

1898-002

Chancery Causes'. George F. Hall 'petitors' VS Irene A. Duck & al

Isle of Wight County

other surnames: Whitley,
Ballard, Edwards

W.S. Hall and p.g.

April Term 1898
Finale

Hall's Executors

F.S.

Duck et al.

Bill of Complaint

2nd March rules 1893.

Bill & exhibits filed, ^{under}
referred on all except R. & Hall
& de: issue n. Thoms. Allen
and n. R. & Hall to 1st
apl. Rules,

1st apl. Rules.

Bill taken for confd. as to all
subs: except R. & Hall set for
hearing as to Thoms, & de,
issue n. R. & Hall,

2nd Apl. Rules 1893. Bill
taken for confd. as to R. &
Hall & set for hearing

What was in issue

Oct term 1893. de. making
novation cause 1st,

In the Circuit Court of Isle of Wight county, Virginia:

First April Rules 1893

Your orators J.J.Duck, H.H.Hall, and J.F.Whitley executors of the last will and testament of Geo.F.Hall deceased, respectfully represent to the court that on the 16th day of *January* 1892 Col Geo.F.Hall departed this life leaving a will which has been duly admitted to probat in the County Court of Isle of Wight county, a copy of which is herewith filed as an exhibit marked "A" and prayed to be read as a part of this bill, that your orators the executors named in said will have duly qualified as such as will appear by a copy of the order of the said County Court herewith filed as an exhibit marked "B" and prayed to be read as a part of this bill of complaint; that said testator left a widow Mary F. Hall who on the 7th day of *November* 1892 departed this life intestate and that M.F.Hall her son by an order of said County Court qualified as her administrator as will appear by a copy of said order herewith filed as an exhibit marked "C" and prayed to be read as apart of this bill of complaint; that said testator left nine adult children as follows: Irene A.Duck the wife of Dr. J.J.Duck, H.H.Hall, Kosko Hall, Ida Whitley the wife of James F. Whitley, Annie E.Ballard the wife of John M.Ballard, M.F.Hall, R.L.Hall, Ruth V.Hall and Evie F.Edwards the wife of Geo.L.Edwards as his only heirs at law and said children, said widow and the husbands of his said daughters as his distributees under the said will.

Your orators say that on the 26th day of *April* 1892 said Kosko Hall died intestate leaving a widow Nannie V.Hall, and an only child an infant about one year old named *Jacob H.* Hall his only heir at law, that soon afterwards, to wit, on the 18th day of *July* 1892 the said infant child of said Kos Hall died leaving its mother the said Nannie V.Hall its heir at law on the

maternal side and said uncles and aunts its heirs at law on the paternal side, that R.A. Edwards sheriff ~~and a~~ has qualified as the administrator of said Kosko Hall deceased as will appear by a copy of the order of court herewith filed as an exhibit marked "D" and prayed to be read as apart of this bill of complaint.

Your orators say that said estate of Col Geo F. Hall will amount to some thirty thousand dollars ~~xxx~~ about one half of which consists of real estate directed to be sold under said will, and the balance of bonds, note and other evidences of debt, stock on the farm, house-hold and kitchen furniture and such other property as thrifty farmers usually own, that most all said property has been sold, that collections have been made, that distributees have ~~some of them~~ been paid in part.

Your orators are anxious to do their duty faithfully, and a question having been raised as to how the interest in said estate of said Kosko Hall shall be disposed of them, they desire the aid and instruction of this court on this and all other points that may be raised in the proceedings of this suit and the settlement of said estate.

For as much as your orators are remedied save in this court where matters of this sort are alone and properly cognizable, they pray that Irene A. Duck nee Hall, ^{H. H. Hall,} Nannie V. Hall widow of Kosko Hall deceased, R.A. Edwards Sheriff and administrator of Kosko Hall deceased, Ida Whitley, J.F. Whitley Annie E. Ballard nee Hall, John M. Ballard, M.F. Hall, M.F. Hall administrator of Mary F. Hall deceased, Robert L. Hall, Ruth V. Hall, George L. Edwards, Eva F. Edwards and J.J. Duck may be made parties defendants to this bill and required to answer the same, an answer on oath is hereby waived as provided by statute, that the estates of said Col. Geo. F. Hall, Kosko Hall and Mary F. Hall may be settled in this court under its orders, that all accounts may be taken stated and reported

That at the request and by agreement with all parties a court order was made which ruled it in favor of the widow of Col Geo. F. Hall a copy of which was done to order by Mrs. Hall and to print.

that may be necessary to finally settle said estates, that all such enquiries may^{be}~~be~~ made as shall to the court seem meet, that the court will instruct the executors of the last will and testament of said Col Geo.F.Hall deceased what, if anythig they shall pay to the administrator of said Kosko Hall deceased and what, if anything to the widow of said Kosko Hall, and how the said administrator of said Kosko Hall deceased shall distribute what may come into his hands, that all such other, further and general relief may be afforded your complainants as to equity and good conscience may seen meet. And they will ever pray & C.

W.S. Hall and p. 51.

Expended by delivering a copy of the
 written depositions, to Dr. A. Duck, J. J.
 Duck, H. H. Hall, Maria V. Hall, R. A. Edwards
 Saff. & adms. of Hosko, Hall met. Ida Whitley, H.
 Whitley, Annie B. Ballard, J. Mc Ballard
 Mr. J. Hall, Geo. L. Edwards, Eva J. Edwards
 & Ruth V. Hall, March 17th 1893
 R. L. Hall not found, nor inhabitant
 of my county. R. A. Edwards Saff.

Hall G. F. Edwards:

SUBPOENA
 IN
 CHANCERY.

Duck Dr. A. et al.

W. S. Hall and p. q.

To Second March Rules,

1893, Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the county of Isle of Wight, Greeting:

WE COMMAND YOU, That you summon Henry A Duck, ne Hall, H. H. Hall, Amicus V. Hall widow of Thomas Hall, decd; R. W. Edwards Sheriff and admor. of Thomas Hall decd; J. F. Whitley ne Hall; J. F. Whitley; Amicus E. Ballard ne Hall John W. Ballard, W. S. Hall, W. S. Hall admor. of Mary S. Hall decd; Robert S. Hall; George S. Edwards, Eva T. Edwards ne Hall, J. F. Duck and Ruth V. Hall

to appear at the Clerk's Office of the Circuit Court of the county of Isle of Wight at the rules to be held for the said Court on the third Monday in March, 1897, to answer a bill in Chancery, exhibited against them in our said court by J. F. Duck, H. H. Hall and J. F. Whitley executors of the last will and testament of George S. Hall decd;

And have then there this writ. Witness, A. O. Young Clerk of our said Court, at the court-house, the 15th day of March, 1897, and in the 11th year of the Commonwealth.

A. O. Young clerk

Halls Esq.

vs.

}

SUBPŒNA
IN
CHANCERY.

Duck et al,

W. S. Holland p q.

To Rules,

Court.

For R. L. Hall

W. S. Holland
Served on R. L. Hall
at his residence
and on his agent
at the office of
the Court.

Service of this process is accepted, and I hereby join issue thereon
by an officer.

March 29th 1893

R. L. Hall
Sign before these notes

The Commonwealth of Virginia,

To the Sheriff of the county of Isle of Wight Greeting:

WE COMMAND YOU, That you summon

James J. Dush *nee Hall*
A. A. Hall, *Fannie V. Hall* widow of *Kosko Hall*
deceased, *Re. A. Edwards* Sheriff and administrator
of *Kosko Hall* deceased, *Jas. Whitley* *nee Hall*, *J. J. Whitley*
Annie E. Ballard *nee Hall*, *John M. Ballard*, *M. J. Hall*
M. J. Hall administrator of *Mary E. Hall* deceased,
Robert L. Hall, *Ruth W. Hall*, *George L. Edwards*, *Eva*
F. Edwards *nee Hall* and *J. J. Dush*

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight
at the rules to be held for the said Court on the *10th* Monday in *April*, 189*3*,
to answer a bill in Chancery, exhibited against *them* in our said court by *J. J.*

Dush, *A. A. Hall* and *J. J. Whitley* executors of
the last will and testament of *George F. Hall* deceased

And have then there this writ. Witness, *M. P. Young* Clerk of our said
Court, at the court-house, the *27th* day of *March*, 189*3*, and in the *11th* year
of the Commonwealth.

Scopy Court

A. P. Young *clerk*

Holles Eilers:
a. m. In Clap.
Duck et al.

Report of Comm.
Herring under
decree of appl.
1893.

Filed Dec. 6th 1893

Comm. Office, Isle of Wight County, Dec. 29. 1893.
To the Circuit Court of said County.
Pursuant to a decree of the said Court rendered
on 28th day of Dec. 1893, and by consent in that
action, your Commissioner has corrected the acct. of
Kerks Hall shown under acct. "B." in the foregoing
report, in accordance with said decree and
confermance therein mentioned, and finds that
on the 1st day of February, 1893, the sum of
\$1823. 10⁷/₉ instead of the sum of \$2034. 10⁷/₉
as shown by the said original report.

Given under my hand as Commissioner of
said Court the day & year first aforesaid
J. D. Herring, Comm.

entitled, each to one eighth part.
 In regards to the ledger account on the books
 of George F. Hall, the testator, against his son
 "Kisko" Hall, that he finds an account amounting
 to \$313.61 on an old ledger, which in July 1886, is
 credited with \$313.61 and marked in the hand
 writing of the testator, on said date "Settled".
 Regarding said account as having ^{been} settled in
 the lifetime of the testator, being so marked by
 him & balanced in full, your Commissioner has
 not allowed the same as an advancement by the
 testator to said Kisko Hall, but has allowed
 an account found on a subsequent ledger of \$188.79
 which does not appear to have been settled.
 Given under my hand as a Commissioner
 in Chancery of the said Circuit Court, this
 day and year first hereunto written.

A. P. Updegraff Comm.

Commis. fee for 42 hours \$31.50

Do. " " M. F. Hall ad. 4.50

Shiriff for notices 7.00

Costs before Court. \$43.00

Acct. B. as changed under compromise
 & decree of Decr. 28, 1893.

Kisko Hall's share of bal: 2723 10 1/3

To amt. Chgd. him for compromise
 instead of \$188.97, as in original 3400 00

" Paid R. W. Edwards shiff. admt. 500 00

" Balance per contra 1823 10 7/9

\$2723 10 7/9 \$2723 10 7/9

Exec. ss. Abraham et als. Fifth Grattans
Left. page 66, and Roff ss. Minor et. al 33.
Grattans left. page 97, is of opinion and
so reports, that the direction of the testator,
George D. Hall, that all of his lands should
be sold by his executors and the proceeds
divided amongst his children, the said
lands were thereby converted into money
which money ~~which money~~, was so to be
divided as money and not as real estate.
That said Kiskadee Hall leaving heirs,
leaving a widow Maria F. Hall and
an infant child, before the distribution
of Geo. D. Hall's estate, they were entitled under
the law to his portion of said undivided
estate, and that the said infant of
Kiskadee Hall having died, leaving neither
brother or sister, the whole interest of
said Kiskadee Hall now belongs to the
mother of said infant, the said Maria F.
Hall. No outstanding debt has been found
against the estates of either Geo. D. Hall or Mary
F. Hall.

C. Account "C." is of the transactions of M. F. Hall
as administrator of Mary F. Hall died and shows on
the 5th day of Decr. 1893, a balance of \$138.84
due from the admin. to the estate, and to which
Dee C. Duck, Horace H. Hall, Ida D. Whitley,
Anna E. Ballard, Eva T. Edwards, M. F. Hall,
Robert L. Hall and R. Vick Outland, the sur-
viving children of the said Mary F. Hall, are

That the Executor of Geo. S. Hall, and the admsr. of Mary S. Hall appeared and made partial returns of their transactions, but not being prepared to make final returns, at their requests, respectively, the matter was continued to the 24th of July 1893, and on that day was again continued for like cause, until the date of this report, where, the necessary statements and vouchers having been furnished your commissioners, therefrom, made up and completed the foregoing accounts marked "A." "B." "C."

A.

Account A, is of the transactions of the Executor of George S. Hall decd: and shows that on the 1st day of February 1893, there was a balance due the estate of \$24.50 $\frac{9}{16}$.

This balance your commissioners as certain, belonged to the nine children of the testator as directed by his will, and has been distributed as is shown by account "B."

B.

which shows that there is due to each of the distributees from the executor, to wit:

Isaac A. Deuch, Horace S. Hall, Edw. H. Hittley, Anne E. Ballard, Ewie T. Edwards, M. Frank Hall, Robert S. Hall and R. Vick Outland

the sum of \$223.10 $\frac{7}{9}$ on the 1st July, 1893, and that there was due to the estate of Kirklinck Hall on the same date \$2034.13 $\frac{1}{9}$.

In response to the inquiry as to who is entitled to receive the account due to the estate of Kirklinck Hall, your commissioners, relying upon the decisions of the Court of Appeals in the case of Tageroll et al. vs. Smith et al. adms. First Record of the reports page 313. Washington

Commissary's Office, Isle of Wight Co. Va. 6th 1893
To the Circuit Court of Isle of Wight County.

Pursuant to a decree of the said Circuit Court of Isle of Wight County, rendered on the 20th day of April 1893, in a suit in chancery therein depending, wherein J. J. Deek, W. H. Hall and J. P. Whitley executors of George F. Hall decd; are plaintiffs, and Irene A. Deek, Ida Whitley, and other heirs & distributees of said George F. Hall are defendants, directing one of the commissioners of said Court to take, state and report the following inquiries and accounts, First, An account of the doings and transactions of the executors of George F. Hall decd: Second, An account of the doings and transactions of W. F. Hall as administrator of Mary F. Hall decd: Third, "an account of the debts outstanding and unpaid in both cases" Fourth, who and in what proportions, are entitled to said estates after all debts are paid: Fifth, To what and shall the interest of the late Rosko Hall in the estate of his father, the late Geo. F. Hall, be paid: Sixth, Any other matters deemed pertinent by the Commissioner or any party in interest. Your commissioner reports to the Court, that on the 22nd day of June last, he issued notices to all the parties, plaintiffs and defendants, that he had fixed upon the 20th day of July 1893, to take and make the said accounts & inquiries, and requiring them to attend at his office. That said notices were duly served and returned to your Commissioner.

20.

The Estate of Mary E. Hall dec'd.
In account with W. Frank Hall, administrator

1893		
Jan'y.	Paid Lill Wyzell dig: grave	2 00
"	" Dr. Jeword medl. Beer	7 50
"	" Geo. A. Edwards account for grave	2 00
"	" W. H. Murphy Arch for grave	1 00
"	" R. A. Edwards crier Sale	3 00
"	" J. J. Deek bricks for grave	8 50
"	" Same medl. acct.	45 00
July.	" " Jno. King Coffin & burial	70 25
"	" " A. A. Redd bricklay grave	5 00
"	" Pay Clerks fees for administering	3 11
"	" " Do. for act. sales & for recording this act.	2 25
"	" " Comm. for this acct. return	4 50 183 11
"	" " Comm. on \$339.95 receipts	17 00
Dec. 5,	" Balance for contra	138 84

1893

By amt. recd. from M. E. & R. A. Hall,	200 00
" " of cash found in decedents house after her death	8 55
" amt. of sales of chattel, etc.	54 05
" " medl. from R. A. Edwards, admr. of Frank Hall	77 35
	<u>\$339 95 \$339 95</u>

Dec. 5	Balance due the estate	<u>\$138 84</u>
--------	------------------------	-----------------

Mr. Frank Hall, a distributor
In account with the Executors of Geo. F. Hall,

1893

Feb. 1	By your 1/9 of \$24,507.97 above bal. adv.	2723 10 7/9
	To amount paid you for receipts	2500 00
	" Balance per contra	223 10 7/9
		\$ 2723 10 7/9 \$ 2723 10 7/9

Robert L. Hall, a distributor,
In account with the Executors of Geo. F. Hall

1893

Feb. 1	By your 1/9 of \$24,507.97 above bal. adv.	2723 10 7/9
	To paid you for receipts	2500 00
	" Balance per contra	223 10 7/9
		\$ 2723 10 7/9 \$ 2723 10 7/9

Mrs. R. Vick Outland, ne Hall, a distributor,
In account with the Executors of Geo. F. Hall,

1893

Feb. 1	By your 1/9 of \$24,507.97 bal. on adv.	2723 10 7/9
	To paid you for receipts	2500 00
	" Balance per contra	223 10 7/9
		\$ 2723 10 7/9 \$ 2723 10 7/9

Kosciusko Hall, a distributor.

In account with the Executors of Geo. F. Hall

1893

Feb. 1	By your 'g of \$24,507.97 bal: on foregoing acct	2723 10 7/9
	To amt. of testator's Deed acct, on, you	188 9 4
	" " paid R. A. Edwards adm. for acct, 500 00	
	" Balance for contra	2034 1 3 7/9
		\$ 2723 10 7/9 \$ 2723 10 7/9

Mrs. Ida Whitley, a distributor.

In account with the Executors of Geo. F. Hall

1893

Feb. 1	By your 'g of \$24,507.97 bal: above ad,	2723 10 7/9
	To paid you for receipt	2500 00
	" Balance for contra	223 10 7/9
		\$ 2723 10 7/9 \$ 2723 10 7/9

Mrs. Annie C. Ballards, a distributor.

In account with the Executors of Geo. F. Hall.

1893

Feb. 1	By your 'g of \$24,507.97 bal: above ad,	2723 10 7/9
	To paid you for receipt	2500 00
	" Balance for contra	223 10 7/9
		\$ 2723 10 7/9 \$ 2723 10 7/9

Mrs. Cora F. Edwards, a distributor.

In account with the Executors of Geo. F. Hall.

1893

Feb. 1	By your 'g of \$24,507.97 bal: above ad.	2723 10 7/9
	To paid you for receipt	2500 00
	" Balance for contra	223 10 7/9
		\$ 2723 10 7/9 \$ 2723 10 7/9

By acct. brought forward	\$17,750 14
" " Recd. on J. Duck's bond	1275 00
" " " " J. D. Whitley "	1062 50
" " " " J. B. Ballard "	1158 75
" " " " Geo. S. Edwards "	1221 87
" " " On Sedges of testator shown to be due by Koko Hall & not marked, settled	188 97
" " " from M. D. and R. S. Hall for goods in the store p. central	1958 18
" " " Brandy sold privately	1578 33
" " " Cords sold from mill	154 10
" " " Rents of tenant houses	78 12
	<u>\$26,446 23</u>

B.

Distributer accounts.

Mrs. Duck Duck, a distributer.

In account with the Executor of Geo. S. Hall

1893		
Feb. 1	By your 1/9 off \$24,507.97 balance on foregoing account	2723 107/9
	To amt. paid you for receipt	2500 00
	" Balance per contra	223 107/9
		<u>\$2723 107/9 \$2723 107/9</u>

Horace Hall, a distributer.

In account with the Executor of Geo. S. Hall

1893		
Feb. 1	By your 1/9 off \$24,507.97, balance	2723 107/9
	To paid you for receipt	2500 00
	" Balance per contra	223 107/9
		<u>\$2723 107/9 \$2723 107/9</u>

To amt. brought forward:	1788 76
" Paid J. J. Duck expor. allowed by coll	50 00
" " H. H. Hall do. do.	50 00
" " J. F. Whitley do. do.	50 00
" Balance per extra	<u>245 94</u>
	\$2646 23

1892

By amt. recd. on W. B. Chapman	
admf: on bond, in part	85 00
" " " Benj. Chapman recd for	
1891, less his act. of \$21. ⁰⁰	82 50
" " " on Joyner & Doubles bond	77 43
" " " Wm Beale int. for 1891,	72 00
" " " Jas. H. Dardess bond	358 39
" " " W. Beal on his bond	72 00
" " " Chas. H. Edwards on do.	269 12
" " " O. Morris Hatchell " "	111 33
" " " W. B. Chapman bond - Bol:	115 00
" " " Benj. Chapman recd 1892	80 00
" " " Geo. Walling & Pinkley for peanuts	813 55
" " " W. H. Murphy Bol. on act.	4 01
Decr. 1 " " sales of Chattel property due today	
sold on 10. July, 1892, with int: on sale	2650 42
" " interest on same from sale	126 00
" " Sales of real estate Octo. 1892	10721 00
" " sales of do. made Jan. 2 ^o , 1893	1850 00
" " Second sales of Chattel, Decr. 1892	262 66
" Amt. carried forward.	<u>\$17700 41</u>

		To amount brought forward	379 61
July		" paid A. E. Bell appraiser	2 00
"	"	" Henry Baconson acct.	1 50
"	"	" Hall & Bro. - 2 - "	39
"	"	" E. D. Scott brick & brickyard	15 00
Aug.	"	" Mrs. Mary S. Hall, legacy.	200 00
"	"	" Alfred Seeds labour "	6 57
"	"	" Geo. Woodley "	2 87
"	"	" Geo. W. Fowler "	10
"	"	" P. D. Gwallney Jr & Co. "	48 00
"	"	" J. A. White "	19
Sept.	"	" W. S. Murphy wood on mill "	2 00
"	"	" Railroad frt. bills "	5 28
Oct.	"	" Geo. W. Fowler, miller, "	90 77
"	"	" Bergen & Dreum bal. "	1 88
"	"	" Suffolk Herald notice (?) "	6 75
"	"	" Ro. A. Edwards & Co. "	25 00
"	"	" H. H. Hall bond, 20000 "	150 00
Nov.	"	" Taxes for 1892	122 45
"	"	" Brown, Davis & Atkins acct.	102 63
"	"	" Havensport & Morris "	79 00
"	"	" J. P. Deans funeral services	5 00
"	"	" H. H. Hall	453 84
Dec.	"	" U. S. P. Office Dept. mt.	1 89
1893	"	" H. H. Hall acct. for fork & "	21 00
Jan.	"	" Suffolk Herald notice of Feb.	2 50
"	"	" T. B. K. Newman. appraiser	50
Feb.	"	" W. A. Edwards services acct.	32 00
"	"	" Chalman & Son acct.	7 75
"	"	" Gwallney & Co. "	21 79
"	"	Acct. carried forward	1788 26

A.

The Estate of George F. Hall deceased,
 In account with J. J. Duck, Horace H. Hall
 and James P. Whitley his executors.

1893

Feb.	To paid Mary J. Jordan, due bill,	10 00
"	" " " " " " " " " " " "	23 75
"	" " " " " " " " " " " "	33 00
"	" " " " " " " " " " " "	3 25
"	" " " " " " " " " " " "	75
"	" " " " " " " " " " " "	1 20
"	" " " " " " " " " " " "	1 25
"	" " " " " " " " " " " "	75
"	" " " " " " " " " " " "	20 00
"	" " " " " " " " " " " "	1 75
Mar.	" " " " " " " " " " " "	1 00
"	" " " " " " " " " " " "	5 00
"	" " " " " " " " " " " "	56 06
"	" " " " " " " " " " " "	5 00
"	" " " " " " " " " " " "	2 66
"	" " " " " " " " " " " "	2 63
Apr.	" " " " " " " " " " " "	1 00
"	" " " " " " " " " " " "	40 60
May	" " " " " " " " " " " "	140 00
June	" " " " " " " " " " " "	2 00
"	" " " " " " " " " " " "	37
"	" " " " " " " " " " " "	15 75
"	" " " " " " " " " " " "	2 46
"	" " " " " " " " " " " "	2 00
"	" " " " " " " " " " " "	3 88
"	" " " " " " " " " " " "	3 50
"	" " " " " " " " " " " "	379 61

Cyp. 25, 1898

Windsor Va. April 21st 1898.

Received of J. J. Duck, H. Hall & J. F. Whitley
Executors of Res. F. Hall dec'd. each the
sum of one hundred & twenty (120) and
ninety two (92) cents balance in full upon
a full and final settlement of the
estate of Res. F. Hall dec'd. and
recognizing this as a full and final
settlement each of us respectfully
ask that the suit of Hall's Exors.
and others vs Duck and others, ^{be dismissed} at the
coming term of the Circuit Court of
Isle of Wight County, Virginia:

J. J. Duck
H. Hall
J. F. Whitley
J. F. Whitley
H. Hall
~~Edw. L. Edwards~~
R. L. Hall
J. M. Ballard
A. M. E. Ballard
A. E. Outland
R. V. Outland
R. A. Edwards
& others of H. Hall and
Edw. L. Edwards
Edw. L. Edwards
R. L. Hall

Hall's Executors

25 }

Duck and others

April 20th 1893

To be entered

CMT

Mr E & Holland
Consent to the
interest of the
above -

CMT

Apr 13, 1893

Realized \$20.10.

CMT

Hall,s Executors

Vs.

Duek and others.

This cause came on this day to be heard on the bill taken for confessed to which the defendants have been duly summoned to answer, they failing to demur, answer or plead; and was argued by counsel: On consideration whereof the court doth adjudge, order and decree that a commissioner of this court take, state and report the following enquiries and accounts:

- (1) An account of the doings and transaction of the executors of Geo.F.Hall deceased;
- (2) An account of the doings and transactions of M.F.Hall administrator of the estate of Mary F. Hall deceased,
- (3) An account of debts outstanding and unpaid in both cases;
- (4) Who and in what proportions are entiled to the said estates respectively after all debts are paid?
- (5) To whom shall the interests of the late Kosko Hall in the estate of his father the said Geo.F.Hall be paid?
- (6) Any other matter deemed pertinent by the commissioner or any party in interest.

Have Ex on
" ²⁰
Duck,
Have et als

Oct 23 1893

To be entered

CMS

Enter # 14

We consent

W. S. Hall and

for himself

E. E. H. and attorney for

Hosko Hall, Admin^r

Hannie V. Hall

^{Duck}
Halls Exors vs, Halls et als

With the consent of the parties here
entered of record it is ordered
that the papers in the above entitled
cause be submitted to the judge of
this Court in vacation for such de-
cision or decree as might have
been entered in term.

2720.1079
 900.00
 #1820.1079

of the report of Grand Jurors J. J. Young, who are the first
 in order come on this day to be sworn in on the return of the
 jury, a return against them and others -
 the Grand Jurors of the County of Kent.

Hills Exon
 21
 Duck + al

Deere & Deere

Dec 21/1899

Continued

We consent
 E. J. Deere for
 Hills Exon, under order

In the Circuit Court of Isle of Wight County-

Hall's Exors Against Duck and others-

This cause came on this day to be again heard on the papers formerly read, on the report of Commissioner N.P. Young filed since the last hearing, the exceptions thereto, and was argued by Counsel: On consideration whereof, it appearing to the Court by the statements of Counsel that the questions raised by the exceptions have been compromised out of Court between the parties, the Court doth, in accordance with said compromise agreement of said parties, adjudge, order and decree that said report be amended so as to make the amount charged in the distributee account of Kosko Hall as testator's ledger account four hundred dollars instead of One hundred and eighty eight dollars and ninety seven cents as it now appears on said report, and that said report be amended in other respects so as to make it conform to this alteration, and that with these amendments said report is ratified, approved and confirmed, except so far as it charges said Executors with the full amount of all sales of personal property and this question is continued for future decision. And the Court doth further order, adjudge and decree that the Executors pay to the Administrator of Kosko Hall, deceased, or to his attorney, a sum of money sufficient to make the amount paid him equal to that paid to the other distributees, to wit, the sum of twenty five hundred dollars, including the \$500.00 heretofore ^{paid} and also including the sum of four hundred (\$400.00) allowed hereby. The said Executors are hereby authorized and empowered to sell privately the farm near Jones' creek provided they can do so at a reasonable price. The said Executors are hereby directed to render a further statement of their transactions before one of the Commissioners of this Court. And this cause is continued.

Halls exors.

ps

Duch et. al.

De cue

To be entered

April 25th

1898.

Robert J. Dennis

Entered #4

Hall,s Executors

vs.

Duck et als.

This cause came on this day to be again heard on the papers formerly read, and on the report of Commissioner N.P.Young filed herein on the 6th day of December 1893, and on the receipt and request of all the parties filed this day by leave of court, and was argued by counsel:-

On consideration whereof the court doth adjudge, order and decree that said report of Commissioner Young, to which no exception has been filed, be, and the same is hereby confirmed; and ^{it} appearing from the receipt filed herein of all parties, that all the matters and ~~XXXX~~ questions arising in this cause have been settled, and that all the money arising from the sales ^{deceased} of the real and personal estate of Geo.F.Hall and arising ~~as well~~ from the collection of all debts ^{due} ~~due~~ and ~~by the sale of debts not collectible~~, has been distributed to the nine children of the said Geo. F. Hall, deceased, except the share of Kosko Hall, and that it has been paid to his administrator ^{it} ordered that this suit be stricken from the docket.

Hall, them and their heirs. I also give
Horace several hundred dollars and owe
him on my Ledger which is to be set-
tled as other debts before any division
can take place.

Geo. H. Hall (Seal)
Codicil. I desire that each of my
above named Executors that may act,
to have fifty dollars out of my estate
for their trouble & hope it will give
satisfaction as no security will have to
be given &c.

Geo. H. Hall (Seal)
In the of Dyer County Court Feb. 1st 1892.
a paper purporting to be the last will of Geo. H.
Hall decd; was presented for probate, and there
being no subscribing witness thereof, H. P. Young
and R. A. Edwards were sworn & depose that
they are well acquainted with ^{the hand writing of the} testator and
verily believe the said paper & the codicil thereto
to be wholly written in the proper hand writing
of the said Geo. H. Hall, and therefore the
same is ordered to be recorded as the true
last will of said Geo. H. Hall decd.
Teste, H. P. Young clk.
A copy. Teste, H. P. Young clk.

Geo. H. Hall's
will,

a copy,

Exhibit A filed
with Clerk.

Book it as

25

Hall's Executors

Isle of Wight County, State of Va June 26th 1892.

I Geo. S. Hall of the county and state
aforesaid doth make and desire this to be
my will in form as follows. First I desire
that J. J. Duck, H. H. Hall and James F. Whitley
administer and take charge of my entire
estate and hope the court will permit
them to do so without giving security
for the same, or any of them in case either
should fail; I also desire that my
widow M. S. Hall have the rents of my store
and all belonging thereto for her yearly
support as long as she may live, and
I also give her two hundred dollars at
my death to do as she pleases with. At the
death of my widow M. S. Hall I desire
that the above store &c. be sold and
equally divided between my nine
children or their heirs. I further desire
that my executor or either of them sell
to the best advantage the balance of my
entire estate of every kind real, personal
&c. large & small and be equally divided
between my nine children or their heirs,
except what each one may be owing my
estate, to wit: Dock Duck \$1200.⁰⁰ J. S. Whitley
\$1000.⁰⁰ Jno. M. Ballard \$1100.⁰⁰ Geo. L. Edwards
\$1100.⁰⁰ Rosko Ledger account out of
date but with the rest must all go
in my estate & then be equally divided
between the nine I mean, Horace, Rosko,
Ida, Anna, Eva, Frank, Robert & Vick

Certificate of Clerk of Qualification
Halls Esq.

OF

Mr. *J. In clay,*

Duck et al.

as

of *Exbt. B. filed*
with the bill

Virginia: In the Clerk's Office of the County Court of the County
of Isle of Wight.

I, A. P. Young, Clerk of the Court of the
of J. J. Deuch, H. H. Hall & J. F. Whitley, do hereby certify that on the 1st day of Feb'y., 1892
said court as Executors of George F. Hall dec'd. duly qualified in my
and gave bond as such according to law.

Given under my hand this 20th day of March, 1893.

A. P. Young Clerk.

Certificate of Clerk of Qualification

Halls' Exors.

OF

vs. Edm Chy,

Deed Kator.

as

of Exbt. C. filed

with the bill

Virginia: In the Clerk's Office of the County Court of the County
of Isle of Wight

I, N. P. Young, Clerk of the County Court of the County
of Isle of Wight, do hereby certify that on the 5th day of Decr. 1892.

W. F. Hall duly qualified in my
said court as Administrator of Mary F. Hall
and gave bond as such according to law.

Given under my hand this 20th day of March 1892.

N. P. Young Clerk.

Certificate of Clerk of Qualification

Walls' Eys.

B.

Deek et al.

as

of Eys. D. fied

with the bill.

Virginia: In the Clerk's Office of the County Court of the County
of Isle of Wight.

I, N. P. Young, Clerk of the County Court of the County
of Isle of Wight, do hereby certify that on the 7th day of Novr, 1892.
The Estate of Mary T. Hall was ^{examined} duly qualified in my
said court as ~~by~~ to Robert W. Edwards as shuff: of said County
and gave bond as such according to law.

Given under my hand this 20th day of March 1893.

N. P. Young, Clerk.

^{to}
Mary J. Hall
with { agreement
Geo. J. Hall heirs

A copy

exhibit it filed
with Bill - in

Hall's Exors

vs

Duck et al.

State of Virginia
County of Shenandoah, to wit:

I R. L. Bailey a Justice of the Peace in &
for the State & County aforesaid, hereby certify
that Irene A. Duch, J. J. Duch, Kascho Hall,
Annui E. Ballou, J. M. Ballou & Hunt V. Hall,
whose names are signed to the writing above
bearing date the 8th day of March 1892. this
day personally appeared before me in
my said County & each acknowledged
the same to be their act

Given under my hand this 1st day of March 1892

R. L. Bailey J. P.

In the clerk's office of the county court of
Shenandoah County the 21st day of March 1892
this deed of agreement was received and with
the certificate hereon was admitted to
record.

Test W. P. Young clk.

A copy

Test W. P. Young clk.

by N. F. Young Deputy

N. N. Hall (seal)
 Kosko Hall (seal)
 Ida Whitley (seal)
 James B. Whitley (seal)
 Annie E. Ballors (seal)
 J. M. Ballors (seal)
 M. J. Hall (seal)
 R. L. Hall (seal)
 Ruth V. Hall (seal)
 Eric F. Edwards (seal)
 Geo. L. Edwards (seal)

State of Virginia

County of Giles of Right to wit:

I C. N. Hart, a notary public in and
 for the county & state aforesaid, hereby certify
 that Mary J. Hall, N. N. Hall, Ida Whitley, James
 B. Whitley, M. J. Hall, R. L. Hall, Eric F. Edwards
 & Geo. L. Edwards, whose names are signed to
 the writing above bearing date the 8th day
 of March 1892. this day personally appeared
 before me in my said county and each
 acknowledged the same to be their act.
 Given under my hand this 10th day of
 March A.D. 1892.

C. N. Hart N. P.

in equity, in and to the said estate, real
personal, and mixed of said Col. Geo. B. Hall
deceased; and hereby promise and binds herself to
assist with the executors or heirs of said
estate in any and all conveyances to any
purchaser of the real estate of which said
Geo. B. Hall died seized and possessed whenever
sale thereof shall be made, conveying to said
purchaser or purchasers all her right, title &
interest in said to all said real estate.

It is fully understood, agreed & covenanted
by all the parties hereto, that said sum of six
hundred and ninety six (696) dollars and
said two hundred (200) dollars, given said
Mary J. Hall under said will, and said
property taken at said sale & appraisement
shall be her own individual money and
property, to do as she pleases with forever,
but the said tract of wood land & the store
lot mentioned in said will, to her the said
Mary J. Hall, during her natural life with
remainder at her death to go as directed in
said last will & testament of said Col. Geo. B. Hall
deceased.

Witness the following signatures & seals this
8th day of March in the year 1892 A.D.

Mary J. Hall (seal)
Jenn. A. Dorch (seal)
J. J. Dorch (seal)

and, 4th all that certain tract, piece or parcel
of land, lying being and situate in said
County of High County and State of Virginia
containing fifty acres more or less, and which
adjoins the lands of R. M. Whitley and David
Lykes, and the County road leading from
Salem of High County to Juni, it being
that piece of wood land, lying west of said
Whitley and north of said County road, during
her natural life, remains in fee at her death
to go as directed by said last will & testament
of said Geo. J. Hall deceased. And the said
parties of the second part, agree and bind
themselves, their heirs and assigns to pay on
demand the sum of six hundred and seventy
six Dollars, and to give the said Mary J. Hall
what she took at the appraisement of the estate of
her husband as aforesaid, and guarantee that she
the said Mary J. Hall shall, receive, have
and possess what is bequeathed her under
said last will and testament, and hereby promise
and bind themselves to convey to said Mary J.
Hall the tract of wood land containing fifty
acres more or less, above mentioned & described.
And the said Mary J. Hall, hereby agrees
and binds herself to accept said conditions in
full satisfaction of all her rights till & interest
of every kind whatsoever, both in law and

This Contract of agreement made and entered
into this 5th day of March, in the year 1892, between
Mary Frances Hall, widow of the late Col. Geo. F. Hall
of the county of Allegheny and state of Virginia
party of the first part, and Henry A. Dush Esq. J.
Dush her husband, W. H. Hall, Mosko W. Hall
Whitley and James B. Whitley her husbands, Anna
Ballard Esq. John M. Ballard her husband, W. B.
Hall, R. L. Hall, Ruth V. Hall, Eva F.
Edwards Esq. Geo. L. Edwards her husband, her
children (and the husbands of those children that
are married) of said Col Geo. F. Hall deceased,
parties of the second part. Witnesseth, that the said
Mary Frances Hall doth agree and bind herself to
take, receive and accept in lieu of all her right
title and interest of every kind in law and in
equity, in and to the estate, real, personal and
mixed of her said husband, following, first
what is given her under and by the last will
and testament of her said husband, which
said last will and testament has been duly
admitted to probate in the County Court of
said Allegheny County, and of record in
the clerk's office of said County Court.

2^d the sum of Six Hundred and Ninety
Six (\$696⁰⁰) Dollars, to be paid equally by
all said children, 3^d to give the said Mary
F. Hall all the property she took at the
appraisement of the estate of said husband

June 22nd 4 Hms
July 24th 5 "

Halls Eyew.
m. 3 In. Chap,
Druck Katal,

Copy Drump
Apl. Tenn 1893,

For a etc

Noten, if. 22. June
So 20. July 1893,
"

Testament by the Commission
or any party in interest,
A copy.
Teste, A. O. Spencey M.

In the circuit court of Middlesex
County, April 20. 1893.

J. J. Duck et al., exors. of G. S. Hall .. Plffs
vs. 3d Day.

Duck, Drue, Halls et al., .. Defs.

This cause came on this day on
the bill taken for confessed to which
the defendant, have been duly sum-
moned to answer, they failing to
appear, answer or plead, and
was argued by counsel; on consider-
ation whereof, the court doth
adjudge, order & decree that a Com-
missioner of this Court take, state &
report the following inquiries & accounts,
(1.) An account of the doings and
transactions of ~~the~~ the executors of G. W.
S. Hall decd; (2.) An account of
the doings and transactions of M. S.
Hall admr. of the estate of Mary S. Hall decd;
(3.) An account of the debts outstanding
and unpaid in both cases.
(4.) Who and in what proportions
are entitled to the said estates after
all debts are paid. (5.) To whom
shall the interests of the late Rocke
Hall in the estate of his father, the
late Geo. S. Hall, be paid
(6.) Any other matters deemed

July 18th 93.

No. A Edwards Stiff

Form No. 400.

Halls' Express.

COMMISSIONER'S NOTICE.

us.

Direct inquiry: et al.:

July 20. 1893.

8	100.00
8	00.
4	11
2	00
2	11
4	11
4	11
2	11
11	00
2	11
2	11
2	11
11	42.00
	10.80
	51.80

Commissioner's Office,

Isle of Wight Court House, June 22, 1893.

To J. J. Deek, N. S. Hall & J. D. Whitley Executors; and to Henry
A. Deek, son of Hall; H. H. Hall, Annie D. Hall, R. A. Edwards off-
sides of Kosko Hall and Ida Whitley son of Hall; J. D. Whitley, son of
E. Ballard son of Hall, Geo. M. Ballard, M. D. Hall in his own right and
Mary T. Hall and; Robert S. Hall, Ruth M. Hall (now out and) Geo. S. Edwards
and Geo. F. Edwards son of Hall, and J. J. Deek, Defts;

You are hereby notified that I have fixed upon the 20th day of July next,

if fair, if not, on the next fair day thereafter (Sunday excepted), to take and settle at my office, ^{1st.} ~~the~~ account
of the doing and transactions of the Executor of Geo. F. Hall and;

2^d. An account of the doing transactions of M. D. Hall as

adminr. of Mary T. Hall and; 3^d. An account of the debts unpaid
in both cases - 4th: Who, and in what proportions, are entitled
to the said estates after all debts are paid; 5th To whom
shall the interest of the late Kosko Hall in the estate of
his father, the late Geo. F. Hall, be paid - 6th: Any other
matters deemed proper by the Commissioner or any
party in interest.

required to be taken by a decree of the Circuit Court of the County of Isle of Wight

rendered on the 20th day of April 1893, in a suit in chancery depending in said

Court between said parties, plaintiffs and defendants.

at which time and place you are required to attend.

Given under my hand, as Commissioner in chancery of the said court, the day and year first aforesaid.

A. P. Spencer, Comm.

Return to E. E. HOLLAND,
Lock Box 102, SUFFOLK, Va.,
If not delivered within 10 days.



M. P. Young, Esq.,
Clerk of Court,
De of Wight Co. Va.
V.



E. E. HOLLAND,
ATTORNEY AT LAW.

Commonwealth's Attorney for Nansemond County.

SUFFOLK, VA.,

July 13th, 1893

N.P. Young Esq.,

Isle of Wight C.H. Va.-

My Dear Sir;-

I understand that the papers in the case of Hall's Executors vs Duck and others have been referred to you as a Commissioner to take and state certain accounts and also to report what part of the estate the widow of Kosko Hall, deceased is entitled to receive. I represent Mrs. Hall in this matter and if you have any doubt about her being entitled to receive her husbands portion of the estate I would like to submit some authorities before you finish your report. I think it is clear from the authorities that land directed to be sold by will is at once stamped as personalty and passes as such. I think it is also clear, this being true, that Mrs. Hall heirs from her child the portion of the estate heired from the father. The personal estate of an infant is distributed as if he were an adult as you well know, and in this case-all his estate being personalty under the provisions of the will-passes to the mother. If you wish a list of the authorities I will send ~~them~~ it to you with pleasure.

Yours very truly,

E. E. Holland

Return to E. E. HOLLAND,
Lock Box 102, SUFFOLK, Va.,
If not delivered within 10 days.



W. P. Young, Esq.
Chancellor of Courts,
Isle of Wight Co. Va.
H.C.

James Vaughan
b. 7 Vaughan



35 50



James Vaughan
J. P. Vaughan

E. E. HOLLAND,

ATTORNEY AT LAW.

Commonwealth's Attorney for Nansemond County.

SUFFOLK, VA.,

July 18th, 1893

N.P. Young, Esq.,

Isle of Wight C.H., Va.-

My dear Sir:-

Yours received. I regret it will be impossible for me to go to Isle of Wight C.H. on Thursday next. Therefore I send you as requested a list of some of the authorities upon which I rely to sustain my position, and being as follows: Code of Va. edition of 1887, sections 2548 and 2557.

Tazewell and others vs Smith's Administrator-I Rand. 313-

Pratt vs Taliaferro-3 Leigh 419

Washington's exor vs Abraham et als 6. Grat. 66-

Harcum's adm'r et als vs Hudnall 14 (14) Grat. 369-

✓ Ropp vs Minor et als 33 Grat. 97-

81 Va. Reps. 94-107-

I think these authorities show that ^{land} ~~aid~~ directed to be sold is at once stamped as personalty. I think it appears from chapter on descents and distributions that the personal estate of an infant is distributed as if he were an adult. The portion of Col. Hall's estate devised to Kosko Hall passed, upon Kosko Hall's death, to his infant child, as personalty. Upon the death of the child the personal estate passed to the mother as the child's sole distributee.

If you should wish any authorities upon any other points involved in

E. E. HOLLAND,
ATTORNEY AT LAW.

Commonwealth's Attorney for Nansemond County.

SUFFOLK, VA.,

the case affecting the rights of my client I shall be glad to furnish same if within my power.

When you have reached your conclusions I would also be glad if you would let me know what they are.

I hope the authorities I have furnished will at least give you some light upon the question, if any light is needed to decide the questions involved.

With highest regards I am,

Very truly yours,

E. E. Holland

Return to W. S. HOLLAND,
WINDSOR STATION, Isle of Wight County, Va.,
If not delivered within 5 days.



Mr. A. P. H. *[unclear]*

Comm. In Charge

Isle of Wight
va



COURTS:

ISLE OF WIGHT, NANSEMOND,
AND SOUTHAMPTON.

OFFICE OF

W. S. HOLLAND,

Attorney at Law and Commissioner in Chancery,

Windsor Station, ~~Sept~~ 30th 1893

Mr. N.P.Young Commissioner,

Dear Sir,

Matter of

In rege^{re}nce to the Hall,s execu
tor vs. Hall and others I understand your report is closed. yours
of the 16th inst addressed to Mr. E.E.Holland was sent to me on
the 19th inst. and it was the first intimation I had had of any
difficuly about allowing or disallowing the "Ledger Account" of
Kosko Hall. As soon as I got this letter I wrote to Mr. E.E.Holland
naming the 22ond Inst. for us to go before you on that subject, but
hw could not meet me on that day, but I went to your office on
other business with Judge Rawles and you told me you would allow
both the " Ledger Accounts" and when I passed M.F.Hall,s store
I sent a messqge to H.H.Hall that both accounts had been allowed
and for that reason I did not come for the books as I promised him
I would do, I never heard from the matter any more till last Thurs
day when I got a letter from you saying that "upon further consid
eration you could not allow the old acccount etc." So you can
see that I could not have produced the testimony in cqse that ought
to go before the court. I write this in order to find out surely
whether the account is closed so that no evidence can be heard, I
mean taken and filed, if so, I would like to do so at the first
opportunity. I should have to consult E.E.Holland before naming a

COURTS:

ISLE OF WIGHT, NANSEMOND,
AND SOUTHAMPTON.

OFFICE OF

W. S. HOLLAND,

Attorney at Law and Commissioner in Chancery,

Windsor Station, Va.

2 sheet

fay , of course, . If the account is closed then I shall have to ask the court to allow me to take evidence or to have an issue out of chancery on this point or in some way getting ~~out of~~ ^{at} it.

While of course we do not for a moment doubt the sincerity of your conclusions, still we are so absolutely of the opinion that Col Hall alludes to that account in his will, and that to carry out the testator idea of equality among his children it is manifestly just to charge him as other children for advancements made.

That this ledger account was meant as an advancement we think we can prove, if not directly , by circumstances that are conclusive.

Hoping to hear from you as to whether it is now in order to offer evidence so I may send your answer to counsel on the other side

I am

Yours Very truly,

W. S. Holland

P.S.

Personally there is nothing more unpleasant to me than to have to resist the conclusions you reach in any one but this time I cannot do otherwise consistent with duty even though the court sustains you. *W. S. H.*

Return to W. S. HOLLAND,
WINDSOR STATION, Isle of Wight County, Va.,
If not delivered within 5 days.



Mr. A. P. Ganney
Comm. Cir. Ct. & Clk. Ct.

Ile of Wight
Va



COURTS:

ISLE OF WIGHT, NANSEMOND,
AND SOUTHAMPTON.

OFFICE OF

W. S. HOLLAND,

Attorney at Law and Commissioner in Chancery,

Windsor Station, Oct 13th 1893

Mr. N.P. Young, Com.

Dear Sir,

Yours containing the bills in the two suits asked for. Many thanks. In reference to the Hall matter I beg to say that I have been in the Cir. Court of Nansemond up till last night. Tomorrow I have to take depositions here and on Monday and Tuesday and probably Wednesday of next week I shall be in the Co Ct of Southampton in some felony cases against a prominent white man.

It will therefore be impossible for me to get the case ready for the first day of the term. In case the judge takes a recess as he sometimes does I will get ready and in the event that cannot be done I have made arrangement with E.E.H attorney on the other side to make the cause a vacation cause, so that in any event an early conclusion may be reached.

Yours Truly,

W. S. Holland