1903-006 Chancery Causes: Sarah A. Sykes + W. L. Sykes vd vs George W. Whitley vd
Dsle of Wight County

other surnames: Edwards
Scott, Chapman, Hubbard

Wm S. Ballard for Pl'ff

Susan A. Sykes and others

vs

Geo. G. Whitley and others.

BILL OF COMPLAINT.

Filed 2 September 9th 1902

2d Sept Rules 1902. Bill & exhibits filed. summ. issued on all adult defts. de. nisi as to them. Saml A. Edwards appt. gdn. ad litem to the infant defts.

1st Oct. rules 1902, Bill taken for confessed. and cause set for hearing

Oct: Term 1902. de for accounts

Dec. 16th (vacation) 1902 de to sell &c

Jany. 15th 1903 (vacation) de confg. sale. called make deed & pay out &c.

April Term 1903 Final

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OFF WIGHT:

To the Honorable, Robert R. Prentis, Judge of the Circuit Court of the county of Isle of Wight, in the state of Virginia:

Your complainants, Susan A.SYkes who was Whitley and W.S.Sykes her husband, Sarah T.Edwards who was Whitley and C.H. Edwards her husband, Walter C. Whitley and Claud Lee Whitley, humbly complaining shows to the court, that by his deed dated April 25th 188I Geo. T. Whitley conveyed to William Whitley a certain tract of land containing II7 acres, more or less, situate in Newport Magisterial District in the county of Isle of Wight in the state of Virginia, and bounded now by the lands of A.E.Griffin, Hattie Hubbard, C.T.Carroll and others, for his life with remainder to his wife Eugenia B.Whitley for and during her single life, and at her death or marriage then to go to and be the property in fee-simple of the CHILDREN of the said Wm.Whitley. .This deed is recorded in the Clerk,s Office of the County Court of Isle of Wight county in deed book NO. 45 at page 704, a copy of which is herewith filed as an exhibit together with the endorsements thereon, marked "A" and is prayed to be taken and read as a part of this bill of complaint.

Your complainants allege that the said Wm.Whitley departed this life in the year I90I, and left a widow the said Eugenia B.Whitley, who dring the month of May in the year 1902 intermarried with one Robert Hubbard, and is now his wife; and that the children of the said William Whitley now living are as foolows: namely, your complainants Susan A.Sykes, Sarah T.Edwards, Walter C.Whitley and Claud Lee Whitley; and Geo.G.Whitley, Hattie Hubbard who was Whitley, the wife of Hartwell Hubbard, Leonard Whitley, Mary Hubbard who was Whitley, the wife of Geo. H.Hubbard, Elisha Whitley, Eugene Estelle Whitley and Fannie M.Whitley.

Your complainants further say that Robert Whitley, son of the said William Whitley deceased, died intestate before his said father died, and long after the execution of the said deed, and

left as his only heirs at law and children the following; namely, Viola Whitley, Robert Whitley and Maud Scott who was Whitley, the wife of J.Emmett Scott; and also that Maggie Chapman who was Whitley married Ben Chapman and diéd intestate after the death of her father, the said William Whitley, and left as her children and only heirs at law, the following; Ned Chapman, Clarence Chapman, Effie Chapman, Kenith Chapman, and Maggie Chapman:

and before the marriage of said Eugenia B. Whitley now Hubbard

Your compalinant are advised that the said grandchildren of the said William Whitley deceased are entitled to share in the said lands, having the legal title to their respective father and mother.

Your complainants do not believe the said tract of land is susceptible of partition in kind, a fact apparent from the area and character of the land and the number of shares, and they desire the same to be sold, and the proceeds divided among the adult and infant parties, according to their respective right; the shares of the infants to be disposed of according to law. Your complainants say that the interest of all parties will be promoted by a sale of the same and partition of the proceeds of the sale.

In tender consideration whereof, and for as much as your complainant is remediless in the premises save by the aid of a court of equity, where matters of this kind are alone and properly cognizable, your complainats pray that the said Geo.G.Whitley, Hattie Hubbard and Hartwell Hubbard her husband, Mary N.Hubbard and Geo. H.Hubbard her husband, Eugnia B.Hubbard, late widow of the said William Whitley, and now the wife of Robert Hubbard, Robt. Hubbard, Viola Whitley, J.Emmennt Scott, Leonard Whitley, Nancy Whitley, Elisha Whitley, Eugenia Estelle Whitley, Fanny M.Whitley, Maud Scott wife of the said J.Emmett Scott, Robt. Whitley, Ned Chapman, Clarence Chapman, Effie Chapman, Kenith Chapman, and Maggie Chapman, the last twelve being infants under the age of twenty one years, be made parties defendants to this bill of complaint, and that they be required to answer the same ., but an answer on oath is hereby expressly waived as provided by the statute in such cases made and provided; that a proper

guardian ad litem be assigned the infant defendants to defend thier interest in this suit, who also answer this bill; that proper proce ss issue; that the said real estate be divided between the several parties entitled thereto, and your complainants, portion thereof be allottted to them, and in case the said real estate cannot be partitioned and divided in kind, that the same be exposed to sale, and the proceeds of such sale be divided among the parties entitled thereto; that all proper orders and decrees may be made, and proper enquiries be directed, and that all such other, farther and general relief may be afforded your complainants as the nature of their case may require, or to equity shall seem meet.

~~And~~

And your complainants will ever pray etc. etc.

Wm S. Hallaed

Susan A. Sykes by
Wm S. Hallaed her atty.

Form No. 35.

Leonard Whilby

adv.

ANSWER
OF
INFANT DEFENDANT.

Susan A. Sykes et als
by
S. H. Edwards, guardian
ad litem.

Everett Waddey Co., Stationers and Printers, Richmond, Va } Form No. 35.

In the ..... Court for the ..... of .....,

to wit:

THE ANSWER of

Leonard Whitley, Nancy Whitley, Elisha Whitley, Eugene Estelle Whitley, Fanie M. Whitley, Maud Scott, Robt. Whitley, Ned. Chapman, Clarence Chapma, Effie Chapman, Kenith Chapman, and Maggie Chapman,

infants under the age of twenty-one years, by S. H. Edwards, an Attorney at Law, guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against them and others in the Circuit Court for the County of Isle of Wight, by Susan A. Sykes and others.

The respondents, reserving to themselves the benefit of all just exceptions to the said bill, for answer thereto, answering by said guardian *ad litem*, say that they are infants of tender years, and by reason of such disability are incapable of understanding, or of taking care of their rights and interests, they therefore commend the same to the protection of the court, and prays that no decree may be pronounced which will tend to their prejudice.

And having answered, the respondent pray to be hence dismissed with their reasonable costs, in this behalf expended; and they will ever pray, &c.

Said H. Edwards Guardian *ad litem.*

Wm S Hollis p. d.

State of Virginia
OF
County of Isle of Wight } *ss.*

This day, S. H. Edwards, whose name is signed to the foregoing answer, personally appeared before me, A. S. Johnson, a Notary Public in and for said County and State and made oath that the statements made therein, so far as they depend upon his own knowledge, are true, and so far as they depend upon knowledge derived from others he believes them to be true.

Given under my hand, this ..... day of September ~~189~~ 1902

A. S. Johnson N. P.

~~Com Exp~~ Oct 17. 1902

Form No. 35.

Robert Whitley Cy S.D.
Edwards Guardian ad litem

adv.

ANSWER
OF
INFANT DEFENDANT.

Maud Scott Her Friend

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 35.

In the Circuit Court for the County of Isle of Wight,

to wit:

THE ANSWER OF Robert Whitley

infant under the age of twenty-one years, by Samuel H. Edwards guardian *ad litem*, assigned to defend him in this suit, to a bill of complaint exhibited against herself and others in the Cir Court for the County of Isle of Wight, by Maud Scott her Friend and others.

The respondent, reserving to himself the benefit of all just exceptions to the said bill, for answer thereto, answering by said guardian *ad litem*, say that he is an infant of tender years, and by reason of such disability he is incapable of understanding, or of taking care of her rights and interests, he therefore commend the same to the protection of the court, and prays that no decree may be pronounced which will tend to his prejudice.

And having answered, the respondent pray to be hence dismissed with her reasonable costs, in this behalf expended; and he will ever pray, &c.

_____ Guardian *ad litem*.

Wm S. Holland p. d.

Scott per Friend
OF
Whitley et, als. } ss.

This day, Samuel H. Edwards, whose name is signed to the foregoing answer, personally appeared before me, in my said County and made oath that the statements made therein, so far as they depend upon his own knowledge, are true, and so far as they depend upon knowledge derived from others he believes them to be true.

Given under my hand, this 28th day of April 1902 ~~189~~

Wm S. Holland
Notary Public in & for Isle of Wight County, Virginia

Susan A. Sykes et als

vs. { SUBPOENA IN CHANCERY.

Geo. G. Whitley et als

V

Wm. S. Valland p. q

To Second September Rules,

Circuit Court.

B 3119

Executed by delivering to the within named Geo G. Whitley Martin Whitlock & Wm. S. Valland. Thomas Whitlock, Mary E. Hudson, Geo A. Whitlock, Robert Whitlock, Geo A. Whitlock Jr. Robert Whitlock, Eliza Whitlock & Sarah A. Whitlock & Emmett Scott a true copy of the within Subpoena Sept. 10th 1902

R. C. Collier D. Sh.

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon Geo. G. Whitley; Nattie Nubbard and Nathwell Nubbard her husband; Mary F. Nubbard and Geo. N. Nubbard her husband; Eugenia B. Nubbard and Robt. Nubbard her husband; Viola Whitley; J. Emmet Scott, Leonard Whitley, Nancy Whitley, Elisha Whitley, Eugene Estelle Whitley, Jennie M. Whitley; Maud Scott wife of the said J. Emmet Scott, Robt Whitley; Ned Chapman Clarence Chapman, Effie Chapman Kenith Chapman and Maggie Chapman the last twelve being infants under the age of twenty one years.

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 September 1902, to answer a bill in chancery, exhibited against them in our said court ~~for~~ by Susan A. Sykes who was Whitley and W. S. Sykes her husband; Sarah J. Edwards who was Whitley and C. S. Edwards her husband; Walter C. Whitley and Cland Lee Whitley

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the 9th day of September 1902, and in the 127 year of the Commonwealth.

N. F. Young cc.

Swan & Sykes et als

vs } Comm. Young's report

Geo. G. Whitley et als

Filed Dec 5 of 1902

one fourteenth; Hallie Hubbard a daughter is entitled to one fourteenth; Leonard a son is entitled to one fourteenth; Mary N. Hubbard a daughter is entitled one fourteenth; Elisha Whitley a son is entitled one fourteenth Jannie M. Whitley a daughter is entitled to one fourteenth. Eugene Estelle Whitley a daughter is entitled to one fourteenth; Viola Whitley grand-daughter is entitled to 1/3 of 1/14; Robert Whitley grand son is entitled to 1/3 of 1/14 Maud Scott grand-daughter is entitled to 1/3 of 1/14 Ned Chapman grand-son is entitled to 1/5 of 1/14 Clarence Chapman grand-son is entitled to 1/5 of 1/14 Effie Chapman grand-daughter is entitled to 1/5 of 1/14 Kenneth Chapman grand-son is entitled to 1/5 of 1/14 Maggie Chapman grand-daughter is entitled to 1/5 of 1/14

Your commissioner reports that the said land can not be divided in kind without loss to the heirs; and that there are no delinquent land taxes due on said land nor are there any judgment or deeds of trust on the said land as far as he has been able to find in the record.

All of which is respectfully submitted

L. D. Young

Commissioner

Land 14

Comm. fee $10.00

Sheriff fee 7.50

inquiries and accounts - First, the annual and fee-simple value of the land in the proceedings mentioned - Second, the names of the parties entitled and the shar of each - Third - Whether or not the said land can be partitioned in kind among the parties thereto entitled - Fourth, Whether there are any liens on the said land on account of delinquent taxes or otherwise - Fifth - Any matter deemed pertinent by said Commissioner or which may be required to be so taken and stated by any party in interest -

Your Commissioner reports that notice was issued on each of the said parties and returned executed by the Sheriff -

Your Commissioner reports that the fee-simple value of the said land is $1800 - and the annual value thereof $125 - Your Commissioner further reports that Susan A. Sykes, a daughter, is entitled to one fourteenth; that Sarah J. Edwards a daughter is entitled to one fourteenth; Walter C. Whitley a son is entitled to one fourteenth; Edward Lee Whitley a son is entitled to one fourteenth; Geo. G. Whitley a son is entitled to

Commissioner's Office,
Isle of Wight County, Dec. 5th. 1902.

Your commissioner respectfully reports to the Court that by a decree of the Circuit Court of the said County pronounced on the 27th day of October 1902, in a suit in chancery therein depending, in which Susan A. Sykes who was Whitley, and W. S. Sykes her husband; Sarah T. Edwards, who was Whitley, and C. H. Edwards, her husband; Walter C. Whitley and Leander Lee Whitley, are plaintiffs; and Geo. G. Whitley, Hattie Herbert and Hatwell Herbert, her husband; Mary N. Herbert and Geo. A. Herbert, her husband; Eugenia B. Herbert and Robert Herbert, her husband; Viola Whitley, J. Emmett Scott, Leonard Whitley, Nancy Whitley, Elisha Whitley, Eugenie Estelle Whitley, Fannie M. Whitley, Maude Scott, wife of the said J. Emmett Scott, Robert Whitley, Ned Chapman, Clarence Chapman, Kenneth Chapman, Effie Chapman and Maggie Chapman, the last twelve being infants under the age of twenty-one years, are defendants— he was directed to make the following

Rec'd. January 19th 1903 of Wm S. Hall and Special Comr. in the suit of Sykes vs. Rev. L. Whilley and others the sum of Seven hundred and thirty one (731) dollars and fifty cents, it being the shares or interest of Leonard Whilley, Nancy Whilley, Elisha Whilley, Eugenia Estte Whilley, and Fannie M. Whilly for whom I am guardian under ~~on~~, a bond for one thousand dollars with a surety whose real estate indepedant of all her debts is worth at least $2500.

Robert A Hubbard
guardian for Leonard, Nancy, Elisha Estte and Fannie M Whilly

Susan A. Sykes et als

Vs.

Geo. G. Whitley et als

-:-

Report of disbursements
filed this 27th day of April,
1903, by leave of Court.

#2.

This leaves a balance in my hands of $48.60, it being the share of Robert A. Whitley sometimes called Robert T. Whitley, a grandchild of Wm. Whitley who is about fourteen years old and is a clerk for his uncle L. H. Whitley, but who has no guardian. When this sum of $48.60 is paid, your Commissioner will have paid out all in his hands.

Respectfully submitted.

Wm S. Holland Spe. Commissioner

P. S.

Your Special Commissioner has deposited the money belonging to the saie Robert Whitley in the Farmers. Bank of Nansemond, to the credit of "Wm. S. Holland, Special Commissioner for Robert Whitley" and herewith files a certificate of the said deposit.

To the Honorable Robert R. Prentis, Judge of the Circuit Court of Isle of Wight County.

The undersigned, your Special Commissioner begs to report that pursuant to a decree herein entered January 15, 1903, he collected from the sale of the land $2200.00

Rent $ 100.00

Making in all $2300.00

And he has paid out the said fund as follows:

N. F. Young, Clerk	$ 11.85 ✓
N. F. Young, Comr.	$ 10.50 ✓
Wm. S. Holland, Atto. fee allowed by Court	$ 125.00 ✓
Wm. S. Holland Comr. Commissions" " "	$ 55.00 ✓
Wm. S. Holland, deed	$ 5.00 ✓
Viola Whitley	$ 48.60 ✓
R. A. Edwards, Sheriff and crier	$ 28.00 ✓
Mary N. Hubbard	$ 146.30 ✓
Susan A. Sykes	$ 146.30 ✓
Sarah Edwards	$ 146.30 ✓
Walter C. Whitley	$ 146.30 ✓
Claud Lee Whitley	$ 146.30 ✓
Geo. G. Whitley	$ 146.30 ✓
Hattie Hubbard	$ 146.30 ✓
Robt. A. Hubbard, Guardian	$ 730.50 ✓
Ben. Chapman, Guardian	$ 146.30 ✓
Maud Scott check returned 23-1403	$ 48.60
Writ tax	$ 1.50
Printing notice of sale	$ 2.00
Retained for taxes	$ 14.45
	$2251.40

3 17 2 0 50
1 4 6 1 0

Pay The Bank of Smithfield,

Smithfield, Va., or order,

N. F. YOUNG. alk

Pay CITIZENS BANK,
NORFOLK, VA. Or Order,
THE BANK OF SMITHFIELD,
A. S. BARRETT, Cashier.

W. S. HOLLAND,
ATTORNEY AT LAW.

No. 2718 Windsor, Va. July 3rd 1903

THE FARMERS BANK OF NANSEMOND
SUFFOLK, VA.

PAY TO THE ORDER OF N. F. Young dft

Eleven & 85/100 DOLLARS

Costs in full up to and including final decree in Sykes
Susan A. vs Rev R. Whitby et als

$ 11 85/100 W. S. Holland

PAID
FEB 11 1903
FARMERS BANK OF NANSEMOND

KENTUCKY LITHO CO LOUISVILLE

Pay The Bank of Smithfield,
Smithfield, Va., or order,
N. F. YOUNG.

Pay CITIZENS BANK,
NORFOLK, VA. Or Order,
THE BANK OF SMITHFIELD,
A. S. BARRETT, Cashier.

W. S. HOLLAND,
ATTORNEY AT LAW.

No. 2719 Windsor, Va. Feby. 3rd 1903

THE FARMERS BANK OF NANSEMOND
SUFFOLK, VA.

PAY TO THE ORDER OF N. F. Young Comr.

Ten + 50/100 DOLLARS

In full of your fee as Comm. in Spec. vs Whitley

$10 50/100

Wm S. Holland

PAID
FEB 11 1903
FARMERS BANK OF NANSEMOND

KENTUCKY LITHO CO. LOUISVILLE

Pay to A Edwards
or Order.

Pay CITIZENS BANK,
NORFOLK, VA. Or Order,
THE BANK OF SMITHFIELD,
A. S. BARRETT, Cashier.

W. S. HOLLAND,
ATTORNEY AT LAW.

No. 2720 Windsor, Va. Feby 3rd 1903

THE FARMERS BANK OF NANSEMOND
SUFFOLK, VA.

PAY TO THE ORDER OF R. A Edwards sheriff & Crier

Twenty eight & no/100 DOLLARS

Fees in full as sheriff and $5 as Crier (suit of Susan A Sykes v Geo R. Whitley et als.

$28 xx/100

Wm S. Holland

FARMERS BANK OF NANSEMOND
FEB 11 1903

KENTUCKY LITHO CO LOUISVILLE

Susan A. Sykes
Mrs Whitley

TO THE NAT. BANK OF COMMERCE
Norfolk, Va., or Order.
THE BANK OF SMITHFIELD,
A. M. HALLETT, Cashier.

Pay Any Bank, Banker or Trust Co.

W. S. HOLLAND,
ATTORNEY AT LAW.

No. 2721

Windsor, Va. Nov. 3rd 1903

THE FARMERS BANK OF NANSEMOND
SUFFOLK, VA.

PAY TO THE ORDER OF Susan A. Sykes nee Whitley

one hundred and forty-six and 30/100 DOLLARS

Jaw done in full of proceeds of Sale of land sold in suit of Susan A. Sykes et als v Geo. R. Whitley et als.

$146 30/100

Wm S. Holland

$146 30

KENTUCKY LITHO CO LOUISVILLE

Sarah T. Edwards
as
witness
C. H. Edwards

W. S. HOLLAND,
ATTORNEY AT LAW.

No. 2722 **Windsor, Va.** July 3rd 1903

THE FARMERS BANK OF NANSEMOND
SUFFOLK, VA.

PAY TO THE ORDER OF Sarah T. Edwards, nee whitly

one hundred & forty six & 30/100 DOLLARS
your share in full of proceeds of sale of land sold in suit of Susan A. Sykes etals vs Geo. H. Whitly et als

$ 146 30/100

Wm S. Holland

KENTUCKY LITHO CO LOUISVILLE

TO THE NAT. BANK OF COMMERCE
Norfolk, Va., or Order.
THE BANK OF SMITHFIELD,
A. S. BARRETT, Cashier.

W. S. HOLLAND
ATTORNEY AT LAW.

No. 2723 Windsor, Va. July 3rd 1903

THE FARMERS BANK OF NANSEMOND
SUFFOLK, VA.

PAY TO THE ORDER OF Walter L. Whitley

One hundred + forty six + 30/100 DOLLARS

your share in full of proceeds of sale of land in suit of Whitley
Geo. T. adm Sykes Executrix. et als

$ 146 30/100

Wm S. Holland

FEB 11 1903

KENTUCKY LITHO CO LOUISVILLE

(1)

Clarence Lee Whitley

Benny Chapman

W. S. HOLLAND,
ATTORNEY AT LAW.

No. 2724 **Windsor, Va.** July 2nd 1903

THE FARMERS BANK OF NANSEMOND
SUFFOLK, VA.

PAY TO THE ORDER OF Claude Lee Whitley

One hundred & forty six & 30/100 DOLLARS

Your share in full of the proceeds of sale of lands in suit of Susan A. Bliss et als. v. Geo. T. Whitley et als. & for rent $100 1902

$146 30/100

Wm S. Holland

KENTUCKY LITHO CO LOUISVILLE

Pay CITIZENS BANK,
NORFOLK, VA. Or Order,
THE BANK OF SMITHFIELD,
A. S. BARRETT, Cashier.

W. S. HOLLAND,
ATTORNEY AT LAW.

No. 2725

Windsor, Va. July 3rd 1903

THE FARMERS BANK OF NANSEMOND
SUFFOLK, VA.

146^{30}

PAY TO THE ORDER OF Geo. G. Whitley

One hundred & forty six & 30/100 DOLLARS

PAID
FEB 16 1903

Your share in full of proceeds of sale of land in suit of Susan A. Sykes vs Geo. G. Whitley et. als. & your share of rent to 1903 for 1902

$146^{xx}/_{100}$ 146^{30}

Wm. S. Holland atty

KENTUCKY LITHO CO LOUISVILLE

Hattie Hubbard

Vs. Eckley

Pay CITIZENS BANK,
NORFOLK, VA. Or Order,
THE BANK OF SMITHFIELD,
A. S. BARNETT, Cashier.

W. S. HOLLAND,
ATTORNEY AT LAW.

No. 2726 Windsor, Va. Feby 3rd 1903

THE FARMERS BANK OF NANSEMOND
SUFFOLK, VA.

PAY TO THE ORDER OF Hattie Hubbard nee Whitley

One hundred & forty six & 30/100 DOLLARS

for share in full of 100 cent as in case of sale of land sold in suit of Susan A. Lyle vs Whitley Exc. &c. et als

$146 30/100

W. S. Holland

PAID FEB 11 1903 FARMERS BANK OF NANSEMOND

KENTUCKY LITHO CO LOUISVILLE

Mary M. Hubbard
nee Whitley
Geo H Hubbard

PAY TO THE ORDER OF
[illegible] Savings & Insurance Co.,
PETERSBURG, VA.,
BANK OF SMITHFIELD, VA.
A. S. BARNETT, Cashier

PAY TO THE ORDER OF
ANY BANK OR BANKER
FEB 24 1903
Petersburg S[illegible] Insurance Co.
PETERSBURG, VA.
GEORGE J. SEAY, - - Cashier.

No. 47 Duplicate

SUFFOLK, VA. Feby 19th 1903 189

CASH

THE FARMERS BANK OF NANSEMOND

PAY TO THE ORDER OF Mary N. Hubbard nee Whitley

one hundred & forty six & 30/100 Dollars

Jour 1/64 shre in proceeds of sale of land in suit of Sykes et als vs Whitley et als.

$ 146 30/100

Wm S. Holland

YOUNG & SELDEN, BALTO.

Nola Whitley

N. G. Norfleet

W. S. HOLLAND,
ATTORNEY AT LAW.

No. 2749 Windsor, Va. July 24th 1903

THE FARMERS BANK OF NANSEMOND
SUFFOLK, VA.

PAY TO THE ORDER OF Viola Whitley

Forty eight & 60/100 DOLLARS

Jam share in full of the proceeds sold & found in the suit of Susan A. Sykes vs Geo. E. Whitley et. al.

Wm S. Holland

$48 60/100

PAID
MAR 3 1903
BANK OF NANSEMOND

KENTUCKY LITHO CO LOUISVILLE

Berry Chapman
Gdw R.E., G.E., B.K.,
W.C. & Maggie Chapman

W. S. HOLLAND,
ATTORNEY AT LAW.

No. 2737 Windsor, Va. March 4th 1903

THE FARMERS BANK OF NANSEMOND
SUFFOLK, VA.

PAY TO THE ORDER OF Benj. Chapman Gdn. W.E.; R.E.; Bk. W.C.
and Maggie Chapman

One hundred & forty six 30/100 DOLLARS

For store in full of bonds & coupons to date & paid for
by Exrs. Estate & charged to W. S. Holland, Atty.

$146 30/100

William S. Holland

MAR 21 1903
OF VIRGINIA

KENTUCKY LITHO CO LOUISVILLE

Susan A Sykes et als.

VS

Rev. R. Whitley et als.

Report of Sales
by
Wm S. Holland Spec. Com

Filed by leave
of Court
July 15th 1903

Susan A. Sykes et als

Vs

Geo. G. Whitley et als.

To the Honorable Robt. R. Prentis, Judge of the Circuit Court of Isle of Wight County;

The undersigned, your Special Commissioner, begs to report that pursuant to a decree herein rendered on the 16th day of December 1902 he sold the land in the bill and proceedings mentioned by public auction to the highest bidder at Isle of Wight Courthouse on the 5th day of January, 1903, it being County Court day, after first having given bond in accordence with the said decree and having advertised the time terms and place of sale in accordnece therewith; at which sale Robert A Hubbard became the last and highest bidder for the land at the price and sum of two thousand two hundred (2200) dollars.

Your Commissioner recommends the sale as a very good one, it having sold for much more than it was reported to be worth by the Commissioner. The tract contains one hundred and seventeen acres only and the buildings do not enhance the value of the property very much. It is some five or six miles from Smithfield and Everetts Bridge respectifely. The purchaser has not paid anything but informs me that he wishes to pay the whole of the purchase price and take a deed for the land. A copy of the notice of sale is here with filed.

Respectfully submitted.

Wm S. Holland Spe. Com'r

Sent to Ro Fielder
2½ oof

AUCTION SALE OF A

VALUABLE

FARM!

Pursuant to a decree of the Circuit Court of the County of Isle of Wight, in the cause of Susan A. Sykes et als., vs. Geo. G. Whitley et als, I shall offer for sale by public action at Isle of Wight Courthouse, on

Monday, Jan. 5, 1903,

(it being County Court Day,)

All that certain tract of land situate in Newport Magisterial District, in the County of Isle of Wight, in the State of Virginia, containing one hundred and seventeen acres, more or less, sale and conveyance in gross and not by the acre, and which is bounded by the lands of A. E. Griffin, Hattie Hubbard, B. T. Carroll et als., it being a tract of land conveyed to Wm. Whitley by Geo. T. Whitley by a deed dated April 25, 1881, and of record in the Clerk's Office of the County Court of Isle of Wight County. This tract of land has good buildings on it and is a very fine farm. Those wishing a home or wishing to make a good investment would do well to visit the premises before the day of the sale.

TERMS: One-third cash and the rest one year from date of sale, with interest from date of the sale till paid, title to be retained till the further order of this Court.

Wm. S. HOLLAND,

Special Commissioner.

I, N. F. Young, Clerk of the said Court, do certify that the bond of the Special Commissioner by the decree rendered in the said cause on the 16th day of December, 1902, has been given.

Given under my hand as Clerk of said Court this 17th day of December, 1902.

N. F. YOUNG, C. C.

Susan A. Sykes et als.

vs

Geo. G.Whitley et als.

##########################

Decree

Oct 27th 1902.

To be entered.

Robert R. Ellis

C.O.B. No. 6, page 275.

Susan A. Sykes and W.S.Sykes her husband, Sarah T. Edwards and C.H.Edwards her husband, Walter C. Whitley and Claud Lee Whitley.

vs

Geo.G.Whitley, Hattie hubbard and Hartwell Hubbard her husband, Mary N.Hubbard and Geo.H. Hubbard her husband, ~~X&X~~ Eugenia B.Hubbard and Robt. Hubbard her husband, Viola Whitley, J.Emmett Scott, Leonard Whitley, Nancy Whitley, Elisha Whitley, Eugene Estelle Whitley, Fannie M. Whitley, Maud Scott wife of J.Emmett Scott, Robert Whitley, Ned Chapman, Clarence Chapman, Effie Chapman, Kenith Chapman and Maggie Chapman, the last twelve being infants under the age of twenty one years.

This cause came on this day to be heard on the bill of complaint taken for confessed as to the adult defendants on whom process has been duly served, they still failing to appear, plead, answer or demur; on the answer of the infant defendants duly sworn to by their guard?an ad litem duly assigned at Rules, with general replication thereto, and was argued by counsel:

On consideration whereof the court doth adjudge, order , and decree that one of the commissioners of this court make, take, and state report to court the following inquities and accounts:

(I) The annual and fee-simple value of the land in the bill and proceedings mentioned.

(2) The names of the parties interested and the share of each?

(3) Whether or not the said land can be partitioned in kind among the parties thereto entitled?

(4) Whether there are any liens on the said lands on account of delinquent taxes or ~~o~~otherwise ?

(5) Any matter deemed pertinent by the said commissioner or which may be required to be so taken and stated by any party in interest.

And by consent of parties entered of record it is ordered that the papers in this cause be submitted to the Judge of this court in vacation for such decision and decreee in vacation as might be made ~~IXXXXXXXX~~ or entred in term.

Dec. 14th 1902
Received and entered of record.
Test L. D. Hanna Clk.

C.O.B. 6, page 279

Sykes, Whitley et als

Vs

G. G. Whitley, Hubbard et als.

##########################

D E C R E E

To be entered Dec 16/1902

Robert R. Ellis

We consent to this decree.

Geo. L. Whitley

Walter C. Whitley

G. G. Whitley

Victor C. Whitley

Geo. A. Hubbard

Mary N. Hubbard

J. C. Scott

Hartwell Hubbard

Miss E. B. Hubbard

Robert A. Hubbard

Dan H. Edwards by his atty in fact

Wm. S. Holland for

Plaintiffs

Susan A. Sykes et als

Vs

Geo. G. Whitley et als.

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D E C R E E .

January 15, 1903.

To be entered.

Robert R. Prentis

C.O.B. No.6 pa e 282.

#2.

the sums to which they are entitled provided that ~~the said Special Commissioner of sale shall be first satisfied that~~ such guardian has given bond in sufficient penalty and with surety sufficient for the security of the same; and if any infant defendant is a married woman and her share is less than one hundred (100.) dollars then her share shall be paid directly to her. And the said Special Commissioner shall report to Court.

Robert R. Mellis

To the Clerk of the Circuit Court of Isle of Wight County. —

In the Clerk's office of the Circuit Court of Isle of Wight County this 16th. day of December, 1903 the foregoing vacation decree was received and entered of record.

Teste A. D. Young C.C.

Susan A. Sykes et als

Vs

Geo. G. Whitley et als

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D E C R E E .

January 15, 1903.

To be entered.

In the Circuit Court of Isle of Wight County in Vacation this 15th day of January 1903.

Susan A. Sykes et als
Vs
Geo. G. Whitley et als.

This cause came on this day to be again heard on the papers formerly read, on the report of the sale by Wm. S. Holland Special Commissioner, filed this day by leave of Court, on reasonable notice to the defendants that the plaintiffs would apply for this decree in vacation, and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that the said sale of the land in the bill and proceedings mentioned to Robert A Hubbard at the price of two thousand two hundred (2200,) dollars be, and the same is, hereby ratified, approved and confirmed; and that Wm. S. Holland who is hereby appointed a Special Commissioner for that purpose do make, execute and deliver to the said Robert A. Hubbard (or if he prefers to have the deed made to some other person, then that he shall unite with the said commissioner in a deed to that other person) conveying to him with Special Warranty the land in the bill and proceedings mentioned upon the payment of the said purchase price to the said Commissioner, ~~of sales.~~

And the Court doth further adjudge, order and decree that the said Wm. S. Holland Special Commissioner ~~of sales~~ shall pay out the money received by him for the purchase price of the said tract of land; first, by paying the cost of this suit and said sale including a fee of one hundred twenty-five ($125.) dollars to Wm. S. Holland, counsel conducting this suit; and pay the residue, to the parties thereto entitled in accordance with the report of Commissioner Young heretofore filed in this cause and confirmed by a former decree herein, paying to the guardian or guardians of the infants defendants

In the Circuit Court of Isle of Wight County in Vacation this 16th. day of December, 1902.

W. S. Sykes, Whitley et als

Vs

Geo. G. Whitley, Hattie Hubbard et als.

This cause came on to be heard this day by consent of the parties entered of reocrd, that the cause may be submitted to the Judge of this Court for such decisions and decrees therein in vacation as might be made in term upon the papers formerly read; and upon the report of N. F. Young, Commissioner, filed in this cause on the 5th. day of December, 1902, to which there is no exception, and was argued by Counsel;

On consideration whereof, the Court doth adjudge, order and decree that said report of Commissioner Young be, and the same is hereby confirmed; and that Wm. S. Holland, who is hereby appointed a special Commissioner for that purpose, proceed to sell the land in the bill and proceedings mentioned by public auction to the highest bidder, at Isle of Wight Courthouse on some Court Day, having first given notice of the time, terms, and place of the sale by printed hand-bills posted in the neighborhood of the said land and publication once in the Suffolk Herald, a newspaper published in the town of Suffolk, Virginia, for cash one-third and the rest one year after date, with interest from the day of sale, title to be retained till the further order of this Court, the purchaser to give a bond and security for the said deferred payments; but before Wm. S. Holland, Special Commissioner shall proceed to execute this decree, he shall enter into a bond before the Clerk of this Court in the penalty of $2500.-, ~~dollars,~~ with surety by said clerk deemed sufficient and conditioned for the faithful performance of his duties under this and all subsequent decrees herein. And the said Special Commissioner shall report to Court.

Robert R. Prentis

To the Clerk of the Circuit Court of Isle of Wight County.

Susan A. Sykes et als

Vs

Geo. G. Whitley et als

÷:÷

D E C R E E .

April 27. 1903.

To be entered.

Robt. E. Lewis

C.O.B. 6 page 295

Susan A. Sykes et als

Vs

Geo. G. Whitley et als.

This cause came on this day to be again heard on the papers formerly read, on the report of disbursements by Wm. S. Holland, Special Commissioner, this day filed by leave of Court, and to which there is no exception, and was argued by counsel.

On consideration whereof, it appearing to the Court that the said report is supported by proper vouchers, the Court doth adjudge, order and decree, that the said report, showing that the said Special Commissioner Wm. S. Holland has paid out the sum of $2251.40, leaving a balance in hands of $48.60, it being the share of Robert Whitley, a grandson of Wm. Whitley deceased, who is a minor, be and the same is, hereby approved, ratified and confirmed.

And it appearing to the Court by a certificate by W. H. Jones Jr., Cashier of the Farmers' Bank of Nansemond, that the said Special Commissioner has deposited in the said bank to the credit of Wm. S. Holland Special Commissioner for Robert Whitley the sum of $48.60, the Court doth further adjudge, order and decree that the said Wm. S. Holland Special Commissioner shall draw his check payable to the guardian of the said Robert Whitley for said money whenever he shall have such guardian, ~~and if no such guardian shall qualify, then when the said Robert Whitley attains the age of sixteen years, the said money may be paid direct to him~~, and it shall remain on deposit as aforesaid till paid as herein ordered.

And nothing further appearing to be done in this cause, it is ordered that the same be stricken from the docket.

Received April 23, 1903 of Wm. S. Holland, Special Commissioner in the suit of Sykes et als Vs Whitley et als, the sum of $48.60 by a check ear-marked, it being my share of the net proceeds of the sale of the land in the said suit.

Mrs. Maud Scott

Susan A Sykes et al vs
Geo H. Whitley et als

Exhibit "A"
filed with Bill

THIS DEED, made this 25th. day of April, 1881, between Geo. T. Whitley, of the first part, and William Whitley of the second part:

WITNESSETH: That the said George T. Whitley, for and in consideration of value received, doth grant to the said William Whitley, for and during his natural life, the following property, all of the tracts of land this day conveyed to the said George T. Whitley by N. P Young, trustee, in a deed of trust from William Whitley, composed of one tract of 117 acres which was bought by William Whitley of C. C. Chalmers, and one other tract of 332 acres, which said William Whitley bought of Archibald Atkinson, lying in the County of Isle of Wight, and after his death, to pass as follows: That is to say the 117 acres tract to Eugenia B., the wife of the said William Whitley, for and during her single life and at her death or marriage, should she again marry after his ~~her~~ death to pass to the children of the said William Whitley. And the said 332 acre tract to pass to the children of the said William Whitley, or to their lawful issues, should they die leaving such, to be equally divided between them or their lawful issues as aforesaid.

Witness the following signature and seal :

Geo. T. Whitley, (SEAL)

In the Clerk's Office of Isle of Wight County Court the 25th. day of April, 1881, this deed from Geo. T. Whitley to William Whitley was signed and acknowledged before me by the parties thereto and admitted to record.

Teste, W. A. Edwards, D.C.

for N. P. Young, Clk.

A Copy,

Teste N. P. Young Clk.

Executed by delivering to each of the within named a copy of the within Notice Sept 15 1902

Ro. A. Edwards
Sheriff.

Sykes and Sykes
vs
Whitley et al

To Geo.G.Whitley, Hattie Hubbard, Hartwell Hubbard, Mary N. Hubbard, Geo.H.Hubbard, Eugnia B.Hubbard, Robt. Hubbard, Viola Whitley, J.Emmett Scott and S.H.Edwards, guardian ad litme for the infant dendants in the suit of Sykes et als vs Whitley et als.

Please take notice that we shall on the 30th day of September 1902, at his Office in the town of Suffolk, Va. apply to the Hon. Robert R. Prentis, Judge of the Circuit Court of Isle of Wight county for a decree for accounts, inquiries and the like in the suit of Susan A.Sykes and others vs Geo. G.Whitley and others pending in the said Circuit Court.

Most Respectfully,

Susan A. Sykes and others by

Wm S. Hall their attys.

Susan A Sykes etals
vs } Cons. notice
George G. Whitby etals

To 27th Nov.

Executed at
the Settlers
Nov. 22nd 1902

Ro. A. Eccuers
Sh.

COMMISSIONER'S OFFICE Nov. 19th

~~October 30th.~~ 1903.

To Susan A. Sykes who was Whitley; and W. S. Sykes, her husband; Sarah T. Edwards who was Whitley and C. H. Edwards, her husband; Walter C. Whitley and Claud Lee Whitley, Plaintiffs.

versus.

Geo. G. Whitley, Hattie Hubbard and Hartwell Hubbard, her husband; Mary N. Hubbard and Geo. H. Hubbard, her husband; Eugenia B. Hubbard and Robert Hubbard, her husband; Viola Whitley and J. Emmett Scott; Leonard Whitley, Nancy Whitley; Elisha Whitley; Eugenia Estelle Whitley; Fannie M. Whitley; Maud Scott, wife of the said J. Emmett Scott; Robert Whitley; Ned Chapman; Clarence Chapman; Effie Chapman; Kenith Chapman and Maggie Chapman; the last twelve being infants under the age of twenty one years.

You are hereby notified that I have fixed upon the 24th day of November, 1903, if fair, and if not fair on the next fair day thereafter,(sunday excepted) to take and settle at my office, the accounts of

1st. The annual and fee simple value of the land in the bill and proceedings mentioned.

2nd. The names of the parties entitled and the share of each.

3rd. Whether or not the said land can be partitioned in kind among the parties entitled thereto.

4th. Whether there are any liens on the said land on account of delinquent taxes, or other wise.

5th. Any matter deemed pertinent by the said Commissioner or which may be required to be so taken and stated by 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 27th. day of October, 1903, in a suit in Chancery depending in said court between the aforesaid 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.

S. D. Young Com.

All Available Text Successfully Captured

Executed by delivering to each of the certain
named Geo. B. Whitney Hattie Hubbard Norlance Hubbard
Mary M. Hubbard Geo. A. Hubbard Eugenia B. Hubbard and
Robt. Hubbard Viola Whitney J Emmett Scott and
Saml. A Edwards Guard. ad litem. Jany 13th 1903.

Jo. A. Edwards Sheff.

To Geo. G. Whitley, Hattie Hubbard, Hartwell Hubbard, Mary E. Hubbard, Geo. H. Hubbard, Eugenia B. Hubbard, Robert Hubbard, Viola Whitley and J. Bennett Scott and Samuel H. Edwards, Guardian a d litem for infant defendants in the suit of Susan A. Sykes et als Vs Geo. G. Whitley et als.

Please take notice, that I shall apply to the Honorable Robert R. Prentis, Judge of the Circuit Court of Isle of Wight County in vacation, at his office in the town of Suffolk, Virginia, on the 15th day of January, 1903 in the afternoon or evening of that day for a decree confirming the sale of the land in the bill and proceedings mentioned to Robert Hubbard by Wm. S. Holland, Special Commissioner; and at the same time and place shall ask for a decree directing the said Special Commissioner Wm. S. Holland, how to pay out or distribute the proceeds of the sale of the said land, or the cash payment therefor.

Very respectfully,
Susan A. Sykes et als. Pltffs
by Wm S. Holland Atty.