

1933-092
Nansemond Co (Suffolk) Chancery Causes: Julia L. Everett vs Isaac Cross et al

114

Hyman, Peris, Bell, Freeman

VIRGINIA:

In the Clerk's Office of the Circuit
Court for Nansemond County, on
the 25th day of March, 1915.

Julia L. Everett.....Complainant
vs.

Isaac Cross, Frances Cross, Ned
Cross, James Cross, Nancy Cross,
Luvenia Cross, and the unknown
heirs at law of Ned Cross, Georgeanna
Cross, deceased, and all parties un-
known Defendants

The object of this suit is to have
partition of a certain tract of land
situated in Nansemond County, Vir-
ginia, near Somerton, and fronting on
the county road leading to Somerton,
and bounded by the lands of Hardy
Howell, B. C. Ellis, Mills Collings and
others, and containing 35 acres, more
or less; it being the same land of
which Marcus Cross died seized and
possessed.

And it appearing by proper affidavit
filed, that Ned Cross and James Cross
are not residents of the State of Vir-
ginia, and that diligence has been
used on behalf of the complainant in
the above entitled suit to ascertain
in what county or corporation the
unknown heirs at law of Marcus and
Georgeanna Cross and all parties un-
known are, without effect, it is ord-
ered that Ned Cross and James Cross,
the unknown heirs at law of Marcus
and Georgeanna Cross, deceased, and
all parties unknown do appear at the
Clerk's Office of this Court within fif-
teen days after due publication of this
order in the Suffolk Herald, publish-
ed at Suffolk, Virginia, and do what is
necessary to protect their interest in
this suit; and that this order be pub-
lished and posted according to law.

A Copy-Teste:

GEO. E. BUNTING, Clerk.

John K. Hutton, p. q.

Mar. 26-4t.

Cross case.

Receipts

Julius L. Everett
B3

Isaac Cross store
Enclosure report,
receipts, and
final decree -

Office of SUFFOLK HERALD.

SUFFOLK, VA., APR 16 1915 190---

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 March 26 - 1915 --- and ending

Apr 16 - 1915 ---

Charges

28" = 840

W J Kendrick ---

Editor Herald

VIRGINIA:

In the Clerk's Office of the Circuit Court for Nansemond County, on the 25th. day of **March**, 1915.

Julia L. Everett.....Complainant.

vs.

Isaac Cross, Frances Cross, Ned Cross,
James Cross, Nancy Cross, Luvenia Cross,

the unknown heirs at law of Marcus and Georgeanna Cross, deceased,
and all parties unknown.....Defendants.

The object of this suit is to have partition of a certain tract of land situated in Nansemond County, Virginia, near Somerton, and fronting on the county road leading to Somerton, and bounded by the lands of Hardy Howell, B. C. Ellis, Mills Collings and others, and containing 35 acres, more or less; it being the ~~same~~ land of which Marcus Cross died seized and possessed.

And it appearing by proper affidavit filed, that Ned Cross and James Cross are not residents of the State of Virginia, and that diligence has been used on behalf of the complainant in the above entitled suit to ascertain in what county or corporation the unknown heirs at law of Marcus and Georgeanna Cross and all parties unknown are, without effect, it is ordered that Ned Cross and James Cross, and the unknown heirs at law of Marcus and Georgeanna Cross, deceased, and all parties unknown do appear at the Clerk's Office of this Court within fifteen days after due publication of this order in the Suffolk Herald, published at Suffolk, Virginia, and do what is necessary to protect their interest in this suit; and that this order be published and posted according to law.

TESTE:

John H. Hutton p.q. L. E. Bunting, Clerk.
By Kate Parker, d.c.

Julia L. Everett.....Complainant.

vs.

Isaac Cross, Frances Cross, Ned Cross, James
Cross, Nancy Cross, Luvenia Cross, the unknown

heirs at law of Marcus and Georgeanna Cross,
deceased, and all parties unknown.....Defendants.

STATE OF VIRGINIA,
City of Suffolk
~~County of Nansemond~~, to-wit:

This day personally appeared before me, *J. F. Withers* a notary
public in and for the ~~county~~ *city* aforesaid, in the State of Virginia,
S. E. Everett, and made oath that upon his best information and be-
lief Ned Cross and James Cross are not residents of the State of
Virginia, and that diligence has been used on behalf of the Complainant
in the above entitled suit to ascertain in what county or corporation
the unknown heirs at law of Marcus and Georgeanna Cross deceased, and
all parties unknown are, without effect.

Sworn to and subscribed by S. E. Everett before me this 25th.
day of **March**, 1915.

J. F. Withers

N.P.

My commission expires May 9, 1916

VIRGINIA:

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

..... Julia L. Everett Pltff.)

vs.

) In Chancery

..... Isaac Cross & als. Df't

I hereby certify that on the 25th day of March, ... 1915

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

Given under my hand this 25th day of March , 1915

..... B. E. Bunting, ... , Clerk,

By *Hate Parker* , Deputy Clerk.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Isaac Cross, Frances Cross,
Ned Cross, James Cross, Nancy Cross, Luvonia Cross, the unknown heirs
at law of Marcus and Georgeanna Cross, deceased, and all parties unknown

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 April, 1915, to answer a Bill in
Chancery, exhibited against them
in the said Court by Julia L. Everett

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 25th day of
March, 19 15, in the 13 9th year of the Commonwealth.

~~Accepted~~

Teste:

~~Elizabeth~~

G. E. Bunting, Clerk.
By Gate Parker, D. C.

..... John K. Hutton p. q.

.. Julia..L..Everett.

vs.

In Chancery.

...Isaac Cross & others.....

19. 15.

..... April Rules.

... First.....Monday.

NANSEMOND COUNTY COURT,

Process Book, No...3...

Page..130

[illegible]

TO GEORGE E. BUNTING, ESQ., CLERK OF THE CIRCUIT COURT FOR
NANSEMOND COUNTY:

Julia L. Everett.....Complainant.
vs.

Isaac Cross, Francis Cross, Ned Cross, James
Cross, Nancy Cross, Luvenia Cross, the un-
known heirs at law of Marcus and Georgeanna
Cross, deceased, and all parties unknown.....Defendants.

Issue summons to First(First Monday)Rules in April, 1915.

John K. Hutton p.q.

Deposit fee \$7.50

44-363

20-65-

13-30

11-448

11-342

10-424

10-266

10-119

10-119-

No. 3, p. 56

E. L. Folk & Co.

r.

Georganna Cross

\$6.50 Int. from 1. day of Dec. 1903, till paid + \$1.⁰⁰
costs. Upon instrument waiving homestead.

Rendered Nov. 16, 1907

Docketed Jan. 3, 1908.

Names of children.

Harrison Cross

Isaac "

Sally Ann "

Harriet "

Dora "

Nancy "

Med "

Jim "

Henry "

Copy of Costs

Taxed in the Suit of:

John R. Hutton, ... p. q.

Julia R. Everett.....
vs.

Isaac Cross et al.....

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA

Writ Tax

1 50

Clerk

8 56

Sheriff

6 00

Attorney

Paid to atty

15 00

Commissioner

" " Com.

10 00

Printer, for Order of Publication, etc.

41 36

Date of Judgment or Final Decree

191

Paid

July 14

1915

H. B. Smith
Clerk

VIRGINIA:

In the Clerk's Office of the Circuit
Court for Nansemond County, on
the 25th day of March, 1915.

Julia L. Everett.....Complainant
vs.

Isaac Cross, Frances Cross, Ned
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used on behalf of the complainant in
the above entitled suit to ascertain
in what county or corporation the
unknown heirs at law of Marcus and
Georgeanna Cross and all parties un-
known are, without effect, it is ord-
ered that Ned Cross and James Cross,
the unknown heirs at law of Marcus
and Georgeanna Cross, deceased, and
all parties unknown do appear at the
Clerk's Office of this Court within fif-
teen days after due publication of this
order in the Suffolk Herald, publish-
ed at Suffolk, Virginia, and do what is
necessary to protect their interest in
this suit; and that this order be pub-
lished and posted according to law.

A Copy-Teste:

GEO. B. BUNTING, Clerk.

John K. Hutton, p. q.

Mar. 26-4t.

Office of SUFFOLK HERALD.

SUFFOLK, VA. July 14 1915-

*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 March 26, 1915 and ending
April 16, 1915.*

W J Kendrick

Editor Herald

M. S. E. Everett Suffolk, Va., July 14 1915

To Suffolk Herald Corp'n, Dr.

Publishers of The Leading Weekly Newspaper
of Virginia : : : Modern Job Printing

912 WASHINGTON ST.

Terms of this Bill--Net Cash

Bell Phone 135

Apr 16 Order Pub 4 times
Julia L Everett 25
Isaac Gross et al
June 1 100 Hand Bills

840

150

\$990

PAID

July 14/15

THE SUFFOLK HERALD CORPORATION

K

Julia L. Everett. Complaint.

卷之四

Ice & Cross et al. - Defendants.

July 14th, 1915.

10 9 0

Received of R. H. Rawles and H. B. Everett, Special
Commissioners in the above styled cause.

See

29
100

201 079

Bradford Kilby

John L. Everett - Complaint.

vs.

John Green of the - De. Court.

July 26th, 1885.

2.50

Received of J. L. Green and J. L. Everett, Special
Commissioners in the above named case,

Two & 59/100 Dollars.

J. W. H. H. H.

Julia L. Everett-----Complainant.

vs.

Isaac Cross et als-----Defendants.

July 14th, 1915.

\$ 15⁰⁰

Received of R. H. Rawles and S. E. Everett, Special
Commissioners in the above styled cause,

Fifteen x x Dollars.
In compensation & writing due in said cause

R H Rawles

S E Everett

M

*Marcus Crass, Ent*No. **1322**

To C. R. FULGHAM, Treasurer of Nansemond County, Va.

FOR YEAR 1914**REAL ESTATE**Acres *33 1/2* Val. \$ *140*Personal { Schedule B, Val. \$
Property { Schedule C, Val. \$

State Capitation Tax

STATE TAXES35c on \$100, Support
Government,
Schools & Pensions**COUNTY LEVIES**Co. Levy .40
Co. School Tax .20
Poor Tax .05
Dis. School Tax .20
Road Tax .15

TOTAL - \$1.00

On the \$100

TOTAL TAXES*49* *140* *189*~~*1*~~ *50*

Credit \$

Total Tax \$ *189*5 PER CENT. PENALTY \$ *10*Total Tax and Penalty \$ *199*PAID *JUL 14 1915* 191*C. R. Fulgham* Treasurer

DEPUTY

CYPRESS DISTRICT

Julia L. Everett-----Complainant.

vs.

Isaac Cross et als-----Defendants.

July 14th, 1915.

\$64 ⁶²

Received of R. H. Rawles and S. H. Everett, Special
Commissioners in the above styled cause,

Sixty Four ⁶² ₁₀₀ Dollars.

Robert H. Rawles
for Julia L. Everett

Julia L. Everett-----Complainant.

vs.

Isaac Cross et als-----Defendants.

July 14th, 1915.

\$ 64 $\frac{63}{100}$

Received of R. H. Rawles and S. E. Everett, Special
Commissioners in the above styled cause,

Sixty Four $\frac{63}{100}$ Dollars.
in full of amt due in from order of real
estate in above suit
R. H. Rawles atty for
all defendants.

TO THE HONORABLE CIRCUIT COURT OF NANSEMOND COUNTY:

Julia L. Everett.....Complainant.

vs.

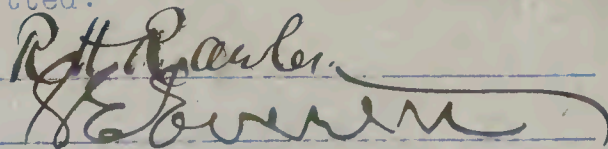
Isaac Cross et als.....Defendants.

The undersigned, R. H. Rawles and S. E. Everett, Special Commissioners, duly appointed by your Honor by decree entered in the above-entitled cause on the 28th. day of May, 1915, respectfully submit the following report:

Your Commissioners, in accordance with your Honor's decree entered on the 12th. day of July, 1915, upon payment to them of the sum of two hundred dollars by I. P. January, purchaser at the sale duly reported in these proceedings, conveyed to him with special warranty the land described in said decree last above mentioned, and disbursed the said sum of two hundred dollars as follows:

Land sold on the 19th. day of June to I. P. January for.....	\$200.00	
Paid George E. Bunting, Clerk.....	\$31.36	
" Suffolk Herald Corporation, Order Pub., etc....	9.90	
" Bradford Kilby, Commissioner in Chancery.....	10.00	
" Walter Hosier, crying the sale.....	2.50	
" Special Commissioners, commissions.....	10.00	
" Everett & Hutton for writing deed.....	5.00	
" Treasurer of Nansemond County, taxes.....	1.99	
Balance.....	129.25	
	~~\$200.00~~	~~\$200.00~~
<i>to be</i> Balance distributed among the parties entitled.....		129.25
Paid S. E. Everett, Att'y for Julia L. Everett...	64.62	
" Judge R. H. Rawles, Att'y for the heirs entitled	64.63	
	~~\$129.25~~	~~\$129.25~~

Respectfully submitted:


Special Commissioners.

Final Report
of Special
Commissioners
1915 July 16 filed JSM

Julia L. Everett.....Complainant.

vs.

Isaac Croass et als.....Defendants.

This cause came on again this day to be heard on the papers formerly read, and on the report of Special Commissioners, R. H. Rawles and S. E. Everett, filed on the 12th day of July, 1915, to which report there is no exception, and was argued by counsel.

On consideration whereof, the Court, approving and confirming *by and with the consent of all parties by their counsel.* said report, doth adjudge, order and decree that, upon payment by I. P. January, purchaser at the sale reported by the said Commissioners, of the sum of two hundred (\$200.00) dollars, the said sum being the amount for which the said land hereinafter described was struck off at said sale, the said Commissioners, R. H. Rawles and S. E. Everett convey, with special warranty, to the said I. P. January the following described property:

All that certain tract of land, containing 35 acres, more or less, situated in Hansemond County, Virginia, near Somerton, and bounded by the lands of Hardy Howell, C. B. Ellis, Mills Collins and others.

And it is further ordered that the said Special Commissioners, after paying the cost of this suit, disburse the remainder of the purchase price in accordance with the report of Bradford Kilby, Commissioner in Chancery, duly filed in these proceedings. And it is further ordered that the said Special Commissioners make report of their proceedings hereunder to this Court.

Julia L. Everett

vs. Confirming sale.

Isaac Cross et als.

Enter the ¹² day of July, 1915.

James W. Lemoore

Entered in Chancery Order Book

No. 5, Page 9

Wm. Kane

Julia L. Everett.....Complainant.

vs.

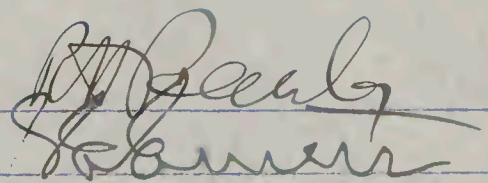
Isaac Cross,et als.....Defendants.

Your Commissioners, R. H. Rawles and S. E. Everett, appointed by your Honor in the above-entitled cause, on the 28th. day of May, 1915, to make sale of certain property mentioned in the bill and proceedings in said cause respectfully submit the following report:

Having executed the required bond, your Commissioners advertised the said property for sale. On the 19th. day of June, 1915, at 12 o'clock M., in front of the Old Post Office Building, in Suffolk, Virginia, fifteen days notice of said sale having been given as required by the said decree, the said property was put up at public auction and was struck off to I. P. January for the sum of two hundred (\$200.00) dollars, the said I. P. January being the highest bidder at said sale.

The said purchaser desires to pay the whole purchase price in cash as soon as the deed is ready to be delivered. Your Commissioners ask your Honor to confirm the said sale as reported herein and to direct your said Commissioners to make a proper deed conveying the said property to the said I. P. January.

Respectfully submitted,



Two handwritten signatures, one above the other, on a line. The top signature appears to be 'R. H. Rawles' and the bottom one 'S. E. Everett'.

Special Commissioners.

Julia L. Everett

vs.

Isaac Cross et als

Report of Special Commissioners

1915: July 12th filed *jsm*

Julia L. Everett.....Complainant.

vs.

Isaac Cross et als.....Defendants.

This cause came on this day to be heard on the papers formerly read, the report of Bradford Kilby, Commissioner in Chancery, filed on the 25th day of May, 1915, in the Clerk's Office of this Court, the ten days from the filing of the same having been waived by all parties to this suit, to which report there is no exception, and was argued by counsel.

the said report is hereby confirmed, and by consent of all parties
On consideration whereof, the Court doth adjudge, order and decree that R. H. Rawles and S. E. Everett, who are appointed special commissioners for the purpose, do, after having advertised the time, place and terms of sale for fifteen days by posting notices in numerous public places in the County of Nansemond and the City of Suffolk, Virginia, proceed to sell before the door of the Old Post Office Building, in Suffolk, Virginia, the said land in the bill and proceedings mentioned on the following terms, to-wit: one half cash and the residue payable six months from the day of sale, with interest from the day of sale, title to said property to be retained until the purchase money is paid in full and a conveyance directed by the Court, or, if the purchaser or purchasers elect to do so, he or they may pay the whole of the purchase money in cash. The said Commissioners are directed to make report of their proceedings hereunder to the Court, taking the purchaser's bond for the credit installment, bearing interest from the day of sale, and returning said bond with ~~their~~ report to the Court, but the said Commissioners shall not proceed to act under this decree until he shall enter into bond with security in the Clerk's Office of this Court, payable to the Commonwealth of Virginia, in the amount of \$700, , and conditioned upon the faithful discharge of their duties hereunder or under any further decrees in this cause.

Julia L. Everett
vs. Decree of sale.
Isaac Cross et als.

Enter the ²⁸ day of May, 1915.

Hubert W. Linn

Entered in Chancery Order Book

No. *3*, Page *6*.

We consent:

John H. Linton
for Plaintiff
Judge W. S. Rawls
for Defendants

Julia L. Everett.....Complainant

vs.

Isaac Cross, Frances Cross, Ned Cross,
James Cross, Nancy Cross, Luvenia Cross,
the unknown heirs at law of Marcus and
Georgeanna Cross, and all parties un-
known.....Defendants.

The defendants, Ned Cross, James Cross, and the unknown heirs at law of Marcus and Georgeanna Cross, deceased, against whom the complainant has proceeded in the manner prescribed by law against non-resident and unknown defendants, still failing to appear and plead, answer or demur, on motion of the complainant by counsel, the Court doth set the cause for hearing as to said defendants. And the cause came on this day to be heard as to the other defendants in the bill filed, the bill taken for confessed as to said defendants, Isaac Cross, Frances Cross, Nancy Cross, and Luvenia Cross, they being adult defendants and still failing to appear and plead, answer or demur, and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that the papers in this cause be referred to one of the commissioners of this Court, who is directed to enquire into and report:

1. Whether the real estate in the bill mentioned can be conveniently divided in kind among the parties entitled to share therein.

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

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

4. Whether there are any delinquent taxes due on said land or any other liens.

5. The fee simple and annual value of said land.

6. Whether all the proper parties in interest are before this Court.

Julia L. Everett
vs.
Isaac Cross et als.

Reference.

Enter the 10th. day of May,
1915.

Jas. S. McSmore

Entered in Chancery Order Book

No. 57, Page 2.

Julia L. Everett

Complainant.

v.

Isaac Cross, Frances Cross, Ned. Cross,
James Cross, Nancy Cross, Luvenia Cross,
the unknown Heirs at law of Marcus and
Georgeanna Cross, and all parties un-
known.

Defendants.

You are hereby notified that on the 22nd. day of May 1915 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 settled and reported to Court in pursuance of the decree of the Circuit Court of Nansemond County, Va. rendered the 10th. day of May 1915 in the suit in chancery in said Court to which you are parties plaintiff and defendant, to-wit:

(1) Whether the real estate in the bill mentioned can be conveniently divided in kind among the parties to share therein.

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

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

(4) Whether there are any delinquent taxes due on said land or any other liens.

(5) The fee-simple and annual value of said land.

(6) Whether all the proper parties in interest are before this Court.

Given under my hand as Commissioner in Chancery of said Court, the 11th. day of May 1915.

Bradford Kilby

Commissioner in Chancery.

Exhibited this 15th day of May¹⁹¹⁵ by
delivering a true of the within process
to James Cross in person,
Isaac Cross, Francis Cross, Ned Cross,
Lavinia Cross, and Nancy Cross.
not being found at their usual
place of abode nor anyone
whom legal service could be
had, I exhibited the within process
for each of them by tacking
a true copy thereof to the
front door of their dwelling
house, in the County of Hancock
State of Virginia.

A. H. Baker, Sheriff.

By J. H. Pinner Deput.

Virginia,

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

Julia L. Everett)
)
v.) In Chancery.
)
Isaac Cross and others)

Commissioner's Office,

Suffolk, Va. May 27th. 1915.

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 10th. day of May 1915 in the suit in
chancery pending in said Court between Julia L. Everett, Plaintiff,
and Isaac Cross and others, Defendants, the undersigned, Bradford Kil-
by, one of the Commissioners in Chancery of said Court, respectfully
reports as follows:

That on the 11th. day of May 1915, your commissioner gave notice
to the parties to the said suit that he would proceed on the 22nd.
day of May 1915, at his office in Suffolk, Va. to make the several
inquiries required by said decree to be made by one of the Commis-
sioners in Chancery of said Court.

That sufficient and legal service of said notice was made by
the Sheriff of Nansemond County, Va. , as will appear by the endor-
sations on the original herewith returned, except on those proceed-
ed against by order of publication.

That on the 22nd. day of May 1915, at his said office, your com-
missioner took the depositions of John T. Freeman, James Cross, and
George Bell, touching said inquiries, which depositions are herewith
returned.

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

(1)

The real estate in the bill mentioned can not be conveniently divided in kind among the parties entitled to share therein. It is too small. There are only 35 acres about. Of this only 8 or 10 are cleared and the balance is woodland or swampy. There is one small two room house on the place.

(2)

No party will take the entire property and pay therefor to the other parties such sums of money as their interests therein may entitle them to.

(3)

The interests of those entitled to the property will be promoted by a sale of the entire property rather than by an allotment of part and sale of the residue.

(4)

The fee-simple value of the land is about \$300. Its annual value is about \$20.

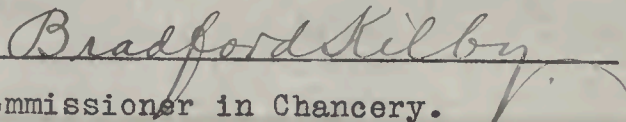
(5)

There are no liens on said land except 1914 taxes amounting to \$1.99.

(6)

All the proper parties in interest are before the Court.

Respectfully submitted this 27th. day of May 1915.


Commissioner in Chancery.

Comr.'s fee: \$10.

VS.

Isaac Cross, Frances Cross, Ned Cross,
James Cross, Nancy Cross, Luvenia Cross,
the unknown heirs at law of Marcus and
Georgeanna Cross, and all parties un-
known.....Defendants.

Present: S. E. Everett for the plaintiff
and
Judge R. H. Rawls for the defendants.

Q. Please state your name, age residence and occupation.

Q. Are you acquainted with the Cross land?

Q. How long have you known it?

Q. State whether or not the land can be conveniently divided into
equal
nine shares?

Q. Mrs. Julia L. Everett owns four-ninths of the land. Could her share be set apart and also the shares of the heirs of Marcus Cross to any advantage?

Q. State whether you think it would be to the interest of the parties to divide it in kind or to sell it as a whole.

A. I think it would bring more to sell it as a whole.

Q. What is a fair fee simple value?

A. \$300.00

Q. Rental Value?

A. \$20.00

Q. Would it sell for \$300.00.

A. It might not at public auction.

Q. If divided into two equal shares, would it bring more or less than if sold as a whole.

A. It would not sell for as much if divided into two equal shares as if

sold as a whole. The tract is so small that if cut up and sold it would not bring as much as if sold as a whole.

Cross examination.

Q. How far does this land lie from the road?

A. About one mile from the road from where I was raised and about $\frac{3}{4}$ of a mile in another direction.

Q. Is there a path or right of way from the county road to this place?

A. Yes.

Q. Suppose four or five of the nine heirs should want their part set aside as a home for them, can you tell why this could not be done?

A. It could be done, but if I was going to buy it, I would not give \$150.00 for one half of it unless I could get the other half.

Q. How much is cleared?

A. 8 or 10 acres.

Q. The balance I presume is ~~all~~ in woodland.

A. Yes.

Q. Do you think it would detract very materially from its value to have it sold in two equal parts?

A. I think it would depreciate in value ^{around} ~~over~~ \$75.00 or \$100.00.

And further this deponent saith not.

(Signature waived.)

Defense.

James Cross, being duly sworn, deposeth as follows:

Q. State your name, age, occupation and residence.

A. My name is James Cross. I am 35 years of age, work on the farm and live in Nansemond County, Virginia, about two and one-half miles from the land in question. I know all the parties to this suit and I am one of the heirs.

Q. Were you reared on this tract of land?

A. I think so.

Q. How long did you live there?

A. Until my mother died last year.

Q. Are any of the members of the family now living on the place?

A. Yes, sir.

Q. Is it your desire and the desire of at least three of the other heirs, and possibly a fourth, to have the land sold altogether or your part cut off.

A. I prefer to have our shares set off to us.

Q. Please state whether in your opinion this land lies in such a manner that it could be divided conveniently into two equal shares so that Mrs. Everett could get her interest and the other heirs representing the other one-half interest could get their share without subjecting anybody to loss.

A. I think so.

Q. Do you know of any reason why it could not be divided?

A. No.

Q.

Cross Examination.

Q. Will you give Mrs. Everett \$150.00 for her interest?

A. I would be willing to pay \$100 for the four shares if the cost of the suit is not too much.

Q. If sold at public auction, what would you give for the entire property?

A. I do not know.

Q. What is it worth?

A . Between \$400.00 and \$500.00.

Q. Did you not tell ^{me} ~~me~~ some time ago that ~~for~~ it was worth \$900.00 or \$1000.00?

A. Yes, but I thought better of it.

And further this deponent saith not.

(Signature waived)

George Bell , being duly sworn, deposeth as follows:

Q. State yor name, age, residence and occupation.

A. My name is George Bell . I am 45 years of age. I live in Nansemond County and work on the farm.

Q. Do you know the parties to this suit?

A. I do. I married one of them, Sallie Bell.

Q. I have named the following as heirs of Marcus and Georgeanna Cross in the bill of complaint in this suit: Isaac Cross, Ned Cross, James Cross, Nancy Cross, Luvenia Cross, Harriet Hyman, Dora Davis, and Sallie Bell, and Henry Cross. Please state whether or not these parties named so far as you know are all the heirs of Marcus and Georgeanna Cross.

A. They are.

Q. Do you know the land in question?

A. I know it well.

Q. What would it sell for at auction?

A. It would not sell for over \$300.00.

Q. What would it rent for?

A. A bout \$20.00 a year.

Q. State whether in your opinion it could be conveniently divided into two equal shares to the advantage of all parties.

A. I don't think it could. It would not be worth anything like as much unless sold as a whole. It is such a small tract it would hurt its value a good deal to cut it up.

Q. How long has Ned Cross been away from here?

A I used to live on the Cross place. I worked there about two years before Ned left. It has been at least eleven years since he left. ~~Yes~~/Y

Q. Has he been heard from in this time so far as you know?

A. He has not.

Q. Do you know where he is?

A. I do not.

Q. Is his whereabouts known to any of his relatives or friends here so far as you know?

A. Not so far as I know.

And further this deponent saith not.

George Bell

Comm's Report.

Julia L. Everett

v. } In Chancery.

Isaac Cross
et als

Report of Bradford
Kilby, Commissioner
in Chancery under
decree of May 10, 1915

1915 May 28 filed
J.M.

BRADFORD KILBY
Attorney at Law
SUFFOLK, VIRGINIA.

Julia L. Everett.....Complainant.

vs.

Isaac Cross et als.....Defendants.

This cause came on again this day to be finally heard on the papers formerly read and on the report of R. H. Rawles and S. E. Everett, Special Commissioners, filed on the 16 day of July, 1915, to which report there is no exception, and was argued by counsel.

On consideration whereof, the Court doth approve and confirm the said report, and it appearing to the Court that a proper conveyance has been made to I. P. January, purchaser of the tract of land in the bill and proceedings mentioned, by the said Special Commissioners, that the proceeds of the said sale have been properly disbursed, and there remaining nothing further to be done in this suit, the Court doth adjudge, order and decree that this cause be stricken from the docket.

Julia L. Everett

vs.. Final decree.

Isaac Cross et als

Enter the 16 day of July, 1915.

James M. Lemoine

Entered in Chancery Order Book

No. , Page

TO THE HONORABLE JAMES L. MCLEMORE, JUDGE OF THE CIRCUIT COURT
OF NANSEMOND COUNTY.

Julia L. Everett.....Complainant.

vs.

Isaac Cross, Frances Cross, Ned Cross, James
Cross, Nancy Cross, Luvenia Cross, the unknown
heirs at law of Marcus and Georgeanna Cross,
and all parties unknown.....Defendants.

Humbly complaining, your complainant, Julia L. Everett, represents unto your honor the following facts: Marcus Cross in his lifetime was seized and possessed of certain real estate described as follows: A ll that certain tract of land, containing, thirty-five acres, more or less, situated in Nansemond County, Virginia, near Somerton, and fronting on the county road leading to Somerton, and bounded by the lands of Hardy Howell, B. C. Ellis, Mills Collings and others.

Marcus Cross died leaving a will duly admitted to record in Will Book No. 4, Page 255, in the Clerk's Office of the Circuit Court of Nansemond County under the terms of which the said property was devised to the wife of the testator, Georgeanna Cross, with remainder to his children.

On the day of , Georgeanna Cross died. The following are the children and heirs of Marcus and Georgeanna Cross: Isaac Cross, Ned Cross, James Cross, Nancy Cross, Luvenia Cross, Harriet Hyman, wife of Jack Hyman, Dora Davis, wife of Charles Davis, and Sallie Bell, wife of George Bell, and Henry Cross.

Your complainant states that Harriet Hyman, Dora Davis and Sallie Bell conveyed to her their interest by deed dated December 18th, 1914, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, in Deed Book 80, Page 230, and that Henry Cross conveyed to her his interest by deed dated December 31st, 1914, and recorded in the Clerk's Office of the Circuit Court of Nansemond County in Deed Book 80, Page 250, which deeds are marked respectively "Exhibit A" and "Exhibit B", and prayed to be read as a part of this bill.

Your complainant further states that she desires the said real estate to be divided among the parties entitled thereto, if it be

susceptible of such partition; but, if it be not, then your complainant desires the same to be sold, and the proceeds divided among the parties entitled thereto according to their respective rights. Should the property not be divisible in kind, your complainant believes, and here states, that the interests of those who are entitled to the said real estate, or its proceeds, will be promoted by the sale of the whole of the said real estate, or by an allotment of part and a sale of the residue.

In tender consideration whereof, and forasmuch as your complainant is remediless save in a court of equity, where matters of this kind are alone and properly cognizable, your complainant prays that the said Isaac Cross, Frances Cross, Ned Cross, James Cross, Nancy Cross, Luvenia Cross, the unknown heirs at law of Marcus and Georgeanna Cross, deceased, be made parties defendant to this bill and required to answer the same, answer under oath being hereby expressly waived; that proper process issue; that the said estate be divided among the parties entitled thereto, or else, if it cannot be so divided, that it may be sold and the proceeds divided among the parties according to their respective rights; that all proper orders and decrees may be made, accounts taken, and inquiries directed; and that your complainant may have all such further and other and general relief in the premises as the nature of his case may require, or to equity shall seem meet.

John H. Hutton
Counsel.

John Cross
Complainant.

Julia L. Everett
for Bill
Isaac Cross et al

1-99-

Paid Apr. 1,
1915-

G. E. Bonbrink
Clerk

LAW OFFICES

Everett & Hutton

SUFFOLK, VA.

CIRCUIT COURT

SECOND MONDAY IN JANUARY, MAY,
JULY AND OCTOBER

HON. JAMES L. MCLEMORE, JUDGE
GEO. E. BUNTING, CLERK
S. E. EVERETT, COMMONWEALTH'S ATTORNEY
ALEX H. BAKER, SHERIFF
C. R. FULGHAM, COUNTY TREASURER
LEE BRITT, COMMISSIONER OF ACCOUNTS

Nansemond County Clerk's Office

SUFFOLK, VA.,

RULE NOTES

Julia L. Everett

Plft.

vs

Isaac Cross & others

Defts.

March 25th, 1915. Affidavit of non-residents filed. Order of publ'n.

vs Ned Cross and James Cross in Suffolk Herald.

Copy posted at Court-house

Process issued March 25th, 1915, returnable to

April Rules, 1st Monday 1915.

*April 1, Bill filed, vacated on all defts. except
Ned. Cross & James Cross, decree nisi as to
all defts. except Ned Cross & James Cross.
Decree nisi as to all defts. except Ned Cross
& James Cross; Ord. of pub. as to them.*

Cash,	150
Writ Tax	880
Chk	600
Shp.	1500
City	1000
Carra.	4126

John H. Hutton Jr. g.

Julia L. Everett

vs, Chancery

Isaac Cross + als

1915-16 Feb 28

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