

1908-024 Chancery Causes: J. A. Scott & S. B. Woodson vs Anna F. Scott & Winney A. Woodson,
Isle of Wight County by + c

W. S. Hallen
19

June 1, 1908

J. A. Scott et, als.

vs.

Scott et, als.

Bill of Complaint

1st October rules 1900

Bill filed: R. Thomas
oppositid qd, ad litem
and his answer filed
diciu nite

2d October rules 1900

Bill taken for confessed
and cause set for hearing

October term 1900

De. for rect.

Oct. Term 1901 de. rect.

5, 1901, T. Hall & A.

Oct. term 1902, de. rect.

Oct. term 1902, de. rect.

Oct. term 1902 de. to pay out

Commissioner's Office
Smithfield September 11th 1901

To J. A. Scott and J. B. Woodson

Plaintiffs

and to

Wm. J. Scott, Wm. A. Woodson who was Scott and R. J. Thomas grandsons
of them Defendants.

I do hereby certify that I have filed upon the 23rd day of September
1901 at my office aforesaid to state settle and report to court the
following inquiries and answers, to wit 1st What is the usual and
best sample value of the land in the bill and proceedings mentioned
2nd Whether the said land can be partitioned as land to the parties as
tells therein.

3rd Whether it will be to the interest of the parties, especially the infant de
fendants to sell said land and distribute the proceeds among the parties
entitled thereto.

4th Whether there are any liens on the said land or any share therein
for delinquent taxes or otherwise and if so state the same with their
privileges, 5th Any matter deemed prohibited by the Commissioner or
required by any party in interest to be so stated, required to be taken
by a decree of the Circuit Court of Isle of Wight County, rendered on the
22nd day of October 1900 in a suit in chancery pending therein in
which you are parties, plaintiff and defendant, at which time and
place you are required to attend.

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

Geo. R. Atkinson

We hereby accept service of this notice and waive
service by an officer.

Sept. 16th 1901

J. A. Scott & J. B. Woodson by
W. S. Hall and their atty.

R. S. Thomas, grand juror

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J.A.Scott et als.

vs Scott et als.

This cause came on this day to be again heard on the papers formerly read, and was argued by counsel:

On consideration whereof, it appearing to the court that the amount in the hands of Wm.S.Holland, Special Commissioner due to Mrs W.A.Woodson and Anna F.Scott is less than one hundred dollars for each, and that the said infants are of sufficient age and discretion to use the said fund judiciously, the court doth adjudge, order and decree that Wm.S.Holland pay the said fund in his hands directly to them without the intervention of a receiver or guardian.

J.A.Scott
vs
Scott et als.

Decree

Oct 27th 1902

To be entered.

Robert R. Smith

C.O.B. No. 6, page 269.

J. A. Scott, et. als.

vs

Scott et als.

This cause came on this day to be again heard on the papers formerly read, and on the report of sale, by Wm. S. Holland, Special commissioner, filed this day by leave of court, to which there is no exception, 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 J. A. Scott, as reported by the Commissioner of sale, be, and the same is, hereby confirmed.

And the court doth further adjudge, order and decree, that Wm. S. Holland, who is hereby made a Special Commissioner, for that purpose, proceed to collect from the purchaser, the purchase price for the said tract of land, and to make to him a good and sufficient deed with Special Warranty for the said tract of land, collecting at the same time the purchase price thereof; that out of the purchase price, your Commissioner pay, first; the cost of this suit and said sale, including a fee of twenty-five dollars to Wm. S. Holland, for his services as Attorney in this case, and pay the rest to the parties thereto entitled, and the said Commissioner shall make report to court.

J. A. Scott et. als.

vs.

Scott et. als.

DECREE.

April 30th, 1902.

Enter:

Robert H. Stevens

C.O.B. No. 6, page 266

J.A.Scott et als.

vs

Scott et als.

This cause came on this day to be again heard on the papers formerly read, and on the report of Commissioner Atkinson filed herin on the 18th day of October 1901, to which there is no exception, and was argued by counsel:

On consideration whereof, the court doth adjudge, order and decree that the said report of Commissioner Atkinson, be, and the same is, hereby confirmed; 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 for CASH, ^{one third} ~~one third~~, and the rest one year after date of sale with interest from date of sale, with privilege to the purchaser to pay all in cash if he so elects, after advertizing the time, place and terms of sale for at least ten days by printed hand bills, but the said special commissioner shall not do anything under this decree till he shall have given bond in the penalty of \$400.- before the clerk of this court, with surety by the said clerk deemed sufficient, payable according to law, and conditioned to faithfully perform all his duties under this, and all subsequent decrees hereunder.

And the said special commissioner shall make report to court.

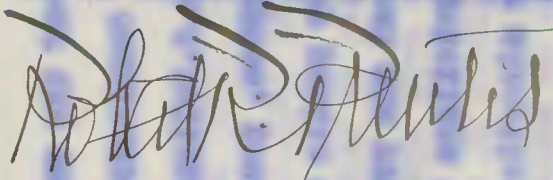
J.A.Scott et. als.

vs

Scott et.als.

D E C R E E

To be entered Oct. 28th 1901.



Order Book 6, page 252.

J. A. Scott and S. B. Woodson.

vs.

Anna F. Scott, Winney A. Woodson, who was Scott, and R. S. Thomas, Guardian ad litem.

This cause came on this day to be heard on the bill of complaint, and exhibits therewith filed, and on the answer of R. S. Thomas, Guardian ad litem for the infant defendants, who was duly appointed at Rules, with general replication to the said answer, 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 the next term of this court the following enquiries and accounts, namely:

1st. What is the annual and fee simple value of the land in the bill and proceedings mentioned?

2nd. Whether the said land can be partitioned in kind to the parties entitled thereto?

3rd. Whether it will be to the interest to the parties, especially the infant defendants, to sell said land and distribute the proceeds of sale among the parties entitled?

4th. Whether there are any liens on the said land, or any share therein, for delinquent taxes or otherwise, and if so, state the same with their priorities?

5th. Any matter deemed pertinent by the Commissioner, or which any party in interest may require to be so taken, stated and reported to Court.

Attest Teste A. D. Springer.

J. R. Scott et al

vs.

Scott et al

Decr of Oct 22 1900

Acopy

J.A.Scott and S.B.Woodson

vs. Anna F. Scott, Winney A. Woodson, who was Scott, and R.S.Thomas guardian ad litem.

This cause came on this day to be heard on the bill of complaint, and exhibits therewith filed, and on the answer of R.S.Thomas guardian ad litem for the infant defendants, who was duly appointed at rules, with general replication to the said answer, 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 the next term of this court the following enquiries and accounts; namely,

- Ist--- What is the annual and fee-simple value of the land in the bill and proceedings mentioned?
- 2nd--- Whether said land can be partitioned in kind among the parties entitled thereto?
- 3rd--- Whether it will be to the interest of the parties, especially the infant defendants, to sell said land and distribute the proceeds of sale among the parties entitled?
- 4th--- Whether there are any liens on the said land, or any share therein, for delinquent taxes or otherwise, and if so, state the same with their priorities?
- 5th--- Any matter deemed pertinent by the commissioner, or which any party in interest may require to be so taken, stated and reported to court.

New York

J.A.Scott et. als.

vs.

Scott et. als.

DE C R E E.

To be entered.

October 22nd, 1900.

Robert H. Hunt

J. A Scott, et. als.

vs

Scott et. als.

The undersigned^{ed}, your Special Commissioner, begs to report that on the ___th day of November, 1901, he sold the land in the bill and proceedings mentioned, by public auction in the town of Smithfield, having first given bond in accordance with a decree entered in this cause on the 28th day of October, 1901, and after having advertised the time, terms and place of sale for several weeks by printed hand bills; at which sale James A. Scott became the last and highest bidder at the price and sum of 270 dollars.

Your Commissioner begs to report that after the sale, one or two of the parties who were not present, complained that it sold too low, and your Commissioner informed them that they could put in an up-set bid by guaranteeing that at the next sale, the land should sell for 10% more than it had already sold for, but no one has made any such bid, and as your Commissioner understands it, they have declined to do so, Your Commissioner recommends the confirmation of the sale.

Very respectfully submitted,

W. S. Hall and

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J. A. Scott , et. als.

vs

Scott et. als.

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REPORT.

Filed April the 28th, 1902.

Commissioner,s Office, Smitfield, Va.

Oct. 17th 1901.

The undersigned, one of the Commissioners in Chancery of the Circuit Court of Isle of Wight county, in the state of Virginia, to whom the papers in the cause of Scott et als vs Scott et als has been referred, reports that pursuant to a decree in the said cause rendered on the 27th day of Oct. 1900 which requires that the following inquiries and accounts shall be taken, stated and reported to court;

(1) " What is the annual and fee-simple value of the land in the bill and proceedings mentioned? "

(2) " Whether the said land can be partitioned in kind or not to the parties entitled thereto? "

(3) " Whether it will it will be to the interest to the parties, especially the infant defendants, to sell the said land and distribute the proceeds of sale among the parties entitled? "

(4) " Whether there are any liens on the said land, or any share therein, for delinquent taxes or otherwise, and if so, state the same with their priorities? "

(5) " Any matter deemed pertinent by the commissioner , or which any party in interest may bequire to be so taken, stated and reported to court. "

Your commissioner reports that on the 4th day of September 1901 he issued notices to the parties to appear at his office

in the town of Smithfield to take and settle the said inquiries and accounts on the 23rd day of Sept. 1901, which notice was duly acknowledged, I mean service thereof was duly acknowledged, but no one appearing on the said 23rd day of Sept. 1901 the taking and settling of the said inquiries and accounts was continued from day to day and from time to time till the 17th day of October 1901. Your commissioner reports that he took evidence orally and examined the records in the office of the clerk of the County and Circuit Courts of the said county and of Isle of Wight, and from that information respond to the said inquiries as follows:

Responding to inquiry NO.1. that the annual value of the land is \$25.00 and that the fee-simple value is \$226.00.

Responding to inquiry NO.2 your commissioner reports that the tract of land in the bill and proceedings mentioned is very small and cannot be partitioned among the parties entitled thereto.

Responding to NO. 3 your commissioner reports that it will be to the interest of the parties entitled to have the land sold and divide the proceeds of the sale for the reason that as it ^{entire} stands there is practically no income to each party, the taxes and costs of renting and looking after the renting consuming the very small rental.

Responding to NO.4, your commissioner reports that after a careful examination he finds no lien for taxes or otherwise on the land in the bill mentioned nor on any share therein.

Responding to NO.5 reports that no party in interest has brought to the attention of your commissioner any matter and your commissioner is not advised of any matter pertinent which is not included in the responses above made.

Given under my hand as Commissioner of the said Court on the day and year last aforesaid.

Wm. R. Williams

June 11/1908 7 hrs

Comm. Jue 15/08

Shuff "

J. A. Scott et al
vs } Comm. Report
Scott et al

Filed October 18th 1901

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon *Anna F. Scott and Minnie A. Woodson who was Scott both being infants under the age of 21 years*

to appear at the Clerk's office of the *Orphans* Court of the *County* of *Isle of Wight* -
at the rules to be held for the said Court, on the *First* Monday in *October* 190*0*,
to answer a bill in chancery, exhibited against *them* in our said court for
by J. A. Scott and S. B. Woodson

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at
the court-house, the *24th* day of *September* 190*0*, and in the 125
year of the Commonwealth.

N. F. Young

Scott et als

VS.

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SUBPOENA
IN
CHANCERY.

Scott et als

Wm J Hollister

p. q

To *First October*

Rules,

Circuit

Court.

B 33119

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon *Anna F. Scott and Minnie A. Woodson who was Scott both being infants under the age of 21 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 *First* Monday in *October* 190*0*, to answer a bill in chancery, exhibited against *them* in our said court for *by J. A. Scott and J. B. Woodson*

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the *24th* day of *September* 190*0*, and in the 12*th* year of the Commonwealth.

N. F. Young C.C.

A Copy Test. N. F. Young cc

vs.

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SUBPOENA
IN
CHANCERY.

p. 7

To... Rules,

Court.

B 3119

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon *Anna F. Scott and*
Minnie A. Woodson who was *Scott* both
being infants under the age of 21 years

to appear at the Clerk's office of the *District* Court of the *County of Isle of Wight*
at the rules to be held for the said Court, on the *Frid* Monday in *October* 190*0*,
to answer a bill in chancery, exhibited against *them* in our said court for
by J. A. Scott and S. B. Woodson

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at
the court-house, the *24th* day of *September* 190*0*, and in the 12*th*-
year of the Commonwealth.

N. F. Young C. C.

A. Copy Teste

A. J. Young C. C.

vs.

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SUBPOENA
IN
CHANCERY.

p. 9

To.....*Rules,*

.....*Court.*

B 3119

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

to wit:

THE ANSWER OF Anna L. Scott and Winney A. Woodson

infants under the age of twenty-one years, by R. S. Thomas
guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against
themselves and others in the Sevent Court for the County of
Isle of Wight, by J. A. Scott and others.

The respondent, 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.

R. S. Thomas Guardian *ad litem*.

p. d.

OF

} ss.

This day, _____, whose name is signed to
the foregoing answer, personally appeared before me, _____
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 _____ 189 _____

J A Scott et al

adv. {

ANSWER
OF
INFANT DEFENDANT.

Anna H. Scott et al.

Filed Sep 26th 1900

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

FIRST OCTOBER RULES 1900.

To the Hon. Robert R. Prentis, Judge of the Circuit Court of Isle of Wight county:

J.A.Scott and S.B.Woodson, your complainants respectfully represent. That John Scott died leaving a will which was afterwards proved and admitted to probate in the County Court of Isle of Wight county, an office copy of which is herewith filed as an exhibit marked " A " , and is prayed to be taken and read as a part of this bill, by which he gave to his three youngest children namely: J.E.Scott, Winney A.Scott now the wife of your complainant, S.B.Woodson, Anna F.Scott, a certain tract of land situate in the county of Isle of Wight and the state of Virginia, containing about 56 acres, more or less, adjoining the lands of your complainant, J.A.Scott, A.N.Scott, Bud Jones, N.P.Jones, the estate of Richard H.Baker deceased, and Jim Parker colored. The said J.E.Scott by his deed duly recorded in the Clerk's Office of the County Court of Isle of Wight county conveyed to your complainant J.A.Scott his one third interest in said tract of land. Your complainants says that said tract of land cannot be divided in kind, but they desire that it shall be sold and the proceeds of sale divided among those entitled.

For as much as your complainants are without remedy save in this court, where such matters are alone and properly cognizable they pray that said Anna F.Scott and Winney A.Woodson who was Scott, both being under the age of 21 years, be made parties defendants to this bill and required to answer the same, but an answer on oath is hereby expressly waived, that a guardian ad litem be assigned to attend their interest, that said tract of land be sold, and after the payment of the cost of this suit including a reasonable fee to the attorney conducting the same, then the rest of the proceeds of the sale of the tract of land be divided among the three parties entitled as above stated, that in case the

court should be of the opinion that the said land ~~cannot~~ be divided in kind then that it be so divided, that all such other, further and general relief be afforded your complainants as the nature of their case may require, or as to equity and good conscience will seem meet.

And they will ever pray.

J. A. Scott
S. B. Woodson
by W. S. Hallow
their atts.