

1908-017 Chancery Causes. Maud Scott, by & c v J. E. Scott is Vantley Whitley, widow of
Isle of Wight County Robert T. Whitley, Viola Whitley v Robert Whitley, by & c

Petition of George G. Whitley

Maund Scott per
J.E. Scott, her
next friend.

vs. { Bill

Virtley Whitley
et al.

Filed March 6th 1902

2d March 4 miles 1902

Bill filed, 21111 2d March
S. V. Edwards appointed spec.
admiral, de mess. 21111 2d March

1st April miles 1902

Bill taken per 21111 2d March
and 21111 2d March

Dismissed June 1, 1902

(3) Your complainants say that the said land is bringing no income whatever to the said children; that the said widow of the said intestate is in possession of the whole and pays no rent therefor, and being now the wife of another man, the children ought of right to derive some benefit of the said tract of land which they are advised will now sell for a good price:

(4) For as much as your complainants are without remedy save in this honorable Court, where matters of this sort are alone and properly cognizable, they pray that Virtley Whitley who was the widow of the said Robert Whitley, deceased, Viola Whitley and Robert Whitley, the last being an infant under twenty one years of age, be made parties defendant to this bill of complaint and required to answer the same, but an answer on oath is hereby expressly waived:

(5) Your complainants further pray that the dower of the said widow may be assigned her unless she is willing to take money in lieu of her dower, and that subject to her dower after it has been so assigned, that the said tract of land be sold and that the proceeds of the sale, after paying the cost of this suit, and the expenses of said sale, be divided equally between the said heirs at law of the said intestate:

(6) Your complainants further pray that all such accounts and inquiries may be taken, made, stated and reported to Court which may be necessary or proper in the course of this cause; and they pray for all other and further relief as to equity and good conscience may seem meet, and they will ever pray etc.

Wm S. Holland p. 2.

*J. E. Scott by
Wm S. Holland
his atty.*

TO THE HONORABLE ROBERT R. PRENTIS, JUDGE OF THE CIRCUIT COURT OF
ISLE OF WIGHT COUNTY:

Maud Scott, wife of J. E. Scott, an infant over the age of eighteen years, but under the age of twenty one years, who sued by her next friend J. E. Scott, and J. E. Scott her husband, respectfully present to Court the following case:

(1) That Robert Whitley sometimes called R. T. Whitley, departed this life in the year 189__ intestate, leaving a widow, Virtley Whitley, who since the death of her first husband intermarried with one G. G. Whitley, whose wife she now is, and left your complainant, Maud Scott and two other children, namely; Viola Whitley and Robert Whitley as his only heirs at law; and that the said intestate died seized and possessed of a tract of land in the County of Isle of Wight, containing fifty (50) acres, more or less, which adjoins the lands of ~~B. S.~~ Brock, Mrs. Virtley Whitley, J. R. Latimore and Mrs. Godwin. This tract of land was conveyed to the said intestate by a deed from John R. Brock and wife, and recorded in the Clerk's Office of Isle of Wight County in Deed-book 47, page 290, and by another deed from W. J. Kilby, Commissioner, to the said intestate duly recorded in said Clerk's Office in Deed-book #50, page 621, reference to which said deeds is hereby made for a better description of the said land:

(2) Your complainants say that they are advised that the said daughter, Maud Scott, is entitled to have the said tract of land partitioned in kind between the parties to whom it belongs, if it can be done, and if it cannot be done, then to have the same sold and the proceeds of the sale distributed under orders of this Court to the parties thereto belonging. Your complainants say that the said tract of land could not be divided into three parts or shares without great injury to each; that if so divided, each part would be almost worthless, and especially is this true, if the said widow is to have a dower assigned her in the said land.

They say that the only practical way to have partition of the said land is to sell the same and divide the proceeds of sale.

Scott et al/

Vs. In Chancery.

Whitley et als.

Petition of G.G. Whitley.

And your petitioners will ever have the

honor of this court to be their friend.

And your petitioners will ever have the honor of this court to be their friend.

Your petitioners would respectfully represent, that the petitioners of said suit mentioned.

of the County of G.G. Whitley, in and to the effect of the petitioners of said suit mentioned, and to the effect of the petitioners of said suit mentioned, and to the effect of the petitioners of said suit mentioned.

Whitley et als.

The petition of G.G. Whitley.

Whitley et als.

And in the Circuit Court of said County.

Scott et al.

Scott et al.

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

Whitley et als/.

The petition of G.G. Whitley.

You Petitioner would respectfully represent, that since the
on
institution of this suit, to wit, the 8th day of April 1902,
Viola R. Whitley, one of the defendants in this suit, by her deed
bearing date April 8th 1902, and to be recorded in the Clerk's
Office of the County of the County aforesaid, and now to the
court here shown, has conveyed to your petitioner all of her
interest, being an undivided one third interest, subject to the
dower therein of Wertley K. Whitley, in and to the tract of land
in the bill and proceedings of said suit mentioned.

Your petitioner would therefore pray that he be admitted
as a party defendant in said suit, and that it be proceeded
with against him as such party defendant in the place and
stead of the said Viola R. Whitley.

And your petitioner will ever pray &c.

G. G. Whitley
By course

Executed on the within named. Vinty
Whitney & Viola Whitney each a true copy
of the within Summons. March. 15th
1902.

As A. Edwards
Sgt.

Mand. Seal for bond

SUBPOENA
IN
CHANCERY.

VS.

{

Whitney et al.

Wm. S. Ballard

p. 9

To Secura March

Rules,

Corand

Court.

B 3119

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon *Marthy Whitley, widow of Robert Whitley deceased, Viola Whitley and Robert Whitley, the last name being an infant under the age of twenty one years of age*

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* 1902, to answer a bill in chancery, exhibited against *them* in our said court for *by Mand Scott, wife of J. E. Scott, an infant over the age of eighteen years, but under the age of twenty one years, who sues by her next friend*

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the *5th* day of *March* 1902, and in the 12th year of the Commonwealth.

N. F. Young Clk.

Maud Scott per friends
vs. { Report of Comr Spring
Virtley Whitley et al.

Filed Dec. 19th 1902

#2.

Your Commissioner begs further to report that the fee simple value of the said land is Five Hundred dollars, and that the annual value of the said tract of land is Sixty dollars.

Your Commissioner begs further to report that there are no liens on the said land for delinquent taxes or otherwise so far as he has been able to find.

Your Commissioner begs further to report that the land in the bill and proceedings mentioned cannot be partitioned in kind among the parties thereto without serious injury to the interests of the different parties; and that no party interested has offered to take the whole at a fair price.

Your Commissioner begs further to report that Virtley Whitley sometimes called Virtley K. Whitley has a dower interest in the said tract of land, and that subject to her dower therein the owners of a fee simple interest in the said tract of land are as follows: G. G. Whitley assignee of Viola Whitley, sometimes called Viola R. Whitley, a daughter of Robert Whitley sometimes called R. G. Whitley deceased, one-third; Robert Whitley, a son of Robert Whitley sometimes called R. . Whitley deceased, one-third; and that the other one-third belongs to Maud Scott, wife of J. E. Scott, and daughter of the said Robert Whitley sometimes called R. . Whitley deceased.

Your Commissioner respectfully recommends a sale of the tract of land subject to the dower therein of the said widow by public auction.

All of which is respectfully submitted.

A. J. Young

Commissioner's fee \$7.00

Commissioner's Office,

Isle of Wight Courthouse, Va., Dec. 19, 1902.

Your Commissioner respectfully reports to the Court that by a decree of the circuit Court of the County of Isle of Wight pronounced on the 16th day of December, 1902, and duly entered on the order book in the Clerk's Office of the said Court, in a suit in Chancery depending in said Court, in which Maude Scott by her next friend J. E. Scott and J. E. Scott in his own right are plaintiffs; and Geo. G. Whitley and Virtley Whitley sometimes called Virtley K. Whitley and Robert Whitley, the last named being an infant under the age of twenty-one years, are defendants, he was directed to make the following accounts.

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

(2) "Whether or not there are any liens on the land for delinquent taxes or otherwise and if so, state the same together with their priorities."

(3) "Whether or not the land in the bill and proceedings mentioned could be partitioned in kind among the parties thereto entitled; if any party in interest will take the whole and pay to the other interested parties a fair price for their interest in the same."

(4) "Who are the parties entitled to the said tract of land; what interest and what title each has thereto."

(5) "Any matter deemed pertinent by the said Commissioner or which any party in interest may consider pertinent and proper to be so taken, stated and reported."

Your Commissioner begs further to report that he issued notices and that service of the same was accepted and waived by the said parties as will appear by their endorsement on the same.

We, John Pleasants, Saml. O'Garner
Lloyd Horne, and Jas. C. Matthews
commissioners appointed by a decree
of the Circuit Court of the County of
Isle of Wight, State of Virginia, for the
purpose of assigning and allotting to
Virtley Whitley, widow of Robert Whitley
the dower of the said Virtley Whitley
in certain lands mentioned in said decree
do solemnly swear that we will perform
the duties of said commission as set
forth in said order according to law
and the best of our ability

So help us God

John & Pleasants
S. O'Garner
S. L. Horne
Jas. C. Matthews

Sworn to and subscribed before
me this 2nd day of January, 1783.

J. M. Crumpler J.P.

Manuscript of the

or { Report of the

Whitby etc.

Fife, Jan 5th 1903

or tract of land deeded from John R.
Brook et ux. to the said Robert Whitley,
dated the 1st day of August, 1883, and
recorded in the Clerks Office of Isle of
Wright County Court, in D. B. No. 47, Page
290. This 2nd day of January, 1903

John H. P. P. P.

S. A. Garner

S. L. Horne

Gas. C. Matthews

} Commissioners

the said Virtley Whitley now resides, and running along said road in a northwardly direction to the corner line of the said Virtley Whitley's land known as the Pruden tract, thence along the line of the said Pruden tract, in a direction somewhere between South and Southwest to the dwelling house of the said Virtley Whitley, thence along the same line and in the same direction to the fence enclosing the farm, thence along said fence in an Eastwardly direction to point of beginning.

The above described land is a part of the land conveyed by deed from Wilbur J. Kilby, Commissioner to the said R.T. Whitley, dated Nov. 4th 1886, and recorded in the Clerk's Office of Isle of Wight County Court, in D. B. No. 50, page 621.

The above described land is assigned or allotted to the said Virtley Whitley widow as aforesaid, as her full dower, not only in the land purchased of the said Wilbur J. Kilby Com. by the said R.T. Whitley dec. out of which this dower is taken, but, also, to be her dower in that piece

To, The Circuit Court of Isle of Wight
County, State of Virginia

We, John H. Pleasants, Saml. O. Garner, S. L. Horne and Jas. L. Matthews
Commissioners appointed by order of
Court entered December, 16th 1902, for
the purpose of going upon the lands
of which the late Robert Whitley, some-
times called R. T. Whitley, was seized
of an estate of inheritance during
his marriage with Virtley Whitley,
sometimes called Virtley R. Whitley
and assign and allot to the said Vir-
tley Whitley, widow as aforesaid, by
metes and bounds, one equal third^{part} of
the value of the said land as her
dower therein, do make the following
report. That, after first being duly
sworn, we did, this day, enter upon
the lands as aforesaid and assign and
allot to the said Virtley Whitley, widow
as aforesaid, to be her dower therein,
the land bounded and described as
follows. Beginning at a point in
the county road leading from Longview
to Smithfield, opposite a corner of
the fence enclosing the field in which

Scott per friend

VS

Geo. G. Whitley et als

\$0\$0\$0\$0\$0\$0\$0\$0\$0\$0\$0\$0\$0\$0\$0\$0\$0\$0\$0\$

Consent of parties for decision

and decree in vacation.

Maude Scott per friend

Vs.

Geo. G. Whitley et als.

It is hereby agreed that this cause may be submitted to the Judge of the Circuit Court of Isle of Wight County in vacation January 20, 1903, for such decisions and decrees therein, in vacation, as might be made in term in accordance with section 3427 of the Code of Virginia 1887 as ammended by an Act of the Assembly approved April 2, 1902 to be found in The Acts of Assembly 1901-2 page 729.

Maude Scott & J. E. Scott by W. S. Hall and their atts.

Samuel H. Edwards Guardian ad litem for
Robt. Whitley.

Geo. G. Whitley by R. E. Boykin his atty

Virley R. Whitley by R. E. Boykin his atty

Mo and Scott per friend

V.S.

Geo. R. Whitley et. als.

Report of Sale

Filed Mo and Scott
1903 by leave of
Court.

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

Scott per friend

Vs

Geo. G. Whitley et als.

The undersigned, your special commissioner, begs to report that pursuant to a decree entered in this cause on the 20th day of January, 1903, he offered for sale by public auction to the highest bidder, the land in the bill and proceedings mentioned subject to the dower therein of Virtley K. Whitley, at Isle of Wight Court house on the Second day of February, 1903, it being Court Day, at which sale Geo. G. Whitley became the last and highest bidder at the price and sum of \$412.50, and it was knocked down to him. Your Commissioner says that the sale was fairly made and he thinks the price offered is a very good one. The purchaser has not paid any of the purchase money but offers to pay all in cash if the sale is confirmed.

Very respectfully submitted,

Wm S Holland, Spe. Commr.

Scott pr fs

vs.

Whitley et al

Cost up to and including formal decree

Atto fee & tax	16.50
Chick fee	11.58
Shuff "	1.00
Comm "	7.00

\$ 36.08

50 cts for additional costs
to clerk

Maude Scott, her friend et als

Vs

Virtley Whitley et als

#2c#8c#2c#8c#8c#2c#2c#2c#2c#2c#2c#2c#2c#2c#

D E C R E E .

To be entered.

Dec. 16, 1902
Robert R. Mearns

Dec. 17th 1902
Recover and entered
of record
Jesse L. D. Langgao

C.O.B. 6, page 280

#2.

which any party in interest may consider pertinent and proper to be so taken stated and reported.

And the Court doth further adjudge order and decree that the petition of G. G. Whitley to be made a party to this suit, be, and the same is hereby granted and he is hereby made a party defendant to this suit, and it is ordered that he be proceeded against as an original defendant, it appearing to the Court that Viola Whitley sometimes called Viola R. Whitley has conveyed to the said G. G. Whitley, by deed, her interest in the land in the bill and proceedings mentioned, and it is ordered that this suit be dismissed as to the said Viola Whitley, sometimes called Viola R. Whitley.

And the Court doth further adjudge, order and decree that Jno. Pleasants, Wm. Presson, Samuel O. Garner, Lloyd Horn and James C. Matthews, who are hereby appointed Commissioners for the purpose, any three or more of whom may act, do go upon the land in the bill and proceedings mentioned, of which the late Robt. Whitley, sometimes called R. ~~V.~~ Whitley, was seised of an estate of inheritance during his marriage with the said Virtley Whitley sometimes called Virtley K. Whitley, and assign and allot to the said Virtley Whitley widow as aforesaid, by metes and bounds one equal third part of the value of the said land as her dower therein. And the said Commissioners are directed to report their proceedings hereunder to Court.

ROBERT R. PLEASANTS

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

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

Maude Scott, the wife of J. E. Scott, an infant under the age of twenty-one years, who sues by her next friend, J. E. Scott, and J. E. Scott in his own right, ~~the last is an infant under 21 years of age~~
Vs

Virtly Whitley, the widow of Robert Whitley deceased, G. G. Whitley assignee of Viola Whitley, and Robert Whitley. ~~the last is an infant under the age of 21 years~~

This cause came on this day to be heard on the bill of complaint taken for confessed as to the adult defendants who have been duly summoned to answer, they still failing to appear to answer or demur, upon the answer of the infant defendant by his guardian ad litem duly filed at Rules, with general replication thereto, upon the petition of G. G. Whitley to be substituted in the room and stead of Viola Whitley and upon reasonable notice to the defendants of the application for this decree, and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that one of the Commissioners of this Court take, state and report to Court, the following inquiries and accounts.

- (1) The annual and fee simple value of the land in the bill and proceedings mentioned.
- (2) Whether or not there are any liens on the land for delinquent taxes or otherwise, and if so, state the same, together with their priorities.
- (3) Whether or not the land in the bill and proceedings mentioned can be partitioned in kind among the parties thereto entitled; if any party in interest will take the whole and pay to the other interested parties a fair price for their interest in the same.
- (4) Who are the parties entitled to the said tract of land; what interest, and what title each has therein.
- (5) Any matter deemed pertinent by the said Commissioner, or

which any

C.O.B. 6, page 286.

#2.

with interest from date of sale, title to be retained till the further order of this Court, but before either of the said Special Commissioners shall proceed to act under this decree, they or he, shall enter into a bond before this Court in the penalty of one thousand (1000) dollars with surety by said Clerk deemed sufficient and conditioned for the faithful performance of their or his duty under this and all subsequent decrees herein, and said Special Commissioner or Commissioners shall make report to Court.

Robert R. Dentis

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

In the Clerk's Office of Isle of Wight County Circuit Court this 21st. day of January 1903 the foregoing vacation decree was received and entered of record.

Attest,

A. D. Young J.C.

In the Circuit Court of Isle of Wight County in vacation
this 20th day of January, 1903.

Scott per friend

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 Commissioner Young filed herein on
the 19th day of December, 1902, to which ^{report} there is no exception, on the
report of Jno. H. Pleasants, S. O. Garner, S. L. Horne, and Jas. C.
Matthews, Commissioners appointed by a former decree in this cause
to assign dower to Virtley Whitley sometimes called Virtley K. Whitley
widow of Robert Whitley deceased, assigning dower as directed by
said decree to which report there is no exception, on consent of the
parties in writing entered of record, that this cause may be submitted
to the Judge of this Court for such decisions and decrees in vacation
as might be rendered during a regular term of this Court, 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 ^{ratified} approved and confirmed; and that said report of the Commis-
sioners to assign dower be, and the same is, hereby ^{also ratified} approved and
confirmed.

And the Court doth further adjudge, order and decree that
R. E. Boykin and Wm. S. Holland who are hereby appointed Special Com-
missioners for that purpose, ~~any one~~ ^{either} of whom may act, proceed to
sell the land in the bill and proceedings mentioned, subject to the
dower of Virtley Whitley sometimes called Virtley K. Whitley, widow
of Robert Whitley deceased, by public auction at Isle of Wight Court-
house on some County Court day, after advertising the time, terms and
place of sale for at least ten days by handbills posted in the neigh-
borhood, for cash, one-third, and the rest one year from date of sale,

Wood Scott per Friend

RS.

Geo. H. Whitley et. al.

Scree

To be entered

March 30th 1863

Robert R. Whitley

#2.

be paid to the parties thereto entitled, paying to the guardian of the infant, Robert Whitley, when such guardian has given bond in sufficient penalty and with surety sufficient for the security of the same, the share to which the infant, Robert Whitley is entitled, and pay the share of Maud Scott who is a minor and a married woman to her receiver when duly appointed and qualified by the Circuit Court of Isle of Wight County or by the Circuit Court or the Judge thereof in vacation of Elizabeth City County wherein she resides. And the said Special Commissioner shall make report to court.

Robert D. Dennis
To the clerk of the Cir. Court of Isle of Wight County;

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY IN VACATION, THIS 30TH
DAY OF MARCH, 1903.

SCOTT PER FRIEND

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 sale by Special Commissioner, Wm. S. Holland, this day filed by leave of Court, and on reasonable notice to all parties of the application for this decree, 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 Geo. G. Whitley, at the price and sum of \$412.50 be, and the same is, hereby confirmed; that the said report of Wm. S. Holland Special Commissioner to which there is no exception be, and the same, is hereby approved, ratified and confirmed.

And the Court doth further adjudge, order and decree that upon the payment of the said sum of \$412.50 with interest thereon from the second day of February, 1903 till paid, that the said Wm. S. Holland who is hereby appointed a Special Commissioner for that purpose, make, execute and deliver to the said Geo. G. Whitley a good and sufficient deed with Special Warranty, conveying to him the land in the bill and proceedings mentioned subject to the dower therein of Virtley K. Whitley.

That out of the proceeds of the said sale, the said Special Commissioner shall first pay, the unpaid cost of this suit, including a fee of twenty-five dollars to Wm. S. Holland for his services as Counsel in this suit; and that a like amount be paid to R. E.

Boykin for his services as counsel in this suit; and that the rest

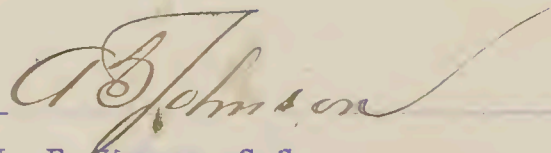
same course ninety links to a white oak, thence S. $19 \frac{3}{4}^{\circ}$ W one chain and thirteen links to a pine, thence S. $21^{\circ} 44'$ W. two chains and eighty eight links to a black gum, thence S. $26 \frac{1}{4}^{\circ}$ W four chains and eight links to a maple stump, the corner with said Robert Whitley on Hern's land, thence along the line of said Hern's land S. $61 \frac{3}{4}^{\circ}$ E one chain and fifty eight links to a dogwood, thence S. $46 \frac{1}{2}^{\circ}$ E. one chain and seventy seven links to a white oak, thence S. $60 \frac{1}{4}^{\circ}$ E. one and a half chains to a pine in a branch, thence S. 72° E two chains and ten links to a post oak, thence S $63 \frac{1}{2}$ E one chain and sixty five links to an oak, thence S $70^{\circ} 35'$ E eight and a half chains to a dead red oak, thence S. $71 \frac{1}{4}^{\circ}$ E one chain and thirty eight links to a pine and maple, thence N. 89° E two chains and nineteen links to a pine, thence S. $85 \frac{1}{2}$ E one chain and eighty five links to the beginning, and contains 43 acres.

Surveyed October 16th² 1884, scaled 4 chains to an inch. Magnetic variation $2^{\circ} 30'$ West.

By Bev. P. Baker, County Surveyor,
Nansemond County. "

A Copy,

Teste, _



Deputy

for N. E. Young, C.C.

Abstract of a deed from John R. Brock et ux. to Robert Whitley, dated the 1st. day of August, 1883 and recorded in the Clerk's Office of Isle of Wight County Court in Deed Book No. 47, page 290, Sept 15th. 1883.

"Containing six acres, more or less, and bounded as follows: On the East by the County road from Smithfield to Suffolk, on the North by the land of Thomas Gray, South by the lands of Matthew Crumpler, and on the West by the lands belonging to the estate of J. W. Cox."

Abstract of a deed from Wilbur J. Kilby, Commissioner to R. T. Whitley, dated the 4th. day of November, 1886, and recorded in the Clerk's Office of Isle of Wight County Court in Deed Book No. 50, page 621, Jan. 3rd. 1887.

" Situate in said County on the West side of the County road leading from the village of Chuckatuck to Smithfield about three miles North of said Village, containing 43 acres, more or less, and bounded by the lands of R. T. Whitley, B. W. Hearn and said road." Which said land is more fully described in the plot in the suit of Crump, Gdn. vs. Crump, et. als, as follows:

"Beginning at a point in the County road leading from Smithfield, opposite a line pine, a corner with Hearn's land and running along said road N. 12 1/2° W four chains, thence N. 11 1/2° E six chains, thence N. 24°16' W ten chains, thence N. 29°31' W four and a half chains, thence N. 3 1/2° E. 9 chains, thence N. 4°45' W ten chains and seventy five links to and opposite a black gum, a corner on Robert Whitley, thence Whitley's line S 34° W three chains and twenty three links to a black gum, thence S 15 1/2° W one chain and eight links to a W.Oak cut down, thence same course one chain and twenty seven links to a pine, thence S. 26 1/2° W two and a half chains to the fence, thence along the fence S. 19 1/4 W seven chains opposite a white oak cut down and over the fence a point in the yard of Robert Whitley, thence S. 22° 33' W six chains and seventeen links to a pine, fifty links on this line is under said Whitley's new dwelling house, thence S. 19 1/2° W three and one fourth chains to a hickory, thence S. 21°45' W four chains and sixty eight links to a white oak cut down. The scores marked

Abstract of a decree entered in the Circuit Court of Isle of
Wight County, in vacation, December 16th 1902.

Scott et als.

vs.

Whitley et als.

"And the Court doth further order and decree that John Pleas-
ants, Wm. Presson, Sam'l. O. Garner, Lloyd Horne and Jas. C.
Matthews, who are hereby appointed Commissioners for the pur-
pose, any three of whom may act, do go upon the lands in the
bill and proceedings mentioned of which the late Robert Whit-
ley, sometimes called R. T. Whitley, was seized of an estate of
inheritance during his marriage with the said Virtley Whit-
ley, sometimes called Virtley K. Whitley, and assign and allot
to the said Virtley Whitley, widow as aforesaid, by metes and
bounds, one equal third part of the value of the said land as
her dower therein. And the said Commissioners are directed to
report their proceedings hereunder to the Court.

A Copy,

Teste,



Deputy for N. F. Young, C.C.

We acknowledge legal
service of this notice.

E. E. Whitley in
his own right and
assign of Viola
Whitley.

Wistley Whitley
By R. E. Boykin
their atty.

Legal service of this
notice.

By James H. [illegible]
[illegible]

Dec 13th 1902

To Virtly Whitley, widow of Robert Whitley deceased, now
S. A. Edwards
the wife of G. G. Whitley, G. G. Whitley and R. W. Withers guar-
dian of Robert Whitley an infant defendant.

Please take notice that on the 16th day of December 1902
I shall apply to the Judge of the Circuit Court of Isle of Wight
County in vacation at his office in the town of Suffolk for a de-
cree for accounts in the suit of Scott et als Vs Whitley et als,
and also for a decree substituting G. G. Whitley in the place of
R
Viola_^ Whitley.

Respectfully,

J. E. Scott next friend of Maud Scott
J. E. Scott by
Wm S. Hallard their atts.

Maud Scott & Co

vs.

COMMISSIONER'S NOTICE.

Whitley & Co

we accept service hereof
ad wome service by our
offices

Maud Scott & J E.
Scott by W. S. Hol-
and their attor.

Samuel H. Edwards Guardian
ad litem for Robt.
Whitley.

Geo. H. Whitley by
R. E. Boykin his
attorney.

Virley K. Whitley by
R. E. Boykin her atty

Commissioner's Office,

December 17th 1902 189

To Maud Scott wife of J. E. Scott, an infant over
the age of eighteen years, but under the age of twenty one years
who sue by her next friend plaintiff Vetty Whitley, widow of
Robert Whitley deceased, Viola Whitley and Robert Whitley the
last names being infants under the age of twenty one
years of age

You are hereby notified that I have fixed upon the 18th day of December 1902 next,

if fair; if not, on the next fair day thereafter (Sunday excepted), to take and settle, at my office, the account

of the annual and for sumble value of the land in the bill and proceedings
mentioned whether or not there are any liens on the land for delinquent taxes or otherwise

3^d whether or not the land in the bill & proceedings mentioned can be partitioned in kind
among the parties thereto entitled; if any party in interest will take the whole and pay to the
other interested parties a fair price for their interest in the same set who are the
parties entitled to the said tract of land: what interest, and what title each has therein

5th Any matter deemed pertinent by the said commissioner or which any party in interest
may consider pertinent and proper to be so taken, stated and reported
required to be taken by a decree of the Circuit Court of the County of Sale of Wight

rendered on the 16th day of December 1902 189, in a suit in chancery depending in said

Court between Maud Scott for fund etals vs. Vetty Whitley etals

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.

N. J. Yarnall

Mo and Scott for Friend

vs. } notice

S. H. Whitley et. als.

~~Report of Sale.~~

~~Filed by leave of~~
Court

To

Geo. G. Whitley and Saml. H. Edwards, guardian ad litem of
Robert Whitley;

Please take notice that on Monday March 30, 1903, I shall
apply to the Honorable Robert R. Prentiss, Judge of the Circuit Court
of Isle of Wight County at his office in the town of Suffolk, for
a decree to confirm the sale of the land in the bill and proceed-
ings mentioned, ordering the Special Commissioner to collect the
purchase price for said land and to distribute the same to those
entitled.

Very respectfully,

Maude Scott, per Friend.
by Wm S. Hall and her atts.

We hereby accept due and sufficient service of the above
notice, and waive service thereof by an officer.

Saml H Edwards
Guard ad Litem.
R. E. Bykin atts. for
Geo. G. Whitley by
request of Wm S. Hall and