

1908-002

Chancery Causes: Mills T. Barrett, gen

Matthew H. Carr v al

Jale of Wight County

vs Martha Pearl Barrett v al, byrc,

13

other surnames: Johnson,
Gay, Gwaltney, Clements

\$ 500⁰⁰

Know All Men by These Presents, That we J. U. Burgess

principal, and THE UNITED STATES FIDELITY AND GUARANTY COMPANY, a Corporation, surety, are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of

Five Hundred Dollars, to the payment whereof well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. And, as to this bond, we hereby severally waive the benefit of our Homestead Exemption, and any claim, right or privilege to discharge any liability arising thereunder to the Commonwealth, or by virtue of the office or trust for which this bond is given, with coupons detached from bonds of this State.

IN TESTIMONY WHEREOF, The said J. U. Burgess, principal has, hereto set his hand and seal, and the said THE UNITED STATES FIDELITY AND GUARANTY COMPANY, a Corporation, surety, by Wm. G. Elam, its duly authorized agent and attorney in fact, has caused its name to be signed hereto and its corporate seal to be hereunto affixed, by Wm. G. Elam, its said agent and attorney in fact, who has attested the said corporate seal, this, the 21st day of June, A. D., 1907.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound

J. U. Burgess, Special Commissioner of sale in a certain suit in chancery in the Circuit Court of Isle of Wight County, pending styled Barrett, Edw. vs Barrett, It is under decree entered in said suit of June 21st 1907 and all subsequent decrees.

shall faithfully perform and discharge the duties imposed upon him by said office or trust, according to law, then the above obligation to be void, or else to remain in full force and virtue.

J. U. Burgess
The United States Fidelity and Guaranty Company.

By Wm. G. Elam,
Its duly authorized agent and attorney in fact.

(Seal)
Attest, W. G. Elam

VIRGINIA:

Clerk's Office of the Circuit Court of the County of Isle of Wight, the 21st day of June 1907, this bond was signed, sealed and acknowledged by J. U. Burgess, the principal, in person, and THE UNITED STATES FIDELITY AND GUARANTY COMPANY, surety, by W. G. Elam, its duly authorized agent and attorney in fact.

Teste:

A. S. Johnson Clerk.

a copy Teste: Johnson

11
Barrett, Gdn.

vs.) Comr's Bond.

Carr, et als.

A copy,

Teste,

Filed

Know All Men by These Presents:

THAT WE,

Mills T. Barrett, principal, and R. H. Barrett,

surety,

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of

DOLLARS,

four hundred dollars to the payment whereof well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this

25th. day of December, in the year one thousand nine hundred and eight the 132nd. year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound

Mills T. Barrett, guardian of Martha Pearl Barrett, Joseph A. Barrett India Barrett, Mills T. Barrett Jr., Emma J. Barrett and Walter S. Barrett, shall faithfully apply the funds arising from the sale of certain lands on the County of Isle of Wight, in the suit of Mills T. Barrett et als. vs. M. H. Carr et als. in the Circuit Court of said County pending, as directed by decree entered in said cause on the 21st. day of June, 1907, and all subsequent decrees in said suit, shall faithfully discharge the duties of said office or trust then the above obligation to be void, or else to remain in full force and virtue. We hereby waive the Homestead Exemption as to this obligation, and we also waive any right, claim or privilege to discharge any liability arising under said bond, or by virtue of said office or trust, with any coupon detached from bonds issued by the State of Virginia.

Mills T. Barrett [SEAL.]
R. H. Barrett [SEAL.]

[SEAL.]

[SEAL.]

In Isle of Wight Circuit Court, Circuit Court of the County of Isle of Wight
Feb. 25th. 1908.
This bond was executed and acknowledged in open Court by the obligor to the same, and ordered to be recorded. XXXXXXXXXX S

E. Johnson CLERK.

Copy. E. Johnson & Co

Barrett, Guardian

vs {

Carr et al

Copy of Guardian
bond

Filed Feb 25/1908
Dist. Johnson cc

R

Book III Page 100

Clerk's Office of the Circuit Court of the County of Isle of
Wight, Virginia, November 7th. 1906.

Barrett, guardian, &c.

vs)

Carr, et als.

R. W. Withers, a discreet and competent attorney at law
is hereby appointed guardian ad litem of the infant defendants,
Martha Pearl Barrett, Joseph A. Barrett, India Barrett, Mills T.
Barrett Jr., Emma J. Barrett and Walter S. Barrett, to defend their
interests in the suit in chancery pending in the Circuit Court
of the said County of Isle of Wight, styled as above.

Teste, *R. Johnson* Clerk.

2

Barrett. J. W. re
to { Order App'd by J. W. ad. litem
Parr et al.

7th Nov. 1906
Order
filed.
J. W. Johnson ©

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Mills T. Barrett, guardian etc.....Complainant.

vs.

Matthew H. Carr et als.....Defendants.

This cause came on this day to be finally heard on the papers formerly read and on the report of Special Commissioner, J. U. Burges, ^{this day, by leave of the Court} filed April ~~1898~~, to which report there is no exception, and was argued by Counsel.

On consideration whereof, it appearing to the Court that the said Special Commissioner, J. U. Burges, has collected the purchase price from Matthew H. Carr and conveyed to him the land in the bill and proceedings mentioned; has paid the costs of this suit; and has paid to Mills T. Barrett, guardian, the proceeds from the sale thereof, as directed by the decree heretofore entered in this cause, the Court doth approve, and confirm the said report of said sale, and there being nothing further to dispose of in this suit it is ordered that the same be stricken from the docket.

<i>Whitney</i>	<i>1.50</i>
<i>Clk</i>	<i>10.81</i>
<i>Atty</i>	<i>15.00</i>
<i>Shpf</i>	<i>3.00</i>
<i>Comm</i>	<i>3.50</i>

Mills T. Barrett, Gdn. etc.

vs.

Matthew H. Carr, et als.

CS

C. O. B. No. 6, page 545.

1908

Mar 27th Enter this

W. N. Towlock
Presiding Judge,

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

Mills T. Barrett, guardian of Martha Pearl
Barrett, Joseph A. Barrett,
India Barrett, Mills T. Barrett,
Jr. Emma J. Barrett and Walter
S. Barrett,.....Plaintiff.

vs.

Martha Pearl Barrett, Joseph A. Barrett,
India Barrett, Mills T. Barrett, Jr., Emma J.
Barrett and Walter S. Barrett, infants under
the age of twenty-one years, and Mills T.
Barrett, in his own right, and Matthew H.
Carr and Martha A. Carr.....Defendants.

This cause came on this day to be again heard
on the papers formerly read and on the report of the
Commissioner Albert Sydney Johnson, dated _____,
~~1907~~, and filed on the 15th day of May, 1907,
to which report there is no exception taken, and on the
depositions of witnesses returned with said report,
and was argued by Counsel.

On consideration whereof, it being clearly
shown from said report and the evidence returned therewith,
independently of any admissions in the answers, that
the interest of the infant defendants will be promoted
by a sale of the real estate hereinafter mentioned to
Matthew H. Carr at the price of two hundred and fifty
dollars (\$250.00) and the Court, being further of the
opinion that the rights of no persons will be violated
thereby, doth approve and confirm the said report, and
doth adjudge, order and decree that J. U. Burges, who is
hereby appointed a special commissioner for the purpose,
shall, upon the payment to him by said Matthew H. Carr of
the sum of two hundred and fifty dollars (\$250.00) in the

report mentioned, convey to him, the said Matthew H. Carr by good and sufficient deed with special warranty the land in the bill and proceedings mentioned, viz.

** On undivided one fifth interest in and to*
"All that certain tract of land situated in Hardy Magisterial District of Isle of Wight County, Virginia, containing one hundred acres and bounded by the lands of L. E. Uzzle, J. T. Carr, Mary J. Barrett and Mills L. Bridger."

And the said J. U. Burges, special commissioner, is directed to report his proceedings hereunder to Court. But the said commissioner shall have no power to execute this decree until he shall enter into bond with sufficient security in the Clerk's Office of this Court payable to the Commonwealth of Virginia in the penalty of five hundred dollars(\$500.00) and conditioned for the faithful discharge of his duties hereunder.

The said special commissioner is directed to pay the costs of this suit, including a fee of Thirty dollars to J. U. Burges, counsel, and the residue of the fund received by him shall be paid to Mills T. Barrett, gusrdian of Martha Pearl Barzett, Joseph A. Barrett, India Barrett, Mills T. Barrett, Jr., Emma J. Barrett and Walter S. Barrett, for investment when he shall have first given bond before the Clerk of the Court in the penalty of Four Hundred dollars with ample security conditioned for the faithful application of the fund and for the management and preservation of any property or securities in which the same may be invested, and for the protection of the rights of all persons interested therein, whether such rights be vested or contingent.

10

Mills J. Garrett,
guardian.

et. } license
Martha Pearl Garrett
and others.

June 28th 1907.
To be entered
R. E. Boykin

C. O. B. No. 1. p. 505

J. U. BURGESS,
ATTORNEY-AT-LAW,
SUFFOLK, VA.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

Mills T. Barrett, guardian of Martha
Pearl Barrett, Joseph A.
Barrett, India Barrett,
Mills T. Barrett, Jr.,
Emma J. Barrett and Walter
S. Barrett,.....Plaintiff.
vs. In Chancery.

Martha Pearl Barrett, Joseph A. Barrett,
India Barrett, Mills T. Barrett, Jr.,
Emma J. Barrett and Walter S. Barrett,
infants under the age of twenty-one
years, and Mills T. Barrett, in his own
right, Matthew H. Carr and Martha A. Carr.....Defendants

This cause came on this day to be heard upon
the complainant's bill, verified by affidavit thereto, and
the exhibits filed therewith; the separate answer of the
infant respondents by Robert W. Withers, their guardian
ad litem, to said bill; the separate answer on oath in proper
person of Robert W. Withers, said guardian ad litem, to
said bill; the separate answer on oath in proper person
of Martha Pearl Barrett and Joseph A. Barrett, infants who
are over fourteen years of age, to said bill; the separate
answer of Mills T. Barrett, in his own right, Matthew H.
Carr and Martha A. Carr to said bill; the complainant's
replication to said several answers, and was argued by
counsel.

On consideration whereof, the court doth adjudge,
order and decree that this cause be referred to one of the
Commissioners of this Court, who is directed to inquire
into and report to Court as follows:

(2)

All the real and personal estate belonging to
said infant defendants, their respective shares or interest
therein, where said estate is situated, and what is its
fee simple and annual value.

(2)

Whether the interests of said infants will be promoted by a sale of the real estate in the bill mentioned to

Matthew H. Carr at the price of two hundred and fifty dollars and investment of the proceeds of such sale in other property.

and the proceeds applied to the maintenance and support of the infant defendants

(3)

Whether the rights of any person will be violated by said sale and investment.

(4)

Who would be the heirs or distributees of the said infant defendants if they were dead, and who are all the persons who are, or can be, in any way interested in this suit and whether all such persons are properly before the court in this cause.

Which said several inquiries the said Commissioner shall make, after first giving notice of the time and place thereof to all parties, or their counsel, and report the same to the court, along with any matter specially stated deemed pertinent by himself, or which may be required to be so stated by any person interested.

8
Miss R. Barnett you
B- Ross —
M. H. W. Sam. H. A.

March 12. 1907.
To be Entered
R. E. Boykin

C. D. R. No. 6, 700 43

J. U. BURGESS.
ATTORNEY-AT-LAW.
SUFFOLK, VA.

Isle of Wight C. H., Va. 3/19 1908

Mr. J. W. Burgess, Attorney

TO A. S. JOHNSON, DR.

CLERK ISLE OF WIGHT COUNTY CIRCUIT COURT.

1908

Mar 19

Do writs for in Danell. Gdu vs

Carr et al

150

" Costs for to dismissal

10 81

paid by J. W. Burgess, Attorney

3/19/1908

Chas. W. Johnson, C. C.

\$12 31

Isle of Wight C. H., Va.

3/19

1908

M. N. J. W. Buryer, Atty

TO A. S. JOHNSON, DR.

Comp in Chambers of
CLERK ISLE OF WIGHT COUNTY CIRCUIT COURT.

1908

3/19

To taking depositions in Barnes,
Yden vs Carr et als

350

Paid 3/19/1908
Johnson

Isle of Wight C. H., Va.

3/19 1908

Mr. J. M. Burges, Attorney

TO ^{By A. Edwards}
~~A. S. JOHNSON,~~ DR.

Sheriff

CLERK ISLE OF WIGHT COUNTY CIRCUIT COURT.

1908

Mar 19

To serving processes & commissions
notas in Barrett, Leu vs Barrett

To 0

Paid
By A. Edwards
Pr A. S. Johnson

R. L. WOODWARD,
W. G. ELAM,

SUFFOLK, VA.,

July 25 1908

Mr. J. U. Bueger, Spe. Com.
Barrett 4000 25

Barrett, you w-learn exal

To WOODWARD & ELAM, Dr.

Insurance

OFFICE==No. 526 MAIN STREET.

**Fire, Life, Accident,
Steam Boiler,
Employers' Liability,
Fidelity, Health.**

Date	Policy No.	Company	Property Insured	Term	Amount	Premium
1907						
June 21	460500-7	M.S. Fog Co	Bunk	1/2		5
<i>Card</i> <i>Woodward & Loam</i>						

J. U. BURGESS,
ATTORNEY AT LAW,
COMMONWEALTH'S ATTORNEY FOR NANSEMONO COUNTY
SUFFOLK, VA.

Received of J. U. Burges, Special Commissioner in the
suit of Mills T. Barrett, guardian et al. vs. Matthew H.
Carr and others, one hundred and seventy-six and 19/100
dollars, the same being paid to me as guardian for
Martha Pearl Barrett, Joseph A. Barrett, India Barrett,
Mills T. Barrett, Jr., Emma J. Barrett and Walter S.
Barrett, in pursuance of an order of the Circuit Court of
Isle of Wight County in the above styled cause.

Mills T. Barrett, Gud

\$50.00

Received of J. U. Burges, Special Commissioner in
the chancery cause of Mills T. Barrett, guardian, vs.
M. H. Carr et als, forty-five dollars in payment of fee
allowed by the Court *and* taxed attorney's fee, and also
the sum of five dollars for drawing Special Commissioner's
deed to purchaser.

J. U. Burges

CLERK'S OFFICE
OF ISLE OF WIGHT COUNTY,
ISLE OF WIGHT, VA.
ALBERT S. JOHNSON, CLERK.

March 19th. 1908.

Mr. J. U. Burges,
Suffolk, Va.

Dear Jim:

I enclose, herewith, bills for Clerk, Commissioner and Sheriff fees in Barrett, Guardian &c vs. Carr et als. The former Sheriff has authorized me to collect all fees due him and receipt for same, which I have here done.

Yours very truly,

Albert S. Johnson

150-

25-
1-
7-

42-
44-

11-

48.75
6.00
42.75

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Mills T. Barrett, guardian etc.....Complainant.

vs.

Matthew H. Carr and others.....Defendants.

To the Honorable Circuit Court of Isle of Wight County:

The undersigned Commissioner in the above cause reports that as directed by the decree entered herein on the 21st day of June, 1907, that he has collected from Matthew H. Carr the sum of two hundred and fifty dollars and conveyed to him the land in the bill and proceedings mentioned. Your Commissioner also reports that he has distributed the proceeds from the sale of said land as follows:

To amount received from sale.....	\$250.00	
By cash paid A. S. Johnson, Commissioner in Chancery, per voucher.....		\$3.50
By cash paid A. S. Johnson, Clerk's fee and writ tax, per voucher.....		12.31
By cash R. A. Edwards, Sheriff, for serving process, per voucher.....		3.00
By cash paid premium on bond.....		5.00
By cash paid J. U. Burges, fee allowed by Court and taxed attorney's fee, per voucher?		45.00
By cash paid J. U. Burges, attorney, for drawing deed, to purchaser, per voucher.....		5.00
By cash paid Mills T. Barrett, per voucher.....		176.19

	\$250.00	\$250.00

Your Commissioner reports that the sum of one hundred and seventy-six and 19/100 dollars which was paid to Mr. Mills T. Barrett, ^{guardian} was paid to him after he

had entered into a bond before the Clerk of the Circuit Court of Isle of Wight County in the penalty of four hundred dollars with ample security conditioned upon the faithful application of the trust.

J. H. Deery

Special Commissioner.

Miss J. Bernth Gd.
B- In Shauing —
Matthew H Carr —

Report of Special Comm.

Filed —
March 27th 1908 —

JAMES U. BURGESS,
ATTORNEY AT LAW,
POST OFFICE BUILDING,
SUFFOLK, VA.

Honorable R. E. Boykin,

Judge of the Circuit Court of Isle of Wight County.

Dear Sir:

I beg to offer the sum of two hundred and fifty dollars for the one-fifth interest owned by the children of Indiana R. Barrett, to-wit: Martha Pearl Barrett, Joseph A. Barrett, India Barrett, Mills T. Barrett, Jr., Emma J. Barrett and Walter S. Barrett, in the land, which is described in the chancery suit now pending in your court styled Mills T. Barrett, guardian, vs. Matthew H. Carr et als.

I am ready upon the execution ~~to~~ of a good and satisfactory deed for said property to make payment of same.

Yours very truly,

M. H. Carr

17

Filed March
1907
Test, J. H. [illegible]

Filed March 12th
1907
Test, H. Johnson. cc

COMMISSIONER'S REPORT.

In the Circuit Court of the County of Isle of Wight.

Barrett, guardian,

vs)

Barrett et als.

Office of Commissioner A.S. Johnson,

Isle of Wight, Virginia,

May 15th. 1907.

TO HONORABLE R. E. BOYKIN, JUDGE OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

In pursuance of a decree of your honor's court, entered in the suit of which the above is the general style, entered on the 12th. day of March, 1907, I gave notice to the parties that on the 15th. day of May, 1907, at eleven o'clock A.M., at my office aforesaid, I should proceed to execute the said decree. The said notice, with the service of same thereon, is herewith returned.

I attended at the time and place so appointed, and propounded the interrogatories prepared by Mr. J. U. Burgess, the attorney for the plaintiff in this cause, and Mr. R. W. Withers, the guardian ad litem of the infant defendants, which interrogatories are herewith returned as well, also, as the depositions of witnesses upon said interrogatories.

After consideration of the said depositions, together with the pleadings in this cause, I beg leave to report:

1st. That the said infants are the owners of a one fifteenth part of 100 acres of land, now the home place of Matthew Carr, in said County of Isle of Wight, and which is assessed on the land books of this county at \$1100.00, but which, your Commissioner is informed is worth about three thousand dollars. The share of the said infants was derived through their deceased mother, who was a daughter of the said Matthew H. Carr and Martha A. Carr, the said Matthew H. Carr being the fee simple owner of an undivided two thirds interest in said tract and the said Martha A. Carr being the fee simple owner of an undivided one third interest in said land, and there appears of record in the Clerk's office of said County in deed book 73 at page 572, a deed bearing date June 1st. 1906 made by four of the children of said M. H. and Martha A. Carr conveying their respective interests to the said Matthew H. Carr for the sum of \$200 each. The said deed recites that Martha A. Carr (Martha A. Barrett, the mother to the infant defendants in this suit) died intestate leaving five infant children, who are the infant defendants in this suit, and, of course, did not sign the deed. So far as can be ascertained this is the only property, real or personal, owned by the infant defendants. The husband of the said Martha A. Carr, the said Matthew H. Carr, has a life estate in the share of the said infants and they are deriving nothing from it at this time, nor can the annual value thereof be ascertained from the depositions of witnesses. The fee simple value, as appears by the testimony,

is about two hundred dollars.

2nd. That the interest of the infant defendants will be promoted by a sale of the said interest, and the proceeds of such sale used for their maintenance and support, to Matthew H. Carr, who offers the sum of two hundred and fifty dollars for said interest. You commissioner is further advised, from the evidence, that the amount being small and the needs of the children, at this time, requiring probably more than they receive, that it would be to their interest to pay the money into the hands of their father, to be used for their benefit, thus saving the expense attending the investment of such proceeds and the settling of guardian accounts, etc., it appearing that a faithful application will be made in such event by the said father, or that he is a fit and proper person to receive it for that purpose.

3rd. The rights of no person or persons will be violated by a sale of the said property and such disposition of the proceeds.

4th. Mills T. Barrett, the father of the said infants, would be their heir, in case of death, if living, and in case of the father's death, then the other brothers and sisters, or such of them as remained living, would be the heirs. All of the parties appear to be properly before the Court.

Respectfully submitted,


Commissioner.

Barrett, Guardian

vs) Chancery.

Barrett et als.

Circuit Court of Isle of Wight County.

The depositions of John T. Carr, et als, taken before me, A. S. Johnson, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, in the State of Virginia, pursuant to legal notice, at my office at Isle of Wight Courthouse, Virginia, at eleven o'clock A.M. this 15th. day of May, 1905.

John T. Carr being duly sworn deposes and says:

(By Commissioner)

Q. Mr. Carr, please state your name, age, residence and occupation?

A. John T. Carr, forty one years, Isle of Wight County, occupation, farming.

Q. State ~~whether or not~~ whether or not you are acquainted with the real estate described in the Bill in which the infant defendants are interested?

A. I am.

Q. How long have you known the same and how well?

A. I was born right there and have lived on it practically all my life. My mother was born there.

Q. State whether or not, in your opinion, the interests of the infant owners will be promoted by a sale of the property and the pro-

ceeds applied to their maintenance and support under the direction of the Court.

A. I do think so.

Q. What is the fee simple value and the annual value of the share owned by the said infants?

A. It is hardly worth anything in the shape it is in, either in fee simple or in rental. two hundred dollars is a good price for it.

Q. Of what other property, real or personal, are these children possessed?

A. None that I know of.

Q. Is the financial condition of the father of the infant defendants such as to enable him to properly give them all necessary means for their maintenance and support?

A. I would think so.

Q. In the event that the court should direct that the interests of the infants in the real estate in the bill and proceedings mentioned should be sold and the proceeds paid over to their father, Mills T. Barrett, do you believe that he will make a faithful application and proper application of such funds to their maintenance and support.

A. I have not right to think that he would not.

Q. Is the property liable to enhance in value in the near future?

A. I don't really hardly think so.

Q. What relation are you to Mr. M. H. Carr?

A. I am his son.

Q. Were you the owner of a fifteenth interest in this piece of land, the same interest as now owned by the infant defendants, and if so state whether or not you have disposed of it and to whom and for

what price?

A. Yes I was, and sold it to my father, M. H. Carr, for two hundred dollars.

And furtherthis deponent saith not.

John D. Carr

Mr. B. P. Gay being duly sworn, deposes and says:

(By Commissioner)

Q. State your name, age, residence and occupation and are you any relation to the parties to this suit?

A. B. P. Gay, age 42 years, residence Smithfield, occupation farmer and lumber merchant. I am no relation to any of the parties to this suit.

Q. State whether or not you are acquainted with the real estate described in the bill in which the infant defendants are interested, and how long?

A. I am, and have known it all my life.

Q. What is the fee simple and annual value of the interests of the infants?

A. The annual value I do not think could be gotten at; I would say that \$200. would be the fee simple value.

Q. State whether or not, in your opinion, the interests of the infant owners will be promoted by a sale of the property and the proceeds applied to their maintenance and support under the direction of the Court?

A. I do.

Q. Is the financial condition of the father of the infant defendants such as to enable him to properly give them all necessary means for their maintenance and support?

A. I don't think so.

Q. Of what other property are the children possessed, real or personal?

A. I don't know of any.

In the event that the Court should direct that the interests of the infants in the real estate in the bill and proceedings mentioned should be sold and the proceeds paid over to their father, Mills T. Barrett, do you believe he would make faithful and proper application of such funds to their maintenance and support?

A. I feel very sure that he would.

Q . Is the property liable to enhance in value in the near future?

A. I don't see any prospects.

And further this deponent saith not.

B. H. Gray

J. H. Gwaltney being duly sworn deposes and says:

Please state your name, ages, residence and occupation.

A. H. H. Gwaltney, thirty years, Isle of Wight County, Farmer.

Q. State whether or not you are acquainted with the real estate in the bill and proceedings mentioned and how long have you known it and how well?

A. I have lived in the neighborhood of the property for seven years.

Q. What is the annual value and fee simple value of the interest of the infant defendants?

A. I cannot say- it is hard to get at as to the annual value, but I think two hundred dollars is a good price for it.

Q. State whether or not, in your opinion, the interests of the infant defendants will be promoted by a sale of their share in this property and the proceeds applied to their maintenance and support under the direction of the Court.

A. I should think it would be to their interest to give them their part of it.

Q. Is the financial condition of the father of the infant defendants such as to enable him to properly give them all necessary means for their maintenance and support?

A. I think they need the money to help them out and he needs it to help him take care of them.

Q. Of what other property are the infants possessed, real or personal?

A. I do not know of any other.

In the event that the Court should direct that the interest of the infant defendants in the real estate in the bill and proceedings of this suit mentioned should be sold and the proceeds paid over to their father, Mills T. Barrett, do you believe he would make a proper and faithful application of such funds to their maintenance and support?

A. Yes sir.

Q. Is this property liable to enhance in value in the near future?

A. I dont.

And further this deponent saith not.

J. H. G. Galtrey

C. M. Clements being duly sworn deposes and says.

Please state your name, ages, residence and occupation.

A. C. M. Clements, forty years, Isle of Wight County am a farmer.

Q. State whether or not you are acquainted with the real estate in the bill and proceedings mentioned and how long have you known it and how well?

A. I have known it all my life and live about a mile and a half from it.

Q. What is the annual value and fee simple value of the interest of the infant defendants?

A. I dont see how you could get to the rent for a year. I think the two hundred dollars is a plenty for the interest of the children.

Q. State whether or not, in your opinion, the interests of the infant defendants will be promoted by a sale of their share in this property and the proceeds applied to their maintenance and support under the direction of the Court.

A. I think it would.

Q. Is the financial condition of the father of the infant defendants such as to enable him to properly give them all necessary means for their maintenance and support?

A. He is like the rest of we poor fellows. He needs all he can get to help them out

Q. Of what other property are the infants possessed, real or personal?

A. I do not know of any.

In the event that the Court should direct that the interest of the infant defendants in the real estate in the bill and proceedings of this suit mentioned should be sold and the proceeds paid over to their father, Millis T. Barrett, do you believe he would make a proper and faithful application of such funds to their maintenance and support?

A. Why I certainly think so.

Q. Is this property liable to enhance in value in the near future?

A. I think not.

L. M. Clements

Mills T. Barrett.....Complainant.

vs.

Martha Pearl Barrett and others.....Defendants.

Interrogatories to be propounded to witnesses by
the Commissioner acting in pursuance of a decree entered in this
cause in the Circuit Court of the County of Isle of Wight
on the 12th day of March, 1907.

- Q-1 State your name, age, residence and occupation?
- Q-2 State whether or not you are acquainted with the real estate described in the bill in which the infant defendants are interested?
- Q-3 How long have you known the place, and how well?
- Q-4 State whether or not in your opinion the interests of the infant owners will be promoted by a sale of the property and the proceeds applied to their maintenance and support under the direction of the court?
- Q-5 What is the fee simple value and annual value of the share owned by said infants?
- Q-6 Of what other property are the children possessed, real or personal?
- Q-7 Are the financial conditions of the father of the infants such as to enable him to properly give them all necessary means for their maintenance and support?
- Q-8 In the event that the Court should think that the interests of the infants in the real estate in the bill and proceedings mentioned should be sold and the proceeds paid over to their father, Mills T. Barrett, do you believe he would make faithful and proper application of such funds to their maintenance and support?
- Q-9 Is the property liable to enhance in value in the near future?

The above interrogatories to be propounded to witnesses by
the Commissioner in the above styled cause acting in pursuance
of a decree of the Circuit Court of Isle of Wight County on the
12th day of March, 1907, have been agreed upon by me.

Walter S. Barrett

Guardian ad litem for Martha Pearl
Barrett, Jos. A. Barrett, India
Barrett, Mills T. Barrett, Jr.,
Emma J. Barrett, Walter S.
Barrett, infants under
the age of twenty-one
years.

7
Circuit Court of the County of Isle of Wight.

Mills T. Barrett, Guardian of Martha Pearl Barrett, Joseph A. Barrett, India Barrett, Mills T. Barrett, Jr., Emma J. Barrett and Walter S. Barrett.....Plaintiff.

vs) Notice to take depositions.

Martha Pearl Barrett, Joseph A. Barrett, India Barrett, Mills T. Barrett, Jr., Emma J. Barrett and Walter S. Barrett, infants under the age of twenty one years, and R. W. Withers, their guardian ad litem, and Mills T. Barrett, Matthew H. Carr and ~~Wm~~ Carr,.....Defendants.

(Extract from a decree entered in this cause in the Circuit Court of the County of Isle of Wight on the 12th. day of March, 1907.)

"On consideration whereof, the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this Court, who is directed to inquire into and report to Court as follows:

1st. All the real and personal estate belonging to the said infant defendants, their respective shares or interest therein, where said estate is situated, and what is its fee simple and annual value.

2nd. Whether the interests of said infants will be promoted by a sale of the real estate in the bill mentioned to Matthew H. Carr at the price of two hundred and fifty dollars and the proceeds applied to the maintenance and support of the infant defendants or investment of the proceeds of such sale in other property.

3rd. Whether the rights of any person will be violated by said sale and investment.

4th. Who would be the heirs or distributees of the said infant defendants if they were dead, and who are all the persons who are or can be in any way interested in this suit, and whether all such persons are properly before the Court in this cause.

To the parties in the above suit:

I have fixed upon Wednesday, the 15th. day of May 1907 at eleven o'clock A.M. at my office at Isle of Wight Courthouse, Virginia as the time and place for the execution of the decree of which the foregoing is an extract.

Given under my hand this 1st. day of May, 1907.

A. S. Johnson
Commissioner.

*Due & legal service of the above
notice is hereby accepted*

*Robt. W. Withers
Guard. ad. litem for
infant defendants
Martha Pearl Barrett, J. A. Barrett
India Barrett, Mills T. Barrett
Emma J. Barrett and Walter S. Barrett*

Executed by delivering a true copy
of the within notice to Keith & Bonar
Mutt Co. & May a Cor each a
true copy of the within

May 9th/07. Ro A. Edwards
Slip.

9

Passett, Edm & C

vs. Chancery

Carroll & Co

Depositions of witnesses
and Commissioner's
report.

Filed May 16th 1907
D. W. Johnson, C. J.

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon *Martha Pearl Barnett:*

*Joseph A. Barnett; India Barnett; Miss J. Barnett Jr.
Emma J. Barnett; Walter S. Barnett: all infants under
the age of twenty one years, by R. W. Withers, their
guardian ad litem; Miss J. Barnett, in his
own right, and Matthew H. Carr and Martha
A. Carr*

to appear at the Clerk's office of the *County* Court of the *County* of *Isle of Wight*
at the rules to be held for the said Court, on the *3rd* Monday in *November* 190*6*,
to answer a bill in chancery, exhibited against *them* in our said court for

*by Miss J. Barnett, guardian of Martha Pearl
Barnett. Joseph A. Barnett, India Barnett, Miss
J. Barnett Jr., Emma J. Barnett and Walter S.
Barnett*

And have then there this writ. Witness *John* ~~John~~ *F. Young*, Clerk of our said court, at
the court-house, the *7th* day of *November* 190*6*, and in the *31st*
year of the Commonwealth.

Test John C. C.

Due, legal & sufficient service of
 the within process is hereby
 accepted.
 Robt. W. Withers
 Guard. ad litem for
 infant defendants.

Executed by delivering to the within named
 Willis F. Barrett in his own right and to
 M. H. Carr & to M. H. Carr for Martha A. Carr
 who was next found Nov. 14th 1906

Re. A. Edwards
 Shff.

1
 Barrett-Gordon
 VS. {
 Carr & Carr
 Subpoena
 IN
 CHANCERY.
 J. W. Burgess p. q
 To 2nd Ward
 Circuit
 1906
 B3119

ANSWER OF INFANTS DEFENDANTS OVER FOURTEEN.

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

The answer, under oath of Martha Pearl Barrett and Joseph A. Barrett, infants under the age of twenty-one years, but over the age of fourteen, to a bill of complaint exhibited against them and others by Mills T. Barrett, guardian of Martha Pearl Barrett and others, in the Circuit Court of Isle of Wight County.

For answer to the said bill these defendants say that they are infants over the age of fourteen years; that they by reason of their tender years, know but little of the allegations of the said bill; so far as they do know they believe the same to be true, and they see no reason why the prayer of the bill should not be granted, and accordingly they concur therein, but they rely upon the court to protect their interest. And now, having fully answered, they pray to be hence dismissed, with their costs. And they will ever pray, etc.

Loobb
Martha P. Barrett now
Joseph A. Barrett

STATE OF VIRGINIA,

To-wit:
Isle of Wight County.

Sworn to before me in my County aforesaid by
Martha Pearl Barrett and ^{*now both*} Joseph A. Barrett, this 22nd
day of January 1907.

W. H. Mumford J. P.

Answer of 5th
Martha Dear Garrett
and
Joseph A. Garrett.

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

The answer of Martha Pearl Barrett, Joseph A. Barrett, India Barrett, Mills T. Barrett, Jr., Amma J. Barrett and Walter S. Barrett, infants under the age of twenty-one years by Robert W. Withers, a discreet and competent attorney-at-law, their guardian ad litem assigned to defend them in this suit, and the answer of the said Robert W. Withers, guardian ad litem of the said infant defendants, to a bill of complaint exhibited against the said infants and others by Mills T. Barrett, guardian, in the Circuit Court of Isle of Wight County, Virginia.

For answer to the said bill the said infant defendants by their said guardian ad litem answer and say that being of tender years they do not know what their true interests are in relation to the subject-matter of the said bill, nor do they know whether the statements therein contained are true or not. They confide the protection of their interests therein to the care of the court. And the said guardian ad litem of the said infant defendants for answer to the said bill answers and says that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the infant defendants. And now having fully answered, these defendants pray to be hence dismissed, with their costs, etc.

Martha Pearl Barrett

Joseph A. Barrett

India Barrett

Mills T. Barrett Jr.

Amma J. Barrett

Walter S. Barrett

Robert W. Withers

Guardian ad litem.

Robert W. Withers guardian ad litem
of the said infants.

STATE OF VIRGINIA,
To-wit:
County of Hansemond.

Sworn to before me in my County aforesaid by Robert
W. Withers, guardian ad litem as aforesaid, this the
21st day of January, 1907.

J. H. George
Notary Public.

Answers of Glen C
ad letters and requests
under twenty one years

17 Decem 1906

Answer

Filed

To the Attorney General

The answer of Mills T. Barrett, in his own right, to a bill in equity exhibited against him and others in the Circuit Court of Isle of Wight County by Mills T. Barrett, guardian of Martha Pearl Barrett and others.

This respondent reserving and saving, etc., for answer to the said bill says that he believes the statements therein made are true. This respondent does not object to the sale of said land as prayed for in said bill. He concurs in the prayer of said bill. And now having fully answered he prays to be hence dismissed with his costs, etc.

Mills T. Barrett

Affidavit to foregoing answer waived.

J. H. Bergen

Counsel for Complainant.

4
Answer of Miss L. Barrett

27 Decem 1906
answered
Filed
J. H. Johnson C.C.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

Mills T. Barrett, guardian.....Plaintiff.

vs. In Chancery.

Matthew H. Carr et als.....Defendants.

TO THE HONORABLE R. E. BOYKIN, JUDGE:

Humbly complaining sheweth unto your Honor your complainant, Mills T. Barrett, guardian of Martha Pearl Barrett, Joseph A. Barrett, India Barrett, Mills T. Barrett, infants of himself and Indiana R. Barrett, Jr., Emma J. Barrett and Walter S. Barrett, that he was appointed and qualified as guardian of said infants before your Honor in vacation on the _____ day of _____ 190_____, as will appear from a certificate of the Clerk of the Court showing the same herewith filed, marked exhibit "A" and prayed to be read as a part of this bill; that the said infants are aged as follows:

Martha Pearl Barrett,	16	years	of	age,
Joseph A. Barrett,	14	"	"	"
India Barrett,	12	"	"	"
Mills T. Barrett, Jr.,	10	"	"	"
Emma J. Barrett,	8	"	"	"
Walter S. Barrett,	6	"	"	"

That the said infants are possessed of a ~~one~~ ^{fifteenth} interest in fee simple, after the death of your orator, in the following described real estate:

All that certain tract of land situated in Hardy Magisterial District of Isle of Wight County, Virginia, containing one hundred acres and bounded by the lands of L. E. Uzzle, J. T. Carr, Mary J. Barrett and Mills L. Bridger.

The said real estate was derived by said infants from their mother, Indiana R. Barrett, who recently departed this life leaving no other children or heirs at law than those named; that this is all the property, real and personal, that the said infants own.

Your complainant thinks that the interest of his wards will be greatly promoted by a sale of their interest in said real estate first above mentioned, and investment of the proceeds in other property, as provided by the statute

of Virginia, and he thinks the following facts are calculated to show the propriety of such sale and investment; that they are receiving no revenue from their interest in said land; that the brothers and sisters of the mother of said infants have sold their interests, to-wit: four-fifths ~~to~~ Matthew H. Carr for two hundred dollars, each; that the said Matthew H. Carr desires to acquire the interest of your complainant's wards as shown by an offer herewith filed, marked exhibit "B" and prayed to be read as a part of this petition and to pay for the interest of said wards the sum of two hundred and fifty dollars, which is fifty dollars more than the adult parties interested received for their respective shares.

Your complainant further states that said infants are now at the age when they should be educated and that the proceeds of sale of said land is now needed for their maintenance and support. Your complainant believes and charges, therefore, that it would be to the interest of said infants to sell the said land and apply the proceeds thereof to the maintenance and support of said infants. Should any of the said infants depart this life their brothers and sisters would be their sole heirs or distributees; and your complainant verily believes that the rights of no person will be violated by such sale.

In tender consideration whereof, and far as much as your complainant is remediless therein save in a court of equity, where such matters are alone cognizable and relievable your complainant therefore prays that said infants, Martha Pearl Barrett, Joseph A. Barrett, India Barrett, Mills T. Barrett, Jr., Emma J. Barrett and Walter S. Barrett, under the age of twenty-one years, Matthew H. Carr, *Marion* Carr and Mills T. Barrett, in his own right, may be made parties defendant to this bill and required to answer the same; the infants by their

guardian ad litem to be assigned them, except that the infants over fourteen years may be required to answer also in ~~person~~ and under oath; and the adults in proper person, though not under oath, which is hereby waived; that a guardian ad litem may be assigned said infants to defend their interests in this suit, who may also be required to answer the said bill under oath; that said land may be decreed to be sold to Matthew H. Carr for the price of two hundred and fifty dollars and the proceeds invested as the court shall direct; that a proper allowance of counsel fees may be made in this suit and that all proper accounts may be taken, inquiries directed and such other further and general relief may be afforded your complainant as ~~the~~ to equity and good conscience may seem meet and proper.

And your complainant will ever pray, etc.

Mills T. Barrett,

STATE OF VIRGINIA,

To-wit:

Isle of Wight County.

I, W. B. Mumford a Justice

in and for the County and State aforesaid, do certify that Mills T. Barrett, Jr., the complainant in the above suit, this day personally appeared before me in my County aforesaid and made oath that he believes the several statements made in the foregoing bill to be true.

Given under my hand this 22nd day of January, 1907.

W. B. Mumford J. C.

Mills v. Barnett & Co
 vs. Rice in Chancery
 Matthew H. Gann et al

2nd Novm Rules 1906. Summons
 returned executed on all defendants
 as near. Continued for Bill

15th Decem rules 1906: Cont'd for Bill

2nd Decem rules 1906: Cont'd for Bill

1st Jan rules 1907: Cont'd for Bill at
 request of Atty's ally: Rice

2nd Jan rules 1907: Rice

and Jan. of infants defendants
 Rice, Atty of G.D. and Rice

1st 3rd Jan rules 1907 Rice
 and table for conference as to

Martha G. & Matthew H. Gann

Issues set for hearing

J. U. BURGESS,
 ATTORNEY-AT-LAW,
 SUFFOLK, VA.