

1871-026 Chancery Causes: George T. Whitley & al vs Georgiana Whitley, widow of Jesse Whitley,
Isle of Wight County H. T. Morris & ux & Mary E. Whitley, by &c

Other SURNAMES: MORRIS,
JONES, DELK, Gwaltney,

Hayden & g.
Whitely & als.

44
v. } Chy. pops.

Whitely & als.

1866.

Apr. rules - Bill S. filed
Sum. & repl. on defts - H. C.
Young assign gds. addition
to inf. M. E. Whitely, her att.
filed & gen. repl. accord decree
misc m. other defts.

May rules - Bill taken
for confessed as to the
adult defts. & set for hearing.

May term 1866. Decree for partition &c.

Octo. 1. 1866. Repl. filed.

Octo. term 1866 - Decree for sale.

May 1867. Cond.

Octo. " Decree Anfor. & repl. & cond.

May 1868 - Cond.

Octo. 1868. Decree to collect
&c.

May 10. 1869.
Repl. of collections
filed.

May 1869 - Cond.

Octo. " Cond.

May 1870. Decree
to distribute &c.

Apr. 1871.
Final decree

KNOW ALL MEN BY THESE PRESENTS, That we

are held and firmly bound unto

gentlemen justices of the

in the just and full sum of

Dollars; to the

payment whereof, well and truly to be made to the said justices for the time being, and their successors, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents: sealed with our seals, and dated this

day of

in the year one thousand eight hundred

and

THE CONDITION of this obligation is, that, if the said

administra

of the goods, chattels and credits of

deceased,

do make a true and perfect inventory of all and singular the goods, chattels and credits of the said deceased, which have, or shall come to the hands, possession or knowledge of the said , or in the hands or possession

of any other person or persons for , and the same so made, do exhibit unto the

aforesaid, when shall be thereunto required by

the said court; and such goods, chattels, and credits, do well and truly administer according to law; and further, do make just and true account of actings and

doings therein, when thereto require the said court; and all the rest of the said goods, chattels and credits which shall be found remaining upon the account of the

said administra , the same being first examined and allowed by the justices of the said court for the time being, shall deliver and pay unto such persons respectively, as are entitled to the same by law; and if it shall hereafter appear, that any last will and testament was made by the deceased, and the same be proved in court, and the executor obtain a certificate of the *probat* thereof, and the said

do in such case, being required, render and deliver up

letters of administration, then this obligation to be void, else to remain in full force.

Witness,

May E. ...
Matthew ...
Benj. H. ...

SEAL.

SEAL.

SEAL.

SEAL.

Whitley & as.

^{to}
v.

{ Bill in chp.

Whitley & as.

==

April rules 1866 paid

=

Let a satisfaction of donee given her out of the proceeds of
sale - in tender consideration whereof for as much as
your complainants are without remedy at law & can
only be relieved by the order of this Honorable court of
Chancery where matters of this sort are cognizable,
to this end your complainants pray that the said
Georgiana Whitley (aid in as aforesaid) & H. J. Morris
& Mary E. Whitley by same are appointed her
& Miss E. H. his wife, may be made parties defendant to
Suzanne & Henry to defend her in this suit
This bill be required to answer the same - That a
decree of this Honorable court partition may be made
of said land among said heirs at law of said intestate
if the same can be done without injury to the
interests of the parties if not that the same may be
sold & the proceeds divided among the parties accord-
ing to their respective rights in division of the said land
donee if she may so elect & that such other further
relief may be granted in the premises as to the court
may seem meet & your complainants will ever
pray

Hayden J. J.

To the Honorable Richard H Baker Judge of
the Circuit Court of Law & Chancery for the
County of Isle of Wight in Chancery sitting:
Humbly complaining sheweth to the court
of our complainants George T Whitley, ^{Mary E Whitley} Eliza
Whitley, Leonard R Whitley, Martha A Whitley
Fannie Whitley, Beana Whitley, Lene Whitley &
Lana A Whitley, the last seven infants under
twenty one years of age living by said George T Whitley
as their next friend, sheweth to the court that on
the 1st day of July 1865, Lene Whitley, the father of
your complainants died intestate in the county
of Isle of Wight seized & possessed in fee simple
of a tract of land in said county valued at
about \$1400.00, estimated to contain 125 acres
(being in three tracts respectively of 120, 50 & 25 acres)
lying adjacent to the lands of C H Barber, Joseph
Stephenson & Co - That said intestate left a
widow Georgiana Whitley & as his heirs at law
ten children, to wit your complainants of one
said & a daughter Emily C A - who has intermarried
with H. T. Morris - That said land descended on
said heirs at law subject to the widows dower
therein - That said heirs at law are entitled
to have partition of said land if partition thereof
may be had without injury to the parties if not that
the same may be sold for partition ~~subject to the dower~~
~~of said widow~~ ^{of the dower of said widow} inclusive ~~thereof~~

Mr. E. W. Litchy

at. } Ann. of
 } inst.

Witchy 10th

Infants Answer

Apr. 22nd 1866 Filed

To the Honorable Richard H Baker Judge of
the Circuit Court of Law & Chancery for the
County of Isle of Wight County, in Chancery telling
The Answer of Mary E Whitley infant orphan of
Jesse Whitley by A P Young ~~her~~ Guardian ad
litem to the Bill of Complaint in said Court
exhibited by George T Whitley et al against her & others -

This defendant answering says that she is
an infant of tender years under twenty one years
of age & submits her interests in the premises to
the protection of this Honorable Court & her
answers prays her to be dismissed with
her costs in this behalf expended & she will
ever pray -

Signed -

A. P. Young gdw.
ad litem

I do of right solemnly swear

I John W Gray swear that on
the 29th day of March, 1866, I delivered a true copy
of this notice to the within named Georgian
Whitley - Signed - John W Gray

I do of right solemnly swear

I C B Hayden a Notary Public
for the County of ... in the State of Virginia certify
that the above named John W Gray this day personally ap-
peared before me & made & signed the above affidavit -
Signed under my hands as Notary Public for said this 2nd
day of April 1866

C B Hayden
Notary Public

George J. Whitley Vals.

3 April. in
J Chy.

Georgiana Whitley, cordons
of J. J. Whitley & Co. Vals.

Is Apt. rules 1866. Civ. Ct.

Hayden Jy.

Received delivery a true copy of the within
to George J. Whitley on the 31st day of April
1866 and on the 1st of May 1866
J. J. Whitley & Co.
1866



The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight—Greeting:

We command you to summon *Georgiana Whitley* (widow of *Jose Whitley*) *N. J. Morris* & *Emily E. A. his wife* (late *Whitley*) and *Mary E. Whitley*.

to appear on the first Monday in April next, being *Poule day*, at the Clerk's office, of the Circuit Court for the county of *Isle of Wight*, directed to be holden at the Courthouse thereof.

to answer ^{the will of} *George D. Whitley*, *Elisha Whitley*, *Leonard N. Whitley*, *Martha A. Whitley*, *Fannie Whitley*, *Diana Whitley*, *Jose Whitley* and *Saura A. Whitley* (the last six infants orphans of *Jose Whitley decd.*) suing by said *George D. Whitley* as their next friend.

and have then there this writ.

Witness *Nathaniel P. Young*, Clerk of our said Court, this *15th* day of *March 1866*, and in the *90th* year of the Commonwealth.

[A copy to be delivered to each defendant.]

N. P. Young Ck.

Whiteley & als } In
vs } Chancery
Whitely & als }

Report of Commissioners
for
Partition —

Octo. 1. 1866. filed.

To the Circuit Court of
Isle of Wight County,

The undersigned three of
the commissioners appointed by the annexed
decree of May Term 1866 of said Court in the
Suit of George T Whitley & others Plffs vs Georgiana
Whitley & others Hfbs beg leave to report to the
Court that after having been duly sworn they
proceeded to examine the land mentioned in
said decree for the purpose of dividing the
same according to the directions of said decree
but finding that such division would make
the shares so small as to be comparatively valueless
we are of opinion that such division would be
inconvenient & injurious to the interests of all
parties. That none of said parties are willing
to take the whole land & pay the others therefor, or to
accept a part & have the residue sold, for the
reasons aforesaid we therefore recommend the sale of
the whole land as best for the interests of all con-
cerned. We have examined Emily E. Morris wife of
N. T. Morris jointly & apart from her husband as to her con-
sent to the sale of her interest in said land & report that
she consents to such sale. We estimate the fee simple of the
whole tract at \$2,000
All of which is respectfully submitted -

James J. Turner

Signed - Joseph H. Stetsonson

L. H. Danner

Whitley Sale }
as
Whitley Sale }

Commissioner
Hayden, Report
of Gale—

Received of the Clerk of the Circuit Court—
The Books returned with the Report—

C. B. Hayden

To the Honorable Circuit Court of Land & Chancery for the County of Isle of Wight;
 The undersigned reports to the Court that pursuant to the annexed decree, he on the 7th day of October (Court day) exposed to sale at public auction at the Court house of said County the land in these proceedings mentioned after having advertised according to law, when George T. Whitley being the highest bidder, became the purchaser for the sum of \$1125.00 of which amount \$64.64 (the Cat. of suit & Sale as per statement annexed) & for the balance \$1560.36 the said purchaser with C. H. Barden, & H. T. Morris as his Sureties, executed two bonds for \$180.18 each payable respectively one & two years from date of sale, which bonds are herewith returned & the receipts of the several parties for the cash paid at the sale -

Clerk's fees - 5.89

Shffs - 2.00

Atty Tax & Stamp 31.00

Over - 5.00

43.89

7.50 - 2.50 for Court Costs on \$300

13.25 1- per cent do on \$13.25.00

\$64.64

All of which is respectfully submitted

Oct-7th 1867-

C. B. Hayden

Whitley & Co } In
10 } Chaney
Whitley & Co }

Commissioner Hayden
Report of Collection

May 10. 1869. filed

To the Circuit Court of the County of Night County,

The undersigned reports to the said Court that pursuant to the annexed decree of said Court of October Term 1868, in Whitley & others v Whitley & others, he received from the clerk of said Court the Bond of George J Whitley & others named in said decree for \$780.18 payable 12 mos from October 7th 1867, with interest from the latter date; that on the 7th day of February 1869, the said George J Whitley made two payments on said Bond respectively of \$511.03 & \$165.80 in both amounting to \$676.83 leaving a balance due on said Bond of \$103.35 - the amount due on said Bond on said date being \$842.59 - That if said Bond had been paid full on said date the amount for distribution would have been \$828.95 making the sum of \$82.89.5 for each of the parties named in said decree as per statement below

Clerks Cat -	.72		
1/2 Comm on 300.00	7.50	Amount due	842.59
1/2 do at 1 per cent 542.59 -	5.42		13.64

Amount for distribution - \$ 828.95

That out of the above payment of \$676.83 he paid on the said 7th day of February 1869, the sum of \$42.90 to each of the following parties as per their receipts herewith filed, to wit; to H S Morris in right of his wife Emily E A, to Benjamin Jones in right of his wife Mary E, to Leonard H Whitley who

has attained 21 year of age since the date of said decree
to George T Whitley in his own right, to said George T Whitley
as assignee of Benjamin H Cleck, Martha A his wife,
& to said George T Whitley as Assignee of Elisha
Whitley - That the Assignments of said parties are
duly recorded & the original deeds of Assignment
are herewith filed - That on the First day of March
1869 he paid to Leonard H Whitley guardian of
Olana Whitley & Lene Whitley the sum of \$82.90
for each of his said wards as per his receipt herewith
filed - That Fannie Whitley mentioned in said
decree is still a minor & on the date last aforesaid
had no guardian - That Lanna Whitley has
died an infant & has no representative &
that her surviving Brothers & Sisters named in said
decree are her heirs at-law -

All of which is respectfully submitted

C. B. Hayden

#82.90

Feb 7-1869 Received of C B Hayden Commissioner in
Suit of Whitley & als vs Whitley & als the sum of
Eighty Two Dollars & Sixty Cents, amount due me
in right of my wife Mary E under decree
in said suit of Oct Term 1868-

L. B. Jones



Receipt
of
Lt 14 Whitley, Guardian
Guardian of
Jerre Whitley
Vienna Whitley, -

March 1st Received of C B Hayden Commis-
sioner in Whitley vs Whitley & ch. One Hundred
& Fifty Five Dollars & Eighty Cents, being the
sum of Eighty Two Dollars & Ninety Cents-
for each of my wards Irene Whitley &
Orana Whitley -

L. H. Whitley



Whitley, Cal }
" }
Whitley, Cal }

Receipts of Heris
to
C B Hayden Commissioner

\$82.90 Feb 7th 1869 - Received of C B Hayden Commissioner in Suit of Whitley & als as Whitley & als. the sum of Eighty Two Dollars & Ninety Cents amount due me in right of my wife Emily E A Morris under decree in said suit of October 20th 1868 -

H. J. Morris



\$82.90 Feb 7th 1869 - Received of C B Hayden Commissioner in Suit of Whitley & als as Whitley the sum of Eighty Two Dollars & Ninety Cents my share under said suit - under decree of October 20th 1868 -

L. H. Whitley



\$82.90 Feb 7th 1869 - Received of C B Hayden Commissioner in Suit of Whitley & als as Whitley & als the sum of Eighty Two Dollars & Ninety Cents amount due me under decree in said suit of October 20th 1868 -



George S Whitley

\$82.90 Feb 7th 1869 Received of C B Hayden Commissioner in Suit of Whitley & als as Whitley & als - the sum of Eighty Two Dollars & Ninety Cents amount due me as assignee of Benjamin H Clark Martha A his wife under decree of said suit of Oct/18 -

George S Whitley

\$82.90 Feb 7/1869 - Received of C B Hayden Commissioner in Suit of Whitley & als as Whitley & als the sum of Eighty Two Dollars & Ninety Cents amount due me as assignee of Eliza Whitley under decree in said suit of Oct/18 -

George S Whitley



87.37 Dec 31/69 - Received of C B Haden Commissioner in
suit of Whitley & also Whitley & also the sum of Eight Seven
Dollars & Thirty Seven Cents due me in right of
My wife Fanny A, late Whitley under decree in
said suit of Oct 1868 - Jas. J. Gwatney

March 16th 1871. Received of C. B. Hayden
Commissioner in suit of Whitley & als.
vs Whitley & als. the sum of Two
Hundred and ~~Sixteen~~^{seventeen} Dollars and
Eight & a third cents" being the sum of
"Seventy Two Dollars & Thirty Six & one
Ninth Cents" due me in my own
right, & the same sum due me
respectively as Assignee of Elisha Whitley
& of Benjamin H. Delk & Martha Alsop
due under said case in said suit of May
Term 1870.

George F. Whitley

\$72.^{36 1/2}/₁₀₀ March 16th 1871. Received of C. B. Hayden
Commissioner in suit of Whitley & als. vs.
Whitley & als the sum of "Seventy Two
Dollars & Thirty Six some ninth cents" due
me in right of my wife Mary E. under
the Decree in said suit of May Term
1870
J. B. Jones

James P. Mallory

\$72 ³⁶/₁₀₀

March 16th 1871 Received of C. B. Hayden
Commissioner in suit of Whitley & als.
vs. Whitley & als. the sum of "Seventy
Two Dollars and Thirty Six and one
tenth Cents" due me under decree
in said suit of May Term 1870. in right
of my wife Fanny late Whitley.

Jas. J. Swatney

A. T. Morris,
Receipt.

\$72 ^{36/100}. March 16th 1871. Received of C. B. Hay don
Commissioner of sale in suit of Whitley v.als.
vs. P. Whitley v.als. the sum of "Seventy Two
Dollars and thirty six cents" due me under
Decree in said suit of May Term 1870 in
sight of my wife, Emily E. A. late Whitley.
H. J. Morris

Witness

Geo. M. Wallace

March 16th 1877 Received of C. B. Hayden
Commissioner in suit of Whitley & al. vs.
Whitley & al. the sum of "Two hundred
and ~~fifteen~~^{seventeen} Dollars and ~~Eight~~^{Eight} and a
~~half~~ Cents being the sum of "Seventy
Two Dollars and Thirty Six and one
Fifth Cents due me in my own
right, & the same sum due each of my
Wives Jesse Whitley & Diana Whitley
Leonard, to Whitley

Whitney val.

is.

Whitney val.

Commissioner Hayden's
2nd Report-

Jesse Whitley & Diana Whitley, George Whitley in
his own right & as Assignee of Eliza Whitley
& Assignee of Benjamin M. Delf & Martha A.
his wife, James L. Groatney & Fanny his wife,
W. T. Morris & Emily C. A. his wife, as per Statement
"B" herewith filed. The Widow Georgiana Barlow,
having consented as by the Magistrate's Certificate
herewith filed, to the payment to her husband
Mills Barlow of the amount due her under
said Decree, the same was paid to him as per
his receipt on said Certificate. The receipts
of the other of said parties are herewith filed.

On the payment paid Bond your Commissioner of
said Decree directed executed & delivered to
the said George Whitley a good & sufficient deed
with special warranty in fee simple for
the land in these proceedings mentioned purchased
by him. The sum of \$20.⁸⁴ deducted for costs was
applied as per

Statement C.

Stamps	\$2.00	Deed \$5. ⁰⁰	\$7.00
Commissions	\$1.34	Cell's fee \$2.50	13.84
			<u>\$20.84</u>

All of which is respectfully submitted

March 16th 1871

C. T. Hayden

(Clerk of the Court)

To the Circuit Court of Sol. Wight County

The Undersigned
Commissioner for collection & distribution under
the annexed Decrees respectively of October Term
1868 & of May Term 1870 in the suit of George T. Whitley
vs. Jesse Whitley Administrators, reports to Court
that on the 31st of December 1869 the said George T.
Whitley made a further payment of \$100.⁰⁰ on
the 1st of the said Bonds mentioned in his last
Report, & that on the same day he paid thereat \$87.³⁷ to
James T. Guethrey in right of his wife Fanny
being her share under Decree herein
of October Term 1868, leaving a balance in your
Commissioner's hands of \$12.⁶³ as per
Statement A.

Amount collected	\$100.00
Paid James T. Guethrey in right of his wife Fanny	87.37
Balance in hands of Commissioner on this date	12.63

The receipt paid James T. Guethrey for said
payment of \$87.³⁷ is herewith filed.

On the 16th day of March 1871 the said Geo. T. Whitley
paid \$80.¹³ the balance due on the first Bond,
& \$941.²¹, in full of the Bond directed to be
collected by the Decree of May Term 1870.

Making with the aforesaid Balance of
\$12.⁶³, the sum of \$1034.⁰⁴, after paying
thereout to the Widow \$361.⁹⁵, being \$300.⁰⁰ with
interest from October 7th 1867 to March 16th 1871 & the
costs of suit \$20.⁸⁴, there remained \$651.²⁵,
which amount he distributed equally
among the nine heirs at law of Jesse Whitley,
making the sum of \$72.³⁶ each to A. B. Jones,
in right of his wife Mary E. to Leonard H.
Whitley in his own right, & as Guardian of

Statement B

Amount due on First Bond	80	13		
Do on Second Do.	941	28		
Balance in hands of Court	12	63	1034	04
Amount due Widow			361	95
			672	09
Deduct costs			20	84
			651	25
J.B. Jones & Mary E. his wife	72	36	1/9	
Leonard S. Whitley in his own right	72	36	1/9	
Do as Son of Jesse Whitley	72	36	1/9	
Do " Do " Diana Whitley	72	36	1/9	
Geo Whitley in his own right	72	36	1/9	
Do. as trustee of Eliza Whitley	72	36	1/9	
Do. as Do. Benj. H. Bell & Martha his wife	72	36	1/9	
James T. Groatney & Fanny his wife	72	36	1/9	
M. T. Morris & Emily E. his wife	72	36	1/9	
	651	25		

Received of C. B. Hayden Commissioner
in suit of Whitley & Co. v. Whitley & Co. the
sum of Three Hundred and Sixty One
Dollars and Ninety Five cents
amount due me in right of my
wife Georgianna under decree in
said suit of May Term 1870. by virtue
of the within authority
Teste
A. B. Hayden
Mills ^{his} Barlow
mark

Whitley & Co.
vs

Whitley & Co.

Vouchers
with

Comm. Hayden's
2nd Report

State of Virginia

Isle of Wight County to wit:

I Warren Van Doren a Justice of the Peace for the County aforesaid hereby certify that I have examined Georgianna Barlow wife of Mills Barlow late Whitley widow of Jesse Whitley, living and apart from her said Husband and that she consented that her said Husband should receive

from C. B. Hazden Commissioner under the Decree of the Circuit Court of Isle of Wight of May Term 1870 in the suit of Whitley & al. vs. Whitley & al. whatever amount of money maybe due her the said Georgianna under said Decree in satisfaction of her Dower interest in the Estate of the said Jesse Whitley.

Given under my Hand as a Justice of the Peace for the County aforesaid this 2nd day of March 1871.

Warren Van Doren J. P.

October 2

Comph all over
May June 1866

E. H. B.

221

Whitley & als

vs

Whitley & als - This cause came on this day to be heard on the bill taken for confessed as to the Defendants Georgiana Whitley, H T Morris & Emily & A his wife late Whitley & Mary E Whitley on whom process has been duly served they still failing to appear, answer filed a demurrer to said bill & exhibits was argued by counsel, on consideration whereof the court doth adjudge order & decree that Geo F Holl, Chas H Carden, James T Turner Joseph Stephenson & J W H ~~Ly~~ are -

who are hereby appointed commissioners for that purpose any three of whom may act after having been duly sworn proceed to view the land in these proceedings mentioned whereof Jane Whitley died seized in the county of Sch of Right containing by estimation 195 acres (being respectively of 12 1/2, 50 & 25 acres) lying adjacent to the lands of C H Carden

Joseph Stephenson & als - & assign one equal third part thereof to said Georgiana Whitley widow of said intestate & divide the remainder thereof into Two parts having regard to quantity & quality & assign one of said ^{parts} respectively to Emily & A Morris wife of H T Morris, Mary E Whitley

End.

Whitney's cal.

45
v. } Copy done

Whitney's adm. cal.

wife of H. T. Morris, Mary E Whitley, George T Whitley, Elisha
Whitley, Leonard H Whitley, Martha A Whitley, Hamsey
Whitley, Diannah Whitley, Jesse Whitley and Laura V Whitley.
But if said partition, in the Opinion of said Commissioners
Cannot ~~be~~ Conveniently be made said Commissioners shall
inquire and ascertain whether any of said parties will accept
the entire Subject and pay therefor to the other parties, such
sums of Money as their interest therein will entitle them
to, and in that event report what sums said parties should
receive, or if in the Opinion of said Commissioners the
interest of those who are entitled to the Subject, will be promoted
by a sale of the entire Subject, or allotment of part & sale of the
residue, They will so report to the Court, together with the reasons
on which their Opinion is founded, and the per simple and annual
Value of said lands; and said Commissioners shall further
ascertain by examination, privily and apart from her husband,
the said Emily E A Morris wife of H. T. Morris, whether she
will Consent to a Sale of her interest in ~~the~~ said land,
and report said examination to Court.

A copy.

Test,

N. J. Youngblood

At a Circuit Court held for the County of Islesworth on
the 17th day of May 1866.

George T Whitley & Others heirs at law of Jesse Whitley dec^d. Pls.
Against ^{In Chy.}

Georgianna Whitley widow of said Jesse Whitley & als Defs.

This Cause came on this day to be heard on the Bill taken for
Confessed as to the defendants. Georgianna Whitley, H. T. Morris
& Emily E. A. his wife late Whitley and Mary E Whitley on whom
process has been duly served, they still failing to appear, an-
swer, plead and answer to said bill, & Exhibits, and was
argued by Counsel; on Consideration whereof the Court doth
adjudge, Order & decree that George H Hall, Charles H Dardam,
James S. Turner, Joseph Stephenson & Wm. W. Joyner, who are
hereby appointed Commissioners for that purpose, any
three of whom may act, after having been duly sworn,
proceed to view the lands in the proceedings mentioned
whereof Jesse Whitley died seized in the County of Islesworth,
containing by estimation one hundred & ninety five acres,
being respectively 120. 50 and 25 acres, lying adjacent to
the lands of Chas. H Dardam, Joseph Stephenson & others - and
assign one equal third part thereof to said Georgianna Whitley,
widow of said intestate and divide the remainder thereof
into ten parts - having regard to quantity & quality, &
assign one of said parts respectively to Emily E. A. Morris

for his services in this cause - make report to
 Court of his proceedings under this decree -
 & the Court doth further adjudge and
 decree that a commissioner of this Court
 take an account of the value of the dower interest
 in said land of Penecina Whitley widow of Terre
 Whitley with any matters specially stated deemed
 pertinent by himself or required by the parties to
 be so stated -

But the effect of this decree shall be ^{as to the sale of said land} suspended
 until the said Commissioner shall execute ⁱⁿ the
 Clerk's office of this Court a bond payable to the Com-
 monwealth of Virginia in a penalty of \$400000 con-
 ditioned for the faithful performance of this decree
 or any future decree hereon.

Whitley
 et al. } In
 Whitley } Chancery
 et al.

Proper decree
 C. S. Term 1845

To be entered -

J. H. Parker

Whitley & als.
vs Whitley & als.

This cause came on this day to be again heard on the papers formerly read & on the report of James P Turner Joseph Stephenson & C H Garden three of the commissioners for partition under the decree herein of May Term 1844 & was argued & counsel, in consideration whereof the court confirming said report to which no exceptions were filed doth adjudge order & decree that C B Hayden — who is hereby appointed special commissioner for that purpose proceed to sell at public auction at the Court House door of this County on some court day after having given at least thirty days notice of the time & place of sale by advertisement at the Court House door of said County on some court day & at other public places in said County the land in there proceeding mentioned whereof Lure Whitley died seised in the County of Isle of Wight containing 195 acres (being respectively 120, 50, & 25 acres) adjacent to the lands of Charles H Garden, Joseph Stephenson & others in clearing of the widows dower therein ^{in several payments} on a credit of one & two years respectively with interest from date except so much for cash as will pay the costs of this suit ^{& costs of sale} & enclose of a fee of \$ 30.00 to C B Hayden

Whitley Lab
11
Whitley Lab -

Poughkeepsie
October Term 1867
To be entered -
R. H. Baker

Entered

9th

Whitley et al

vs

Whitley et al.

This cause this day came onto
be again heard on the papers formerly read
& on the report of Sale of Commissioner
Hayden under a decree herein of October
Term 1855 - was argued by counsel on
consideration whereof the court doth
adjudge order & decree that ~~Said~~ ~~confined~~
report of Sale to which no exceptions
were filed be confirmed & that this
cause be continued -

with any Matter specially stated, deemed
pertinent by himself, or required by the
parties to be so stated —

Whitley & Co
" "
Whitley & Co -

Rough sketch
Oct - Term 1868
To be enlarged —

R. H. Borden

42 1/2
Entered

Nov: 30th / 68 - Received of R. B. Jones etc. in. et. 1868
The within named Book -
C. B. Hayden

Whitley & als

Whitley & als -

This cause in which the marriage
of the ~~plaintiff~~ ^{defendant} Mary E. Whitley with ^{Benjamin Jones} ~~Benjamin Jones~~ ^{with} of the Plaintiff
Martha A. Whitley with B. H. Bell is suggested it is by consent of parties
ordered that this suit be proceeded with in the
Name of said B. H. Bell Martha A. ^{wife} ^{Martha A. Whitley} & Benjamin Jones, ^{his wife} ^{Martha A. Whitley}
came on this day to be again heard on the papers formerly
read & was argued by counsel, on consideration
whereof the court doth adjudge order & decree
that the clerk of this court deliver to C. B. Hayden
on his filing his receipt therefor the Bond returned
by him with his report herein of George T. Whitley,
C. H. Carden, J. H. T. Morris for \$780.18 payable
12 mos from Oct 1st 1857 with interest from date,
which Bond the said C. B. Hayden is authorized &
required to collect & after paying the unpaid costs
of this suit if any distribute the proceeds as follows
1/10 thereof respectively to H. T. Morris & Emily ^{his wife} ^{Emily},
George T. Whitley, Eliza Whitley, to Benjamin Jones & Mary E.,
to Benjamin ~~H. Bell~~ Martha A. ^{his wife} - to the legal guardian
respectively of Leonard H. Whitley, (~~Martha A. Whitley~~),
Fannie Whitley, Diana Whitley, Lene Whitley &
Laura Whitley taking the receipts of the respective
parties therefor return the same to court -
with his report of his proceedings under
this decree - & the court doth further
adjudge order & decree that a commissioner
of this court take an account of the value of the
dower interest in the land in these proceedings mentioned
of Georgina Whitley widow of Lene Whitley

a Commissioner of this Court take an account of the value of the
 down interest in said land of Georgianna Whitley, widow of Jesse Whitley
 with any matters specially stated deemed pertinent by himself or required by
 the parties to be so stated, But the effects of this decree shall be suspended
 as to the sale of said land, until the said Commissioner shall execute
 in the Clerk's Office of this Court a bond payable to the Commonwealth
 of Virginia in a penalty of \$4000.00 consideration for the faithful
 performance of this decree or any future decree herein,

Teste N.P. Young Clk.

Bill	\$5.89	The price by J.T. Whitley	
Off	2.00	E. L. Eley	paid
Stamps	31.00		
Cost	\$38.89		
Ans	5.00	Part of Clerk's charges	
	43.89		

Whitley & Co.

Copy Decree

to sell

Whitley & Co.

\$625-80-7-1899

In the Circuit Court held for the County of Isletwright October
the 19th 1866.

George T. Whitley, Elisha Whitley, Senard A. Whitley, Martha A. Whitley,
Fannie Whitley, Diannah Whitley, Isser Whitley, & Laura A. Whitley
the last six infant Orphans of Jesse Whitley dec'd. Suing by said
George T. Whitley as their next friend, Comptts.

Against:

3 In chancery
3 Georgianna Whitley widow of Jesse Whitley, W. J. Morris &
Emily & A. his wife, (late Whitley) & Mary E. Whitley. Defts.

This Cause came on this day to be again heard on the papers formerly
read and on the reports of James S. Turner, Joseph Stephenson, and
Charles H. Dardan three of the Commissioners for partitions under the
decree herein of May Term 1866, and was argued by counsel: On
Consideration whereof the Court Confirming said reports to which
no exceptions were filed doth adjudge order and decree that
Charles B. Hayden, who is hereby appointed Special Commissioner
for that purpose proceed to sell at public Auction at the Court house
door of this County, on some Court day, After having given at least
thirty days Notice of the time and place of sale by advertisement at
the Court house door of said County on some Court day and at
other public places in said County, the land in these proceedings
mentioned whereof Jesse Whitley died seized in the County of Isletwright
Containing by estimation 195 Acres being respectively 120. 50. & 25 Acres
adjacent to the lands of Charles H. Dardan, Joseph Stephenson and
others, including the widows dower therein in equal payments, on
a Credit of one & two years respectively with interest from date, except
so much for cash as will pay the Cost of this suit & said sale in-
clusive of a fee of \$30.⁰⁰ to C. B. Hayden for his Services in this
Cause and make report to Court of his proceedings under this
decree, And the Court doth further adjudge order and decree that

the same to Court with his report of his proceedings under this decree. And the Court doth further Adjudge Order and decree that a Commissioner of this Court take an account of the Value of the said interest in the lands in the proceedings Mentioned of Georgianna Whitley Widow of John Whitley dec'd. with any Matters Specially Stated, deemed pertinent by himself, or required by the parties to be so Stated.

a Copy Take.

N. P. Young, Clerk.

780.18
54.61 h 12 d 1/2
534.79
350
534.79

7.50
5.35
12.85
- 13.37 2
834.79
12.83
821.94
834.79
13.57
821.22

Whitley dec'd.

3 Copy drawn

Whitley dec'd.

At a Circuit Court held for the County of Isle of Wight on
the 20th day of October 1868.

George T. Whitley, Elisha Whitley, Leonard Whitley, Martha
A. Whitley, Fannie Whitley, Dianna Whitley, Jesse Whitley
and Laura A. Whitley the last six infants Orphans of
Jesse Whitley dec? Suing by said George T. Whitley as
their next friend In Chancery Pltffs
against

George Anna Whitley (widow) of Jesse Whitley, H. T.
Morris & Emily E. A. his wife (late Whitley), and Mary
E. Whitley Defts

This Cause in which the Marriage of the
defendant Mary E. Whitley with Benjamin Jones and
of the Plaintiff, Martha A. Whitley with B. H. Delt, is
suggested it is by consent of parties, Ordered that this
suit be proceeded with ⁱⁿ the Name of said B. H. Delt
and Martha A. his wife, and Benjamin Jones and
Mary E. his wife, Came on this day to be again heard
on the papers formerly read, was argued by Councils.
On Consideration whereof the Court doth Adjudge, Order
and Decree that the of this Court deliver to C. B. Hayden
on his failing his receipt therefor, the Bond returned
by him with his report herein of George T. Whitley,
C. H. Dardam, and H. T. Morris for \$780.18, payable
12 Months from October 7th 1867, with interest from
date, which Bond the said C. B. Hayden is Authorized
and required to Collect and After paying the unpaid
Costs of this suit, if any distributed the proceeds as
follows 1/3 thereof respectively to H. T. Morris and
^(George T. Whitley, Elisha Whitley & Benjamin Jones & Mary E. his wife)
Emily E. A. his wife, to Benjamin H. Delt and
Martha A. his wife to the legal Guardians Respectively
of Leonard A. Whitley, Fannie Whitley, Dianna Whitley,
Jesse Whitley and Laura Whitley taking the receipts
of the respective parties therefor, and return

Whitney sales
✓
Whitney sales

Rough Receipt
of
May Term
1870

Entered
Geo. H. Snow Jr.

Ex. Term

to wit with H. J. Morris & Emily E. St.
his wife ~~and~~ $\frac{1}{9}$, to Elisha Whitley
 $\frac{1}{9}$, to Benjamin Jones & Mary E. his wife
 $\frac{1}{9}$, to Benjamin H. Deek & Martha A.
his wife $\frac{1}{9}$, to $\frac{1}{9}$ & Danyel's
wife $\frac{1}{9}$, to Leonard St. Whitley $\frac{1}{9}$
to George T. Whitley $\frac{1}{9}$ & to the legal
Guardian of Elianna Whitley & Jesse
Whitley each $\frac{1}{9}$ taking the receipts
as a receipt there for return to the
same Court with his Report of
his proceedings under this decree
& the Court doth further adjudge
order & decree that on the payment
of said Bond the said C. B. Haydeer
who is hereby appointed Special
Commissioner for that purpose
shall execute & deliver to the said
George T. Whitley a good & sufficient
Deed with special warranty in
fee simple for the land in these
proceedings mentioned purchased by
him whereof Jesse Whitley died
seized in the County of Isabel
High containing by estimation 195
acres lying adjacent to the lands of
Charles H. Dorden. Joseph Stephenson
clerk.

it appearing that she has died
a minor, unincumbered, has no repre-
sentative & that her said brothers
sisters are her heirs at law. paying
~~the legal Guardian of Jesse Whitt~~
~~2/11 with order of the~~

And the Court doth further
adjudge order & decree that the
Clerk of this Court deliver to C.B.
Hoyden on his filing his receipt
therefor the Bond of George W. Whitt
C. St. Dorden & H. J. Morris for \$80⁰⁰
payable two years from October 1st 1867
with interest from date
returned with his Report of
sale herein, which Bond he is
hereby authorized & required to collect,
& after paying out of the proceeds
thereof the unpaid costs of this suit
pay the rest to said Mills ^{Barber} ~~with interest thereon from the 1st day of~~
~~the sum of \$300.00~~ ^{in lieu of the Dower}
~~Act of 1867~~ interest of his wife Georgianna in the
estate of her late husband Jesse Whitt
on her giving her consent thereto
certified by a Magistrate of filed in this
cause & the balance thereof
distribute equally among the nine
surviving heirs at law of Jesse Whitt
in these proceedings mentioned

Whitley & als
2

Whitley & als

This cause, in which it is suggested that the Plaintiff Laura A. Whitley has died a minor, & the Plaintiff Leonard St. Whitley has attained 21 years of age & the Plaintiff Fanny Whitley has intermarried with ~~the~~ & that the Defendant Georgianna Whitley has intermarried with Mills Barlow it is ordered that suit be carried on in the name of said Leonard St. Whitley & said

& Fanny's wife as Plaintiffs & be discontinued as to said Laura A. Whitley, & by the consent of said Mills Barlow & Georgianna his wife it is ordered that this suit be carried on against them as Defendants, come on this day to be again heard on the papers formerly read, & on the Report of C. B. Hayden Commissioner for collection under the decree herein of October

Term 1868, & was argued by counsel ~~the Court confirming said report to which exception were~~ ~~the Court~~ ~~on consideration whereof~~ ~~the Court~~

doth adjudge order & decree that the said C. B. Hayden institute ^{Equally} ~~amongst~~ ~~wherein after directed~~ ~~amongst~~ among her nine surviving brothers & sisters, the share of the said Laura St. Whitley died in the Bond directed to be collected by the decree aforesaid

No. 38.

Whitley et als.
vs. } Copy of
 } Decree
Whitley's admr et als.

May Cir. Ct. 1870.

Exhibit A

and Fanny his wife 1/9: to Leonard H. Whitley 1/9: to Geo. J. Whitley 1/9: & to legal Guardian of Dianna Whitley & Jesse Whitley each 1/9: Taking the receipts of said parties therefor, and return the same to Court with his report of his proceedings under this decree, And the Court doth further adjudge order & decree that on the payment of said bond, the said C. B. Hayden who is hereby appointed Special Comr. for that purpose shall execute & deliver to the said George J. Whitley a good & sufficient deed, with Special warranty in fee simple, for the land in these proceedings mentioned purchased by him, whereof Jesse Whitley died seized. in the County of Essex Wright containing by estimation 193.5 acres lying adjacent to the lands of Chas. H. Hayden, Geo. Stephenson & others.

A Copy

Teste,

add l. costs, viz:

clerk's fee to find decree \$3.50

A. D. Young Clerk.

brothers & sisters. the share of the said Laura
A. Whitley dec'd. in the bond directed to be
collected by the decree aforesaid, it
appearing that she has died a minor unin-
debted, has no representation & that her brother and
sisters are her heirs at law, And the court
doth further adjudge, order & decree that the Clerk of
this court deliver to C. B. Hayden on his filing his
Receipt therefor, the bond of Geo. J. Whitley, C. A. Har-
den & H. J. Morriss, for \$180.00, payable two years from
Oct^r, 7th 1867, with interest from date, returned
with his report of sale herein, which bond he is
hereby authorized & required to collect, & after paying
out of the proceeds thereof, the unpaid costs of this suit,
pay thereout the sum of three hundred dollars
with interest thereon from Oct^r, 7th 1867, to Mills
Barlow, in lieu of the dower interest of his
wife Georgeanna in the estate of her late
husband Jesse Whitley, on her giving her
consent thereto, Certified by a Magistrate
& filed in this cause, and the balance
thereof distribute equally among the
nine surviving heirs at law of Jesse
Whitley in these proceedings mentioned
To wit: to H. J. Morriss & Emily E. A. his wife, one
ninth; to Eliza Whitley 1/9; to Benjamin James
& Mary E. his wife 1/9; to Benjamin H. Delk and
Martha A. his wife, one ninth; to

In Sale of Wright Circuit Court. May 17th 1870.

Geo. J. Whitley et als.

Pliffs:

vs. { Anchy.

Jesse Whitley's admr. et als.

Defes:

This cause in which it is suggested that the Pliff: Laura A. Whitley has died a minor & the Pliff: Leonard H. Whitley has attained the age of twenty one years. & the Pliff: Fanny Whitley has intermarried with

And the defendant Georgeanna Whitley has intermarried with Mills Barlow. it is ordered that this suit be carried on in the name of the said Leonard H. Whitley, and said Fanny his wife, as pliffs: and be discontinued as to said Laura A. Whitley & by the consent of the said Mills Barlow and Georgeanna his wife. it is ordered that this suit be carried on against them as defes: Come on this day to be again heard on the papers formerly read & on the Report of C. B. Hayden Comr. for Collection under the decree herein of Oct^r term 1868. Was argued by Counsel. On Consideration where of the Court confirming said report to which no exceptions were filed, doth adjudge order & decree that said C. B. Hayden distrib-ute equally among the nine surviving

Whitney & als.
vs.
Whitney & als.

Final Decree
of
April Term
1871

To be entered
Clerk of Court.

Ent^d No. 6

Whitney v. als.

^{vs.}
Whitney v. als.

This cause this day came on to be again heard on the papers formerly read on the 2nd Report of C. B. Hayden Commissioner for collection & distribution under the Decrees herein respectively of October Term 1868 & of May Term 1869, & was argued by counsel, on consideration whereof, the court doth adjudge, order & decree that said Report to which no exceptions were filed be confirmed, & that this cause be removed from the docket.

Chas. F. Hayden Esq.

Atty. at Law

Smithfield

- 062
- 52916

Memo. for Mr. Hayden.

Jesse Whitley, late of the County of Isle of Wight, died on the 1st day of July 1865, intestate - George T. Whitley, grandfather as his administrator on the 2^d of Octo: 1865.

The intestate left a widow Georgianna Whitley - and the following children - viz: George T. Whitley, Elisha Whitley, Leonard H. Whitley, Emily E. Whitley (who has since married H. J. Morris), Mary E. Whitley, Martha A. Whitley, Fannie Whitley, Diana Whitley, Jesse Whitley and Laura A. Whitley, the last eight being under the age of 21 years. The intestate died seized & possessed of a tract

of land in I. O. Wight ~~made up of~~ containing 195 ~~lying near the Ant. Ferry & ad. C. H. Drayden, Inc. Whitham & others~~ acres, composed of three tracts, respectively, of 120, 50 & 25 acres - valued in the land book at \$1400:00 -

It is desired by the widow & children that Mr. C. B. Hayden, as counsel, will institute the necessary proceedings to effect a sale of the said land, and distribution of the proceeds -

The widow has not been abandoned and desires to receive her fee simple portion in her power.

George T. Whitley administrator in his own right and for the other parties

D-664/

Mr. Geo. T. Whitley has left the above with me for you & wishes the matter attended to at once, so that there may be no difficulty about a sale next fall.

Yours truly

July, 10. 1866.

A. J. Young

Whitney & Co.,

v. { Com. Bond

Whitney, ad. t.

=

Oct. 7, 1867 Eyd.

Filed

=

KNOW ALL MEN BY THESE PRESENTS, That *Charles B. Hayden*
and *N. P. Young*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the sum of *four*
Thousand dollars to the
payment whereof well and truly to be made to the said Commonwealth of Virginia, *we* bind
ourselves our heirs, executors and administrators,
jointly & firmly by these presents. Sealed with *our* seal, and dated this
7th day of *October* one thousand eight hundred and *eighty seven*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the said
C. B. Hayden who was by deed of Sale of Eight Acres of land
in the suit of Mrs. F. Whitley Holton against Georgeanna Whitley Holton
appointed guardian to her the land which of Mrs. Whitley
did sell

undisputed down or any future down in said suit
shall faithfully discharge the duties of his said office, then this obligation is to be void, or else to remain
in full force.

Signed, sealed, acknowledged and }
delivered in the presence of }

C. B. Hayden
N. P. Young

SEAL
SEAL
SEAL
SEAL
SEAL
SEAL
SEAL
SEAL