthur Council et al

Skipper, Pinner, Grant, Council

GUY I. BUELL, PRES.

H.E. MONTGOMERY, VICE PRES.

G.B. MONTGOMERY, TREAS.

G.H.H. HILLS, SECY

Alfred B. Cramer Co., Inc.
Lumber Manufacturers
Suffolk, Va.

No. 643

WE DO NOT ASSUME RESPONSIBILITY
 FOR DELAYS DUE TO FIRE, STRIKES,
 ACCIDENTS OR OTHER CAUSES BEYOND
 OUR CONTROL

TERMS
 1 1/2% FOR CASH IN 15 DAYS
 FROM DATE OF INVOICE, OR
 NET 60 DAYS

WE HAVE ENTERED YOUR ORDER AS FOLLOWS. IF NOT CORRECT WIRE US AT ONCE.

Billed to

Sold to Arthur Council

Via

June 8-1902

QUANTITY	SIZE	QUALITY	PRICE	REMARKS
<i>Cull</i>		<i>3 000 ft-</i>	<i>1000</i>	<i>\$300.00</i>
		<i>Pa'd</i>		

Will Ship.....

ALFRED B. CRAMER CO., INC.

RH Rawles

p. q.

Copy of Costs

Taxed in the Suit of:

Harry Council
vs.

Arthur Council others.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Writ Tax

Paid June 10/11 -

150

Clerk

935

Sheriff

250

Attorney

1500

Commissioner

1500

Printer, for Order of Publication, etc.

480

\$48.15

Date of Judgment or Final Decree

191

W. J. KENDRICK, President and Editor
J. C. HOLLADAY, Secretary and Treasurer

Suffolk, Va., Aug. 14 1911

M

R. H. Rawls Spe. Commissioner

TO SUFFOLK HERALD CORPORATION, Dr.

:: Newspaper and Job Printing ::

No. 912 WASHINGTON STREET

TERMS OF THIS BILL—NET CASH

BOTH PHONES

Feb. 28 Adv. 4 times Harry Canicie
vs. Arthur Canicie

480

July 12 Handbills in above suit

200, \$680

Paid Suffolk Herald Corp.
Oct 17, 1911

Attest

Mr. Charlotte Councelle

Dr.

113
 315
 428

See R. H. Rawles
 also a n - for
 will pay

1910

To G. W. BUTTS, Treasurer of Nansemond County, Va.

Albert Councelle Ent

No. <u>193</u>	STATE TAXES.					County Levy 27c on \$100	County Road Tax 15c on \$100	County School Tax 25c on \$100	District School Tax 15c on \$100	Parish Levy 8c on \$100	TOTAL TAX
	State Tax Support Gov. 20c on \$100 R. E. and P. P. Schedule B	State Tax Support 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							
Real Estate, acres <u>150</u> valued \$ <u>240</u>		<u>48</u>		<u>24</u>	<u>12</u>	<u>6.57</u>	<u>3.6</u>	<u>6.0</u>	<u>3.6</u>	<u>1.2</u>	<u>3.00</u>
Personal Property, Schedule B, val. \$-----											
Personal Property, Schedule C, val. \$-----											
Value-----											
Poll Tax for State and County-----											<u>1.50</u>
Total-----											<u>3.00</u>
5 Per Cent. Penalty-----											<u>15</u>
Total-----											<u>3.15</u>

Received payment

17

day of

Octo

1911

W. A. Spring
 Treasurer.

Paid by R. H. Rawles Special Com.

6 ct 12" 1911

Received

from R H R Baker Special Commr
Ten $\frac{85}{100}$

Dollars

in full for costs & milk toy in care of
Harry Council is Arthur Council.

\$ 10 $\frac{85}{100}$

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

Oct. 12th 1911

Received

from R H Carley Special Collector
Three $\frac{50}{100}$

Dollars

in full of ship's costs in cause
of Council is Council.

\$ 3 $\frac{50}{100}$

Attest
J. H. Carley

Received

C. d. 12th 1911

from R H Rander special Commr
Hire

Dollars

for selling at public Auction real estate
in cause of Horry Council is Arthur Council Rob.



5.00

J. Waldo

Received

Oct 12th 1911

from RAR Cables special Commis
Ten

Dollars

Premium on bond in honor cam
of Holy Council is further Council.

\$ 10-

Loosman Helam

September 7th 1911

Received

from R. H. Parker, Special Commr in
Hwy Council 15th District Council

Twenty two $\frac{78}{100}$ — Dollars

in full payment of payment I hold against
Charlotte Council dist. detached on J.S. # 2
page 140 in Clerk's office of Wake County.

\$ 22 $\frac{78}{100}$

W. D. Boyer

Oct 12th 1911.

Received

from R H Charles Special Collector

One Hundred & forty six $\frac{34}{100}$ Dollars

in full payment of the bill allowed me by Clerk

in the case of Hovey Council is Arthur Council.



146.34

Arthur Council

Witness: Mary D. Andrews

Received

Oct. 12th

1911

from R. H. R. Order of Ice Creams

Fifteen

Dollars

for services in choway cause of
Harry Council is Arthur Council No.

\$ 15⁰⁰

Bradford Kilby Comm.

Oct 12th 1911

Received from B.A. Carlos Special Collector
Nine $\frac{64}{100}$ Dollars

In full payment of the amt due me from sale
of part in cause of Harry Council in Archon Council.

\$9 $\frac{64}{100}$

Arthur Gurnett

Witness: Mary W. Andrews

Received from R H Reuter Spil Coeur
Nine $\frac{44}{100}$ Dollars
in full payment of suit due me from sale
of land in cause of Harry Council is Arthur Coeur

\$ 9 $\frac{44}{100}$

Harry Council

Received from R H Raudes spec Coeuner
Nine $\frac{64}{100}$ — Dollars
in full payment of amt due the firm
of land in cause of Harry Coeuner is Arthur Coeuner

\$ 9 $\frac{64}{100}$

Witness.

M. A. Wood

Benjamin ^{his} Coeuner
mark

Received

6 ch. 12¹ 1911

from R H Lauder special Collector

Nine $\frac{64}{100}$

Dollars

in full payment of debt due me from sale of
land in favor of Henry Council in Arthur Council.

\$ 9 $\frac{64}{100}$

Willis Council

VIRGINIA:

In the Clerk's Office of the Circuit Court of the County of Nansemond.

Harry Council

Pltff.

vs.

Arthur Council & others

Df'ts.

In

Chancery

I hereby certify that on the 6th day of February 1911

I posted a copy of the order of publication entered herein, at the front door of the Courthouse of the County of Nansemond; that being on or before the next succeeding rule day after said order was entered.

Given under my hand this 6th day of February, 1911

R. R. Smith

, Clerk,

By M. M. Warrick

, Deputy Clerk.

R. R. Smith
I, ~~1774 P. GOMER~~, 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 10th day of July, 1911, ~~1897~~, in the Chancery cause pending
in said court between Harry Council
others, complainant, and Arthur Council &
others, defendant,
has been executed with security deemed sufficient by me.

Given under my hand this 12th day of July, 1911. ~~1897~~.

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

Mr. Albert Councils Est

Dr.

See R. H. Rawles

1910

To G. W. BUTTS, Treasurer of Nansemond County, Va.

will pay

No. 188

STATE TAXES.

	State Tax Support Gov. 20c on \$100 R. E. and P. P. Schedule B	State Tax Support 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 27c on \$100	County Road Tax 15c on \$100	County School Tax 25c on \$100	District School Tax 15c on \$100	Parish Levy 8c on \$100	TOTAL TAX
Real Estate, acres <u>10</u> valued \$ <u>85</u>										
Personal Property, Schedule B, val. \$										
Personal Property, Schedule C, val. \$										
Value										
Poll Tax for State and County										
Total										
5 Per Cent. Penalty										
Total										

Received payment

17

day of

Oct1911

W. A. King

Treasurer.

Paid by R. H. Rawles, Sped. Com.

Copies these deeds.

John B. Pinner & wife to Charlotte Council
D.B. 64 Page 254

Robinson Gask to Albion Council
D.B. 9. Page 234.

charge to acct of Cheney Counc of
Harry Council is Arthur Council et al

R. H. Randles Atty



No.

Received of

Aug 31st 1911

R H R Carter & Co. Inc.

Lev. x x

100

Dollars

\$10

Arthur Council

Clerk 13.35-
 Auc 5.00
 Hemen 6.80
 Cam. 15.00
 Sheds 10.00
 Toy fan 15.00
 Staff 10.00
 3 15-
 Jan 25.00
 Hemen 10.00

104.30

Bygott 22.78

127.08

Clark 15.00

57 142.08

28.42

113.66

260.00
 113.66
 146.34
 57.36
 88.98
 10.00
 78.98

260
 67
 327

67.00
 28.42
 4 38.58
 9.64

67.00
 9.64
 57.36

Marsh check

Hemen
 Cook

78.98
 54.30
 28.98
 162.22

240.00
 162.22
 77.78

R. H. RAWLES
Attorney at Law and Notary Public

Administrator of the Estate of
Z. T. Holland

SUFFOLK, VA.,-----, 1908.

DEAR SIR:

As Administrator of the estate of the late Z. T. Holland I hold a bond against you secured by deed of trust on your land. The heirs are demanding that I shall proceed to collect all indebtedness at once, so that a settlement may be made. Therefore, I will not be able to continue the loan for you any longer, and you must make arrangements to take up the same.

Come right down to see me and bring enough to pay the interest to date and as much as you can on the principal. The whole must be fully paid up by the Fall of the year. I would suggest that you look around and see if you cannot get some one to take it up for you.

I am always at home on Saturday.

Very truly,

R. H. RAWLES, Administrator.

~~Cash~~ 104.38
~~Input~~ 22.78
~~57~~ 127.08
28.42

260.00
 113.66

 146.34

104.30
 15.00

 119.30
 22.78

 142.08
 57

 28.42

 118.66

1/5 Cash 142.08

 28.42

Take her with.

Take all with

67.00
 28.42

 4 38.58
 9.64

 8.64

R. H. RAWLES
Attorney at Law and Notary Public

Administrator of the Estate of
Z. T. Holland

SUFFOLK, VA.,-----, 1908.

DEAR SIR:

As Administrator of the estate of the late Z. T. Holland I hold a bond against you secured by deed of trust on your land. The heirs are demanding that I shall proceed to collect all indebtedness at once, so that a settlement may be made. Therefore, I will not be able to continue the loan for you any longer, and you must make arrangements to take up the same.

Come right down to see me and bring enough to pay the interest to date and as much as you can on the principal. The whole must be fully paid up by the Fall of the year. I would suggest that you look around and see if you cannot get some one to take it up for you.

I am always at home on Saturday.

Very truly,

R. H. RAWLES, Administrator.

Suffolk, Va.,

March 15 1907

Arthur Cunnell

BOUGHT OF **FELIX BRINKLEY**

—DEALER IN—

Sash, Doors, Blinds, Hardware and Building Materials

Fine Cutlery, Pumps, Paints, Oils, Glass, Etc., Etc.

No. 827 Washington Street, Smith Block

1902

To amt of Bill for Material

22.40

Paid
Felix Brinkley

Mr. Albert Council Est

Dr.

1909.

To G. W. BUTTS, Treasurer of Nansemond County, Va. ✓

102

285

387

No. 179

STATE TAXES.

	State Tax Support Gov. 20c. on \$100. R. E. and P. P. Schedule B.	State Tax Support 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, 25c. on \$100	County Road Tax 15c. on \$100	County School Tax, 15c. on \$100	District School Tax 15c. on \$100	Parish Levy 8c on \$100	TOTAL TAX
Real Estate, acres <u>10</u> valued \$ <u>85</u>										
Personal Property, Schedule B, val. \$										
Personal property, Schedule C, val. \$										
Value \$										
Poll Tax for State and County										
Total										150
5 per cent penalty										75
Total										102

Received payment

50

day of

Sept19 10W. H. King
Treasurer

Mr. Charlotte Council Dr.

See Albert Council^{est}

1909.

To G. W. BUTTS, Treasurer of Nansemond County, Va.

No. <u>184</u>	STATE TAXES.					County Levy, 25c. on \$100	County Road Tax 15c. on \$100	County School Tax, 15c. on \$100.	District School Tax 15c. on \$100	Parish Levy 8c on \$100	TOTAL TAX
	State Tax Support Gov. 20c. on \$100. R. E. and P. P. Schedule B.	State Tax Support 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							
Real Estate, acres <u>1 1/2</u> valued \$ <u>240</u>		<u>48</u>		<u>24</u>	<u>12</u>	<u>60</u>	<u>36</u>	<u>36</u>	<u>36</u>	<u>19</u>	<u>2 71</u>
Personal Property, Schedule B, val. \$											
Personal property, Schedule C, val. \$											
Value \$											
Poll Tax for State and County											<u>1 50</u>
Total											<u>2 71</u>
5 per cent penalty											<u>14</u>
Total											<u>2 85</u>

Received payment 30 day of Sept 1910

G. A. King Treasurer.

GEO. W. BUTTS, TREASURER NANSEMOND COUNTY

\$ 2 ¹⁸

Suffolk, Va.,

Sept 30 1910

Received of Arthur Council

Two ⁹/₁₀₀

Dollars

his taxes for 1909 in full

No.

3.87

218

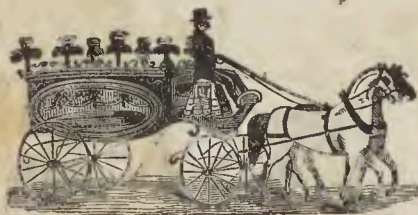
6.05-

W. A. King Sep
Treasurer.

W. H. CROCKER,
JOHN BOOTH,
HENRY SOUTHALL.

Suffolk, Va., April 25-19.

Mr Arthur Council



To W. H. CROCKER & CO., Dr.
FUNERAL DIRECTORS

No. 90 EAST WASHINGTON STREET.

SOUTHERN STATES PHONE--OFFICE, 219; RESIDENCE, 156.

April 21 TO funeral of Death
+ Etc \$88.00

Recd Payment
in full.
W. H. Crocker

Suffolk Va Jan 27th 1911

This is to prove that I build
a two room ell for Arthur Coined
in the year of 1902. by the job
for \$25.00 including the brick
work all to gether in West Archer

5 St John Hatchet
Carpenter

Suffolk Va Feb 11th 1911

this is to certify that I did ~~80~~ 100
worth work on Arthur Council
house when he had it Built in the
year of 1902 and Receive Payment

Kennedy H. Anlet

ALL CLAIMS for Errors or Shortage must be made within FIVE DAYS after receipt of goods. After shipping goods and getting a Receipt for them in Good Order our responsibility ceases, and we can allow no claim for Shortage

J. B. PHILHOWER

BELL PHONE, 142

ATLANTIC COAST, 152

J. C. PHILHOWER

J. B. PHILHOWER & SON

ROUGH AND DRESSED **LUMBER** SHINGLES, LATHS, ETC.

Planing Mill, Builders' Supplies, Mouldings, Brackets and Turned Work

MILL AND OFFICE--EAST SUFFOLK

SUFFOLK, VA.,

Jan 28

1911

SOLD TO M

Arthur Council

TERMS CASH

1902	to	lumber	18.53
11	"	"	10.00
11	"	"	3.00
11	"	"	5.50
11	"	"	10.00

This Bill Has Been
Paid
J B Philhower

VIRGINIA, NANSEMOND COUNTY,
To-wit:

In the Clerk's Office of the Circuit Court of said County, in vacation, on the 6th day of February, 1911.

Harry Council, Plaintiff
vs. In Chancery.

Arthur Council,
Willis Council,
Benjamin Council,
Shiny Mollie Skipper,

Defendants.

The object of this suit is to have a partition or division if practicable, of the real estate of which Charlotte Council, and Albert Council died seized and possessed, among the heirs entitled thereto, or if a division in kind be not practicable, to have a sale of the same, and a division of the proceeds among said heirs, and also for a settlement of the estate of the said Charlotte Council.

And affidavit having been made, and filed, that the defendant Shiny Mollie Skipper is not a resident of this State, it is ordered that the said Shiny Mollie Skipper appear at the Clerk's Office of the Circuit Court of Nansemond County, within 15 days after due publication hereof, and do what may be necessary to protect her interest in said suit, and that a copy of this order be published once a week for four successive weeks in the Suffolk Herald, a newspaper, published in Suffolk, Virginia, and posted as the law directs.

R. R. SMITH, Clerk.

By M. M. WATKINS, D. C.

A Copy-Teste:

R. R. SMITH, Clerk,

By M. M. WATKINS, D. C.

R. H. RAWLES, p. q.

Office of SUFFOLK HERALD.

SUFFOLK, VA., May 23 1911

I hereby certify that the order of which the annexed is a copy has been published in *THE SUFFOLK HERALD* in the manner prescribed by law---once a week for four successive weeks. beginning February 10, 1911 and ending March 3, 1911

W. J. Kendrick

Editor Herald

GEO. L. BARTON,
J. P. WHEDEBEE,
Committee.

per
to
code

NE REASONS WHY HE SHOULD
WIN.

A candidate for office was the

7

W. J. KENDRICK, President and Editor
J. C. HOLLADAY, Secretary and Treasurer

Suffolk, Va., May 23 1918

M R H Rawles Atty

To SUFFOLK HERALD CORPORATION, Dr.

:: Newspaper and Job Printing ::

No. 912 WASHINGTON STREET

TERMS OF THIS BILL — NET CASH

BOTH PHONES

Feb	28	Pub 4 times Suit Harry Cornice vs Arthur Cornice et al
-----	----	---

480			
-----	--	--	--

VIRGINIA, NANSEMOND COUNTY, to-wit:

In the Clerk's Office of the Circuit Court of said County,
in vacation, on the 6th day of February, 1911.

Harry Council, ~~Plaintiff~~

vs.

In Chancery.

Plaintiff

Arthur Council,

Willis Council,

Benjamin Council,

Shiny Mollie Skipper, ~~Defendants~~

Defendants

The object of this suit is to have a partition or division if practicable, of the real estate of which Charlotte Council, and Albert Council died seized and possessed, among the heirs entitled thereto, or if a division in kind be not practicable, to have a sale of the same, and a division of the proceeds among said heirs, and also for a settlement of the estate of the said Charlotte Council.

And affidavit having been made, and filed, that the defendant Shiny Mollie Skipper is not a resident of this state, it is ordered that the said Shiny Mollie Skipper appear at the Clerk's Office of the Circuit Court of Nansemond County, within 15 days after due publication hereof, and do what may be necessary to protect her interest in said suit, and that a copy of this order be published once a week ^{for four successive weeks} in the Suffolk Herald, a newspaper, published in Suffolk, Virginia.

^{and posted on the law office}
~~A copy of this:~~

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

Order of Publication

VIRGINIA, NANSEMOND COUNTY, to-wit:

In the Clerk's Office of the Circuit Court of said county,
in vacation, on the 6th day of February, 1911.

Harry Council.

Plaintiff.

vs.

In Chancery.

Arthur Council,

Willis Council,

Benjamin Council,

Shiney Mollie Skipper.

Defendants.

I, R. H. Rawles, agent and attorney of the said Harry Council do solemnly swear to the best of my knowledge, and belief, that Shiney Mollie Skipper, one of the defendants in the above entitled cause, is not a resident of the state of Virginia.

R H Rawles

Sworn to before me, in said office, on this 6th day of February, 1911

M M Watkins D.C.

known to witness me, is said to have been on the 17th day of September, 1871.

Witness, the said defendant at the above at Washington.

Witnessed before me at the place above in the above written
all the solemnly sworn to the fact of my knowledge, and signed, this

1st day of January, 1872, at the City and District of the said District Court.

Testimony.

Witnessed before me.

Witnessed before me.

Witnessed before me.

Witnessed before me.

as.

In Councils.

Witnessed before me.

Witnessed before me.

Affidavit of
my residence

In witness, on the 17th day of September, 1871.

In the Clerk's Office of the District Court of said District.

ALFRED W. HARRISON, Clerk.

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

Harry Council

Deft

"
to

Arthur Council

Willis Council

Benjamin Council

Shirley Mollie Skiff

Defts

Issue summons for Plaintiff against Defendants
to second Feb. Rule 1911 (3rd Monday)
to return said Plaintiff of a Bill in
chancery.

R.A. Naults Secy.

MB.

Arthur Council, Driver

Willis Council Driver

Ben Council "

Memo for Clerk

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Arthur Council,
Willis Council, Benjamin Council and Shiley Mollie Skipper

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, 1911, to answer
a Bill in Chancery, exhibited against them
in the said Court by Harry Council

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 6th day of
February, 1911, in the 135th year of the Commonwealth.

~~A copy~~ Teste:

CLERK.

Teste:

CLERK.

C. H. Rawley p. q.

Harry Council

vs.

}

IN CHANCERY.

Arthur Council, Willis
Council, Benjamin Council &
Shirley Mollie Shipper

1911.....

February

Rules.

Third

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. 3

PAGE 95

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
One Thousand DOLLARS,

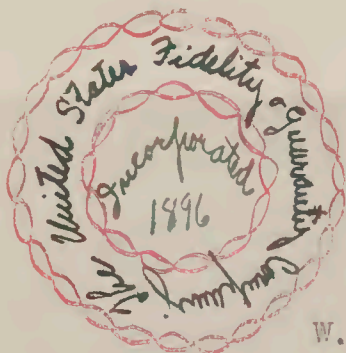
to the payment whereof, well and truly to be made to the Commonwealth of Virginia, we bind our-
selves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

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 12th day of July in the year of our
Lord, one thousand nine hundred and eleven, and in the 136th year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound
R. H. Rawles, who was by a decree of the Circuit Court of Nansemond County,
entered on the 10th day of July, 1911, in the chancery cause pending in
said court between Harry Council, Complainant and Arthur Council & others,
Defendants, appointed Special Commissioner to sell the real estate in the
bill and proceedings mentioned and described in said cause, 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 to be
void, otherwise to remain in full force and effect.



W. G. Elam

R. H. Rawles

SEAL

The United States Fidelity &

SEAL

Guaranty Co.

SEAL

by Wm. G. Elam, its atty in fact

SEAL

SEAL

VIRGINIA :

In the Clerk's Office of the Circuit Court of Nansemond County, on the 12th day
of July, 1911 :

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

A Copy,

Teste :

R. R. Smith, Clerk.

Teste :

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

By A. L. Twitty, Deputy Clerk.

R. H. Rawles

To { Special Court,
Bond

The Commonwealth.

1911

July 12.

Recorded in Official
Bond Book No. 2-

Pg. 175.

Copy

Harry Council,

vs.

In Chancery. .

Arthur Council. *At als.*

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

TO THE HONORABLE JAMES L. McLEMORE,

Judge of the Circuit Court of Nansemond County;

The undersigned Special Commissioner, in the above entitled cause begs leave to respectfully report that pursuant to a decree entered in said cause, on the 9th day of October, 1911, he has made to the purchaser, Alexena Cooper, a deed for the lot mentioned in the bill and proceedings, and known as the Charlotte Council lot in West Jerico; and that he has made to the purchaser, Arthur Council, a deed for the land known as the Albert Council land, in the bill mentioned, situated in Nansemond County, both deeds containing the covenants of title usual in cases of this kind. He further reports that as the Charlotte Council lot sold for about four times as much as the Albert Council land, he has taxed the Charlotte Council lot with four-fifths of the cost, and the Albert Council land with one-fifth of the cost, this being about their due proportion of the same. He further reports that out of the proceeds of sale he has paid all the cost and expenses of the suit and sale, the taxes for 1910, due on said property; the liens there on as reported by Commissioner Bradford Kilby, and the fee allowed by court, and the

remainder of the money coming from the sale of the Charlotte Council lot he has paid over to Arthur Council in part payment of his account against said lot, which was duly allowed by the court, by a former decree in this cause, leaving nothing coming from that lot to be distributed to the heirs-at-law of Charlotte Council, but leaving a balance still due from said Charlotte Council, to said Arthur Council on said account.

From the amount received from the sale of the Albert Council land after paying its due porportion of the expenses above mentioned, he has paid over the remainder to the heirs and distributees

-2-

at law of said Albert Council; and he further reports that he has taken vouchers for all of said payments and disbursements, which said vouchers are herewith exhibited to the court, and filed, and he appends hereto a full statement showing the receipts from the sales of real estate, and all of his disbursements, item by item, all of which is respectfully submitted.

*R. H. Rawles,
Spcl Council.*

Statement of Account.

Cash of creek and sale:

Clay Creek & Milk Tax	\$10.88 ✓
Sheriff	3.50 ✓
J. W. Hsiao Crier	5.00 ✓
Support Harold advertisement	6.80 ✓
Bond for Kelly Commis	15.00 ✓
Geo. W. Butts hearing Taxes	3.15 ✓
Meredith Helam, bond.	10.00 ✓
Commission on sale, bond	15.00 ✓
Atty Tax for "	15.00 ✓
Writing & deeds to purchases "	10.00 ✓
For allowance of cost to Commis	25.00 ✓
	<u>\$119.30</u>

W. D. Boyett judgment paid 22.78 ✓
\$142.08

This cash the special Commis divided between the two
 pieces of property according to the amount it owed for, pro rata.
 Taxing the larger piece with 4/5 of the cash and
 the smaller with 1/5 of the cost.

5) 142.08	Reid from sale of Charlotte Council lot	\$260.00
28.42		113.66
<u>113.66</u>	Paid its full of the cash	<u>\$146.34</u>
Paid Arthur Council's bill allowed by creek		146.34

Albion Council land sold for		\$67.00
Paid 1/5 part cost		28.42
Paid Arthur Council	\$9.64	<u>\$38.58</u>
" Harry Council	9.64	
" Benjamin Council	9.64	
" Willis Council	9.66	<u>\$38.58</u>

Vouchers filed for all payments.

Respectfully submitted

R H Reader special Commis

Oct. 12. 1911.

I have also paid \$113 Taxes due Geo. W. Butts hearing for 1910 on
 the Albion Council land.

Final Report
of
Distribution.

1911 Nov. 4th filed JLM

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

SUFFOLK HERALD--PRINTERS, PUBLISHERS, STATIONERS

TO THE HONORABLE JAMES L. MCLEMORE:

JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY:

Harry Council

vs.

In Chancery.

Albert Council, et als.

The undersigned Special Commissioner, appointed as such by a decree rendered in the above cause, on the 10th day of July, 1911, and required to sell the real estate of Charlotte Council and Albert Council, deceased, and fully described in the bill in said cause, respectfully reports that pursuant to said decree he gave bond as required by said decree, with security deemed sufficient by the clerk of the court, for the faithful performance of his duties and after he had duly advertised the said land and in all other respects complied with all the terms and conditions of said decree, he offered the said real estate at public auction before the Post Office, in Suffolk, Virginia, on the 17th day of August, 1911. At said sale Arthur Council, Harry Council, Benjamin Council, and Willis Council were all present. The Charlotte Council lot in West Jerico was struck off to Arthur Council for the sum of \$260.00, and the Albert Council tract of land was struck off also to Arthur Council for the sum of \$67.00. After the sale was over the said Arthur Council by a paper writing directed the Charlotte Council lot to be set down to Alexena Cooper, to whom it seems he had transferred his bid. Your commissioner desires to report that although this appears to be a small price for these two tracts of land, that he is of opinion from personal inspection that they sold for all they were worth, and that it will be impossible to get more for them. They were all advertised for thirty days or more all over this town, and the lower part of Nansemond County. Your commissioner appends to this report, the supplementary report made by Commissioner Bradford Kilby, based upon the evidence of J. Walter Hosier, and C. L. Lewis, which he respectfully requests your honor will read as a part of this report.

-2-

Your commissioner reports that if the said property had brought \$100.00 more it would have made no practical difference, as the entire amount would have gone as a credit on the account due Arthur Council, by the estate, and reported in this cause, this said account will not be paid in full at any rate.

Your commissioner therefore respectfully requests that the court will confirm the sale. He further reports that the purchaser, Arthur Council has paid the purchase money in cash, for said real estate, and the same is now in the hands of your commissioner.

All of which is respectfully submitted.

R H Rodes,
Special Commr.

Filed Sept. 6. 1911.

SUPPLEMENTARY REPORT OF BRADFORD KILBY, COMMISSIONER:
COMMISSIONER'S OFFICE:

Suffolk, Va.

Sept. 7th, 1911.

Harry Council

vs.

In Chancery.

Arthur Council and others.

TO THE HONORABLE JAMES L. MCLEMORE,

JUDGE OF THE CIRCUIT COURT FOR THE COUNTY OF NANSEMOND:

The undersigned commissioner of this court, to whom the papers in the above cause, were referred desires to make this addition to his report filed in said cause, on the 29th day of June, 1911. In that report your commissioner reported the Charlotte Council lot in West Jerico to be of the fee simple value of \$450.00. This report was based on the evidence of Harry Council, Arthur Council, Benjamin Council, and Willis Council, being the parties in interest in said cause. Since that report was made the said property has been sold at public auction, and brought only \$260.00. All of the above named parties were said to have been present at sale, and one of them became the purchaser. Since then your Commissioner has taken the evidence of J. Walter Hosier, and C. L. Lewis, both dealers in real estate, and has also himself made a personal inspection of said property, and from this evidence, and from his own personal inspection, your commissioner desires to say that he is of the opinion that the first valuation placed on said lot was too high; that said lot is not worth to exceed \$300.00 in any event as a home, and as an investment would probably not sell for that amount.

All of which is respectfully submitted.

Bradford Kilby
Commissioner in Chancery

J. Walter Hosier, and C. L. Lewis, both being duly sworn deposes and says as follows:

Q. Please State your names, ages, residences, occupations, and if you know the parties to this suit?

A. J. Walter Hosier, age--~~42~~³⁵---years,, and C. L. Lewis, age
---~~35~~³⁵---years, both of Suffolk, Virginia, real estate dealers, and we are not acquainted with the parties to the suit.

Q. Please state if you know anything of the lot of land formerly belonging to Charlotte Council, situated on the west side of fifth street in West Jerico, in this county and fully described in this suit, and if you know state what you think is a proper valuation for that lot and building?

A. Both of us desire to say that we have within the last few days been over and made a personal investigation of the property mentioned; the lot is a forty (40) foot lot and runs back one hundred and twenty (120) feet, and cost \$40.00; the building on it is in an unfinished state, is not painted, and only partially plastered; it is now unoccupied, and in a bad state of repair; it has two main rooms and two small rooms. As an investment neither of us would care to give \$300.00 for the place, though as a home for a colored person we thing it is worth \$300.00, certainly not more.

And further these deponents saith not.

J. Walter Hosier
C. L. Lewis

Report of Sale.

led Sept.

1. $\mathcal{M}^{\text{rel}}(V, \mathcal{H})$, and $\mathcal{C}^{\text{rel}}(V, \mathcal{H})$, are $\mathcal{O}(\mathcal{H})$ -modules.

Filed Sept. 6. 1911.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Arthur Council, Willis
Council, Benjamin Council and Shiney Mollie Skipper

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, 1911, to answer
a Bill in Chancery, exhibited against them
 in the said Court by Harry Council

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 6th day of
February, 1911, in the 135th year of the Commonwealth.

A copy Teste:—

CLERK.

Teste:

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

Executed this 10 day of Feb 1911
 by delivering a true copy of the
 within process to either
 Council Willis Council Benjamin
 Council J M Skipper
 not found in the County
 of Nansmond va
 John B. Baker

R. H. Parker
 p. q.

Copy for

vs. } IN CHANCERY.

Henry Melville Skipper

1911

February Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. 3

PAGE 95

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Harry Council,

vs.

In Chancery.

Arthur Council, et als.

This cause, came on this day to be again heard on the papers formerly read as well as on the report of R. H. Rawles, Special Commissioner, who by a former decree in this casue was appointed as such and directed to sell the real estate in the bill and proceedings mentioned, which said report was filed on the 7th day of September, 1911, and to which no exception has been filed, and was argued by counsel.

On consideration whereof, the court doth confirm the said report and doth also confirm the sale of the real estate therein mentioned, and it appearing from said report that the purchaser

of the said real estate has paid the whole of the purchase money in cash, and that the same is now in the hands of the said Special Commissioner, and it further appearing that the said purchaser Arthur Council, has sold out his bid to one Alexena Cooper for the Charlotte Council lot in West Jerico, and has directed by writing filed with the papers in this cause, that deed for same be made to said Alexena Cooper, the court doth order, adjudge and decree that the said Special Commissioner shall make to the said Alexena Cooper a deed for the said real estate in West Jerico, belonging to Charlotte Council, deceased, and a deed for the Albert Council land to said Arthur Council, with the covenants of title usual in cases of this kind; and out of the purchase money arising from said sales said Special Commis-

sioner is directed to pay all cost and expenses attending this suit and the said sale, including a fee of \$25.00 to R. H. Rawles for services rendered as counsel therein, together with the liens reported thereon by Special Commissioner Bradford Kilby; and that he shall further pay over to Arthur Council the amount of his claim duly allowed in this cause, against the estate of Charlotte Council, so far as the funds will pay said claim; and the remainder of the said

-2-

purchase money he shall pay over to the parties entitled to receive the same, taking vouchers for all of his said disbursements and the said special commissioner is directed to report all his actions under this decree to this court, and this cause is continued.

Decree
Confirming Sale.

Exeter Octo. 9. 1911.

Amos L. W. Moore

Entered in Chancery
Order Book No. 4. Page 486.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, JULY, 10TH, 1911.

Harry Council

vs.

In Chancery.

Arthur Council, et als.

This cause came on this day to be again heard on the papers formerly read as well as on the report of Bradford Kilby, one of the Commissioners of this court, to whom the papers in said cause had been referred, which said report was filed on the 29th day of June, 1911, and to which no exception has been filed, and was argued by counsel.

On consideration whereof, the court doth confirm the said report, and doth order, adjudge and decree that R. H. Rawles, who is hereby appointed a Special Commissioner for that purpose, shall after having first advertised the same for ten days in some manner deemed best by himself, proceed to sell, at public auction, before the Post Office, in Suffolk, Virginia, on some day to be named in said advertisement, the real estate mentioned in the bill and proceedings, of which Charlotte Council, and also the real estate of which Albert Council died seized and possessed; the sale to be made on the following terms, to-wit: One-half cash, and the balance of the purchase money to be payable within six months after date, with interest from date until paid, and the title to the real estate to be withheld until further order of court; but with the option to the purchaser after sale, to pay the whole of the purchase money, in cash, if it be so desired by said purchaser. But before the said Special Commissioner shall act under this decree he shall first enter into a bond before the Clerk of this court, in the penalty of \$~~10000~~¹⁰⁰⁰⁰----- with security deemed sufficient by said Clerk for the faithful performance of his duties under this and all other decrees, which may be rendered in said cause; and the said Commissioner is directed to report his actions under this decree to this court, and this cause is continued.

Entered in Chancery Order
Book No. 4. Page 482.

-----#
Harry Council #

vs. #

Arthur Council, et als. #
-----#

In Chancery.

This cause came on this day to be heard on the bill of the complainant, and the exhibits filed therewith, and the defendants who appear to have been regularly ^{served with the process} ~~proceeded~~ against, in the manner

and as to Shirley Mollie Skipper, a non resident, the order of publication was duly executed according to law
prescribed by law, failing to plead, answer or demurr, the 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 be referred to one of the commissioners of this court, who is directed to take and state the following accounts to-wit:

1st.

An account of the real estate of which Charlotte Council, and Albert Council, deceased, died seized and possessed, together with its annual and fee simple value; the liens thereon if any; and whether the same has been sold for delinquent taxes.

2d.

Whether the said real estate is susceptible of a division in kind among the parties entitled thereto, without a sacrifice of interest?

3d.

If it is not susceptible of such a division in kind, whether any one of the parties will take the whole of said real estate and pay to the other parties for their respective interest therein?

4th.

If the said real estate cannot be 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 said property will be promoted by a sale of the entire property, or by the allotment of a part, and sale of the residue.

-2-

5th.

Whether all parties in interest are before the court by proper process.

6th.

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

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

pleases for accounts.

Enter, May 27, 1911.

James M. Moore

Entered in Chancery Order
Book No. 4 - Page 477.

Suffolk, Va. Aug. 31, 1911.

Suffolk, Va. Aug. 31st, 1911.

To R. H. Rawles, Special Commissioner, in the Chancery cause of Harry Council, vs. Arthur Council, and others, now pending in the Circuit Court of Nansemond County.

Whereas I was the purchaser at auction, on the 14th day of August, 1911, of the house and lot in West Jerico, sold by you in said suit, now therefore, I desire that my bid and all my rights under the same be turned over and transferred to Alexena Cooper, and you are respectfully requested to put her down as the purchaser of said lot.

Arthur Council

THIS DEED, Made this thirteenth day of August eighteen hundred and seventy nine by Robinson Grant of Suffolk, Nansemond County, State of Virginia, of the one part, and also Adeline M., his wife, and Albert Counsel of the other part,

WITNESSETH: That the said Robinson Grant, together with Adeline M., his wife, does sell with general Warrantee unto the said A. Counsel and his heirs and assigns forever, for the sum of one hundred dollars the following real estate, to-wit:
//A piece of land in Nansemond County, State of Virginia containing ten acres, and bounded as follows- Laying on the East side of what is called the Big Ditch and sixteen and a half feet from the Big Ditch Commencing at the Northwest corner of land sold Henry Ballard running Easterly by the said Ballard's land sixty four rods, thence Northerly and parallel with the Big Ditch twenty five rods, thence Westerly and parallel with the said Ballard's land sixty four to the road by the side of the Big Ditch, thence Southerly twenty five rods to the place of beginning ~~X~~ being a part of the tract bought of Elisha Norfleet, and Sarah E., his wife. The said Grant does reserve all the timbers except the firewood, that he wants for the mill and other purposes and also reserves the right to cut and haul the same, But if the said Counsel shall want to clear up for farming purposes before the said Grant shall cut the same, then he shall have the right to do so, and the said Grant does agree to warrant and defend the same against all persons.

Witness the following signatures and seals:

Robinson Grant. (SEAL).
Adeline M. Grant (SEAL).

In the Clerk's Office of Nansemond County Court, the 30th day of March, 1881- This Deed was presented, and acknowledged by Robinson Grant and Adeline M. Grant, his wife to be their act and deed, and the said Adeline M. Grant being examined by me, privily and apart from her husband, and having said Deed fully explained to her acknowledged that she had willingly executed the same and wished not to retract, Whereupon said Deed is admitted to record.

Teste:

Peter B. Prentis, Clerk.

A Copy,

Teste:

P. B. Prentis, Clerk
By A. L. Tiddy, Secy

(Copy)

Robinson Grant

To { Reed of
B. & Dale

Albert F Counsel

Recorded in

Re B. 9 - Pg. 234.

Ex B.

THIS DEED, Made this 10th day of March, in the year one thousand nine hundred and four between John B. Pinner and Willie G. Pinner, his wife, parties of the first part, and Charlotte Council, party of the second part, all of the County of Nansemond, State of Virginia;

WITNESSETH: That in consideration of the sum of Forty Dollars, the said John B. Pinner and Willie G. Pinner, his wife, do grant unto the said Charlotte Council, with GENERAL WARRANTY, all that certain piece, parcel or lot of land situated on the West side of Fifth Street in that plat of building lots in the Eastern suburbs of the Town of Suffolk, County and State aforesaid, known as "West Jericho First Addition" and described as follows, Beginning at a certain point on the west side of said Fifth Street six hundred and forty (640) feet North of and distant from the Northwest corner of said Fifth Street and Railroad Avenue in said "West Jericho First Addition and running thence Northwardly along and fronting on the said Fifth Street forty (40) feet, thence running Westwardly at a right angle with the said Fifth Street one hundred and twenty (120) feet, thence running Southwardly in a line parallel with the said Fifth Street and thence running Eastwardly in a straight line one hundred and twenty (120) feet to the point of beginning, said piece, parcel or lot of land constituting and being lot number One Hundred and Thirty-seven (137) in said plat of building lots known as "West Jericho, First Addition". Together with all and singular the appurtenances belonging to the same.

The said John B. Pinner and Willie G. Pinner, his wife, covenant that they have the right to convey the said land to the grantee; that they have done no act to encumber the said land; that the grantee shall have quiet possession of the said land, free from all encumbrances, and that they, the said parties of the first part, will execute such further assurances of the said land as may be requisite.

Witness the following signatures and seals:

John B. Pinner (SEAL).

Willie G. Pinner (SEAL).

STATE OF VIRGINIA,
County of Nansemond, To-wit:

I, S. M. Lawrence, a Notary Public for the county aforesaid, in the State of Virginia, do certify that John B. Pinner and Willie G. Pinner, his wife, whose names are signed to the writing hereto annexed, bearing date the 10th day of March, 1904, have acknowledged the same before me in my county aforesaid.

Given under my hand this 10th day of March, 1904.

S. M. Lawrence, Notary Public.

My term of office expires on the 5th day of April, 1905.

VIRGINIA:

In the office of the Circuit Clerk for the County of Nansemond the 14th day of October 1907, this deed was presented, and, with the certificate annexed, admitted to record.

Teste: R. R. Smith, Clerk.

By M. M. Watkins, D. C.

A Copy, Teste:

R. R. Smith Clerk
By A. L. Smitty, Jr.

(Copy)

John B. Pinner & wife

20 { Heed of
B. & Dale

Charlotte Council.

Recorded in

R. B. 64 - Pg. 254.

Ex a

\$1.00

To Harry Council

Complainant.

and

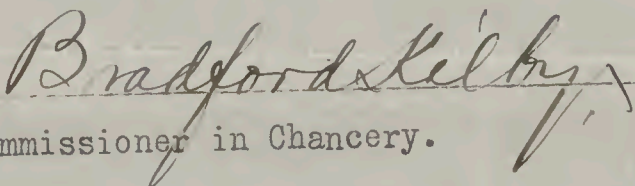
Arthur Council, Willie Council,
Benjamin Council and Shiney Mollie
Skipper.

Defendants.

You are hereby notified that on the 29th. day of June 1911, 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 Nansemond County, Va., rendered the 27th. day of May 1911, in the suit in chancery pending in said Court to which you are parties plaintiff and defendant, to-wit:

1. An account of the real estate of which Charlotte Council and Albert Council, deceased, died seized and possessed, together with its annual and fee-simple value; the liens thereon, if any, and whether the same has been sold for delinquent taxes.
2. Whether the said real estate is susceptible of a division in kind among the parties entitied thereto, without a sacrifice of interest?
3. If it is not susceptible of such a division in kind, whether any one of the parties will take the whole of said real estate and pay to the other parties for their respective interests therein.
4. If the said real estate can not be 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 said property will be promoted by a sale of the entire property, or by the allotment of a part and sale of the residue.
5. Whether all parties in interest are before the court by proper process.
6. 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 16th. day of June 1911.


Commissioner in Chancery.

Sufficient and legal service of the within notice is hereby
accepted by us.

Harry Council
Arthur Council
Arthur Council
Arthur Council

Harry Council ✓
w. J. In Chancery
Arthur Council et als

Commissioner's Notice

Original,

James M. Young

Executed this 24th
day of June 1911 by
delivering copy of
Com. Notice to
Ben Council &
Wile's Council in
person

A. H. Baker Sheriff
By H. E. Jordan, Deputy

Virginia,

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

Harry Council

Complainant.

vs. In Chancery.

Arthur Council and others.

Defendants.

Commissioner's office,

Suffolk, Va. June 29th. 1911.

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 27th. day of May 1911, in the suit in chancery pending in said court between Harry Council, Complainant and Arthur Council and others, Defendants, the undersigned, Bradford Kilby, one of the Commissioners in Chancery of said court, respectfully reports as follows:

That on the 16th. day of June 1911, your commissioner gave notice to the parties to said suit that he would proceed on the 29th. day of June 1911 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 service of said notice was served on some of said parties and accepted by others, as will appear by the endorsements on the said notice herewith returned.

That on the 29th. day of June 1911, at his said office, your commissioner took the depositions of Harry Council, Arthur Council, Benjamin Council, and Willis Council, touching said inquiries, which depositions are returned herewith.

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

(1)

The real estate of which Charlotte Council died seised and possessed is described as follows: "All that certain piece or parcel of land situated on the West side of Fifth Street in that plat of building lots in the Eastern suburbs of the Town of Suffolk, County of Nansemond and State of Virginia, known as "West Jericho First Addition" and described as follows: Beginning at a certain point on the West side of said Fifth Street 640 feet North of and distant from the Northwest corner of said Fifth Street and Railroad Avenue and running thence Northwardly along and fronting on said Fifth Street 40 feet; thence running Westwardly at a right angle with said Fifth Street 120 feet; thence running Southwardly in a line parallel with said Fifth Street; thence running Eastwardly in a straight line 120 feet to the point of beginning".

The annual value of this piece of land is \$60. and its fee-simple value about \$450.

The following judgment is a lien on the above described land: A judgment in favor of W. D. Boyett for the sum of \$10. with interest thereon from the 5th. day of March 1895, and \$1.45 costs. rendered Oct. 3, 1896, and docketed Jan. 8, 1898, in Judgment Docket No. 2, page 140. in Nansemond County Clerk's office.

The taxes for the year 1910 amounting to \$3.15 are also a lien on this piece of land.

The following claims of Arthur Council were duly proven before your commissioner, which claims should be paid him out of the proceeds of this piece of real estate, before dividing the said proceeds among the heirs entitled to the same:

Amount paid A. B. Cramer and Co. for lumber	\$30.
" " Felix Brinkley for building material	22.40
" " J. B. Philhower and Son for lumber	46.53
" " Kenney Hamlet for carpenter work	30.
" " John Hatchett " " "	25.
" " Geo. W. Butts, Treas. for taxes	3.87

\$157.80

Amount brought on	157.80
Amount paid W. H. Crocker and Co. for funeral expenses of Charlotte Council.	<u>88.</u>
Total	\$245.80

2.

The real estate of which Albert Council dies seised and possessed is described as follows:

"All that piece of land in Nansemond County, State of Virginia containing ten acres, and bounded as follows: Laying on the East side of what is called the Big Ditch and sixteen and one-half feet from the Big Ditch, commencing at the Northwest corner of the land ~~##~~ sold Henry Ballard, running Easterly by said Ballard's land sixty-four rods; thence Northerly and parallel with the Big Ditch twenty-five rods; thence Westerly and parallel with the said Ballard's land sixty-four rods to the road by the side of the Big Ditch; thence Southerly twenty-five rods to the place of beginning"

The fee-simple value of this piece of land is about \$150. and its annual value about \$15.

The taxes for the year 1910 amounting to \$1.13 are a lien upon it.

(3)

Neither of the two pieces of real estate described is susceptible of a division in kind among the parties entitled thereto without a sacrifice of interest.

(4)

No party in interest will take the whole of said pieces of real estate and pay to the others what their respective shares would entitle them to.

(5)

The interests of those entitled to said properties would be promoted by a sale of the same, and not by an allotment of a part and sale of the residue.

(6)

All parties in interest are before the court by proper process.

(7)

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

Respectfully submitted this 29th. day of June 1911.

Bradford Kilby
Commissioner in Chancery.

Commissioner's fee. \$15.

Sheriff's fees: $\frac{1.}{\$16.}$

Harry Council 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 Council, thirty-eight, Suffolk, laborer, and I know the parties to this suit.

Q. Please state what in your opinion is the fee simple value of the house and lot in West Jerico, of which your mother, Charlotte Council died seized and possessed?

A. I think it ought to bring about \$450.00.

Q. How much in your opinion is its annual value?

A. Its annual value is about \$60.00 per year, that is what it rents for.

Q. Please state if this house and lot can in your opinion be divided in kind among four different heirs, without sacrificing interest?

A. It cannot, because it is only one small lot and building.

Q. Please state what in your opinion is the value of the tract of land lying in Cypress District, in Nansemond County, of which your father Albert Council died seized and possessed?

A. I should think about \$175.00 or \$200.00.

Q. How much is its annual value?

A. Its annual value about \$15.00.

Q. Could that tract of land in the county be divided in kind among the four heirs thereto, without a sacrifice of interest?

A. The way it lies, I do not think it can be done. I believe the best way would be to sell it and divide the proceeds among those entitled, and if any one of the heirs wish to buy it at the sale, they would have the opportunity of doing so.

Q. Will you please state whether you have any bills outstanding in your favor against the estate of your father Albert Council, or against the estate of your mother, Charlotte Council?

A. No, I have not.

Q. Please state if you know who bought the materials, and paid for the work, to have the house erected on the lot which belonged to your mother?

A. My brother Arthur claims that he did that.

And further this deponent saith not.

Arthur Council 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. Arthur Council, thirty-one, Driver, Nansemond County, laborer, and I know the parties to this suit?

Q. Please state what in your opinion is the fee simple value of the house and lot left by your mother, Charlotte Council, in West Jerico, in this county?

A. It ought to bring about \$450.00.

Q. What is its annual value?

A. Its annual value is about \$60.00, it rents for \$5.00 per month, subject to expenses.

Q. Is it susceptible of a division in kind, among the heirs at law, who are entitled to it, without a sacrifice of interest?

A. No it is not for obvious reasons.

Q. How would be best to have a proper division?

A. The only way I know of, would be to sell the place, and divide the proceeds.

A. How much in your opinion is the tract of land, worth, in Cypress District, in Nansemond County, of which your father Albert Council died seized and possessed?

A. I think it ought to bring \$100.00, that is what our father paid for it, and it does not seem to have increased in value.

Q. What is its annual value?

A. About \$15.00.

Q. Is it capable of being divided in kind among the four heirs, without a sacrifice of interest?

A. It would be a difficult matter to do, I do not hardly think it could be done.

Q. Do you know who built the house on the lot left by your mother?

A. Yes, I had it built myself.

Q. Will you please state if you can, what material you paid for that went into that house, and what labor you paid for on that house?

A. Yes I have a number of receipts here, which I will file as exhibits in the order named:

An amount of \$30.00 paid to Alfred B. Cramer & Co., for lumber.

An account of \$22.40 paid Felix Brinkley, for material.

An amount of \$46.53 paid J. B. Philhower & Son, for lumber.

An amount of \$30.00 paid Kenney Hamlet for work done on said house.

An amount of \$25.00 paid John Hatchett, carpenter, for work done on that house.

\$2.85 taxes, paid Dr. George W. Butts, Treasurer.

Q. Are you willing to swear that you paid each and every one of these bills for work and materials which went to the building of that house

A. Yes I am, and I do.

Q. Have you ever been repaid anything for this outlay on your part?

A. No, I have not.

Q. Did you or not pay the burial expenses of your mother Charlotte Council?

A. Yes I did.

Q. How much was it?

A. \$88.00.

Q. Have you a receipt showing this bill?

A. Yes, I have a receipt of W. H. Crocker & Co., Undertakers, which shows this bill.

Q. Did you pay taxes of \$1.02 to Dr. George W. Butts, treasurer?

A. I did, and I herewith file a receipt for that.

Q. Do you claim that you are to be reimbursed for these outlays on your part, before dividing the proceeds of the real estate?

A. Yes, that is my claim.

And further this deponent saith not.

Benjamin Council, 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. Benjamin Council, fifty-eight, Nansemond County, laborer, and I know the parties to this suit.

Q. What in your opinion is the fee simple value of the tract of land in Cypress District, in this county, which belonged to your father Albert Council?

A. In my opinion it ought to bring about \$150.00.

Q. What is its annual value?

A. About \$15.00.

Q. Is it susceptible of a division in kind, among the parties entitled to the same, without a sacrifice of interest?

A. I hardly think it is as it consists of wood land, and a little field of three acres which is cleared.

Q. About what would be the best way in your opinion to have a fair division of it?

A. I think the best way would be to sell it, and divide the proceeds.

And further this deponent saith not.

Willis Council 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. Willis, Council, fifty-six, Nansemond County, laborer, and I know the parties to this suit.

Q. What in your opinion is the fee simple value of the ten acre tract of land, in Cypress District, in Nansemond County, which formerly belonged to your father Albert Council?

A. About \$150.00 would be a fair valuation to place on it. I do not know how much it would bring at public auction.

Q. What is its annual value?

A. I think \$15.00 would be as near as I could come at it.

Q. How much of it is wood land, and how much is cleared?

A. There are about three acres of it cleared land, and the balance is swamp or wood land.

-5-

Q. Is it susceptible of a division in kind among the heirs entitled thereto?

A. I do not think it is.

Q. Do you think the best way would be to sell it and divide the proceeds?

A. I think so.

And further this deponent saith not.

Harry Council
v. } In chancery.
Arthur Council et als

Report of Bradford
Lilby, Comm. in Chancery
under decree of 27th.
of May 1911.

Filed June 29th 1911.

10
141
1133
22,78

Harry Council,

vs.

In Chancery.

Arthur Council, and others.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

This cause came on this day to be again heard on the papers formerly read, as well as on the report of Special Commissioner R. H. Rawles, showing the making of deeds, for the real estate in the bill and proceedings mentioned, and the distributions of funds arising therefrom, which said report was filed on the ~~12~~^{14th} day of ~~October~~^{November}, 1911, and to which no exception has been filed and was argued by counsel.

On consideration whereof, it appearing from said report that the said R. H. Rawles, Special Commissioner, has collected the whole of the purchase money arising from the sale of the two pieces of real estate, in the bill and proceedings described; that he has made to the purchasers thereof, deed for the same, with the covenants of title usual in such cases; that he has paid all of the cost and expenses, including attorney's fee, of the said suit and sale; that he has paid the taxes on said property; and all the liens thereon as reported to court; and that he has paid the remainder of the purchase money arising from the sale of the said lot to Arthur Council in part payment of a bill or account, which he the said Arthur Council held against said Charlotte Council, and the said lot; and that he has paid the balance of the money arising from the sale of the Albert Council land to the heirs-at-law of said Albert Council; and the said commissioner having filed proper vouchers for all of said payments and disbursements, the court doth confirm said 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.

Final Decree.

1911 Nov. 4th.

Enter.

John W. L. Moore.

Entered in Chancery Order
Book No. 4. Page 490.

TO THE HONORABLE JAMES L. McLEMORE,

JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY:

Humbly complaining sheweth unto the court your orator~~dx~~
Harry Council, of Nansemond County, Virginia, the following case.

He says that his mother, Charlotte Council, departed this life in the year 1910, intestate, leaving as her heirs-at-law your orator~~dx~~, and his brother Arthur Council, and one sister called Mollie ^{Skiffa} Council, or Shiney Mollie ^{Skiffa} Council. He further says that at the time of her death, his said mother Charlotte Council, was seized and possessed of the following real estate, in fee simple, to-wit:

~~X~~ All that certain piece, parcel or lot of land situated on the west side of Fifth Street, in that plat of building lots in the Eastern suburbs of the Town of Suffolk, County and State aforesaid, known as "West Jerico First Addition" and described as follows: Beginning at a certain point on the west side of said Fifth Street, six hundred and forty (640) feet North of and distant from the north-west corner of said Fifth Street and Railroad Avenue in said "West Jerico First Addition" and running thence northwardly along and fronting on the said Fifth Street forty (40) feet, thence running westwardly at a right angle with the said Fifth Street one hundred and twenty (120) feet, thence running southwardly in a line parallel with the said Fifth Street and thence running eastwardly in a straight line one hundred and twenty (120) feet to the point of beginning, said piece, parcel or lot of land, constituting and being lot number One Hundred and thirty-seven (137) in said plat of building lots known as "West Jerico, First Addition", it being the same real estate that was conveyed to her by John B. Pinner and wife, by deed dated the 10th day of March, 1904, and recorded in D. B. 64 page 254, in the clerk's office of Nansemond Circuit Court ~~X~~ as will more fully appear by a copy of said deed herewith filed and marked "Exhibit A", and prayed to be read as a part of this bill.

Your orator further says that his father Albert Council departed this life many years ago, intestate, leaving as his heirs-at-law your orator, and his brothers Arthur Council, Willis Council, and Ben Council. He further says that at the death of his said father, his said father was seized and possessed, in fee simple, of the following real estate to-wit:

X A piece of land in Nansemond County, State of Virginia, containing ten acres, and bounded as follows- Laying on the east side of what is called the Big Ditch and sixteen and one-half feet from the Big Ditch Commencing at the northwest corner of land sold Henry Ballard running easterly by the said Ballard land sixty-four rods, thence northerly and parallel with the Big Ditch twenty-five rods, thence westerly and parallel with the said Ballard's land sixty-four to the road by the side of the Big Ditch, thence southerly twenty-five rods to the place of beginning; it being the same real estate conveyed to him by Roberson Grant, and wife, by deed dated the 13th day of August, 1879, and duly recorded in said office, in D. B. 9 page 234, X as will appear more fully by a copy of said deed, herewith filed and marked "Exhibit B." and prayed to be read as a part of this bill.

Your orator further says that at the time said first mentioned land was conveyed to his mother, it was a vacant lot, and since that time, a substantial dwelling house has been put on the same by himself and his brother Arthur Council. He further says that he

is informed and believes, and therefore charges that the said real estate is not divisible in kind among said heirs-at-law, without a sacrifice of interest, and that the only way in which it can be divided in justice to all, is by having the same sold, and the proceeds arising therefrom divided among the heirs-at-law.

In tender consideration whereof, and forasmuch as your orator is without remedy in the premises, save by the aid of a court of equity, where such matters of this kind are alone and properly cognizable, your oratrix prays that the said Arthur Council, the said

Willis Council, the said Ben Council, and Shiney Mollie Skipper, 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; and that the said real estate may be divided in kind among the heirs-at-law if it be susceptible of such division, in kind, without a sacrifice of interest; but that if it be not susceptible of a division in kind, without a sacrifice of interest then that the said real estate may be sold by order of court, and the proceeds arising from said sale may be divided among those entitled to receive the same, according to their respective interest; that the cost and expenses of this suit and sale may be paid out of the proceeds of said sale; and for all such other, further and general relief, as this case may require, or which to equity may seem meet, and your orator will ever pray, etc.

Notice is hereby given that the court will be asked to allow a proper counsel fee for services of counsel prosecuting this case

Harry Council & Counsel

VIRGINIA, NANSEMOND COUNTY, to-wit:

I, R. H. Rawles, a Notary Public, for the county aforesaid in the State of Virginia, do certify that Harry Council, whose name is signed to the foregoing bill, has this day made oath before me and in my said county, that the statements contained in said bill as coming of his own knowledge, are true, and that all other statements therein contained, as coming from knowledge or information derived from others, he believes to be true.

Given under my hand this 15th day of February, 1911.

My term of office expires on the 3d day of February, 1915.

R. H. Rawles N. P.

Bill.

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

SUFFOLK HERALD--PRINTERS, PUBLISHERS, STATIONERS

1911 Feb 20 - Filed
M. M. Watkins D.C.

Harry Council
v.
Arthur Council & others

- 1911 Feb 6. Process issued returnable to second February
1911 Rules - Executed on Arthur Council, Willis
Council and Benjamin Council - Shiner Mollie Skipper
not found -
- 1911 Feb 6. Affidavit of non-residence filed. Order of publication
vs. Shiner Mollie Skipper
- 2nd Feb Rules - Bill filed - Decree nisi as to Arthur Council,
Willis Council and Benjamin Council
- 1st Mch Rules - Decree nisi confirmed as to Arthur Council,
Willis Council and Benjamin Council and
set for hearing as to them -
- 1911 Mch 24 - set for hearing ~~as to~~ on order of publication
as to Shiner Mollie Skipper -

Notes



R. H. Rawles, p.g.

Harry Council
W. J. Chancery

Arthur Council & others

1911. Nov. 4

Final Decree

Costs -

Tax	1.50
Deer	9.35
Sheriff	2.50
Atty	15.00
Comr.	15.00
Printer	4.80

\$48.15

No. 10. 2 CUSSETS

~~1410. Copy of book from
no. 10. 2 CUSSETS to Charlotte Dr. 150
Copy of book from Dr. 150
Copy to all other Dr. 150~~