

1933-120

Nansemond Co (Suffolk)

Chancery Causes: William Boone et al vs L.R Gardner et al

145

Holland, Hunter, Bailey, Johnson, Rodgers, Butler, Howell, Stanback, Read, Reed,
Camp Manufacturing Co Inc I, Lawrence, Sumner, Everett

VIRGINIA:

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

William Boone et al Pltff.

vs.

D.R. Gardner et al Df't

In

I hereby certify that on the *23rd* day of *September* 191*5*

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 *29th* day of *September*, 191*5*

H. B. Dancy, Clerk,

By, Deputy Clerk.

Certificate that copy of
Ord. has been posted.

To George E. Hunting, Esq., Clerk of the Circuit Court of
Hampden County.

William Boone, Annie Boone, John E. Holland,
Maggie Holland, Mary Hunter and R. E. Hunter.....Complainants.
vs.

L. R. Gardner, Harriett Bailey, Sam Bailey,
Margaret Johnson, Edwick Johnson, Rocelia
Rodgers, Peter Rodgers, Mary Boone, Joe
Boone, William Stanback, Mary Read, ^{*Camp Mfg. Company, a Corporation,*} the
unknown heirs at law of Thompson Butler,
deceased, and all parties unknown.....Defendants.

Issue summons to Second (Third Monday) Rules in September, 1915.

Everett H. Hutton

Check deposit fee \$7.50 paid

September 16, 1915.

L. R. Gardner, Box Elder
Harriett and Sam Bailey, Pine Street, Suffolk, Va.
William Stanback, South Quay
Mary Read, Colloden Street, Suffolk, Va.

William Boone et als

vs

L. R. Gardner et als

Memorandum.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON..... L.R. Gardner, Harriett Bailey,

..... Sam Bailey, Margaret Johnson, Riddick Johnson, Roccia Rodgers,

..... Peter Rodgers, Mary Boone, Joe Boone, William Stanback, Mary Read,

..... Camp Manufacturing Company, a Corporation, the unknown heirs at law

..... of Thompson Butler, 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... Third ... Monday in... September 1915 .., to answer..... a Bill in
Chancery, exhibited against..... them ..

in the said Court by... William Boone, Annie Boone, John E. Holland, Maggie Holland,
Mary Hunter and R.B. Hunter. ..

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this..... 18th .., ... day of
..... September .., 19.. 15 .., in the 140 ... year of the Commonwealth.

A copy—Teste:

G. E. Bunting .., Clerk. }

Teste:

G. E. Bunting .., Clerk.

Executed this.....day of....., 191... by delivering a true copy of the within process
to *W. H. H. H.*

in person, in the County of Nansemond, State of Virginia.

..... Sheriff

.....Everett.&Hutton,....., p. q.

.....A COPY FOR.....

..... WILLIAM STANBACK.
South Quay.

vs.	In Chancery.
-----	--------------

19.....

Rules.

. Monday.

NANSEMOND COUNTY COURT,

Mum Jessie
Process Book, No.....

Page.....

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

Sergeant of the City of Suffolk, Va.
TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON... L.R. Gardner, Harriett Bailey,
..... Sam Bailey, Margaret Johnson, Riddick Johnson, Rocelia Rodger, Peter
..... Rodgers, Mary Boone, Joe Boone, William Stanback, Mary Read,
..... Camp Manufacturing Company, a Corporation, the unknown heirs at law of
..... Thompson Butler, 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... Third... Monday in... September 1915 to answer... a... Bill in
Chancery, exhibited against... them
in the said Court by... William Boone, Annie Boone, John E. Holland, Maggie Holland,
..... Mary Hunter and R.B. Hunter.

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this... 18th, ... day of
..... September....., 1915., in the 1340... year of the Commonwealth.

A copy—Teste:

....., Clerk.

Teste:

..... G. E. Bunting....., Clerk.

Sheriff

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON.....L.R. Gardner, Harriett Bailey,
.....Sam Bailey, Margaret Johnson, Riddick Johnson, Rocelia Rodgers,.....
.....Peter Rodgers, Mary Boone, Joe Boone, William Stanback, Mary Read,.....
.....Camp Manufacturing Company, a Corporation, the unknown heirs at law
.....of Thompson Butler, 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...Third.....Monday in...September 1915., to answer.....a.....Bill in
Chancery, exhibited against.....them.....
in the said Court by...William Boone, Annie Boone, John E. Holland, Maggie Holland,
.....Mary Hunter and R.B. Hunter,.....

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this.....18th.....day of
.....September....., 1915., in the140.....year of the Commonwealth.

~~A copy~~ Teste:

....., Clerk.

Teste:

.....G. E. Bunting, Clerk.

Original

.....Everett & Hutton....., p. q.

.....William Boone et al.....

vs.

In Chancery.

.....L.R.Gardner et al.....

1915....

..September.....Rules.

..Third.....Monday.

NANSEMOND COUNTY COURT,

Process Book, No..3....

Page. 135.

D. S.

Sheriff.

Executed this 20th day of Sept/ 5 by delivering a true copy of the within process to L. R. Gardner, In person in the County of Nansemond State of Va., And to Mary Ried in person in the City of Suffolk, State of Va.,

W. B. Brantley

Very respectfully

W. B. Brantley

D. S.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ^{Isle of Wight} ~~Nansemond~~ COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON L. R. Gardner, Harriett Bailey,
Sam Bailey, Margaret Johnson, Riddick Johnson, Recelia Rodgers, Prter....
Rodgers, Mary Boone, Joe Boone, William Stanback, Mary Read, Camp.....
Manufacturing Company, a Corporation, the unknown heirs at law of.....
Thompson Butler, 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 **Third** Monday in **October, 1915** .., to answer **a** Bill in
Chancery, exhibited against **them**
in the said Court by **William Boone, Annie Boone, John E. Holland, Maggie Holland,**
Mary Hunter and R. B. Hunter

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this **30th** day of
September, 19 **15** .., in the **140th** .. year of the Commonwealth.

A copy—Teste:

Teste:

....., Clerk }

..... **G. E. Bunting**, Clerk.
By **Kate O. Bell**, D. C.

ORIGINAL

(Alias)

...Everett & Hutton....., p. q.

William Boone & als.....

vs.

In Chancery.

L. R. Gardner & als.....

19.15..

October

.....~~xxxxxx~~..... Rules.

.....Third..... Monday.

NANSEMOND COUNTY COURT,

Process Book, No.. 2...

Page. 135.

Executed this 8 day of October, 1915, by delivering a true copy of the within process to *P. D. Hancock* President of *Hancock Manufacturing Co.*

Sale Agent's

P. A. Edwards

Sheriff.

Sale Agent's

J. C. Hancock

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

L. R. Gardner, Harriett Bailey,

YOU ARE HEREBY COMMANDED TO SUMMON.....

Sam Bailey, Margaret Johnson, Riddick Johnson, Recelia Rodgers, Prter

Rodgers, Mary Boone, Joe Boone, William Stanback, Mary Read, Camp

Manufacturing Company, a Corporation, the unknown heirs at law of

Thompson Butler, 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 **Third** Monday in **October, 1915**, to answer..... Bill in

Chancery, exhibited against..... **them**

in the said Court by..... **William Boone, Annie Boone, John E. Holland, Maggie Holland,**

Mary Hunter and R. B. Hunter

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this..... **50th** day of

September....., 19**15**, in the **140th** year of the Commonwealth.

~~A copy~~—Teste:

....., Clerk. }

Teste:

G. E. Bunting,

By *Kate P. Bell*....., Clerk.

ORIGINAL

(Clerk)

Everett & Hutton....., p. q.

William Boone & als.....

vs. } In Chancery.

L. R. Gardner & als.....

[Signature]
[Signature]

1915

October.....Rules.

Third.....Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3...

Page 135.

Executed this 13 day of Oct. 1915 by delivering a true copy of the within process to William Stainback, In person, in person, in the County of Nansemond, State of Virginia.

[Signature]
Sheriff.

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

January 17th, 1916.

To Messrs. Samuel J. Felton, J. C. Felton
and Hugh L. Holland, Attorney,

Suffolk, Va.

Gentlemen:-

There is a suit now pending in the Circuit Court of Henric County brought by William Boone and others against myself and others, to recover possession of a certain tract of land which was conveyed to me by S. J. Felton and wife, by deed of General Warranty, dated June 30th, 1914. I shall stand on my said deed as the evidence of my title. If the court should decide that I am not entitled to said land by virtue of said deed, then and in that event I shall hold the said Samuel J. Felton and wife and J. C. Felton responsible for all damages which may result to me from the loss of said land; and this damage will include repairs and improvements which I have made on said land since the purchase. I am giving you this notice so that you may take all the steps you deem necessary to defend your interest in this matter. I do not know of any defense I could offer except to set up the deed which you gave me, and therefore it is up to you to interpose such other defense as may be available, for the protection of your interest. You will take due notice and govern yourselves accordingly.

Yours truly,

F. R. Gardner
By Att. Newell Causewell

A true copy
R. H. Rawles

William Stanback, being duly sworn deposes as follows:

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

A. William Stanback, farmer, about 60 years, live near Factory Hill, Nansemond County, Va.

Q. Do you know William Boone, John Elvy Holland and Mary Hunter.

A. Yes.

Q. Are they any kin to Thompson Butler.

A. I don't know whether they are any kin or not. I knew their mother.

Q. Who was their mother.

A. Tempty was their grandmother, and Sallie was their mother.

Q. Who did Tempty marry.

A. I heard who she married.

Q. Who did you hear she married.

A. Elvy Boone told me that his first wife's name was Tempty.

Q. Do you know who Elvy Boone's second wife was.

A. I know her. Edna was her name.

Q. Was that Edna Butler.

A. Her name was Edna.

Q. Who were Edna's brothers and sisters.

A. I don't know.

Q. Did she have any brothers and sisters.

A. I don't know.

Q. Who were Tempty Butler's brothers and sisters.

A. Tempty Butler - I heard who her half brothers and sisters are. My wife and her sisters, Susan Stanback, Harriett Bailey, Margaret Johnson, Rocelia Rogers, Mary Boone, leaving Mary Reed and Lizzie Boothe, who is dead, she

leaving two children , Lonnie and Warner Boothe.

Q. How were they considered up there in the neighborhood as to being Thompson Butler's heirs. Did you ever hear of anyone else being the heirs.

A. I never heard any but these sisters being the heirs.

Q. You have been up there 37 years.

A. Yes.

Q. Do you know whether Edna and William Howell were married or not.

A. I don't know.

Q. You don't know how long they lived together.

A. No.

Q. That was before you went up there.

A. Yes.

Q. As far as you know, William Howell and Edna Butler may have lived together.

A. As far as I know. I do not know anything about it. They might have lived together, and I may not have known it. I have never heard they lived together.

Q. Did you ever hear they did not live together.

A. I heard that they did not live together at all.

Q. Were these three, William Boone, John Elvy Holland and Mary Hunter considered heirs to this property at all.

A. Old man Mills Howell told me this. Carney (?) Johnson came to me to sign a paper, looking for heirs of of old man Billie Howell. I did not know anything about these being the heirs. I had never heard of it before.

Q. Did not these heirs, William Boone, John Elvy Holland and Mary Hunter know about his going around.

A. I did not know it until he had come and gone.

Q. Did not the place lay there open a long time without anyone paying any attention to it.

A. That is what they say.

Q. Don't you think the place would be right there if these heirs of Thompson Butler's had not sold to Mr. Felton.

A. I think it would have been right there now.

Q. And these half sisters and brothers of Thompson Butler's claimed it all the time.

A. This Thompsn Butler raises a fellow named Tom Howell, and these heirs thought that Thompson Butler had given it to Tom Howell, and discovered by the record that he had not given it to him.

Q. Who are old man Thompson Butler's children by his first wife.

A. Edna and Tempty.

Q. Who were his chikdren by his second wife.

A. Turner Howell, Sallie Butler and Billie Howell.

Q. Do you know who the heirs of Turner Howell are.

A. I know the brother's children, if they are not the heirs, I do not know.

Q. These children are those just mentioned, beginning with Harriett Bailey. You mean William Howell&s children.

A. Yes.

Q. Were they not considered the heirs of Turner Howell also, as well as Thompson Butlers.

A. Yes.

Q. Did not old man Mills Howell start up this business any how.

(4)

A. He is the first one I heard speak of it. I didn't know anything about it until he started it.

Q. Do you know what he is going to get paid for working that up.

A. I don't know. If he is not going to get paid, he ought to have something, for he is working on it a whole lot.

(Mr. Everett)

Q. Uncle William, you have always understood that Thompson Butler lived with Edna Butler, and that Billie Howell was his father, but they were never married, and, therefore, young Thompson Butler was an illegitimate child.

A. I have always heard it this way.

And further this deponent saith not.

Harriett Bailey being duly sworn deposes as follows:

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

A. Harriett Bailey, about 75 years, live in Suffolk, Va.,
Housekeeper.

Q. Whose daughter are you.

A. Billie Howell and Jane Howell.

Q. Thompson Butler was also the son of William Howell,
your father.

A. Yes.

Q. Are you and your sisters and brothers only half brothers
and sisters of Thompson Buter.

A. Yes.

Q. Have you all ever heard of anyone claiming interest
in this property before this suit started.

A. No.

Q. Did you all ever hear of these people, William Boone,
John Elvy Holland and Mary Hunter claiming to be heirs
before this.

A. I don't know anything about it.

Q. Did you know Tempty Boone.

A. No, sir.

Q. Did you ever hear of your father having a sister named
Tempty Boone.

A. No, sir.

Q. Who are your father's brothers and sisters.

A. I don't know of any except Uncle Turner Howell, who is
dead.

Q. Did you have any other uncles and aunts that you know of.

A. No.

Q. Was Edna Butler your aunt.

A. No kin.

Q. Was Tempty Boone your aunt.

A. No, sir.

Q. Your father lived sometime after you were born.

A. Yes, I remember my father.

Q. How old were you, about.

A. I don't know.

Q. And you never heard your father talk of having any brothers and sister except Turner Howell.

A. No, sir.

Q. Didn't you and your father talk over your family relations sometime.

A. No, sir, in that day and time grown folks didn't sit down and talk to children.

Q. That is not out of the way.

A. No, sir. I never knew he had any brothers and sisters, none but Uncle Turner.

Q. Who are Turner Howell's heirs.

A. Harriett Bailey and the brothers and sisters that signed the deed.

Q. After Ella Butler, the wife of Thompson Buter, died, who paid the taxes on this place.

A. Me.

Q. Did William Boone, John Elgy Holland and Mary Hunter ever come up ther to look after it in any way, or take possession on it, or pay the taxes on it, in any way that you knew of.

A. No. No one bothered about it.

Q. Did these heirs that Mr. Everett represent ever come to you and claim any interest in this place at all.

A. No, sir.

(7)

Q. Did you ever, in all your life, hear anybody say that they had a claim in this place, or had any interest in this place.

A. I never knew anything about this. I have never heard anyone claim this. If I had not paid the taxes on the place, that place would be standing right there now to the Commonwealth. That's my belief.

Q. Did these heirs raise any objection when Sam Johnson was getting the signatures. Did they object in any way.

A. No.

Q. Did they claim any rights in the place at all - I mean William Boone, John Elvy Holland and Mary Hunter.

A. No, sir, because they didn't know anything about it.

Q. You claim relation to Thompson Buter, Jr., by your father being his father. Your father never was married to Edna Butler and Thompson Butler was illegitimate child by your father.

A. Yes.

Q. And your father was married twice.

A. Yes. My father's last wife was named Harriet Benton, and his first wife was name Jane.

Q. Did you know Aunt Lydia Butler, old man Thompson Butler's wife.

A. She was my grandmother.

Q. She was the mother of Turner and Bille, and the wife of old Man Thompson Butler.

A. Yes.

(By Mr. Everett)

Q. Was your father born by Lydia Butler, your grandmother, before Thompson Butler married Lydia.

A. I think he was born before his mother married ~~Turner~~ Thompson Butler.

Q. And that Turner Howell was born after she married old Thompson Butler.

A. Yes.
(Mr. Hollan)

Q. Was Thompson Butler born sometime before that.

A. Yes.

Q. Do you know of a positive fact that he was unlawful.

A. We were half brothers and sisters.

(Mr. E)

Q. Do you know as a fact whether William Howell and Edna Butler lived together as man and wife at the time Thompson Butler was born.

A. I could not tell.

Q. They may have lived together, but I don't know it.

A. Did you ever hear of them living together.

Q. No, sir, I never heard talk of it.

Q. Have not you heard to the contrary that they did not live together, and to use your own words, Thompson Butler was a bastard by your father.

A. That is right. I have heard that they did not live together, and that Thompson Butler was a bastard by my father.

Q. Are you the oldest child.

A. No, there was one older than I, but she is dead.

And further this deponent saith not.

Mary Reed, being duly sworn deposes and says as follows:

- Q. State your name, age, residence and occupation.
- A. Mary Reed, age 35, Suffolk, Va., I am a housekeeper.
- Q. You are the daughter of Susan Stanback, and she was a sister of Harriett Bailey and your father is Wm. Stanback.
- A. Yes.
- Q. Susan Stanback was sister to Harriett Bailey and the other brothers and sisters mentioned here.
- A. Yes.
- Q. Were they own brothers and sisters, or half brothers and sisters of Thompson Butler.
- A. I don't know. I have been told that my mother had half sister and half brother, have heard her speak of it.
- Q. Did you ever hear your mother had a brother named Turner Howell.
- A. I knew him myself.
- Q. Did you ever hear your mother say anything about having an aunt Tempty Boone.
- A. No, sir.
- Q. Didn't you talk over with your mother about your kin people sometime.
- A. Yes, we talked about Aunt Harriett and Uncle Ezekiel, and like that.
- Q. Did you hear her say anything about an aunt named Edna Butler.
- A. I know that she always called her Aunt Edna, but I have never heard her say she was any kin to her. I can remember when she died, but they didn't claim any kinship, not that I know of, I called her Aunt Edna myself, and most everybody diid. I don't think ther was any kin.

(10)

Q. Then the only uncle that you ever heard your mother claim kinship with was Turner Howell, and you never heard her claim any aunt at all.

A. No, sir.

Q. Did you know whether Thompson Butler was an unlawful child or not.

A. I don't know.

And further this deponent saith not.

Mary E. Lawrence being duly sworn, deposes and says
as follows:

(By Mr. Everett.)

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

A. Mary E. Lawrence, housekeeper, near South Quay, 69 years.

Q. Do you know William Boone, John Elvy Holland and Mary
Hunter.

A. Yes.

Q. How far do you live from them.

A. I reckon it may be one (1) mile, or about three-quarters.

Q. How long have you been knowing them.

A. I have been knowing them twenty or twenty-five years,
have been knowing them a long time, nearly all my life.

Q. Did you know their mother.

A. Yes.

Q. Who was she.

A. Sallie Boone.

Q. Did you know Sallie Boone's mother and father.

A. I knew her father, but I didn't know her mother. She
didn't live close to me, she and Edna were sisters, but
she died before I knew her.

Q. What was her name.

A. Named Tempty.

Q. What was his name, that is, Tempty's husband.

A. John Elvy Boone.

Q. Did you know Edna Butler.

A. Yes.

Q. Did she ever marry.

A. Yes, she was married. She married Elvy Boone, married
like they got married in thos days before the war.

Q. That was before the war.

A. Yes, long before the war.

Q. Then, as I understand you, Elvy Boone married Tempty, and his second wife was Edna.

A. Yes.

Q. Did you know the father and mother of Edna and Tempty.

A. Old man Thompson Butler was their father.

Q. Was he the father of Edna and Tempty.

A. They say so.

Q. Did you know their mother.

A. I didn't know her.

Q. Did you know who the family said she was.

A. If I have ever heard, I have forgotten.

Q. Do you remember old man Thompson Butler.

A. I have seen him many times.

Q. Do you know whether Thompson Butler was ever married after he married the mother of Edna and Tempty.

A. Yes, he married Lydy (Lydia)

Q. Did they have any children by that marriage.

A. Turner Howell was said to be her child.

Q. Who else.

A. No more than Billy, who was found before she married old man Thompson Butler.

Q. As I understand it then, old man Thompson Butler married Lydia the second marriage, and Lydia had two children. Turner Howell was born after the marriage, and Billy Howell, as I understand from you, was born before the marriage.

A. Yes, that's right.

Q. I understand that Billy was born before the marriage.

A. Yes, Billy Howell was born before they were married.

Q. Did you know young Thompson Butler.

A. Yes.

Q. Whose child was young Thompson Butler.

A. Edna Boone's child. He was a found child, born before the marriage.

- Q. How do you know she found Thompson Butler before she married Elvy.
- A. I have been to her house, and I recollect her telling my mother that this child was found before the marriage.
- Q. When was Thompson Butler born.
- A. Was born before the marriage.
- Q. How could you tell when they were married and when they were not.
- A. In those days they didn't get married like they do now. They went together and lived in a house, and when they took care of you and fed you, you were supposed to be married.
- Q. Who was going with Edna Butler.
- A. Billy Howell.
- Q. Did you know a woman named Harriett Bailey.
- A. Yes.
- Q. What kin was she to Thompson Butler.
- A. She was old man Billy Howell's child. Old man Billy was a single man when this child was found, and long after the child was born he got married.
- Q. How did they get married.
- A. Just going with her. They were called half sister and brother.
- Q. You do not know of your own knowledge whether they were married or not, according to the customs of those days.
- A. No.
- Q. Who was Thompson Butler's father.
- A. Billy Howell. I have heard tell.
- Q. Do you know whether Billy Howell was going with Edna or not,
- A. She said he was going with her.
- Q. Did not that constitute marriage in that day.
- A. Yes.

Q. They were married as much as anyone else.

A. Yes, they were married as much as anyone else in those days. If I didn't know this I couldn't tell it.

Q. And Harriett Bailey and her sisters and borthers were Thompson Butler's half sisters and btohers.

A. Yes.

Q. And Edna Butler and William Boone were married at the time Thompson Butler was born in the same way that other colored peoper were married at that time, were they.

A. Yes.

Q. How long was it before the civil war was it before Thompson Butler was born.

A. I don't know, it is most too far back for me.

Q. How long had Edna and William Howell been going together when Thompson was born.

A. I don't know.

Q. They continued going together after Thompson was born.

A. I don't know, that is most too far back for me.

Q. All of your knowledge about this thing, anyhow, is based on what someone told your mother, and your mother told you, you never saw it yourself.

A. Yes. She said this Thompson Butler was her child. One white lady had whiskey to sell for a living, and he used to go there Xmas and get liquor to drink. One Xmas she came to my house and said she wanted something to eat, and my mother cooked dinner and gave her son, who was home from Georgia, and her something to eat, and they sat and talked about this. I was young and asked her questions and she would tell me about it.

(Mr. Everett)

Q. Aunt Mary, you said Edna married Elvy Boone.

A. Yes, she married Elvy.

Q. Did she ever live in the house with Billy Howell as his wife.

A. I never heard anything of it.

Q. You only heard that he was the father of Thompson Butler.

A. Yes.

Q. And that he was no relation of Edna Butler's.

A. No, sir.

Q. You remember Edna Butler.

A. I remember her, have been to her house many times.

Q. Do you know whether she ever lived with Billy Howell as his wife.

A. No, she lived in the house with old man Elvy Boone.

Q. Are you a white woman or a colored woman.

A. Colored.

Q. How old are you.

A. I am 68 or 69.

Q. You were born before the war.

A. Before the war. I was 10 years old when the war broke out.

Q. Are you related to any of these people.

A. No.

Q. Are you kin to William Boone.

A. Not that I know of. Cousin Annie Boone is kin to me, second cousin, blood kin.

Q. How come you down here to-day. Did they offer you money to come.

A. No one has paid me anything and no one has promised me anything. I came here because Mr. Everett wrote me to come with Bob when he come.

And further this deponent saith not.

John H. Sumner, being duly sworn, deposes and says
as follows:

- Q. State your name, age, residence and occupation.
- A. John H. Sumner, born in '72, farmer, live near South Quay, Southampton County, Va.
- Q. Do you know William Boone, John Elvy Holland and Mary Hunter.
- A. Yes.
- Q. How long have you been knowing them.
- A. I have been knowing them all my life.
- Q. Did you know Turner Howell.
- A. I was born in 500 yards of his house. His land and my land join, one line separates us now.
- Q. Did you know Billy Howell.
- A. I didn't know him.
- Q. Do you know who Billy Howell was. What relation was he to Turner Howell.
- A. It was supposed that they were half brothers, on his mother's side.
- Q. What was the mothers name.
- A. I do not recall her name.
- Q. Do you know who his father was.
- A. Something like old man Butler.
- Q. Old man Thompson Butler.
- A. Yes, that's right.
- Q. Did you know Edna Boone.
- A. No, sir.
- Q. Did you know old man Elvy Boone.
- A. Yes, sir.
- Q. Do you know the mother of William Boone.
- A. They called her Sallie Howell.
- Q. Who was her mother and father

(7)

A. I didn't know them.

Q. Didn't you know her father.

A. I never knew her father.

Q. Did you know young Thompson Butler.

A. I never knew him.

Q. Never have seen him/

A. Not that I know of.

Q. Did Turner Howell say what relation he was to Tempty Boone and Edna Boone, the wives of Elvy Boone.

A. I do not recall that. I have heard him tell of having a brother, that he was a half brother, or at least his mother found an outside child, because he was born before his mother and father were married, but they were not staying together before they were married. Billy Howell was his name.

(By Judge Rawles)

Q. Do you know how many Thompson Butlers there were.

A. I have heard there were two. One old man and one young man.

Q. Did you ever see either one of them.

A. Never saw either one..

Q. Do you know whether either one were married.

A. I do not know. I have heard that one was married.

Q. Which one.

A. Old man Thompson Butler.

Q. Did you hear that he was married by a license.

A. It was considered in those days to be marriage by their owners. A man would take a little book a read a little piece, and you were man and wife. There was no license in those days. That was really what my grandmother told me in those days, and it was said to be lawful marriage.

Q. Was Sallie Howeel married in the same way.

A. I could not say.

Q. Was Sallie Boone married that way.

A. I don't know.

Q. Do you know whether these poeple were married in that particular way, that is by living together, continued to live together until the year 1867.

A. I couldn't tell that. I know some who were married that way have lived together; I could not say whether these people did or not. My grandfather and grandmother were married that way, and they lived together 20 years without separating.

Q. But you do not know whether any of these poeple of whom we have been speaking continued to live together after the war.

A. I think old man Turner lived with his mother and father.

Q. Who was his mother and father.

A. Thompson Butler, I cannot think of his mother's name. Lydy somebody.

Q. Have you been thinking of these matters all these years.

A. I have not given it a thought.

Q. What has refreshed your memory recently.

A. Old man Turner asked me if I recalled anything about it. I told him it was too far back for me to actually remember.

. I heard my mother speak of his mother and father, and his wife.

Q. Did you ever hear of Turner being a whole brother.

A. He didn't say that they were brothers because he often told me he was an outside child. On last Sunday Hunter came to see me and said he wanted me to come to Suffolk with him. I told him I didn't know anything except what old man Turner said. I cannot recall half that was

said. I told him I couldn't recall many things. If

I had known that this thing was coming about, I might say that I would have been more interested in it.

Q. Is it not a fact that your memory is very vague in this matter.

A. In some certain parts. I cannot recall everything.

Q. You do not know whether you remember correctly or not.

A. I remember the part I do remember correctly.

And further this deponent saith not.

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Alexander Boone, being duly sworn, deposes and says:

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

A. Alexander Boone, 72 years old, residence near South Quay.

Q. Do you know Billy Boone, Mary Hunter and John Elvy Holland.

A. Yes, been knowing them all my life.

Q. Who was their mother.

A. Sallie.

Q. Who was Sallie's mother and father.

A. Elvy Boone went for her father, and Tempty Boone went for her mother.

Q. Do you know Edna Butler.

A. Yes. That was Uncle Elvy's wife.

Q. Were they living together during the war.

A. Yes, and before the war.

Q. And after the war.

A. Yes, until they died.

Q. What relation was Edna and Tempty.

A. They were sisters.

(10)

Q. Who was their mother and father.

A. I don't know. I forget their mother's name. Their father's name was Thompson Butler.

Q. How many times were Thompson Butler married.

A. Twice, so far as I know.

Q. What was his last wife's name.

A. Lydy (lydia) Howell.

Q. Did they have any children.

A. Yes, they had Turner and one named Sallie, who is dead.

Q. Was Lydia the mother of Billy Howell.

A. Yes. It is said she went for his mother.

Q. Did you know young Thompson Butler.

A. I knew him all my life.

Q. Who was his mother.

A. Edna.

Q. Who was his father, young Thompson's .

A. Billy Howell went for it.

Q. Was Edna and Billy Howell ever married.

A. No.

Q. Did they ever live together as man and wife.

A. No.

Q. Was Elvy Boone the only husband she ever claimed.

A. The only one that I know of.

(By Mr. Holland)

Q. Who was Thompson Butler's father.

A. Billy Howell.

Q. You don't know who was his father.

A. Billy Howell went for his father, so they say.

Q. You are just talking about what they say, you don't know.

A. That was what I heard.

Q. You don't know whether William Howell and Edna were married or not.

- A. I don't know. I never heard of it.
- Q. Did you see them all the time they were living together.
- A. I never saw them live together.
- Q. Did they live close to you.
- A. Same neighborhood.
- Q. Who was Edna Butler's husband.
- A. Elvy.
- Q. How do you know they were married.
- A. They were married, I reckon, they were keeping house together.
- Q. You do not know whether they were married or not.
- A. I do not remember.
- Q. What kin are you to the poeple in this suit.
- A. I and his mother were cousins.
- Q. You are kin to John Elvy Holland.
- A. We are related.
- Q. And kin to Mary Hunter.
- A. Her mother went for my cousin.
- Q. Was Sallie ever married.
- A. No.
- Q. Was she married when they were born.
- A. No, sir.
- Q. All these people were born before she got married.
- A. Yes.
- Q. What kin is Sallie Howell to Thompson Butler.
- A. Thompson Butler and Sallie were cousins, first cousins.
- Q. What made them first cousins. Who was Sallie's father and mother.
- A. Tempty Boone was her mother, and Elvy Boone her father.
- Q. Sallie and Turner were first cousins.
- A. Yes.
- Q. Who told you so.
- A. Nobody told me that. I know that in my own mind.

I knew Sallie all my life, and I knew Thompson all my life.

Q. Whose child was young Thompson Butler.

A. Edna was his mother. Billy Howell was his father.

Q. What kin was Edna Butler to William Boone and Sallie Howell.

A. Edna was their aunt.

Q. Do you mean that Edna was Tempty Boone's sister.

A. They were half sisters.

Q. Tempty Boone and Edna were sisters.

A. Yes.

Q. Who was their father.

A. Thompson Butler.

Q. How did Thompson Butler get his name, if Edna Butler was living with Howell.

A. I do not recall - at least Edna was married when she had Thompson, as I get into it.

Q. Who told you that.

A. I know that. I have been coming up in this life, and know that.

Q. Who was married to old man Thompson Butler when he had Edna and Tempty Boone.

A. I could not tell you exactly. She was gone from this life before I could remember.

Q. You do not know whether Thompson Butler and the mother of Edna and Tempty were married or not, do you.

A. I do not know.

Q. That was before your time.

A. I recollect all in my time.

Q. Tempty Boone and Edna Boone, so far as you know, may not have been married.

A. So far as I know.

And further this deponent saith not.

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

- Q. Give your name, age, residence and occupation.
- A. W. P. Everett, 67 years old, 18th of next November,
farming, live near South Quay, Va.
- Q. Do you know William Boone, John Elvy Holland and Mary
Hunter, the complainants in this suit.
- A. Yes, I know them all.
- Q. Do you know the mother of these people.
- A. Yes.
- Q. What was her name.
- A. Her name was Sallie.
- Q. Are these the only children living.
- A. Yes, I think so.
- Q. Do you know the father and mother of Sallie.
- A. Yes.
- Q. Who were they.
- A. I knew the father, old man Elvy Boone.
- Q. Did you know the mother.
- A. The mother of Sallie.
- Q. Yes.
- A. I think her name was Tempty, I do not recollect.
- Q. Did you get that information from the family and the
reputation in the community.
- A. Her name was Tempty.
- Q. Did Elvy Boone marry more than once.
- A. Twice, his last wife was Edna Boone.
- Q. Did he have any children by Edna Boone.
- A. I don't think they did.
- Q. Were they married before the war.
- A. Yes.
- Q. How long did they live together.

A. I don't really know. I was a small child when they were married, but I recollect before the war that old man Elvy Boone worked with my father for years.

Q. How long after the war before he died.

A. I don't really know.

Q. 10 or 15 years.

A. Yes, it might have been that long, or longer.

Q. Do you know whether Edna had any children before she was married or not.

A. No, I really don't.

Q. Did you know young Thompson Butler.

A. No.

Q. Did you ever hear of him.

A. I have heard of him.

Q. Whose child was he.

A. Well, if I have ever heard, I have forgotten.

(Questions and answers all objected to.)

Q. Did you ever hear it claimed that it was Edna's child.

A. I do not know that I ever did.

Q. Did you know old man Thompson Butler.

A. I was quite small, but I do not know much about him.

Q. Did you know his second wife.

A. I knew her well. Her name was Lydia.

Q. Did Thompson and Lydia ever have any children.

A. I don't think they did.

Q. Who was the mother and father of Turner and Billy Howell.

A. Old Lydia was the mother of them.

Q. Well, she was the wife of Thompson Butler.

A. Yes, they did have two children.

Q. You say her children were also Thompson Butler's children.

A. Turner Howell and Billy Howell were Thompson Butler's children.

Q. Why is it that you say Turner and Billy were her children if they were not married.

(15)

A. I suppose she had these children before she was married to Thompson Butler.

Q. You do not know that of your own knowledge.

A. No.

Q. You do know that Thompson Butler married Lydia.

A. Yes.

Q. And that Lydia had two children.

A. Yes, Turner Howell and Billy Howell.

(Cross examination by Mr. Holland)

Q. You say you know who went ~~an~~ their father, Turner and Billy.

A. I do for Billy.

Q. Who.

A. He was said to be Preacher Jones.

Q. Do you know who went for Turner Howell's father.

A. I don't know, I have forgotten if I have ever heard.

Q. It was generally understood that Turner Howell was an illegitimate child, also, born before his mother was married.

A. I do not really know about that. I know that she was the mother of them.

Q. But it was considered that both had some other father than Thompson Butler.

A. Yes.

Q. Thompson Butler and Lydia never had any children.

A. They might, but I do not recall any.

Q. If they had, you do not know of it.

A. I do not know of it.

Q. She was the daughter of Elvy Boone.

A. Yes, by his first wife. Tempty she was called.

Q. You do not know who was young Thompson Butler's father, do you.

A. No, sir.

Q. You do not know whether he was born in wedlock or out of wedlock, do you.

A. No.

Q. You say Elvy Boone married Edna Boone.

A. That was his second wife.

Q. She was called Edna Boone.

A. I think so, that was her name, I believe.

Q. You do not know how many children they had, and who they were.

A. Who, Edna.

Q. Yes.

A. No, I never heard of her having any children, although she might.

Q. Did Edna have a husband before Elvy.

A. She might have had, I do not know of him. It looks like I should have known of it, but I never heard anything about it.

(Mr. Everett)

Q. You knew Billy Howell well.

A. Yes.

Q. How many times was he married.

A. He was married twice. His first wife was Jane Small. His second wife I knew well, Harriett Benton.

Q. I understand you to say that you do not know whether Turner Howell was born before Thompson Butler married Lydia or after, but you were sure that Billy was born before.

(17)

A. I do not really know. I know that they were looked on as the two sons of Lydia and Thompson Butler, or the two sons really of Lydia, but I do not know whether they were born out of wedlock or not.

Q. They were older than you.

A. They were grown men when I knew them.

Q. It was understood in the community that Turner Howell and Billy Howell were illegitimate children of Lydia, before they were married.

A. As I told you, I was quite small, but so far as I can remember, they were not the sons of Thompson Butler, neither one of them. I never heard anyone say who was the father of old man Turner, but have heard who the father was of old man Billy.

Q. In other words, you never have heard old man Turner's birth questioned.

A. I have never heard it questioned,

(And further thid deponent saith not.)

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

William Boone, et als.....Complainants.

vs.

L. R. Gardner, et als.....Defendants.

This cause came on again this day to be heard on the papers formerly read, the report of Bradford Kilby, Commissioner in Chancery, filed on the ^{June} 1st day of ~~July~~, 1916, and was argued by counsel.

On consideration whereof, the Court doth approve and confirm said report, and, it appearing from said report that L. R. Gardner, one of the parties to this cause, has purchased the interests of certain of the heirs at law of Thompson Butler, Jr., deceased, in the tract of land hereinafter described and agreed to take said tract of land at the price of \$600 and an additional amount equal to the cost of this suit, the Court doth adjudge, order and decree that ^{Geo K. Hutton} ~~R. H. Rawles, Hugh L. Holland, and S. E. Everett,~~ who ~~were~~ appointed special commissioners for the purpose, upon payment to ^{him} ~~them~~ by the said L. R. Gardner of the said sum of \$600.00 and the said additional amount equal to the cost of this suit, convey with special warranty to the said L. R. Gardner the said tract of land of which Thompson Butler, Jr., died seized and possessed and described as follows: All that certain tract of land, containing fifty acres, more or less, situated on the north side of the County road leading from Suffolk to Holland, and bounded on the north by the lands of Kilby Knight, the old Pierce place; on the east by the land of L. R. Gardner; on the south by the said county road; and on the west by the lands of Garrison Boykin.

And it further appearing to the Court that Mary Hunter, a party to the suit and an heir at law of Turner Howell, deceased, has agreed to take the tract of land of which Turner Howell died seized and possessed at the price of \$200.00, the Court doth further adjudge, order and decree that the said special commissioners in this cause, upon payment to ^{him} ~~them~~ by the said Mary Hunter of the sum of \$200.00, convey with special warranty to the said Mary Hunter the said tract of land described as follows: All that certain tract of land, situated in Holy Neck Magisterial District, Nansemond County, Virginia, containing 40 acres, more or less, bounded by the lands of Jack Sumner, Abram Riddick, and the county road leading to

the Blackwater and Chowan Rivers; it being the same land conveyed to the said Turner Howell by Dixon H. Holland and wife and duly recorded in the Clerk's Office of the Circuit Court of Nansemond County, in Deed Book No. 4, at page 63I, and being also the same tract of land of which Turner Howell died seized and possessed.

It is further ordered that the said special commissioner~~y~~ pay the cost of this suit out of the amount to be paid by L. R. Gardner as aforesaid and pay to the said L. R. Gardner the amount which the heirs at law, who conveyed their interest in the the said Thompson Butler, Jr., tract of land to S. J. Felton, may be entitled to receive out of the said sum of \$200.00, but the said commissioner~~s~~ shall not proceed to act under this decree until ~~they~~ shall have entered into bond with security in the Clerk's Office of this Court, payable to the Commonwealth of Virginia, in the amount of \$1200.00, and conditioned upon the faithful discharge of ^{his} ~~their~~ duties hereunder or under any further decrees in this cause.

William Boone et als

vs.

L. R. Gardner et als

Enter the ¹⁰ day of June, 1916.

James W. Lenoire

Entered in Chancery Order Book

No. *5*, page *47*

*We have seen this
decre-*

*S. E. Gorman atty for
plaintiff
H. H. Hottel atty*

William Boone, Annie Boone, John E. Holland,
Maggie Holland, Mary Hunter, and R. B. Hunter.....Complainants.

vs.

L. R. Gardner, Harriett Bailey, Sam Bailey,
Margaret Johnson, Riddick Johnson, Rocelia
Rodgers, Peter Rodgers, Mary Boone, Joe Boone,
William Stanback, Mary Read, Camp Manufacturing
Company, Incorporated, the unknown heirs at law
of Thompson Butler, deceased, and all parties
unknown.....Defendants.

This cause in which the complainants appear to have proceeded in the mode prescribed by law against the non-resident defendants, Margaret Johnson, Riddick Johnson, Rocelia Rodgers, Peter Rodgers, Mary Boone and Joe Boone and the unknown heirs at law of Thompson Butler, deceased, and in which process has been duly served on the other defendants came on this day to be heard on the complainants' bill taken for confessed as to all of said defendants and the unknown heirs at law of Thompson Butler, deceased, they 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.

William Boone et als.
vs.
L. R. Gardner, et als.

Enter the 22 day of January,
1916.

Jas. W. Moore

Entered in Chancery Order
Book, No. 5 Page 34

Commissioner's Office,

Suffolk, Va.

To William Boone, Annie Boone, John E. Holland,
Maggie Holland, Mary Hunter, and R.B. Hunter Complainants.

and

L.R. Gardner, Harriett Bailey, Sam Bailey,
Margaret Johnson, Riddick Johnson, Rocelia
Rodgers, Peter Rodgers, Mary Boone, Joe
Boone, William Stanback, Mary Read, Camp
Manufacturing Co. Inc. the unknown heirs-
at-law of Thompson Butler, deceased and
all parties unknown.

Defendants

You are hereby notified that on the 7th. day of February 1916 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 Hansemond County, Va. rendered the 22nd. day of January 1916 in the suit in chancery pending 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 entitled 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 who are entitle 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 parties in interest are before the Court in this cause.

(7) Any other matter deemed pertinent by said Commissioner or required by any party interested to be so stated.

Given under my hand this 31st. day of January 1916.

Bradford Kilby

Commissioner in Chancery.

Wm. Boone et als

v. / In chancery

L. R. Gardner et als

Commissioner's Notice

J. L. Harrison

Executed in the County
of Isle of Wight on
this 3rd day of Feb.
1914. by delivering
a true copy of the
within to.

P. J. Camp. pres
of Camp copy to be

R. A. Edwards,
Sheriff of Isle of
Wight Co.

By
P. J. L. Harrison
Dept Sheriff.

Commissioner's Office,

Suffolk, Va.

To William Boone, Annie Boone, John E. Holland,
Maggie Holland, Mary Hunter, and R.B. Hunter Complainants.

and

L.R. Gardner, Harriett Bailey, Sam Bailey,
Margaret Johnson, Riddick Johnson, Rocelia
Rodgers, Peter Rodgers, Mary Boone, Joe
Boone, William Stanback, Mary Read, Camp
Manufacturing Co. Inc. the unknown heirs-
at-law of Thompson Butler, deceased and
all parties unknown.

Defendants

You are hereby notified that on the 7th. day of February 1916 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 22nd. day of January 1916 in the suit in chancery pending 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~~ parties entitled 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 who are entitle 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 parties in interest are before the Court in this cause.

(7) Any other matter deemed pertinent by said Commission-
er or required by any party interested to be so stated.

Given under my hand this 31st. day of January 1916.

Bradford Sulby
Commissioner in Chancery

Wm. Boone et als
v. / In chancery
L. R. Gardner et als

Commissioner's Notice

Executed the within
Notice by delivering
a copy in person
to William Standbay
L. R. Gardner,
Mary Reid
George Reid
This 2nd day of Feb
1916 in the County
of Nansemond
state of Virginia
E. E. Wagner
sheriff.

Commissioner's Office,

Suffolk, Va.

To William Boone, Annie Boone, John E. Holland,
Maggie Holland, Mary Hunter, and W.B. Hunter Complainants.

and

L.J. Gardner, Harriett Bailey, Sam Bailey,
Margaret Johnson, Edwick Johnson, Reuelia
Rodgers, Ester Rodgers, Mary Boone, Joe
Boone, William Stanback, Mary Bond, Jarp
Manufacturing Co. Inc. the unknown heirs-
at-law of Thompson Butler, deceased and
all parties unknown.

Defendants

You are hereby notified that on the 7th day of February 1916 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 Henric County, Va. rendered the 22nd. day of January 1916 in the suit in chancery pending 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 entitled 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 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 parties in interest are before the Court in this cause.

(7) Any other matter deemed pertinent by said Commissioner or required by any party interested to be so stated.

Given under my hand this 31st day of January 1916.

Bradford Kilby
Commissioner in Chancery.

I have on this 3rd Day February 1914. served
and executed this within notice by delivering
a true copy to Harnett Bailey and Sam.
Bailey in person in the city of Norfolk
Va

W. B. Beckley

Sheriff of City of Norfolk Va

Wm. Boone Stalls

W. J. In Chancery
L. R. Sanders & Co.

Commissioner's Notice

Virginia,

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

William Boone and others,)

v.)

L.R. Gardner and others)

In Chancery.

Commissioner's office,

Suffolk, Va. May 27th. 1916.

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 22nd day of January 1916 in the suit in chancery pending in said court between William Boone and others, Complainants, and L.R. Gardner and others, Defendants, the undersigned, Bradford Kilby, one of the Commissioners in Chancery of said Court, respectfully reports as follows:

That on the 31st. day of January 1916, your commissioner gave notice to the parties to said suit that he would proceed on the 7th. day of February 1916, at his office in Suffolk, Virginia, 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 made on all of the parties to said suit, except those proceeded against by order of publication, as will appear by the officer's returns on the originals herewith attached and made a part of this report.

That said hearing was adjourned from time to time and that your commissioner at said various hearings took the depositions of Mills E. Howell, S.R.B. Howell, Robert Hunter, William Boone, Mary E. Lawrence, John H. Sumner, Alexander Boone, W.P. Everett, and _____

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

(1)

There are two tracts of land in the bill mentioned. Neither one can be conveniently divided in kind among the parties entitled to share therein.

(2)

The fifty acre tract, known as the Thompson Butler Jr. tract, will be taken by L.R. Gardner who now has possession of the same. He offers to pay \$600. for the same and all the costs of this suit. This offer is made however, upon the condition that it does not prejudice his right to recover from S.J. Felton any loss that he may suffer by reason of this suit.

Mary Hunter agrees to take the forty acre tract, known as the Turner Howell land, at the sum of \$200. which is the highest estimation placed upon it.

(3)

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

(4)

On the Turner Howell tract of land the following delinquent taxes are due:

For the year 1910 : \$3.20

For the year 1913 : \$2.87

For the year 1914 : \$2.27

For the year 1915 : \$2.25

On the Thompson Butler tract of land the following delinquent taxes are due:

For the year 1914 : \$2.31

There are no liens by way of deeds of trust or judgments on either tract of land.

By a deed dated February 23, 1910 and recorded in Deed-book No. 68, page 417 in Nansemond County Clerk's office, Jane Howell and Sallie Sykes and Joe Sykes sold to the Camp Manufacturing Co. for the sum of \$30. all the timber, 8 inches across the stump, 12 inches from the ground, on the land of which Turner Howell died ~~and~~ seised and possessed, containing 40 acres. Six years were granted in which to cut, with a provision for an extension of 6 more years. Your commissioner does not think this constitutes a lien on said land because Jane Howell, the widow of Turner Howell, and Sallie Sykes and Joe Sykes, her niece and nephew ^{not} did have title to said land or timber .

(5)

The fee-simple value of the 50 acre, Thompson Butler tract of land is about \$700. to \$800. and its annual value about \$30.

The fee-simple value of the Turner Howell tract of 40 acres is about \$200. to \$300. and its annual value about \$15.

(6)

All parties in interest are before the Court in this cause.

(7)

Your commissioner deems it pertinent to submit the following statement of the several interests of the parties in interest in the said two tracts of land and how the said interests are derived:

See next page.

Thompson Butler, Jr., died seized and possessed of a fifty acre tract of land near Suffolk, leaving a widow and the following heirs at law: Ella Butler, widow, who is now dead, and Edna Butler, his mother, who afterwards married Elvie Boone and who died shortly after the death of said Thompson Butler, Jr.

The mother, Edna Butler or Boone inherited the said tract of land and died leaving the following heirs: (1) William Boone, Mary Hunter, and John E. Holland, who were grandchildren of Tempe Boone, a full sister to Edna Butler or Boone, (Elvie Boone married Tempe Boone first and Tempe's sister, Edna Butler, second) - (2) Turner Howell, half-brother, and the children and grandchildren of William Howell, who was half-brother, all of whom are made parties defendant to this suit.

This gave one-half of the tract of land to William Boone, Mary Hunter, and John E. Holland, one-fourth to Turner Howell, then living, and one-fourth each to the heirs of William Howell.

Turner Howell died owning a one-fourth interest in the said Thompson Butler, Jr., tract, and his wife, Jane, is now dead. Two-thirds of the one-fourth goes to the heirs of William Howell and the other third to William Boone, Mary Hunter, and John E. Holland, the sole heirs at law of Tempe Boone.

L. R. Gardner now owns the entire interest of the heirs of William Howell.

Turner Howell died seized and possessed of a forty acre tract of land near Factory Hill and left his widow, Jane Howell, now dead, and the following as his only heirs at law: The heirs of William Howell, his full brother, and the heirs of Tempe Boone, his half sister, who are all parties to this suit.

The proceeds of the sale of this farm should be divided as follows: two-thirds to the heirs of William Howell and one-third to the heirs of Tempe Boone, who are William Boone, Mary Hunter, and John E. Holland.

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

Respectfully submitted this 27th.day of May 1916.

Bradford Kilbry
Commissioner in Chancery.

Commissioner's Report.

William Boone et als.

v. In Chancery.

L.R.Gardner et als.

Report of Bradford Kilby,
Commissioner in Chancery,
under decree of January 22
1916.

Done May 27, 1916
W. B. Gardner
Chk

BRADFORD KILBY
Attorney at Law
SUFFOLK, VIRGINIA.

Baltimore Office Supply Company, Baltimore, Md.

IN THE CIRCUIT COURT OF HANSEMOND COUNTY:

~~The defendant L. R. Gardner denies the bill and says the same is not sufficient in law.~~

~~complaint~~
~~bill and says~~

The answer of L. R. Gardner to a bill of complaint filed against him and others, in the Circuit Court of Hansemond County, by William Boone and others, complainants.

This respondent, reserving to himself the benefit of all just exceptions to the said bill of complaint, for answer thereto, or to so much thereof as he is advised that it is material he should answer, answers and says:

That he is the owner in fee simple, and in possession of the tract of land described in the bill as containing fifty (50) acres, more or less, situated on the North side of the County road leading from Suffolk to Holland, and bounded on the North by the lands of Kilby Knight, the old Pierce place; on the East by the land of L. R. Gardner; and on the South by the said county road; on the West by the lands of Garrison Boykin; he says that he purchased the said land from Samuel J. Felton and wife by deed dated the 20th day of June, 1914, said deed being recorded in D. B. No. 78 page 451 in the Clerk's Office of Hansemond County; that the said grantors gave him a deed of general warranty for the same, with the English covenants of title; that he paid for the same the sum of six (\$600) hundred dollars in cash, and that the said land is now absolutely his; he further says that the said tract of land was conveyed to the said Samuel J. Felton by Solomon C. Johnson, attorney-in-fact for Harriett Bailey, Sam Bailey, Margaret Johnson, Riddick Johnson, Roselia Rodgers, Peter Rodgers, Mary Boone, Joe Boone, William Stanbach and Mary Reid, by deed dated the 19th day of May, 1914, and duly recorded in said Clerk's Office, in D. B. 78 page 363; he further says that he is informed and believes and therefore charges, that at the time of the conveyance the said parties had a perfect legal title to said land, and a perfect right to convey the same to the said grantors.

He further says that the said tract of land was formerly a tract belonging to one Thompson Butler, who died seized and possessed of the same, leaving his widow, Ella Butler, and six (6) sisters, namely, Harriett Bailey, Margaret Johnson, Roselia Rodgers, Mary Boone, Susan Stanbach and Lizzie Boothe; that these were his only and sole heirs-at-law, he having left no children; that his said widow, Ella Butler lived on and occupied said land for many years until her death, which took place some few years since; that the said Susan Stanbach has departed this life, leaving as her only heirs, her husband William Stanbach and her only child Mary Reid; and that the said Lizzie Boothe has also departed this life, leaving three sons, Henry Boothe, Lonnie Boothe and Varner Boothe; so that when the said Solomon C. Johnson, as attorney-in-fact undertook to sell and convey the land to the said Samuel J. Felton he had a perfect legal title to the same and a perfect right to make said sale as said attorney-in-fact, for said parties.

Your respondent says he knows nothing whatever of the land mentioned in the second clause of the bill, said to contain forty (40) acres, of which Turner Howell is alleged to have died seized and possessed.

Your respondent denies that Turner Howell was ever an heir-at-law of the said Thompson Butler, and calls for strict proof of the same. He further calls for strict proof of the death of the said Turner Howell, and of the people who he left as his heirs-at-law. He also calls for proof of the relation set up in the said bill between William Howell and Edna Butler and Turner Howell and Sallie Howell.

Your respondent calls for proof that William Howell, Turner Howell and Tempie Boone were heirs of Thompson Butler, and were in fact any kin to him.

Your respondent denies that the complainants, William Boone, Annie Boone, John E. Holland, Maggie Holland, Mary Hunter and R. B. Hunter have any interest whatever in said first mentioned tract of land, conveyed to ~~your~~ respondent, or any title to the same and calls for strict proof of ~~the same~~ their chain of title.

Your respondent further says that since he has been in possession of the said tract of land he has spent the sum of \$100 in wire fencing the same; that he has spent the sum of \$75 in building barn and other improvements on the same; that he has spent the sum of \$15 in ditching the same; and that he has spent the sum of \$310 in clearing up 18 acres of the said land and improving the same, making a total sum of \$500 worth of improvements which he has put on the said land since he has been in possession of the same by virtue of his deed dated on the 20th day of June, 1914: *and he prays that in any event he may be allowed for this acct.*

Your respondent says that the claim set up by the said complainants is a mere pretended claim; that the said complainants have no right to said land and no right to demand that the same be either sold or divided among them; and he therefore prays that the said bill may be dismissed at the cost of the said complainants; and having fully answered, he prays to be hence dismissed with his reasonable cost in this behalf expended, and he will ever pray, etc.

L. L. R. Sartre

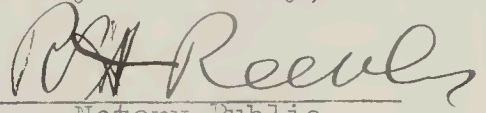
VIRGINIA:

City of Suffolk, to-wit:

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

Given under my hand this 1st day of February, 1916.

My term of office expires on the 20th day of January, 1919.



Notary Public.

Answer.
L. R. Gardner

William Boone, Annie Boone, John E. Holland,
Maggie Holland, Mary Hunter, and R. G. Hunter.....Complainants.

vs.

L. R. Gardner, Harriett Bailey, Sam Bailey,
Margaret Johnson, Riddick Johnson, Roselia
Rodgers, Peter Rodgers, Mary Boone, Joe Boone,
William Stanback, Mary Read, Camp Manufacturing
Company, Incorporated, the unknown heirs at
law of Thompson Butler, deceased, and all
parties unknown.....Defendants.

TO THE HONORABLE CIRCUIT COURT OF HANSEMOND COUNTY:

Your complainants, William Boone, Annie Boone, John E. Holland,
Maggie Holland, Mary Hunter, and R. G. Hunter, humbly complaining, repre-
sent to your honor the following facts:

Thompson Butler died about the year 1895, without issue, leaving a
widow who died during the year 1912, seized and possessed of a certain
tract of land in Hansemond County, Virginia on the north side of the road
leading from Suffolk to Holland, containing fifty acres, more or less, and
bounded on the north by the lands of Kilby Knight and the Old Pierce Place,
on the east by the land of L. R. Gardner, on the south by the said county
road and on the west by the land of Garrison Boykin.

Your complainant further states that Turner Howell died about the
year 1908, without issue, leaving a widow who died in July, 1913, seized
and possessed of a certain tract of land, containing forty acres, more or
less, situated in Hansemond County, Virginia, near South Quay, and bounded
by the lands of Wiley Boone, Edie Savage, Tom Davidson, Camp Manufacturing
Company and by the county road leading from Factory Hill to South Quay.

Thompson Butler died leaving as his only heirs at law your com-
plainants, *William Boone, John E. Holland and Mary Hunter* Harriett Bailey, who married Sam Bailey; Margaret Johnson, who
married Riddick Johnson; Roselia Rodgers, who married Peter Rodgers; Mary
Boone, who married Joe Boone; Sallie Stanback, who married William Stanback;
(Sallie Stanback is dead leaving her only child, Mary Read) and Turner
Howell, who died on the date above stated.

Your complainant further states that Turner Howell died leaving the
same heirs at law.

The said Thompson Butler was an unlawful child of Mary Butler, and
is now dead. William Howell, the father of Harriett Bailey, Margaret John

son, Rodelia Rodgers, Mary Boone and Sallie Stanback, who was the mother of Mary Read, was half-brother to Edna Butler and also half-brother to Turner Howell and Tempy Boone. Tempy Boone was the mother of Sallie Howell, now deceased, who was the mother of your complainants, William Boone, John E. Holland and Mary Hunter.

William Howell, Turner Howell and Tempy Boone, who were the sole heirs at law of Thompson Butler are all dead. Tempy Boone left as her only descendants and heirs at law William Boone, John E. Holland and Mary Hunter. William Howell left as his only descendants and heirs at law Harriett Bailey, Margaret Jenson, Rodelia Rodgers, Mary Boone and Mary Read.

Salomon E. Jenson, attorney in fact conveyed the interest of the heirs of William Howell to Samuel J. Felton by deed dated May 19, 1914, and recorded in the Clerk's Office of the Circuit Court of Washington County, in Deed Book 73, Page 363, and the said Samuel J. Felton and his wife conveyed the same interest to L. R. Gardner by deed dated June 20th, 1914, and recorded in said Clerk's Office in deed Book 73, Page 451, and the said L. R. Gardner is now cultivating the said farm.

Your complainants further state that on the 13th. day of March, 1897, the said Turner Howell executed a deed conveying the timber 12 inches in diameter and up on the Turner Howell tract of land to the Camp Manufacturing Company, which deed is recorded in said Clerk's Office in Deed Book 38, Page 305. In this deed the said company had three years in which to cut and remove the timber.

After Turner Howell's death, his widow, Jane Howell, and Sallie Sykes and Joe Sykes entered into a contract dated the 13th. day of February, 1910, and recorded in said Clerk's Office in Deed Book 68, Page 417, by which they undertook to convey the said timber 8 inches to the stump to the Camp Manufacturing Company, giving the said company six years in which to cut and remove the same.

As your complainants believe, the said real estate is not susceptible of division in kind, and your complainants here state 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 same, or by an allotment of part

and a sale of the residue;

In consideration whereof, and inasmuch as your complainants are remediless in the premises save by the aid of a court of equity, they pray that the said L. S. Gardner, Harriett Bailey, Sam Bailey, Margaret Johnson, Fiddick Johnson, Rodelia Rodgers, Peter Rodgers, Mary Boone, Joe Boone, William Stanback, Mary Reed, Camp Manufacturing Company, Incorporated, the unknown heirs at law of Thompson Butler, deceased, and all parties unknown be made parties defendant to this bill and required, but not on their oaths, to answer the same, the oaths being hereby waived; that proper process issue; that the said real estate be divided among the parties entitled thereto, if susceptible of partition, or else, if it cannot be so divided, that it may be sold and the proceeds divided among the parties entitled thereto 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.

William Boone

Emmet Boone

John E. Holcomb

Maggie Holcomb

Mary Hunter

B. B. Hunter

Complainants.

Everett Hunter

Counsel.

One Boone state
12 Bill
Harrell Bailey state.

Paid Sept. 20,
1915, J. B. Dwyer,
Clerk.

LAW OFFICES
Everett & Hutton
SUFFOLK, VA.

Defiant # 750 Paul

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.

William Boone, Annie Boone, John E. Holland, Maggie Holland,

Mary Hunter and R.B. Hunter.

Plfts.

Vs. In Chancery:

L.R. Gardner, Harriett Bailey, Sam Bailey, Margaret Johnson,

Riddick Johnson, Rocelia Rodgers, Peter Rodgers, Mary Boone,

Joe Boone, William Stanback, Mary Read, ^{Camp Mfg. Company, a corporation} the unknown heirs at

law of Thompson Butler, deceased, and all parties unknown.

Defts.

September 18, 1915, Process issued, returnable to September Rules,

Third Monday, 1915: Affidavit as to non-residents filed *Sept. 23. Ord. of Pub.*
Noted & copy sent to Suffolk & filed.

Sept. 20, 1915, Sept. Rules, Third Thursday.

Process filed; process returned & executed as to Harriett Bailey, Sam Bailey, R. R. Gardner & Mary Boone & drawn nisi Alias issued as to Camp Mfg. Co. a corporation & William Stanback, returnable to 2nd Oct. Rules, 2nd Thursday.

Oct. Rules, 3rd, Thursday 1915; Alias process returned & executed & drawn nisi as to Camp Mfg. Co., Inc. & William Stanback.

Nov. Rules, 1st Thursday, drawn nisi, as to all resident defts, confit. & came out for trial as then, & an ord. of pub. as to non-residents.

RULE NOTES.

Journal of John Smith

[Faint, illegible handwritten text, likely bleed-through from the reverse side of the page.]

Everett & Hutton. P. 9.

William Brown et al

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B. R. Gardner et al

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20th. 7. 50. P. 100.