1913-016
Nansemond Co (Suffolk) Chancery Causes: Zack Lee et al vs Charlotte Eley et al

Elliott, Flynn, Chance, Ash, Evans, Halton, Brown, Pilgrims Progressing Onward

Costs.

Jay	1.50
Clerk	13.14
Dft Affi	.50
Sheriff	6.50
Comr	15.00
Atty	15.00
Order of Pub?	5.00
	$56.64

1911 July 31-
Includes for 1 Decree + 1 report
not to come.

1911 July 29. Received of W. M. Crumpler, Special Commissioner in the suit of Zach. Lee and others v. Charlotte Eley and others, ten ($10.) dollars for fee for services as Commissioner in Chancery in said suit.

Bradford Kilby

Commissioner in Chancery.

Form 40A

Please quote Bond Number in all communications, and return this bill with remittance.

~~NEW YORK~~ Richmond, Va. 19
4/4/12

Mr. William M. Crumpler

Suffolk, Va.

To NATIONAL SURETY COMPANY, Dr.

PRINCIPAL OFFICES, 115 BROADWAY, NEW YORK.

For Premium as follows:

DATE OF BOND	BOND NO.	DESCRIPTION OF BOND	TO WHOM BOND RUNS	PREMIUM
3/33/12	497267	Special Commissioner for sale of Realty		$5.00

RECEIVED PAYMENT FOR
National Surety Company
APR 20 1912
W. E. Mator
General Agent.

Suffolk, Va., June 29th, 1912.

Received of Wm. M. Crumpler, Commissioner, the sum of $10.00 same being in settlement of two annual premiums for the years 1910 and 1911 on bond.

W. J. Johnson

Suffolk, Va., June 29th, 1912.

Received of Wm. M. Crumpler, Commissioner, the sum of $1.50 same being in settlement of writ tax paid the Clerk May 4th, 1909.

Wm. M. Crumpler

Suffolk, Va., June 29th, 1912.

Received of Wm. M. Crumpler, Commissioner, the sum of $28.14 same being in settlement of attorney's tax fee, and in settlement of cost due Ex-Clerk R. R. Smith, charged to me.

Wm. M. Crumpler

IRON SAFES
✦
TYPEWRITERS
✦
CASH REGISTERS
✦
ADVERTISING
NOVELTIES
✦
FILING DEVICES
ETC., ETC.

OFFICE OF

Suffolk Printing and Stationery Co., Inc.

PRINTERS

STATIONERS AND GENERAL OFFICE OUTFITTERS

606 MAIN STREET ✦ BOTH PHONES

SUFFOLK, VA.,

SOLD TO W M Crumpler, Atty

100 Bills - Zack Lee 75 Thousand Ltg 1.75

Paid
Dup Copy

Suffolk, Va., June 29th, 1912.

Received of Wm. M. Crumpler, Commissioner, the sum of $.50 same being in settlement of fee advanced to Sergeant of Norfolk City for serving summons.

H. W. Coleman

Suffolk, Va., November 23rd, 1912.

Received of Wm. M. Crumpler, Special Commissioner, the sum of $10.95 being in settlement of my distributive portion from suit of Zack Lee and others vs. Charlotte Eley and others.

Agnes J. Lee
her + mark.

Suffolk, Va., November 23rd, 1912.

Received of Wm. H. Crumpler, Special Commissioner, the sum of $10.95 being in settlement of my distributive portion from suit of Zack Lee and others vs. Charlotte Eley and others.

Samuel T. Lee

Suffolk, Va., November 23rd, 1912

Received of Wm. M. Crumpler, Special Commissioner, the sum of $10.96 being in settlement of my distributive portion from suit of Zack Lee and others, vs. Charlotte Eley and others.

Zack Lee

Suffolk, Va., Dec. 6th, 1912.

Received of William M. Crumpler, Special Commissioner, Ten and 95/100 Dollars ($10.95), in settlement of portion of funds from sale of property of the order known as "Pilgrim Progress Onward", in settlement of portion due George Elliott, deceased.

George Elliott
Administrator of Geo. Elliott, deceased.

by

Witness -
Lucy King

VIRGINIA:

In the CLERK'S OFFICE of the CIRCUIT COURT of the COUNTY OF NANSEMOND, on the 6th day of December, 1912.

I, ~~J. H. SMITH~~ J. E. Bunting, Clerk of the Circuit Court of the County of Nansemond, in the State of Virginia, do certify that it appears from the records of the said Court, on file in my office, that George Lewis Elliott

duly qualified on the 6th day of December, 1912, as Administrator of the estate of George Lewis Elliott, deceased, and that he executed and acknowledged a bond as prescribed by law, in the penalty of $25.00, with Jack Lee as surety.

GIVEN UNDER MY HAND the day and year first herein above written.

J. E. Bunting, CLERK,

By S. J. Parker, D. C.

Dec. 10. 1912

Rec'd of Wm. M. Lennon Commissioner
Ten dollars & ninety five cents ($10 95/100) in
settlement of Bloomfield Hymn shares in funds
from sale of real estate of the orders of
Pilgrims Progress Order No. 1. $2.50 of same
being paid T. E. Buckley Clerk for qualifica-
tion as Administrator upon Hymn estate.

Hyman
J M Walker

+ Jno A S
+ Mark Adams -
of Bloomfield Hymn

VIRGINIA

In the CLERK'S OFFICE of the CIRCUIT COURT of the COUNTY OF NANSEMOND, on the 10th day of December, 1912 –

I, ~~R. C. SMITH~~ G. E. Bunting, Clerk of the Circuit Court of the County of Nansemond, in the State of Virginia, do certify that it appears from the records of the said Court, on file in my office, that J. J. Cash

duly qualified on the 10th day of December, 1912, as Administrator of the estate of Broomfield Flynn, deceased, and that he executed and acknowledged a bond as prescribed by law, in the penalty of $25.00, with George W. Pope as surety.

GIVEN UNDER MY HAND the day and year first herein above written.

G. E. Bunting, CLERK,

By S. J. Parker, D. C.

Dec 2 3rd. 1912

Rec'd of Mrs Mc Lemore, Receiving Comr. in the chancery cause of Jacob Lee vrs Charlotte Elsey et als Ten dollars and ninety five cents ($10.95) on acct of this fees & amounts of proportion due me from sale of property of the estate of "Pilgrims Progress Orchard."

Witness:
Lola T. Turner.

her
Charlotte X Elsey.
mark

Dec. 27th 1912

Rec'd of Hon. W. L. Lawson Commissioner in the chancery cause of Jack Lee et als Vs Charlotte Eley & others Eighteen fifty cents ($6.50) in settlement of my fees in said cause.

A. M. Baker

Apr 3 1913.

Rec'd of Hon W. L. Lawson Commissioner Fifty Dollars ($50.00) in settlement of fee allowed by the Court in the cause of Charlotte Eley et als Vs Jack Lee et als.

W. L. Lawson.

Suffolk, Va., February 20th, 1913.

Received of Wm. M. Crumpler, Special Commissioner, the sum of $10.95, the same being in settlement of my proportionate part due me from the proceeds of the sale of the real estate of "Pilgrims Progressing Onward."

his
Albert T. x Ash.
mark.

Witness:
Sola L. Turner.

DEPOSITED IN

NATIONAL BANK OF SUFFOLK.

Lizzie Blount & Sons Co. pursuant to direction of the Jury in the Chancery cause of Chas. Hunter Ellis et als

By Pl. Jack Lee et als

Suffolk, Va. April 3 1913

ALL PAPERS CREDITED SUBJECT TO PAYMENT
ENDORSE ALL PAPERS AND LIST SEPARATELY

	DOLLARS	CTS.
CURRENCY		
SILVER		
GOLD		
CHECKS AS FOLLOWS		
10.95	10	95
TOTAL $	10	95

It is expressly understood and agreed between the National Bank of Suffolk and the depositor using this ticket that all items payable out of this city, whether entered as cash or not, are received merely to be transmitted for collection; that the said bank is authorized to select agents, who shall be the agents of the depositor, to collect the same; and that the said bank shall in no event be responsible to the depositor for the insolvency, or for any negligence, acts, or misconduct of such agents.

EVERETT WADDEY CO., RICHMOND, VA.

VIRGINIA:

In the Clerk's Office of the Circuit Court of Nansemond County, on the 6th day of December, 1912:

On the motion of George Lewis Elliott

it is ordered that Albert Wilson, Charlie Thomas, Willie Hatton, Eppie Butler & Elijah Wright (any three of whom may act), being first duly sworn, do appraise the estate of said George Lewis Elliott, deceased, and make report thereof according to law. A copy—Teste:

A. E. Bruton, Clerk.
By S. J. Parker, D. C.

STATE OF VIRGINIA,
COUNTY OF NANSEMOND, } To wit:

The undersigned

mentioned in the above order, this day appeared in person before the undersigned,

, a

for the county aforesaid, in the State of Virginia, and made oath that they would appraise the estate of , deceased, to the best of their ability and make report thereof according to law.

Subscribed and sworn to before me this day of 190

GEO. E. BUNTING
CLERK OF CIRCUIT COURT OF
NANSEMOND COUNTY
SUFFOLK, VA.

VIRGINIA,

Nansemond County, to-wit:

I, J P Rives - a Notary Public in and for the county of Nansemond, whose term of office expires on the 9th day of November 1914 do certify that L. L. Eley and J T Johnson this day personally appeared before me in my said county aforesaid and made oath that Bloomfield Flynn and George Lemm Elliott are now dead, the said Bloomfield Flynn having died according to said oaths about the 10th day of August 1910 and the said George Lemm Elliott having died about the 24 day of June 1911.

Given under my hand this 3rd day of July 1912.

J P Rives N.P.

VIRGINIA,

Nansemond County, to-wit:

I, J P Rives, a Notary Public in and for the county of Nansemond, whose term of office expires on the 9th day of November 1914 do certify that L L Eley and J T Johnson this day personally appeared before me in my said county aforesaid and made oath that Bloomfield Flynn and George Lemm Elliott are now dead, the said Bloomfield Flynn having died according to said oaths about the 10th day of August 1910 and the said George Lemm Elliott having died about the 24 day of June 1911.

Given under my hand this 3rd day of July 1912.

J P Rives N.P.

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Charlotte Eley, Hester Ash, Albert Ash, in his own right and as husband of ~~Hester Ash, deceased,~~ Tommie Ash, Alfred F. Ash, a non-resident, the latter two being the children of Hester Ash, deceased, Thomas Evans, child of Susan Brown, deceased, Diana Hatton, James Hatton, Ellison Hatton, Louisa Hatton, Lennie Hatton, George Hatton Jr., Grace Hatton, and Clarence Hatton, the latter three being under the ~~xxxx~~ age of 21 years, the said Diana Hatton being the widow and the seven last mentioned defendants being the children of George Hatton, deceased, son of Susan Brown, deceased, and all other unknown parties who may be interested in the real estate of the order known and styling themselves as "Pilgrims Progressing Onward."

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the First Monday in February, 1909, to answer a Bill in Chancery, exhibited against them in the said Court by ~~Zack Lee, George Elliott,~~ Agnes Lee, Adeline Flynn, Lizzie Chance and Samuel Lee

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 18th day of ~~January, 1909~~, 191__, in the 133rd year of the Commonwealth.

A copy—Teste:
R. R. Smith, CLERK.
By C. P. Gomey D.C.

Teste:
R. R. Smith, CLERK.
By C. P. Gomey D.C.

Wm Crumpler, p. q.

Wesley Ash

vs. } In Chancery.

Deed

1909

February Rules.

Suit Monday.

Nansemond Circuit Court.

Process Book No._____

Page_____

Mail - found in my county
By
R. H. Baker Sheriff
G. C. Griffin Deputy

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Charlotte Eley, Hester Ash, Albert Ash, in his own right and as husband of Hester Ash, deceased, Tommie Ash, Alfred F. Ash, a non-resident, the latter two being the children of Hester Ash, deceased, Thomas Evans, child of Susan Brown, deceased, Diana Hatton, James Hatton, Ellison Hatton, Louisa Hatton, Lennie Hatton, George Hatton Jr., Grace Hatton, and Clarence Hatton, the latter three being under the age of 21 years, the said Diana Hatton being the widow and the seven last mentioned defendants being the children of George Hatton, deceased, son of Susan Brown, deceased, and all other unknown parties who may be interested in the real estate of the order known and styling themselves as "Pilgrims Progressing Onward."

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the First Monday in February, 1909, to answer a Bill in Chancery, exhibited against them in the said Court by Zack Lee, George Elliott, Agnes Lee, Adeline Flynn, Lizzie Chance and Samuel Lee

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 18th day of January, 1909, 19_____, in the 133rd year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste: R. R. Smith, CLERK.

By L. P. Gomey D.C.

Executed this 25th day of June 1909 by delivering a true copy of the within subpoena in Chancery to Annie Eley #1 Lennis Elliott Ash. Lennis Elliott Ash. Hattie Elliott Annie Elliott Hattie Watson. James Watson, Lennie Watson. Jennings Watson, Lucy Watson. Clarence Watson, Lucy Cooper- Executed in my county on the 25th day of June 1909 by delivering a true copy of the within subpoena in Chancery to Annie Eley #2 Lennis Elliott Ash. Lennis Elliott Ash. Hattie Elliott Annie Elliott Hattie Watson. James Watson, Lennie Watson. Jennings Watson, Lucy Watson. Clarence Watson, Lucy Cooper- Executed in my county on the 25th day of June 1909 by delivering a true copy of the within subpoena in Chancery to Alfred Ash #1 Lennis Elliott Ash. Lennis Elliott Ash. Hattie Elliott Annie Elliott Hattie Watson. James Watson, Lennie Watson. Jennings Watson, Lucy Watson. Clarence Watson, Lucy Cooper- Executed in my county on the 25th day of June 1909 by delivering a true copy of the within subpoena in Chancery to Alfred Ash #2 Lennis Elliott Ash. Lennis Elliott Ash. Hattie Elliott Annie Elliott Hattie Watson. James Watson, Lennie Watson. Jennings Watson, Lucy Watson. Clarence Watson, Lucy Cooper- Executed in my county on the 25th day of June 1909 by delivering a true copy of the within subpoena in Chancery to Alfred Ash #3 Lennis Elliott Ash. Lennis Elliott Ash. Hattie Elliott Annie Elliott Hattie Watson. James Watson, Lennie Watson. Jennings Watson, Lucy Watson. Clarence Watson, Lucy Cooper- Executed in my county on the 25th day of June 1909 by delivering a true copy of the within subpoena in Chancery to Alfred Ash #4 Lennis Elliott Ash. Lennis Elliott Ash. Hattie Elliott Annie Elliott Hattie Watson. James Watson, Lennie Watson. Jennings Watson, Lucy Watson. Clarence Watson, Lucy Cooper- Executed in my county on the 25th day of June 1909 by delivering a true copy of the within subpoena in Chancery to Alfred Ash #5 Lennis Elliott Ash. Lennis Elliott Ash. Hattie Elliott Annie Elliott Hattie Watson. James Watson, Lennie Watson. Jennings Watson, Lucy Watson. Clarence Watson, Lucy Cooper- Executed in my county on the 25th day of June 1909 by delivering a true copy of the within subpoena in Chancery to Alfred Ash #6 Lennis Elliott Ash. Lennis Elliott Ash. Hattie Elliott Annie Elliott Hattie Watson. James Watson, Lennie Watson. Jennings Watson, Lucy Watson. Clarence Watson, Lucy Cooper- Executed in my county on the 25th day of June 1909 by delivering a true copy of the within subpoena in Chancery to Alfred Ash #7 Lennis Elliott Ash. Lennis Elliott Ash. Hattie Elliott Annie Elliott Hattie Watson. James Watson, Lennie Watson. Jennings Watson, Lucy Watson. Clarence Watson, Lucy Cooper- Executed in my county on the 25th day of June 1909 by delivering a true copy of the within subpoena in Chancery to Alfred Ash #8 Lennis Elliott Ash. Lennis Elliott Ash. Hattie Elliott Annie Elliott Hattie Watson. James Watson, Lennie Watson. Jennings Watson, Lucy Watson. Clarence Watson, Lucy Cooper- Executed in my county on the 25th day of June 1909 by delivering a true copy of the within subpoena in Chancery to Alfred Ash #9 Lennis Elliott Ash. Lennis Elliott Ash. Hattie Elliott Annie Elliott Hattie Watson. James Watson, Lennie Watson. Jennings Watson, Lucy Watson. Clarence Watson, Lucy Cooper- Executed in my county on the 25th day of June 1909 by delivering a true copy of the within subpoena in Chancery to Alfred Ash #10 Lennis Elliott Ash. Lennis Elliott Ash. Hattie Elliott Annie Elliott Hattie Watson. James Watson, Lennie Watson. Jennings Watson, Lucy Watson. Clarence Watson, Lucy Cooper-

A. H. Baker D.S.

By C. C. Griffin D.S.

W M Lemmpler, p. q.

Zack Lee and others

vs. } In Chancery.

Charlotte Eley and others

1909---

February---Rules.

First---Monday.

Nansemond Circuit Court.

Process Book No._____

Page_____

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Charlotte Eley, Hester Ash, Albert Ash, in his own right and as husband of Hester Ash, deceased, Tommie Ash, Alfred F. Ash, a non-resident, the latter two being the children of Hester Ash, deceased, Thomas Evans, child of Susan Brown, deceased, Diana Hatton, James Hatton, Ellison Hatton, Louisa Hatton, Lennie Hatton, George Hatton Jr., Grace Hatton and Clarence Hatton, the latter three being under the age of 21 years, the said Diana Hatton being the widow and the seven last mentioned defendants being the children of George Hatton, deceased, son of Susan Brown, deceased, and all other unknown parties who may be interested in the real estate of the order known and styling themselves as "Pilgrims Progressing Onward."

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the First Monday in February, 1909, to answer a Bill in Chancery, exhibited against them in the said Court by Zack Lee, George Elliott, Agnes Lee, Adeline Flynn, Lizzie Chance and Samuel Lee

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 18th day of January, 1909, 19, in the 133rd year of the Commonwealth.

A copy—Teste:
R. R. Smith, CLERK.
By L. B. Gomey D.C

Teste:
R. R. Smith, CLERK.
By L. B. Gomey D.C

W M Crumpler ; p. q.

Alfred F Ash

vs. } In Chancery.

In Batts

1909---

February---Rules.

---First-----Monday.

NANSEMOND CIRCUIT COURT.

Process Book No.--------

Page----------

Decl- Issued in my County -

By E. H. Baker D.C.

E. Griffin D.C.

Virginia:

In the Circuit Court of Nansemond County, in term the _____ day of _____, 1909.

Zack Lee, George Elliott, Agnes Lee, Adeline Flynn, Lizzie Chance and Samuel Lee.,	)	
Vs.	)	In Chancery.
Charlotte Eley, Albert Ash, in his own right and as husband of Hester Ash, deceased, Tommie Ash, Alfred F. Ash, a non-resident, the latter two being the children of Hester Ash, deceased, Thomas Evans, child of Susan Brown, deceased, Diana Hatton, James Hatton, Ellison Hatton, Louise Hatton, Lennie Hatton, George Hatton, Jr., Grace Hatton and Clarence Hatton, the latter three being under the age of 21 years, the said Diana Hatton being the widow and the seven last mentioned defendants being the children of George Hatton, deceased son of Susan Brown, deceased, and all other unknown parties who may be interested in the real estate of the order known and styling themselves as "Pilgrims Progressing Onward".	)	

The object of the above styled suit is to have sold and the proceeds of sale divided among the above named parties, plaintiffs and defendants, of certain real estate containing one acre and which was conveyed on April 6th, 1882, by Horace L. Gray and wife to George Elliott, Lewis Eley, Hester Ash, and Henry Hatton, trustees, constituted and elected a board by the lodge known and styling themselves "Pilgrims progressing Onward" said deed to said real estate having been recorded in the Clerk's Office ofNansemond County on the 12th day of December, 1882. And it appearing by affidavit filed according to law that Alfred F. Ash, the above named defendant is not a resident of this state, and that there may be other unknown parties

interested in the said real estate, it is therefore ordered that the said Alfred F. Ash, and all unknown parties interested in the said real estate, do appear within fifteen (15) days after due publication of this order in the Clerk's Office of our said Circuit Court and do what is necessary to protect his interest. And it is further ordered that this order be published once a week for four successive weeks in the Suffolk Herald, a news-paper printed in the County of Nansemond, Virginia.

Publication

Jack Lee et als

Vs. } In chancery

Charlotte Eley et als

A copy posted at the Courthouse door Friday the 22nd. 1909.

Virginia:

At a Circuit Court continued and held for the County of Nansemond at the Courthouse in the Town of Suffolk, on Saturday the 16th day of January 1909.

Zack Lee, George Elliott, Agnes Lee, Adeline Flynn, Lizzie Chance and Samuel Lee.

Complainants In Chancery.

Vs.

Charlotte Eley, Albert Ash, in his own right and as husband of Hester Ash ,deceased, Tommie Ash, Alfred F. Ash, a non resident, the latter two being the children of Hester Ash, deceased, Thomas Evans, child of Susan Brown, deceased, Diana Hatton, James Hatton, Ellison Hatton, Louise Hatton, George Hatton, Jr., Grace Hatton and Clarence Hatton, the latter three being under age of 21 years, the said Diana Hatton being the widow and the seven last mentioned defendants being the children of George Hatton, deceased son of Susan Brown, deceased, and all other unknown parties who may be interested in the real estate of the order known and styling themselves as "Pilgrims Progressing Onward."

Defendants.

The object of the above styled suit is to have sold and the proceeds of sale divided among the above named parties, plaintiffs and defendants, of certain real estate containing one acre which was conveyed on April, 6th, 1882, by Horace L. Gray and wife to George Elliott, Lewis Eley, Hester Ash, and Henry Hatton, trustees, constituted and elected a board by the lodge known and styling themselves "Pilgrims Progressing Onward" said deed to said real estate having been recorded in the Clerk's Office of Nansemond County on the 12th day of December, 1882. And it appearing by affidavit filed according to law that Alfred F. Ash, the above named defendant is not a resident of this state, and that there may be other unknown parties interested in the said real estate, it is therefore ordered that the said Alfred F. Ash, and all unknown parties interested in the said real estate, do appear within fifteen (15) days after due publication of this order in the Clerk's Office of our said Circuit Court and do what is necessary to protect his interest. And it is further ordered that this order be published once a week for four successive weeks in the Suffolk Herald, a news-paper printed in the County of Nansemond, Virginia

W. M. Crumpler, pq

James L. McLemore Judge.

A Copy Teste

R. R. Smith Clerk.

B. A. P. Gomer, D. C.

Office of SUFFOLK HERALD.

SUFFOLK, VA., May 28 1909

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 Jan 27 09 and ending Feby 17 09

W. J. Kendrick

Editor Herald

By J. Halladay

In the Circuit Court of Nansemond County, Virginia:

Zack Lee, George Elliott, Agnes Lee, Adeline Flynn, Lizzie Chance and Samuel Lee

Vs.

Charlotte Eley, Hester Ash, Albert Ash, in his own right and as husband of Hester Ash, deceased, Tommie Ash, Alfred F. Ash, a non-resident, the latter two being the children of Hester Ash, deceased, Thomas Evans, child of Susan Brown, deceased, Diana Hatton, James Hatton, Ellison Hatton, Louisa Hatton, Lennie Hatton, George Hatton, Jr., Grace Hatton, and Clarence Hatton, the latter three being under the age of 21 years, the said Diana Hatton being the widow and the seven last mentioned defendants being the children of George Hatton, deceased son of Susan Brown, deceased, and all other unknown parties who may be interested in the real estate of the order known and styling themselves as "Pilgrims Progressing Onward".

15 Copies

Subpoena in Chancery. To Rules First Monday of February 1909.

William M. Cumming

p.q.

Memorandum

Jacob Lee et als

Vs. } In chancery

Charlotte Eley et als

In the Circuit Court of Nansemond County, Virginia.

Zack Lee, George Elliott, Agnes
Lee, Adeline Flynn, Lizzie
Chance, and Samuel Lee.

Vs.

Charlotte Eley, Albert Ash,
in his own right and as husband
of Hester Ash, deceased, Tommie
Ash, Alfred F. Ash, a non-resident
the latter two being the
children of Hester Ash, deceased, Thomas Evans,
child of Susan Brown, deceased, Diana Hatton,
James Hatton, Ellison Hatton, Louise Hatton,
Lennie Hatton, George Hatton, Jr., Grace
Hatton, and Clarence Hatton, the latter
three being under the age of 21 years, the said
Diana Hatton being the widow and the
seven last mentioned defendants being
the children of George Hatton, deceased son of Susan
Brown, deceased, and all other unknown parties
who may be interested in the real estate of the
order known and styling themselves as
"Pilgrims Progressing Onward".

It appearing that three of the defendants, namely, Clarence Hatton, Grace Hatton, and George Hatton, Jr., are under the age of Twenty-one (21) years, on motion of William M. Crumpler, attorney for the complainants Bradford Kelly, a discreet and competent attorney at law, is hereby appointed guardian ad litem for each of the said defendants specifically mentioned and named.

May 4th 1909

J. P. Gomey D.C

Appointment
of Guard. ad litem

Know All Men by These Presents, That we, William M. Crumpler

and National Surety Company

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

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

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

~~Sealed with our seals, and dated this _____ 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 William M. Crumpler has hereto set his hand and seal, and the said National Surety Company has caused its corporate name to be hereto signed, and its corporate seal to be hereto affixed, this 23rd day of March in the year of our Lord, one thousand nine hundred and ten, and in the 134th year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound William M. Crumpler, who by a decree of the Circuit Court of Nansemond County, entered on the 27th day of January, 1910 in the Chancery Cause pending in said court between Zack Lee & others Complainants and Charlotte Eley & others, defendants was appointed a special Commissioner for the purpose of selling the real estate in the bill and proceedings mentioned in said cause.

Now, therefore if the said William M. Crumpler 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 and effect.

National Surety Company Incorporated 1897 New York

William M. Crumpler. SEAL

National Surety Co. SEAL

by W. T. Johnson and SEAL

William M. Crumpler SEAL

its attys in fact. SEAL

VIRGINIA :

In the Clerk's Office of the Circuit Court of Nansemond County, on the 23rd day of March, 1910:

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

A Copy- Teste:
R.R. Smith, Clerk
By M.M. Watkins D.C.

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

Wm M. Crumpler

To } Comrs. Bond.

The Commonwealth.

1910

March 23.

a Copy

In the Circuit Court of Nansemond County, Virginia.

Zack Lee, George Elliott, Agnes Lee, Adeline Flynn, Lizzie Chance, and Samuel Lee.

Vs.

Charlotte Eley, Albert Ash, in his own right and as husband of Hester Ash, deceased, Tommie Ash, Alfred F. Ash, a non-resident, the latter two being the children of Hester Ash, deceased, Thomas Evans, child of Susan Brown, deceased, Diana Hatton, James Hatton, Ellison Hatton, Louise Hatton, Lennie Hatton, George Hatton, Jr., Grace Hatton and Clarence Hatton, the latter three being under the age of 21 years, the said Diana Hatton being the widow and the seven last mentioned defendants being the children of George Hatton, deceased son of Susan Brown, deceased, and all other unknown parties who may be interested in the real estate of the order known and styling themselves as "Pilgrims Progressing Onward".

State of Virginia,)
County of Nansemond) To-wit:

This day, Zack Lee and Samuel Lee, two of the above named plaintiffs, personally appeared before me, William M. Crumpler, a Notary Public in and for the County and State aforesaid, whose term of office expires on the 23rd day of January, 1910, in my County aforesaid, and made oath that Alfred F. Ash, the above named defendant is not a resident of this State and that there are or may be other parties unknown to them who may be interested in the subject to be divided or disposed of in the above styled cause.

Given under my hand this 12th day of January, 1909.

William M. Crumpler
Notary Public.

Affidavit

Jack Lee et als

Pltf } In chancery

Charlotte Cleveland et als.

ROBERT W. WITHERS
ATTORNEY AT LAW

PRACTICES IN STATE AND FEDERAL COURTS

SUFFOLK, VA., March 2, 1911.

Judge James L. McLemore,

City.

Dear Sir:-

I take the liberty of handing you herewith my rough notes of argument in the matter of Lee vs. Eley et als.--The Pilgrim's Progress case--recently argued before you.

Hoping these rough notes may be of service to you, I am,

Yours very truly,

Robt. W. Withers

RWW/ R

Is not suit under § 1406. for the statute provides for the proceeds to be disposed of by the by-laws.

Must be treated as partition suit and as such Trustees are necessary parties — or probably as suit to close up defunct partnership.

May plead or answer.

January 20th,1911.

I W.H.Hatten do ~~swear~~ after being duly sworn do state as follows:

First,-

The parties now represented by Mr Withers in the suit of the Pilgrims Progressing Onward,of which I am one,bybcommittee of which I was alos one first employed Mr Lee Britt to represent us.This was before the property was sold but he never did anythm because we did not agree to pay him what he charged or rather never raised the fee,

Second,

Mr Crumpler mailed me a circular advertising the property and circulars were posted in front of the Stores of Alfred Wilson and Mr Bud Johnson,-

Third,

I came to the sale expecting to bid on the property and Westley Thomas,Jerre Walker,Alfred Wilson,Zack Lee and Sam Lee were also present at the sale. But we did not bid as we understood that Lee had said to the Sale and that was why we did not object

Subscribed and sworn to this the day and year above written.

W H Hatten

Subscribed and sworn to before me in my county on the 20th day of January, 1911.

My term of office expires on the 18th day of January, 1914.

Notary Public.

Commissioner's Office,

Suffolk, Va.

To

Zach Lee, George Elliott, Agness Lee, Adeline Flynn, Lizzie Chance and Samuel Lee.

Complainants.

and

Charlotte Riley, Albert Ash, Tommie Ash, Alfred F. Ash, Thomas Evans Dianna Hatton, James Hatton, Ellison Hatton, Louise Hatton, Lennie Hatton, George Hatton Jr., Grace Hatton, and Clarence Hatton et als.

Defendants.

You are hereby notified that on the first day of October 1909, 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, rendered the 28th. day of May 1909, in the suit in chancery pending in said court to which you are parties plaintiff and defendant, to-wit:

(1) All the estate, real and personal, belonging to the order known and styling itself as "Pilgrims Progressing Onward", and its fee-simple value.

(2) The lien debts of said order or society, if any there be.

(3) Whether or not the said society, at the institution of this suit, was active and holding regular meetings.

(4) Who constituted the membership of said order or society or were in good standing, when its meetings were last regularly held, pursuant to its charter and by-laws.

(5) Any other matter deemed pertinent by the commissioner or required by any party in interest to be so stated.

Given under my hand, as Commissioner in Chancery of said court the 9th. day of September 1909.

Bradford Kilby

Commissioner in Chancery.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY,
VIRGINIA.

Zack Lee and others

VS.

Charlotte Eley and others.

The undersigned commissioner begs leave to report as authorized by a decree entered herein on the 30th day of May, 1911, and in accordance with the terms thereof, he has distributed the fund in hand, Two hundred ($200.00) Dollars, with the exception of one share of Ten Dollars and Ninety-five cents ($10.95) due Lizzie Chance, whom he has been unable to locate, and which share he has deposited, as will be shown by a certificate of deposit hereto attached in the National Bank of Suffolk, to the credit of this cause, the disbursements being as follows:

	By proceeds of sale of the real estate mentioned and described in the bill of complaint.	$200.00	
1911.			
July 29	To cash paid Bradford Kilby, Commissioner in Chancery for his services in this cause, per voucher.		$10.00
1912.			
April 10	To cash paid National Surety Company in settlement of bond for 1912, per voucher.		5.00
June 29	To cash paid W. T. Johnson two annual premkums for the years 1910 and 1911 on bond, per voucher.		10.00
" "	To cash paid Wm. M. Crumpler, reimbursement for writ tax paid the Clerk, May 4th, 1909.		1.50
" "	To cash paid Wm. M. Crumpler in settlement of attorney's tax fee and in settlement of cost due ex-Clerk,R. R. Smith charged to him, per voucher.		28.14
	Amount carried forward	$200.00	$54.64

	Amount brought forward. $200.00		$54.64
June 29	To cash paid Suffolk Printing & Stationery Co., for hand bills, per voucher.		.75
" "	To cash paid Wm. M. Crumpler reimbursement for fee advanced to Sergeant of Norfolk City for serving summons, per voucher.		.50
Nov. 3	To cash paid Agnes J. Lee in settlement of her share in the proceeds of sale, per voucher.		10.95
" "	To cash paid Samuel F. Lee in settlement of his share in the proceeds of sale, per voucher.		10.95
" "	To cash paid Zack Lee in settlement of his share in the proceeds of sale, per voucher.		10.96
Dec. 6	To cash paid George Lem Elliott administrator of George Elliott, deceased, as evidenced by certificate of the Clerk showing said qualification, per voucher.		10.95
Dec. 10	To cash paid T. J. Ash, administrator of Bloomfield Flynn, deceased, as evidenced by certificate of the Clerk showing said qualification, per voucher.		10.95
Dec. 23	To cash paid Charlotte Eley in settlement of her share in the proceeds of sale, per voucher.		10.95
Dec. 27	To cash paid A. H. Baker, Sheriff, in settlement of Sheriff's cost in this cause, per voucher.		6.50
1913. Feb. 20	To cash paid Albert Ash in settlement of his share in the proceeds of sale, per voucher.		10.95
April 8	To cash deposited in the National Bank of Suffolk being the share of Lizzie Chance, whom the Commissioner has failed to locate, per voucher.		10.95
" "	To cash retained by the undersigned pursuant to decree and in settlement of his fee as counsel in this cause, per voucher.		50.00
		$200.00	$200.00

Respectfully submitted

William H. Lamb

Commissioner.

Final Report
1913 May 17. Th filed
J.L.M.

Commissioner's Office,

Suffolk, Va.

To Zach Lee, George Elliott, Agnes Lee
Adeline Flynn, Lizzie Chance and
Samuel Lee, Complainants.

and

Charlotte Eley, Albert Ash, Tommie
Ash, Alfred F. Ash, Thomas Evans,
Diana Hatton, James Hatton, Ellison
Hatton, Louise Hatton, Lennie Hatton
George Hatton Jr., Grace Hatton and
Clarence Hatton et als. Defendants.

In Chancery.

You are hereby notified that on the 16th. day of July, 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 Nansemond County, Va., rendered the 26th. day of May 1910, in the suit in chancery pending in said court to which you are parties plaintiff and defendant, to-wit:

(I) Ann account of the further investigation of the membership of the order or society styling themselves "Pilgrims Progressing Onward".

Given under my hand, as Commissioner in Chancery of said Court the 6th. day of July 1910.

Bradford Kilby

Commissioner in Chancery.

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

The adult complainants & defendants styled and named within, by Wm. M. Compton their Counsel

Bradford Kilby, Guardian ad litem for George Hatton Jr. Grace Hatton and Clarence Hatton.

Back Lee et als
vs.
W. J. Sr Chancery
Charlotte Cty Ct
Commissioners Notice

Commissioner's Office,

Suffolk, Va.

To Nach Lee, George Elliott, Agnes Lee
Adeline Flynn, Lizzie Chance and
Samuel Lee, Complainants.

and

Charlotte Eley, Albert Ash, Tommie
Ash, Alfred F. Ash, Thomas Evans,
Dana Hatton, James Hatton, Ellison
Hatton, Louise Hatton, Lennie Hatton
George Hatton Jr., Grace Hatton and
Clarence Hatton et als. Defendants.

In Chancery.

You are hereby notified that on the 16th. day of July, 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 Nansemond County, Va., rendered the 26th. day of May 1910, in the suit in chancery pending in said court to which you are parties plaintiff and defendant, to-wit:

(1) Ann account of the further investigation of the membership of the order or society styling themselves "Pilgrims Progressing Onward".

Given under my hand, as Commissioner in Chancery of said Court the 6th. day of July 1910.

Bradford Kilby

Commissioner in Chancery.

Zach Lee et als.
vs. } In Chancery
Charlotte Elgin et als

Commissioners Notice.

Orignal.

Executed in the City of Norfolk this the 8th day of July 1910 by serving a copy hereof on Lee Carter Esqr

J. T. Lawson D.C.
City of Norfolk
by W. A. Thompson Dpty

Dgts fee
50 Cts Paid

Virginia,

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

Zach Lee and others — Complainants.

vs. In Chancery.

Charlotte Eley and others — Defendants.

Commissioner's Office,

Suffolk, Va. April 25, 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 26th. day of May 1910, in the suit in chancery pending in said court between Zach Lee and others, Complainants, and Charlotte Eley and others, Defendants, the undersigned Bradford Kilby, one of the Commissioners in Chancery of said court, respectfully reports, as follows:

That on the 6th. day of July 1910, your commissioner gave notice to the parties to said suit that he would proceed on the 16th. day of July 1910, at his office in Suffolk, Va. to make the inquiries required by said decree to be made by one of the commissioners in chancery of said court.

That service of said notice was accepted by some of said parties and served on others by the sheriff, as will appear by the endorsations on the notice herewith returned.

That none of the parties to said suit appeared before your commissioner on the 16th. day of July 1910, in answer to said notice, to produce any testimony in regard to the correct membership of said society, and therefore your commissioner is compelled to report that the membership of the Society known as "Pilgrims Progressing Onward", so far as he has been able to ascertain the same, is as stated in section 4, of the report submitted by him in this cause on October 1st. 1909,

That none of the respondents mentioned in the decree of March 22,1911,entered in this cause,appeared before your commissioner within 30 days from the date of said decree,to produce any proof tending to establish their right to share in the distribution of the funds now in the custody of this court,by reason of their alleged membership in the order or society known and styling themselves as "Pilgrims Progressing Onward".

Respectfully submitted this 25th. day of April 1911.

Bradford Kilby
Comr. in Chancery

Commissioner's fee: $5.

Zach Lee et als

vs. } In Chancery

Charlotte Eley et als

Report of Bradford Kilby Commissioner in Chancery under decree of 26th of May 1910.

1911 April 26th Filed
M. M. Watkins D. C.

[redacted]
ATTORNEY AT LAW,
SUFFOLK, VIRGINIA.

VIRGINIA:

In the Circuit Court of Nansemond County.

To the Honorable James L. McLemore, Judge of the said Court.

Zack Lee et als	)	
	)	
Vs.	)	In Chancery.
	)	
Charlotte Eley et als.	)	

The undersigned Commissioner begs leave to report as authorized by a decree herein on the 26th day of May, 1910, he executed, on the 23rd day of April 1910, to Samuel Lee, the purchaser of the property, in the bill and proceedings mentioned, a deed with special warranty and that he has collected the purchase price and he hereby respectfully prays that this Honorable Court may direct him, by its decree to distribute the funds.

Respectfully submitted,

April ~~Sept~~. 26th, 1910.

William M Cummings
Special Commissioner.

1911 April 26th. Filed
W. M. Watkins D.C.

Norfolk Va
April 23 1910

To the Trustees of the
Pilgrim Progress
Since I the undersigned
was a member of
this lodge for a number
of years and as long
as it existed. Now
since it has gone
out of existance
and you all have seen
fit to dispose of the
real estate

I hope your honor that when the settlement is made that you all will deal with me accordingly as with the other members by so doing you will be obliged & Reps. Yours

Lee Carter Perry
24 Alexander St
Norfolk Va.

I, R. R. Smith, Clerk of the Circuit Court of Nansemond County, Virginia, do certify that the bond required of William M. Crumpler as Special Commissioner under the decree of said Court made on the 27th day of January 1910, in the Chancery cause pending in said court between Jack Lee & others, complainants, and Charlotte Eley & others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 5th day of April 1910.

R. R. Smith, Clerk.

By M. M. Watkins D.C.

PUBLIC SALE
OF
REAL ESTATE

By authority of a decree of the Circuit Court of Nansemond County entered on the 27th day of January, 1910, in the chancery cause of Zack Lee et als. vs. Charlotte Eley et als., I shall proceed to sell at public auction, to the highest bidder,

In front of the Postoffice, in SUFFOLK, VA.,

On Saturday, April 23, 1910

AT 12 O'CLOCK M.

The following Real Estate, to wit:

A certain piece or parcel of land and all its appurtenances, situated, lying and being in Barrett's Neck, Nansemond county, Virginia, containing one (1) acre, more or less, but the said property will be sold in gross and not by the acre, adjoining the lands of ------ Smith, formerly the Vesey lands, Hester Ash, and the county road. It being the same land formerly belonging to the fraternal order or society known and styling themselves as "Pilgrims Progressing Onward."

TERMS CASH.

WM. M. CRUMPLER,
Special Commissioner

Suffolk Printing and Stationery Co., Printers, Suffolk, Va.

R. R. Smith

I, ~~AYRA P. GOMER~~, *Clerk of the Circuit Court of Nansemond County, Virginia, do certify that the bond required of* William M. Crumpler *as Special Commissioner under the decree of said Court made on the* 27th *day of* January, 1910, *189__, in the Chancery cause pending in said court between* Zack Lee and others - ---------- ---------- *, complainant* s, *and* Charlotte Eley and others ---------- *, defendant* s, *has been executed with security deemed sufficient by me.*

Given under my hand this 5th *day of* April, 1910. *189 .*

R. R. SMITH
By M. M. Watkins D. C. , *Clerk.*

Virginia:

In the Circuit Court of Nansemond County.

To the Honorable James L. McLemore, Judge of said Court.

Zack Lee et als	)	
	)	
Vs.	)	In Chancery.
	)	
Charlotte Eley et als.	)	

The undersigned commissioner begs leave to report as authorized by a decree entered herein on the 27th day of January 1910, he proceeded, after having first advertised the time, place, and terms of sale, in accordance with said decree, to sell the real estate in the bill and proceedings mentioned in front of the Post Office, in the Town of Suffolk, Virginia, on Saturday, April 23rd, 1910, and at said sale Samuel Lee became the purchaser of said property at the price of $200 no/100. The purchaser informs the undersigned that he is ready and willing to pay the purchase price in cash according to the requirements of the decree aforesaid, and that he will do so, contemporaneous with the delivery of the deed to him.

Your Commissioner would suggest that the sale be confirmed and that he be authorized to make the foregoing purchaser a deed.

Your Commissioner has given the bond required by the decree foregoing and herewith returns a copy of the advertisement of sale.

Respectfully submitted.

Special Commissioner.

April 23rd, 1910.

1910 May 21st filed

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 400

Commissioner's Office,

To Zach Lee, George Elliott, agnes Lee, Adeline Flynn, Lizzie Chance and Samuel Lee,

Complainants.

and

Charlotte Eley, Albert Ash, Tommie Ash, Alfred P. Ash Thomas Evans, Dianna Hatton, James Hatton, Ellison Hatton Louise Hatton, Lennie Hatton, George Hatton, Jr. Grace Hatton, and Clarence Hatton, et als.

Defendants

You are hereby notified that on the first day of October 1909, 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 28 day of May, 1909, in the suit in chancery pending in said Court to which you are parties plaintiff and defendant, to-wit:

(1) All the estate, real and personal, belonging to the order known and styling itself as Pilgrims Progressing Onward", and its fee-simple value.

(2) The lien debts of said order or society, if any there be.

(3) Whether or not the said society, at the institution of this suit was active and holding regular meetings.

(4) Who constituted the membership of the said order or society or were in good standing, when its meetings were last regularly held, pursuant to its charter and by-laws

(5) Any other matter deemed pertinent by the commissioner or required by any party in interest to be so stated.

Given under my hand, as Commissioner in Chancery of said Court, the 9th, day of September, 1909

Bradford Kilby
Commissioner in Chancery.

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

Zach Lee
George L. Elliott +
Samuel F. Lee,
Agnes X Lee,
mark
Bradford Kilby, Guardian
ad litem for George Hatton Jr.
Grace Hatton, Clarence Hatton,
Infants.

526

Form No. 400.

COMMISSIONER'S NOTICE.

Zach Lee et als
vs.
Charlotte Eley et als

Executed this 23rd day of April 1924 by delivering a true certified copy of the within notice to Chas. E. Gilbert Esq in person.

Clerk Superior Court

In the Circuit Court of Nansemond County, Virginia.

Charlotte Eley and others,

Vs.

Zack Lee and others.

This cause came on this day to be again heard upon the papers formerly read, upon the joint and separate answer of Exum Butler, W. H. Hatton, William C. Jones, Nancy Wright, Sarah Thomas, Mary V. Gray, Jerry Walker, Charlotte Eley, Alice Myrick, Margaret Bumpass, Henry Hatton, Addie Thomas, Susie Joyner, Diana Walker, Ellen Jones, Wesley Thomas, Van Harrison, and W. H. Chance, and _____ filed in the hands of the Clerk on September 5th, 1910 and prayed to be treated as a cross bill and as a demurrer to the bill of complaint and upon the motion of the plaintiffs to reject said last mentioned pleading of said defendants, and was argued by counsel. On consideration whereof the court doth adjudge, order and decree that the said pleading of said defendants be and the same is hereby rejected in so far as it partakes of the nature of a cross-bill; that the same be and is hereby over-ruled in so far as it partakes of the nature of a demurrer and as an answer, that the same be and it is hereby permitted to be filed in this cause to the end that the said defendants may and leave is hereby granted them within the period of 30 days from the date of this decree to appear, pursuant to the preceding decree of this court in this cause entered on the 26th day of May, 1910, before Commissioner in Chancery, Bradford Kilby, and to whom said decree of May 26th, 1910 has been referred and produce such proof as they may see fit tending to establish their right to share in the distribution of the funds now in the custody of this court by reason of their membership of the order or society known and styling themselves as "Pilgrims Progressing Onward". And it is further, ordered, adjudged and decreed that the said pleading of the foregoing defendants in all other particulars and

petition to reheat the former decrees and orders in this cause and

for all other purposes be and the same is hereby rejected.

Judge:

The foregoing carbon copy of some disclaimer suggestions made by Mr Thurman. I have no comments to make, but will simply examine your directions

Thompson

Zack Lee and others,

vs.

Charlotte Eley and others.

This cause having come on this day to be again heard upon the papers formerly read, upon the report of Wm. M. Crumpler, Special Commissioner, dated April 26th, 1911, and filed with the Clerk of even date therewith, showing the property in these proceedings, heretofore sold, pursuant to a decree entered herein on May 26th, 1910, to have been conveyed by him, after having collected the purchase price, to the purchaser, Samuel Lee, and upon the further report of Bradford Kilby, a Commissioner in Chancery of this Court dated the 25th day of April 1911, and filed with the Clerk on the 26th day of April 1911, reporting the membership of the order known and styling itself "Pilgrims Progressing Onward", as of the date of its dissolution to have consisted as heretofore reported by him of Adeline Flynn, (now dead), Bloomfield Flynn, Lizzie Chance, Hester Ash (now dead), Albert Ash, Agnes Lee, Samuel Lee, Susan Brown (now dead) Charlotte Eley, George Elliott, and Zack Lee and showing to the court that the defendants, Exum Butler, W. H. Hatton, William C. Jones, Nancy Wright, Sarah Thomas, Mary V. Gray, Jerre Walker Charlotte Eley, Alice Myrick, Margaret Bumpas, Henry Hatton, Addie Thomas, Susie Joyner, Diana Walker, Ellen Jones, Wesley Thomas, Van Harrison, and W. H. Chance, have not as required by the preceding decree in this cause appeared before him within the period of thirty (30) days thereafter, ~~and have~~ neither have they produced proof tending to establish their right to share in the distribution of the funds in the custody of the court, to neither of which said reports have exceptions been filed, and was argued by counsel.

On consideration whereof the court doth approve, ratify and confirm each of the foregoing reports and doth adjudge, order, and decree that the said Commissioner, Wm. M. Crumpler, proceed

forthwith to pay the cost of this suit, including a fee of $50~ to himself for his services as attorney in the prosecution thereof settle the cost and expenses of sale, distribute the balance of the funds in his hands equally among Bloomfield Flynn, Lizzie Chance, Albert Ash, Agnes Lee, Samuel Lee, Charlotte Eley, George Elliott, and Zack Lee and report his proceedings hereunder to court.

In the Circuit Court of Nansemond County, Virginia.

~~Charlotte Eley and others~~,

~~Vs.~~

Zack Lee and others.

Charlotte Eley et als.

This cause came on this day to be again heard upon the papers formerly read, upon the joint and separate answer of Exum Butler, W. H. Hatton, William C. Jones, Nancy Wright, Sarah Thomas, Mary V. Gray, Jerry Walker, Charlotte Eley, Alice Myrick, Margaret Bumpass, Henry Hatton, Addie Thomas, Susie Joyner, Diana Walker, Ellen Jones, Wesley Thomas, Van Harrison, and W. H. Chance, ~~and~~ _____ filed in the ~~hands of~~ ~~the~~ Clerks office on September 5th, 1910 and prayed to be treated as a cross-bill, a petition to rehear and as a demurrer to the bill of complaint, and upon the motion of the plaintiffs to reject said last mentioned pleading of said defendants and was argued by counsel. On consideration whereof the court doth adjudge, order and decree that the said pleading of said defendants be and the same is hereby rejected in so far as it partakes of the nature of a cross-bill; that the same be and is hereby over-ruled in so far as it partakes of the nature of a demurrer; and as an answer, that the same be and it is hereby permitted to be filed in this cause to the end that the said ~~defendants~~ respondents may, hereafter be proceeded against as defendants and leave is hereby granted them within the period of 30 days from the date of this decree to appear, pursuant to the preceding decree of this court in this cause entered on the 26th day of May, 1910, before Commissioner in Chancery, Bradford Kilby, ~~and~~ to whom said decree of May 26th, 1910 has been referred and produce such proof as they can ~~see fit~~ tending to establish their right to share in the distribution of the funds now in the custody of this court by reason of their alleged membership of the order or society known and styling themselves as "Pilgrims Progressing Onward". ~~And it is further, ordered, adjudged and decreed that the said pleading of the foregoing defendants in all other particulars and~~

~~for all other purposes be and the same is hereby rejected.~~

And said pleadings of the respondents, in so far as they are asked to be treated as a petition to rehear the former decrees entered herein are hereby rejected.

Enter March 22 1911.
James L. McLemore.

Entered in Chancery
Order Book No. 4. Page 469

In the Circuit Court of Nansemond County, Virginia.

Zack Lee et als

Vs.

Charlotte Eley et als.

This cause, having come on this day to be again heard upon the papers formerly read and upon the joint and separate answers and demurrers of sundry parties who allege and claim an interest in the subject matter of this suit, filed on the 5th day of September 1910, by their counsel, Robert W. Withers, by consent of all parties in interest, through their counsel, it is hereby ordered, adjudged, and decreed that all ~~accounts~~ matters and issues raised by the said aforesaid answer and demurrer be submitted to the Judge of this Court in vacation for such judgment, order, or decree as might be entered in term.

Enter. Octo. 19. 1910

James L. McLemore

I consent to the
decree

Nicholas Lampton
P-g-

Entered in Chancery Order
Book No. 4 Page 438

Virginia:

In the Circuit Court of Nansemond County.

To the Honorable James L. McLemore, Judge of said Court.

Zack Lee et als	)	
	)	
Vs.	)	In Chancery.
	)	
	)	
Charlotte Eley et als.	)	

This cause came on this day to be again heard on the papers formerly read and also on the report of sale made by Wm. M. Crumpler, Special Commissioner, to which there is no exceptions and was argued by counsel.

On consideration whereof, the Court doth ratify, approve, and confirm said report and said sale and doth adjudge, order, anddecree, that upon the payment by the purchaser of the full purchase price, amounting to $200.00 that the said Wm. M. Crumpler, who is hereby appointed Special Commissioner, for that purpose shall execute to him a good and valid deed for said property, conveying the same with Special Warranty. ~~And the Court doth further adjudge, order, and decree that upon the payment of the purchase price, the said Commissioner, after the payment of the costs of this suit, the cost and expenses of sale, and also a fee of $ to himself, as attorney to the prosecution of this cause, shall proceed to distribute the balance of the purchase price equally among Bloomfield Flynn, Lizzie Chance, Albert Ash, Agnes Lee, Samuel Lee, Charlotte Eley, George L. Elliott, and Zack Lee, taking the receipts of the said respective parties and filing the same in these papers.~~

And it is further ordered, adjudged & decreed that this cause be re-referred to a commissioner of this Court for a further investigation of the membership of the order or society styling themselves "Pilgrims Progressing Church".

The said Commissioner shall report his proceedings hereunder to Court.

1910 May 26th
Entered.
James L. McDermand

Entered in Chancery Order
Book No. 4. Page 419.

Virginia,

In the Circuit Court of Nansemond County.

Zack Lee and others, ----------Plaintiff.

Vs.

Charlotte Eley and others, ----------Defendant.

This cause, came on this day to be again heard upon the papers formerly read and upon the report of Bradford Kilby, a Commissioner in Chancery of this Court, dated October 1st, 1909, and filed with the Clerk on December 27th, 1909, to which report there is no exception and was argued by counsel.

On consideration whereof, the court doth fully approve and confirm said report aforesaid and being especially of the opinion that the infant defendants, for whom the said Bradford Kilby appears to have been appointed guardian ad litem, have no interest in the said real estate and were, therefore, improper parties to the said cause, doth order, adjudge, and decree that Wm. H. Crumpler who is hereby appointed a commissioner for the prupose, proceed after having advertised the time, place and terms of sale, by printed notices of sale, posted at several public places in the Town of Suffolk, at the front door of the Court House and at such other public place or places in the County of Nansemond, as the said commissioner in his discretion may think wise to sell the said real estate in the bill and proceedings mentioned, at public auction, in front of the Post Office, in the Town of Suffolk, Virginia, for cash. But the said Commissioner, _____ shall not proceed to act under this decree until he shall enter into bond with sufficient security in the Clerk's Office of this court, payable to the Commonwealth of Virginia, in the penalty of Three Hundred Fifty Dollars and conditioned for the faithful discharge of his

duties under this or any other decree entered in this cause. And the said commissioner is directed to report his proceedings hereunder to the court.

Entered this 27th day of
January 1910.

James L. McSmore
Judge.

Entered in Chancery Order
Book No. 4. Page 394.

In the Circuit Court of Nansemond County, Virginia:

Zack Lee, George Elliott, Agnes Lee, Adeline Flynn, Lizzie Chance, and Samuel Lee.

Vs.

Charlotte Eley, Albert Ash, in his own right and ashusband of Hester Ash, deceased, Tommie Ash, Alfred F. Ash, a non-resident, the latter two being the children of Hester Ash, deceased, Thomas Evans, child of Susan Brown, deceased, Diana Hatton, James Hatton, Ellison Hatton, Louise Hatton, Lennie Hatton, George Hatton, Jr., Grace Hatton, and Clarence Hatton, the latter three being under the age of 21 years, the said Diana Hatton being the widow and the seven last mentioned defendants being the children of George Hatton, deceased son of Susan Brown, deceased, and all other unknown parties who may be interested in the real estate of the order known and styling themselves as "Pilgrims Progressing Onward".

in which the Complainants have proceeded against the non resident defendants in the manner prescribed by the statute against non resident defendants and they failing to appear and plead answer or demur.

This cause came, on this day to be heard upon the Bill of Complaint verified by affidavit, and the exhibits filed therewith; the joint and separate answer of the infant respondents, George Hatton, Jr., Grace Hatton, and Clarence Hattom, by their guardian ad litem, to this bill and was argued by counsel.

the said bill taken for confessed as to the adult defendants upon whom process has been served

On consideration whereof, the Court doth adjudge, order, and decree that this cause be referred to one of the Commissioners of this Court, who is directed to inquire and report to the Court as follows:

First:- All the estate, real and personal, belonging to the order known and styling itself as "Pilgrims Progressing Onward" and its fee simple value.

Second:- The lien debts of the said order or society, if any there be.

Third:- Whether or not, the said society, at the institution ofthis suit was active and holding regular meetings.

Fourth:- Who constituted the membership of the said order or society or were in good standing, when its meetings were last regularly held, pursuant to its charter and by laws.

Which said inquiries, the said Commissioner shall make after first giving notice of the time and place thereof to all parties, or their counsel, and report the same to the Court, along with any matter especially stated being pertinent by himself or which may be required by any person interested to be so stated.

Enter May 28, 1909
James L. Whitmore

Rec

Entered in Chancery
Order Book No. 4 Page 338

Virginia:

In the Circuit Court of Nansemond County in term the 16th day of January 1909.

Zack Lee, George Elliott, Agnes Lee, Adeline Flynn, Lizzie Chance, and Samuel Lee.	)	
Vs.	)	In Chancery.
Charlotte Eley, Albert Ash, in his own right and as husband of Hester Ash deceased, Tommie Ash, Alfred F. Ash, a non-resident, the latter two being the children of Hester Ash, deceased Thomas Evans, child of Susan Brown, deceased, Diana Hatton, James Hatton, Ellison Hatton, Louise Hatton, Lennie Hatton, George Hatton, Jr., Grace Hatton and Clarence Hatton, the latter three being under the age of 21 years, the said Diana Hatton being the widow and the seven last mentioned defendants being the children of George Hatton, deceased son of Susan Brown, deceased, and all other unknown parties who may be interested in the real estate of the order known and styling themselves as "Pilgrims Progressing Onward".	)	

The object of the above styled suit is to have sold and the proceeds of sale divided among the above named parties, plaintiffs and defendants, of certain real estate containing one acre and which was conveyed on April 6th, 1882 by Horace L. Gray and wife to George Elliott, Lewis Eley, Hester Ash, and Henry Hatton, trustees, constituted and elected a board by the lodge known and styling themselves "Pilgrims Progressing Onward" said deed to said real estate having been recorded in the Clerk's Office of Nansemond County on the 12th day of December 1882. And it appearing by affidavit filed according to law that Alfred F. Ash, the above named defendant is not a resident

of this state, and that there may be other unknown parties interested im the said real estate, it is therefore ordered that the said Alfred F. Ash, and all unknown parties interested in the said real estate, do appear within fifteen (15) days after due publication of this order in the Clerk's Office of our said Circuit Court and do what is necessary to protect his or their interest. And it is further ordered that this order be published once a week for four successive weeks in the Suffolk Herald, a news-paper printed in the County of Nansemond, Virginia.

_____ p.q. _____ Clerk.

Order of Publication

Jacob Lee et als

Pltfs } In Chancery

Charlotte Eley et als

Entered, January 16th. 1909.

James L. McLemore

Entered in Chancery Order Book No. 4. Page 612.

Virginia In Vacation, In the Circuit Court of the County of Rappahannock December 7. 1910.

~~APPOINTMENT OF TRUSTEES.~~

On the application of the proper authorities of the fraternal order or lodge known as " Pilgrim's Progressing Onward to the Habitation", W. C. Jones, M. W. Thomas, and J. M. Walker are hereby appointed trustees for said order or lodge, which trustees and their successors shall hold and use, for the benefit of said order or lodge, any real estate which may have been lawfully conveyed or may be hereafter conveyed for that purpose.

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

James L. McElmore,

1910 - Dec. 7th.
Enter
James L. McKenna.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Application.

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

At a duly called and regularly conducted meeting of the members of the fraternal order or lodge known as " Pilgrims Progressing Onward to the Habitation", which meeting was held the _____ day of Nov 22 1910, the following parties were chosen and duly elected as trustees of said order or lodge, in which trustees and in their successors shall vest the legal title to such land as has been lawfully conveyed or may be hereafter conveyed to said order or lodge for its purposes.

Jno K Lowe
Jas M P Thomas
Jno J M Pilkes
_____
_____

Your Honor is respectfully requested by the undersigned lodge officers, who have been authorized by the other members of the above order or lodge to apply to your Honor in their behalf, to confirm the election of the trustees as given above, and to appoint them as trustees of the said order known as " Pilgrims Progressing Onward to the Habitation".

L Vernon Butler
Chairman.

Alex Mayo Jr
Secretary.

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

I, J P Rivers, a Notary Public for the county aforesaid, in the State of Virginia, do certify that Evan Butler & Alice Myrick whose names are signed to the writing hereunto annexed, bearing date the 22 day of November, 1910, have acknowledged the same before me in my county aforesaid.

My term of office expires on the 9th day of Nov 1914.

Given under my hand this 30th day of Nov, 1910.

J P Rivers Notary Public

Pilgrim Progressing
Onward to the
Habitation.

ORDER APPOINTING

TRUSTEES.

Costs: £
Clerk .71

Entered in Common Law
Order Book # 4 Pg. 325

ROBERT W. WITHERS
ATTORNEY AT LAW
SUFFOLK, VA.
PRACTICING IN ALL COURTS IN
SECOND JUDICIAL CIRCUIT

SUFFOLK PRINTING AND STATIONERY CO., SUFFOLK, VA.

THIS DEED, Made this 6th day of April, 1882, between Horace L. Gray and Susanna E., his wife, of the first part and Geo. Lem Elliott, Lewis Ealey, Hester Ash, Henry Hatton, trustees, constituted and elected a board by the lodge known and styling themselves Pilgrims Progressing Onwards for the purpose of holding on trust a certain piece or parcel of land and appurtenances specified in this instrument as heretofore for the sole and only benefit and interest of said Lodge known and styled as aforesaid, said trustees agreeing and bonding themselves to turn over to said Lodge the trust conferred upon them, whenever in the discretion of said Lodge it may be thought requisite and necessary for their welfare of the second part all of the County of Nansemond and State of Virginia.

Witnesseth: That the said Horace L. Gray and Susanna E., his wife, in the consideration of the sum of Thirty-five ($35.00) Dollars to them in hand paid, the receipt whereof is hereby acknowledged does grant, with general warranty, unto the said trustees, Geo. Lem Elliott, Lewis Ealey, Hester Ash, Henry Hatton, the following real estate, to-wit: A certain piece or parcel of land and all its appurtenances, situate, lying, and being in Barrett's Neck, Nansemond County, Virginia, containing one acre, more or less, adjoining the lands of Smith formerly the Vesey land, Hester Ash and the County Road, it being the same land conveyed to said Horace L. Gray and wife by deed dated the 21st day of June, 1880 from Robert A. Lee, Robert Thomas and others duly recorded in the Clerk's Office of Nansemond County Court to which deed reference is here made and the said Horace L. Gray and Susanna E., his wife, covenant that they have the right to convey the said land to the grantees; that the grantees shall have quiet possession of said land free from all encumbrances, that they have done no act to encumber the said land; and that they will execute such further assurances thereof as may be requisite.

Witness the following signatures and seals.

H. L. Gray (Seal)

Susanna E. Gray (Seal)

State of Virginia)
) To-wit:
County of Nansemond)

We, James J. Lewis and J. J. Bunting, Justices in and for the

County aforesaid, in the State of Virginia, do certify that Susanna E. Gray, the wife, of Horace L. Gray, whose names are signed to the writing above bearing date the 6th day of April, 1882, personally appeared before me in the County aforesaid, and being duly examined by us, privily and apart from her husband, and having the writing aforesaid, fully explained to her, she the said Susanna E. Gray acknowledged the said writing to be her act and declared that she had willingly executed the same and does not wish to retract it.

Given under my hand this 6th day of August, 1882.

James J. Lewis, J. P.

J. J. Bunting, J. P.

Virginia)
) To-wit:
County of Nansemond.)

I, J. J. Bunting, a Justice in and for the said County in the State of Virginia, do certify that Horace L. Gray whose name is signed to the writing above bearing date the 6th day of April, 1882 has acknowledged the same before me in the County aforesaid.

Given under my hand this 16th day of August, 1882.

J. J. Bunting, J. P.

In the Clerk's Office of Nansemond County Court, the 12th day of December, 1882.

This deed was received, duly certified and thereupon admitted to record.

Teste:

Peter B. Prentis, Clerk.

Horace L. Gray and Susanna

E. Gray, his wife,

To

Trustees of Pilgrims Progressing Onward.

THIS DEED, Made the 21st day of June, 1880, between Robert A. Lee, Robert Thomas, B. Flynn, George L. Elliott, trustees of Lodge No. 28 of Pilgrims Progressing Onward title Universal Order of Pilgrims Habitation, a benevolent association or order of Barrett's Neck Nansemond County, Virginia, of the one part, and H. L. Gray of the same place of the other part.

Witnesseth: That the said grantors in consideration of the sum of thirty-three ($33.00) Dollars, in hand paid, does grant with GENERAL WARRANTY unto the said H. L. Gray and to his heirs and assigns forever, the following real estate to-wit: A small piece of land supposed to contain one (1) acre, more or less, situated, lying and being in Barrett's Neck, Nansemond county aforesaid, on the North side of the road by Ebinezer Church to the said H. L. Gray's store and adjoins the Smith land on the South and by the land of Godwin and wife on the other sides, the land hereby sold being a part of the land conveyed by deed from Charles C. Glover and Rosa, his wife to Algenon Darden, trustee, by deed dated the 30th of September, 1869, and of record in the Clerk's Office of Nansemond County Court together with all and singular the appurtenances belonging to the same. And the said grantors covenant that they have the right to convey the said land to the grantee; that the said grantee shall have quiet possession of said land; that they have done no act to encumber the said land; and that they will execute such further assurances of the said land as may be requisite.

Witness the following signatures and seals.

Robert A. Lee, Trustee, (Seal)

his
Robert X Thomas, Trustee (Seal)
mark

B. Flynn, Trustee (Seal)

George L. Elliott, Trustee (Seal)

Virginia,

County of Nansemond, to-wit:

I, James J. Lewis, a Justice of the Peace in and for the

said County in the State of Virginia, do certify that Robert A. Lee, Robert Thomas, B. Flynn, and George L. Elliott, trustees, whose names are signed to the writing above bearing date the 21st day of June, 1880 have acknowledged the same before me in the county aforesaid.

Given under my hand this 21st day of June, 1880.

James J. Lewis, J. P.

In the Clerk's Office of Nansemond County Court, the 7th day of March, 1881.

This deed was received, duly certified, and thereupon admitted to record.

Teste:

Peter B. Prentis, Clerk.

Death.

Instituted Lodge #81

Virginia Rogers.

Mrs. Howard.

To

H. L. Gray

Virginia,

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

Zach Lee and others, Complainants,

vs.

Charlotte Eley and others, Defendants.

Commissioner's Office,
Suffolk, Va. Oct. Ist. I909.

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 28th. day of May I909, in the suit in chancery pending in said court between Zach. Lee and others, Complainants, and Charlotte Eley and others, Defendants, the undersigned, Bradford Kilby, one of the Commissioners in Chancery of said court respectfully reports as follows:

That on the 9th. day of September I909, your commissioner gave notice to the parties to said suit that he would proceed on the Ist. day of October I909, 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 accepted by some of said parties and served on others by the sheriff, as will appear by the endorsations on the notice herewith returned.

That your commissioner took the depositions of Zach. Lee, Samuel Lee and Charlotte Eley, at his office in Suffolk, Va. 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:

(I)

The order known as"Pilgrims Progressing Onward" possesses no personal property. It owns the following real estate: "A certain piece or parcel of land and all its appurtenances,situate lying and being in Barrett's Neck,Nansemond County,Virginia, containing one acre,more or less,adjoining the lands of Smith, formerly the Vesey land,Hester Ash,and the County Road,it being the same land conveyed to Horace L. Gray and wife,by deed dated 2Ist. day of June I880,by Robert A. Lee,Robert Thomas and others which deed is duly recorded in Nansemond County Clerk's office."

(2)

There are no liens debts on the real estate of said Order or Society.

(3)

The said Order or Society,at the institution of this suit, was not active nor holding regular meetings.

(4)

The following constituted the membership of said order or Society and were in good standing when its meetings were last held pursuant to its charter and by-laws: Adeline Flynn,(now dead),Broomfield Flynn,Lizzie Chance,Hester Ash,(now dead), Albert Ash, Agnes Lee,Samuel Lee,Susan Brown,(now dead),Charlotte Eley,George L. Elliott and Zach Lee.

(5)

The fee-simple value of said land is about $200. It has no rental value.

(6)

There is no other matter deemed pertinent by the Commissioner or required by any party in interest to be so stated.

Respectfully submitted this Ist. day of October I909.

Bradford Kilby

Commissioner in Chancery.

Commissioner's fee $IO.

Samuel Lee,Being duly sworn,deposes as follows:

Q. What is your name,age,residence and occupation and do you know the land mentioned in the bill in this suit?

A. Samuel Lee,36 years old,Crittenden,Va. oysterman and farmer, I know the land.

Q. What is its fee-simple value?

A. About $200. It has a dilapidated house on it for which we can get no rent.

Q. Is the said land all that the order of Pilgrims Progressing Onward owned?

A. Yes.

Q. Were regular meeting according to the charter and by-laws being held at the institution of this suit?

A. No. I was a member or am a member of the order and hence know that there were no such meetings.

Q. Who constituted the membership when such meeting were last regularly held?

A. Adeline Flynn(dead),Broomfield Flynn,Lizzie Chance,Hester Ash, Albert Ash,Agnes Lee,Samuel Lee, Susan Brown (dead) Charlotte Eley,George L. Elliott,and Zach Lee.

Q. Does the Order own any personal property?

A. No.

And further this deponent saith not.

Charlotte Eley,being duly sworn,deposes as follows:

Q/ What is your name,age,residence and occupation and do you know the land in the bill mentioned?

A. Charlotte Eley,56 years old,Hobson,Va.,house-keeper,I know the land.

Q. What is the fee-simple value of the land?

A. About $175. or $200. ,I reckon.

Q. Was the Society holding regular meeting at the time this suit was begun?

A. No sir. I am a member and knows they won't.

Q. Who composed the membership of the Society when its meeting were last regularly held?

A. Adeline Flynn,Broomfield Flynn,Lizzie Chance,Hester Ash (dead),Albert Ash,Agnes Lee,Samuel Lee,Susan Brown,Charlotte Eley,George L. Elliott,and Zach Lee.

Q.Does the Society own any personal property?

A. No.

And further this deponent saith not.

Zach Lee,being duly sworn,deposes as follows:

Q. What is your name,age,residence,occupation and do you know the land in the bill mentioned?

A. Zach. Lee,37 years,oysterman,Crittenden,Va. I know the land.

Q. What is its fee-simple value?

A. About $200. It has a house on it,but it is in bad repair and we can't get any rent for it.There is about one acre or more.

Q. Was the Society active and holding regular meetings at the beginning of this suit?

A. No.I am or was a member,and known that all such meeting were abandoned.

Q. Who constituted the membership of the society or order at the time its meetings were last regularly held according to its charter and by-laws?

A. Adeline Flynn(dead) Lizzie Chance,Agnes Lee,George L. Elliott, Charlotte Eley,Samuel Lee,Broomfield Flynn,Albert Ash,Zach Lee, Susan Brown(dead, and Hester Ash (dead).

Q. Does the order own any personal property?

A. No.

And further this deponent saith not.

Zach Lee et als

vs. } In Chancery

Charlotte Eley et als

Report of Bradford Kilby Commissioner in Chancery pursuant to decree of 28th of May 1909.

Filed Dec. 27. 1909.
M. M. Parrish D.C.

[redacted],
ATTORNEY AT LAW,
SUFFOLK, VIRGINIA.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY,

VIRGINIA.

Zack Lee and others,

VS.

Charlotte Eley and others.

This cause came on this day to be again heard upon the papers formerly read and especially upon the report of Wm. M. Crumpler, Commissioner, this day filed, showing adisbursement of the funds in hand, save and except the share of Lizzie Chance of $10.95 which has been deposited to her credit in the National Bank of Suffolk, as is evidenced by the voucher of said bank exhibited to the Court and filed with said report, on consideration whereof, it is ordered, adjudged, and decreed that the said report be and the same is hereby confirmed and nothing further remaining to be done, it is ordered that this cause be removed from the docket.

Zack Lee & als
v.
Charlotte Lee

Enter May 17. 1913.
James L. Gilmore.

Entered in Chancery
Order Book No. 4.
Page 5-78.

In the Circuit Court of Nansemond County, Virginia.

Zack Lee, George Elliott, Agnes
Lee, Adeline Flynn, Lizzie
Chance, and Samuel Lee.

Vs.

Charlotte Eley, Albert Ash,
in his own right and as husband
of Hester Ash deceased, Tommie
Ash, Alfred F. Ash, a non-resident,
the latter two being the
children of Hester Ash, deceased, Tommie Evans,
child of Susan Brown, deceased, Diana Hatton,
James Hatton, Ellison Hatton, Louise Hatton,
Lennie Hatton, George Hatton, Jr., Grace
Hatton, and Clarence Hatton, the latter
three being under the age of 21
years, the said Diana Hatton being the
widow and the seven last mentioned defendants being
the children of George Hatton, deceased son
of Susan Brown, deceased, and all other
unknown parties who may be interested
in the real estate of the order
known and styling themselves as
"Pilgrims Progressing Onward".

The separate answer of Bradford Kilby, gurardian ad litem appointed to defend George Hatton, Jr., Grace Hatton, and Clarence Hatton, in this suit in proper person, to a Bill of Complaint filed against Charlotte Eley et als in the Circuit Court of Nansemond County by Zack Lee et als.

This respondent reserving to himself, the benefit of all just exceptions to the said Bill of Complaint for answer thereto answers and says: That he is the guardian ad litem appointed to defend the foregoing parties; that heknows nothing as to the truth or falsity of the said statements in the said Bill of Complaint; andthat he prays full protection ofthe Court for the foregoing infant defendants.

And now having fully answered the Complainant's bill, this respondent prays to be hence dismissed with his reasonable cost by him in this behalf expended.

Counsel.

Bradford Kilby
Guardian ad litem for George
Hatton, Jr., Grace Hatton, and
Clarence Hatton. Respondent.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

October Term -1910.

Charlotte Eley et als.---------- ----Defendants.

ads.

Zack Lee et als.----------Complainants.

Joint answer of some of defendants.

The joint and separate answer of Exam Butler, Willie Hatton, William C. Jones, Nancy Wright, Mary Gray, Sarah Thomas, Jerry Walker, Charlotte Eley, Alice Myrick, Maggie Bumpas, Henry Hatton, Addie Thomas, Henry Chance, Wesley Thomas, Susie Joyner, Diana Walker, Ellen Jones, and Van Harrison to the bill of complaint filed against them and others in the circuit court of Nansemond County, Virginia, by Zack Lee Sam Lee, Agnes Lee, George Elliott, Adeline Flinn and Lizzie Chance.

These respondents reserving to themselves the benefit of all just exceptions to the said bill, for answer thereto or to so much thereof as they are advised it is material they should answer, answer and say:

1. These respondents are now and have been for many years members of the fraternal order or lodge known as " Pilgrims Progressing Onward to the Habitation" which is the true name of said order. There are now, and there have been other members of said order since its organization some time about 1881.

The following persons are now members of this order but are not joined as defendants in this answer because some of them were not present at the meeting of the lodge when these proceedings were taken up and funds were raised to employ counsel, and some of them were present but did not or could

not contrubute to said fund, but it is believed by these respondents that the interest of all the lodge members is identical with these respondents and it is charged by these respondents that all of said lodge members, so far as they have been heard to express themselves, desire the same relief prayed for in this answer, and it is prayed that the plaintiff's be required to make all of said parties defendants in these proceedings, by proper amendments to the pleadings or otherwise.

Said other lodge members are: Thomas Ash, John H. Thomas, Dan Allen, Henry Butler, John Hall, Lizzie Chance, Lou Butler, Missouri Erwin, ~~Tom Evans~~, Diana Hatton, Bloomfield Flinn, James Hatton, Sarah Lee, Annie B. Hatton, and George Walker.

2. These respondents admit that the land in these proceedings mentioned was conveyed as and for the purposes set out in the bill, but they deny emphatically that the said lodge of Pilgrims Progressing Onward to the Habitation has ceased to exist, or that no more meetings of said order are being held, or that the objects and purposes for which the said society or order was formed have failed. On the contrary your respondents allege that said lodge continued its meetings and continued to discharge its functions up to about the year 1899, at which time for lack of interest by its members, its regular meetings were suspended and dues were not kept up or paid. This condition of affairs continued for several years until, to-wit some time in the fall of the year 1908,,when it was rumored in the neighborhood of Hobson, where most of these parties live, that Zack Lee and Samuel Lee, two of the complainants in this suit intended to have the land involved in this suit sold and that one of them would buy it in. Whereupon a few of the members of said lodge assembled together ~~and sent for~~ said Lees; that Zack Lee was present and at that time openly declared his purpose to buy said land and to that end to have it sold if he could.

Whereupon, to-wit in November 1908, two months before these proceedings were instituted the said lodge was revived and began to hold regular meetings and to elect officers and collect dues from its members, and said lodge has since that time continued to do the same, and is now holding its regular meetings and discharging all of the purposes of its existence.

3. The complainants named in the bill are Zack Lee, George Eliott, Agnes Lee, Adeline Flinn, Lizzie Chance, and Samuel Lee. Your respondents are advised and so charge that neither Adeline Flinn nor Lizzie Chance desired said lodge property to be sold and did not authorize any one to make them parties complainant to said bill, that Adeline Flinn is now dead, and Lizzie Chance wishes to be made a party defendant to the bill and to resist its prayers; that Zack Lee, at the time this suit was instituted was not a member of the said lodge and that he had ceased to be a member five years before its meetings were temporarily suspended, to-wit, he ceased to be a member about the year 1894.

That the parties complainant had made defendants to their bill the following parties: Charlotte Eley, Albert Ash, Tommie Ash, Alfred Ash, a non-resident, Thomas Evans, Diana Hatton, James Hatton, Ellison Hatton, Louise Hatton, Lennie Hatton, George Hatton, Jr., Grace Hatton and Clarence Hatton, the last three being infants, and all other unknown parties interested etc. The papers in this cause show that personal service was had only on the following adult defendants, Charlotte Eley, Albert Ash, Tommie Ash, Thos. Evans, Diana Hatton, James Hatton, Ellison Hatton, Louise Hatton, and Lennie Hatton; that the last three parties and Thos. Evans are not and never were members of the said lodge and have no interest in said land on their own account and as the decree entered in this cause on the 27th day of January 1910 decides that the three infant children of George Hatton have no interest in said land, it seems to follow that said three adult children

of George Hatton have no interest in said land by devised or by descent from their father; that only Charlotte Eley, of all the adult defendants served with process and having an interest in said land, has come forward and answered and she is resisting the prayers of Complainants. These respondents cannot answer for the other adult defendants served with process and it is not known why they do not make an appearance in this cause, but the court should know that some of said defendants do not reside in this county and possibly do not feel sufficiently interested to go to the expense of appearing and contesting this bill. That Albert F. Ash and the unknown defendants were proceeded against by publication of process in the Suffolk Herald; that all of these respondents are colored people and live in and around Hobson, a village some fifteen miles from the court-house of this county, and they did not see said publication of process, and, save, Charlotte Eley, were not advised of this suit or its object until some time in the early Spring of 1910 when some of these respondents saw the hand-bills advertising this land for sale in Suffolk, soon thereafter these respondents and other members of said lodge took steps to employ counsel and appear and defend their interest, to-wit about July 1st, 1910.

These respondents charge that the complainants Zack Lee and Samuel Lee are guilty of the grossest fraud on this court, on their counsel and on Commissioner in Chancery Bradford Kilby, in that the said Zack Lee well knew that he was not a member of said lodge and had not been for fourteen years before this suit was brought, and said two complainants deliberately conspiring together undertook to have the lodge property of these respondents and others sold in such a way and at such a place that it would be concealed from them and further, the said Zack Lee and Samuel Lee well knew the names and the interest in this land of most or all of these respondents and other members of the lodge, residents of this county and not parties to this suit, and

willfully and deliberately withheld such knowledge from their counsel, this court and said Commissioner Kilby; that the suppression of these facts was part of the fradulent scheme of said Lees, whose object was to buy said property as they had previously threatened to do.

4. These respondents are advised that this suit has been proceeded with in the wrong manner; that the law providing the proceedure for the sale of property belonging to unincorporated orders or lodges is found in sections 1407, 1399, 1402, 1405 and 1406 of the Code of Virginia, as amended, that this suit was not so proceeded with and is therefore not binding on said lodge and all of the proceedings in this suit should be set aside by this court and the suit dismissed with leave etc.

5. These respondents are further advised that the bill of complaint can not be construed into a bill for partition of land among joint tenants or tenants in common as said bill does not pray for such partition, but instead prays that said land be sold by a commissioner to be appointed by this court and that the proceeds of said sale, after the payment of costs and fees, divided among the plaintiffs and defendants to the suit or the members of said order or society who are jointly and equitably entitled thereto. Your respondents are advised that a court of equity has no jurisdiction in such cases, and can grant no such relief as prayed for in the bill; that these respondents legal rights cannot be taken from them without due process of law and that courts of equity have no power to convey the legal title to property unless the holder of said legal title or his representative is before the court, that the trustees of this lodge not having been made parties to this suit, the title to said property is still in them or their successors in office.

Your respondents therefore pray that this answer may be treated as a cross-bill and as a demurrer to the complainants bill, the grounds of demurrer being set out in its allegations; that the deed from Wm. M. Crumpler, Special Commissioner to

Samuel Lee purporting to convey the land involved in this suit be set aside and annulled, after giving said Samuel Lee an opportunity to show cause why it should not be done, he being still before this court; that all proceedings in this cause be set aside and annulled and this suit be dismissed from the docket.

And now having fully answered the complainants' bill these respondents pray to be hence dismissed with their reasonable costs by them expended in this behalf; and they will ever pray etc.

Addie Thomas witness — Wm Butler — M.D.
H. H. Hatton — M.D.
Wm. C. Jones — M.D.
Sarah Thomas witness — Nancy Knight — M.D.
Sarah Thomas — M.D.
Mary V Gray — M.D.
Mary V Gray witness — Jerry Walker — M.D.
Charlotte Daly
Alice Murick — M.D.
Jerry walker witness — Margarett Bumpers — M.D.
Addie Thomas witness — Henry Hatton — M.D.
Addie Thomas — M.D.
Mary V Gray witness — Susie Jones — M.D.
Diana Walker — M.D.
Jerry Walker witness — Ellen Jones — M.D.
Wesley Thomas — M.D.
X W. H. Thomas
Oscar Harrison — M.D.
Wm H Clarke — M.D.

Charlotte Eley et als.

ads.

Zack Lee et als.

Joint answer of some of defendants.

ROBT. W. WITHERS,

ATTORNEY AT LAW,

SUFFOLK, VA.

PRACTICING IN ALL COURTS IN
FIRST JUDICIAL CIRCUIT.

JEWELL & COMPANY, PHILADELPHIA.

1910 Sept 2- Filed
W. M. Watkins D.C.

In the Circuit Court of Nansemond County, Virginia:

Zack Lee, George Elliott, Agnes Lee, Adeline Flynn, Lizzie Chance, and Samuel Lee

Vs.

Charlotte Eley, Albert Ash, in his own right and as husband of Hester Ash, deceased, Tommie Ash, Alfred F. Ash, a non-resident, the latter two being the children of Hester Ash, deceased, Thomas Evans, child of Susan Brown, deceased, Diana Hatton, James Hatton, Ellison Hatton, Louise Hatton, Lennie Hatton, George Hatton, Jr., Grace Hatton, and Clarence Hatton, the latter three being under the age of 21 years, the said Diana Hatton being the widow and the seven last mentioned defendants being the children of George Hatton, deceased son of Susan Brown, deceased, and all other unknown parties who may be interested in the real estate of the order known and styling themselves as "Pilgrims Progressing Onward".

To the Honorable James L. McLemore, Judge.

Your orators, Zack Lee, George Elliott, Agnes Lee, Adeline Flynn, Lizzie Chance and Samuel Lee, humbly complaining showeth unto your Honor, the following case:

That before and on the 6th day of April, 1882, they together with others had formed and were on that day united in a fraternal order or society known and styling themselves as "Pilgrims Progressing Onward". That on the said 6th day of April, 1882, George Elliott, Lewis Eley, Hester Ash, and Henry Hatton, trustees, constituted and elected a board by the said order or society, purchased from Horace L. Gray and Susan E. Gray, his wife, by a certain deed, a copy of which is filed in this suit marked exhibit "A", a certain lot or parcel of land, described as follows:

A certain piece or parcel of land and all its appurtenan-

ces situate lying and being in Barrett's Neck, adjoining the lands of Smith formerly the Vesey land, Hester Ash, and the County Road.

And your orators further showeth unto the Court that for some time prior to the filing of this suit, the management of the said order or society has been abandoned by its trustees; and all meetings of the said order or society have for a considerable time been dispensed with and that the property aforesaid is now lying idle and of no benefit to any one whomsoever, other than a family who is now living in the house located thereon, free of charge.

Your orators further show unto the Court that owing to the facts above recited that the objects and purposes for which the said society or order was formed have failed and the management thereof, having been entirely abandoned by the officers and other persons at the head of the said order, your orators therefore show unto the Court that the following alone were the active members of the said order or society when it ceased to hold its meetings: Adeline Flynn, Lizzie Chance, Hester Ash, Albert Ash, Agnes Lee, Samuel Lee, Susan Brown, Charlotte Eley, George Elliott, and Zack Lee, these being the only members of the said order or society who were active and in good standing when the said order or society dissolved.

And your orators further show unto the Court that the said Hester Ash, is now deceased, leaving surviving her, Albert Ash, her husband, and Tommie Ash, and Alfred F. Ash, the latter a non-resident and her children and further show unto your Honor that Susan Brown being now dead leaving surviving her Thomas Evans, her son, and Diana Hatton, widow and James Hatton, Ellison Hatton, Louise Hatton, Lennie Hatton, George Hatton, Jr, Grace Hatton and Clarance Hatton, children of George Hatton, deceased son of the said Susan Brown, deceased, the latter three children of the said George Hatton, being under the age

of twenty-one (21) years.

And your orators further show unto the Court that while they truly and honestly believe that they have mentioned and named all parties in interest in the said real estate that there may be persons interested in the subject to be divided or disposed of whose names are unknown to them.

In consideration whereof, your orators pray that the said Charlotte Eley, Albert Ash, Tommie Ash, Alfred F. Ash, Thomas Evans, Diana Hatton, James Hatton, Ellison Hatton, Louise Hatton, Lennie Hatton, George Hatton, Jr., Grace Hatton and Clarence Hatton, be made defendants to this bill, and required to answer the same, but not on oath, that being expressly waived; that a proper guardian ad litem be assigned the infant defendants to defend their interests in this suit, who shall also answer this bill; that proper process issue; that all proper orders and accounts be directed and taken; that the lien debts of the said order or society, if there be any, which your orators believe there are not, be ascertained and the amounts thereof and their order of priority be established; that the said real estate aforesaid be sold by a Commissioner to be appointed by your Honor for that purpose and that the proceeds of the said sale may be divided among the plaintiffs and defendants to this suit, or the members of said order or society, who are justly and equitably entitled thereto after the payment of the cost of this suit and a reasonable attorney's fee to the attorney instituting the same; and that all such other, further, and general relief may be given as in the premises is just and right.

And notice is hereby given to all parties in interest that the Court will be asked to decree a reasonable fee to paid counsel instituting these proceedings, for his services in and about the same, out of the proceeds of sale of said property.

And your orator will ever pray, etc.

William M. Cameron
p.q.

Jack Lee

Witness: Sora Turner. George his Elliott mark
Agnes her X Lee mark
Samuel X Lee
Adeline Hyman and Lizzie Chance, there two,
By Counsel.

Virginia,)
Nansemond County,) To-wit:

George Elliot, Agnes Lee
This day, Zack Lee and Samuel Lee, appeared in person before me, William M. Crumpler, a Notary Public in and for the County aforesaid, whose term of office expires on the 23rd day of January, 1910, and made oath that the matters in the foregoing bill stated of their own knowledge are true, and those stated upon the information of others they believe to be true.

Given under my hand this 28th day of January 1909.

William M. Crumpler
Notary Public.

"Bill"

Jack Lee et als
vs. } In chancery.
Charlotte Eley et als

OFFICE OF
WILLIAM M. CRUMPLER,
ATTORNEY AND COUNSELLOR AT LAW,
SUFFOLK, VA.

Zack Lee & others

vs

Chancery

Charlotte Eley

1909 Jany 18th. Process issued returnable to Feby rules First Monday.

" " 16th Order of Publication for non resident defendants

" Feby 1st Process returned executed on home defendants. Bill filed and decree nisi against them.

" March 6th Set for hearing on Order of Publication.

Chancery

Notes.