

1908-031 Chancery Causes: William J. W. Bailey & Levin Alkmond, gdns. vs Margaret E. Bailey &

Dale of Wight County

Savannah Bailey, by & c

other SURNAMES: Barlow,
Northwoethy, Crocker, Norsworthy

Bailey Edw + als

vs

Bailey + als

Complainants bill

"

Apr. Ct. 1880. Decreted
by court to send
De. to see infants
Tenn ver.

"

April term 1892

Re ordering rule vs. H. J. H. Bailey

April term 1895. De for
accounts vs.

June 1, 1908

be required to answer the several allegations of
this bill as fully and particularly as if specially
interrogated thereto and that your honor will
decide the sale of said trees and the investment of
the proceeds upon such terms and conditions and
in such manner as will best promote the interest
of your orators' foresaid wards and will grant
unto your orators such other and further relief
as may be consistent with equity and the case
may require

May it please &c

Geo. H. Kinnear per

Isle of Wight County to wit

Personally appeared before me this day William C. Bailey
guardian of Laramus Bailey and Levin Ellman
guardian of Margaret C. Bailey and make oath that
the several allegations in the foregoing bill they believe
to be true

Given under my hand, this ^{as a commissioner in chancery of the} day of ^{the}
circuit Court of Isle of Wight County this ^{day of}
April 1880

To the Honorable George Blaw Judge of the Circuit Court
of Isle of Wight County

Humbly complaining shew unto your honor your
orators William C. H. Bailey guardian of Savannah Bailey
and Levin Allmand guardian of Margant & Bailey
that the said Margant & Bailey ^{and Savannah Bailey} are jointly seized
of a tract of land in the county of Isle of Wight in the
State of Virginia on which there is a small quantity of
very good timber ^{trees} but not enough to justify any one in
putting up a saw-mill to cut the same that there is now
in the vicinity of said land a saw-mill which will be
removed in the course of a few months that the said
timber ^{trees} can now be sold for a good price and if not
now sold will be comparatively worthless after the
removal of said mill and it is therefore to the advantage
of the said Margant & Bailey and Savannah Bailey
that the said timber trees should now be sold before
the removal of said saw-mill. * That the cutting of said
trees will not depreciate the value of said land as there
will be left upon it sufficient timber for farming purposes

In tender consideration of which for as much as your
orators are remediless in the premises save by aid
of a court of equity where matters of this kind are
alone and properly cognizable your orators
pray that the said Margant & Bailey and Savannah
Bailey infants under the age of twenty one years
may be made defendants to this bill and that
they by a guardian ad litem to be assigned them

* That the personal estate of the said infants is small
and insufficient for their support and education and that
the sale of said timber will be necessary for that purpose

Bailey Guardian & al

vs

Bailey & al

Infants answer

Filed Apr. 20. 1885

=

Bailey and Allmand guardians against Bailey
and others

The answer of Margaret E. Bailey and of
Savannah Bailey infants under the age of twenty one
years by N. J. Young their guardian ad litem assigned
to defend them in this suit to a bill exhibited against
them by William L. H. Bailey guardian of Savannah
Bailey and Levin Allmand guardian of Margaret
E. Bailey in the circuit court of Isle of Wight county
These defendants reserving to themselves all right of
exception of the said bill of complaint for answer
thence saith that they are infants of tender years and
have no knowledge of the matters alleged in said bill
and place themselves as to the matters alleged therein
under the protection of this honorable court and having
answered pray hence to be dismissed with their
reasonable cost in this behalf expended they will
ever pray &c

N. J. Young gdm. ad
litem

Bailey Gou^{re}
p } Du Chay

Bailey Dufts

Reposition

were taken before me at the time &
place named in caption, Lewis
under my hand this 14th day
of April 1880.

Wm. D. Connelly
Com. Geo. 85c

in the vicinity, that after the removal of said mill, the timber will be comparatively worthless and of but little value as it is not convenient to market, I am informed that the said mill will be removed in six or eight months, and I consider that it is to interests of the said infants, that the said timber should be sold before the removal of said mill. And further this deponent saith not.

Juniors H Barlow
P & Crocker & I J Northworthy being
duly sworn depose and say
I concur in the above statements
contained in the deposition of
Juniors H Barlow

J. J. Forsworthy
P & Crocker
mark

Deed of Rights Co to suit.

J. R. Boykin a commissioner
in chancery for the Cir Ct for the Co
aforesaid in the state of Va, do hereby
certify, that the foregoing depositions

The depositions of Sumner Mc
Barlow, P. D. Crocker and J. S.
Norworthy taken before me at Bayview
a court in Chancery for the Circuit Court for
the County of Berkeley, at the office of
Geo B Atkinson on the 14th day of April
1880, to be read as evidence, in a
certain suit in Chancery depending
in said court, wherein Wm Bailey
and Levin Allman are plaintiffs
and Margaret Bailey and Susan-
nah Bailey are defendants

Sumner McBarlow, being duly
sworn deposes and says,
I am acquainted with the tract of
land, formerly belonging to Joshua
Bailey, now owned by Margaret
Bailey a Savannah Bailey this
heirs at law. There is some very
good timber on the said land, not
a great deal. That the said timber
can be now sold to advantage
as there is a ~~saw~~ mill to be

Railway Gen

\$ In Chg.

Railway Ints

Reposition

sitions were taken before at the time re-
ceived in caption. Given under
my hand this 21st April 1880
Comrs J. J. 20

W. M. Doyne

and that the sale of the said timber
is necessary to their support and
education, and I believe it is to
their interests to sell the same
Further this deponent saith not
Peter ^{his} Crocker
mark

Wm Bailey being duly sworn de-
poses and says that I consider
the said timber worth about
150⁰⁰ or 200⁰⁰, that the said
infants have but little personal
estate nor more than 100⁰⁰
each after paying debts of estate,
and the sale of the timber is neces-
sary for the support and edu-
cation of infants Further
this deponent saith not,
William Bailey
Deputy High Court Officer

I R O Roshin Comr
in Chg for the Cir Ct in Co aforesaid
do certify that the foregoing depo

The depositions of John Horstworthy
Peter Crocker & Wm V Bailey,

Taken this 21st day of April 1880
before me R. H. Knight court in equity for the District of Columbia
To Read as evidence by consent of
parties on behalf of P'ts, in a
certain suit in equity depending in
said court wherein Wm & W Bailey
and Lewis Allman heirs of Saran-
nah and Margaret O Bailey are P'ts
and the said Sarannah Margaret
& Bailey — are defendants.

John Horstworthy being duly sworn
deposes and says, I am acquainted
with the timber on the lands belonging
to said infants. I think it is worth
some \$150⁰⁰ or \$200⁰⁰. Further deponee
says not

J. F. Horstworthy
Peter Crocker being duly sworn
deposes and says, I am acquainted with
the said timber I think it is worth
\$150 or \$200⁰⁰. I am also acquainted
with the infants. I know that they
have very little personal property

Bailey gov.
as $\frac{3}{4}$ Report
Bailey et al.

Filed Oct. 17
1892

To the circuit court of the of Wright
County.

The undersigned, one of the commis-
sioners appointed by decree of said
court rendered at April term 1880,
in the suit of W. G. W. Bailey gov. of
Savannah Bailey et al. vs. Margaret
Bailey et al. directing himself &
Levin Allman ^{as govs.} to sell the timber
on the land in the bill &c. men-
tioned, reports to the court that
he, as ~~commissioner~~ ^{guardian} aforesaid, sold
the said timber in the year 1880 &
1881, to R. R. Turner, which will
be seen by reference to the con-
tract between said Turner and
your ~~commissioner~~ ^{guardian} herewith filed,
and for which timber he has
received from said Turner the
sum of one hundred and
fifty dollars.

Given under my hand this
18th day of October 1892,
William F. W. Bailey

Bailey's gdw,
vs. Zdenchey,
Bailey et al,

Report of com,
Young under
decree of Spl
1895.

Filed Augt, 24,
1895,

Amount received by W. J. W.
 Bailey guardian of Savannah
 Bailey and agent for S. Allman
 guardian of Margaret C. Bailey,
 from R. R. Turner & Son for timber
 sold under the decree of said
 Interest thereon from the 1st
 of January 1881, to 28, Octo:
 1895

150.00

133.50

283.50

Attorneys fee (agreed) 20.00

Clerks fees 10.70

Sheriff fees 1.50

Comm. in Chy: Boykin, 2.75

Comm. in Chy. - Young 4.50

Costs of suit - - - - - 29.45

Amt. in hands of Bailey \$322.95

Which statement shows the
 principal interest in the
 hands of W. J. W. Bailey to be \$283.50
 And costs of suit \$29.45

Given under my hand as a com-
 missioner of said Circuit Court
 this day and year first of said

N. C. Young Com.

who is dead, that he had fixed
upon the 24th. day of August 1895
to take and report said account.
That said notice, were served on
the parties and returned to your
commissioner. That said Wm. J. W.
Bailey appeared before your com-
missioner and stated that in Decr.
1880, he thinks, he sold the timber
directed to be sold by decree of April
term 1880, to R. R. Turner & Son, that
they paid him about 1. Jan'y. 1881,
for said timber one hundred
and fifty dollars, that the sale was
made by him alone and that
Kevin Allen had no connection
with said sale, nor did he receive
any portion of said proceeds.
That he has paid the costs of
suit except the attorney's fee,
which he has not paid, but he
failed to exhibit to your com-
missioner evidence of such payments.
Your commissioner, thereupon,
has made and herewith
reports the following statement
of account, To wit:

Commissioners office, Isle of Wight
County, August 24th 1895.

To the Circuit Court of Isle of
Wight County.

Pursuant to a decree of the
said Circuit Court, rendered at
the April Term 1895, in a suit in
chancery therein depending, in
which Wm. J. W. Bailey guardian of
Savannah Bailey and Levin Allmand
guardian of Margaret E. Bailey are
plaintiffs, and Margaret E. Bailey
and Savannah Bailey, defendants,
requiring one of the commissioners of
the said Court to report an account
showing what is the balance in
the hands of said W. J. W. Bailey.
Commissioners, from the sale of the
timber made by him after deduct-
ing therefrom the costs of suit
and attorneys fee paid by him,
together with any matters deemed
pertinent by him or required by
any party to be so stated.

Your Commissioner reports to the
Court that, on the 31st day of July
1895, he issued notices to the
said parties, plaintiff and defend-
ants, except Levin Allmand guardian

Bailey gdw & als

vs

Bailey & als

Deer

April

October term 1880

To be entered

Geo. V. Blows

Entered 35

Bailey gdw + als

vs

Bailey + als

by consent, was this day docketed and came on

This cause, ~~made on this day~~ to be heard on the bill and exhibits filed the answers of the infant defendants Margaret & Bailey and Saranna Bailey by H. O. Young their guardian ad litem appointed by the court to defend their interest in this suit and on the deposition of witnesses and was argued by counsel. On consideration whereof the court doth order that W. L. W. Bailey and Linn Haggardians respectively of Margaret & Bailey + Saranna Bailey Almond, ~~who are hereby appointed commissioners for that purpose~~ do proceed to sell the timber on the land of the said Margaret & Bailey + Saranna Bailey either publicly or privately and for cash or on a reasonable credit as they may deem best for the interest of their wards and make report to court of their proceedings under this decree

Bulky 900

100

Bulky

Bulky
100
1892

1
Bulky

C. H. H.

Entered 22

✓

Barley vs Bayley

This cause came on this day to be argued ^{heard} on the paper for
merely read and was argued by counsel for counsel unless
when of the court both admitted and leave that a rule
is entered against William J W Bailey requiring him to show cause
at the next term of this court
why he has not reported the court his proceedings and as to be
heard of April term 1880.

Burley 8th

Burley 8th

Rough Service

April Term 1895

Examinations.

Robert R. Hunt
April 22, 1895

Entered # 4

In the General Court of Sale of Weight Bonds, April 1893

W. F. W. Bailey, Esq.

Plaintiffs

Bailey, Esq.

Defendants

This cause came on this day to be again heard on the papers
formerly read and on the report of W. F. W. Bailey, commissioner
made hereon of April Term 1888, filed October 17th 1892
and was argued by counsel. On counsel on this behalf of the
court doth enforce the ^{to which no exceptions are filed} said report, and doth discharge the
rule against ^{said} ~~the~~ ^{J. W. Bailey} which was entered against ^{him} ~~at the~~
on the 4th day of May 1892, and doth as judge, order and decree
that one of the commissioners of the court doth report an account
showing what is the balance in the hands of said W. F. W. Bailey, com-
missioner from the sale of the timber made by him, after deducting
therefrom the costs of suit and attorney's fee paid by him, together
with any moneys deemed payable by him or demanded by any
party to be as stated.

W. J. W. Bailey
vs. J. J. Chy.

Bailey et al.

Depon April term 1895.

A copy

For a St.

Noted if. 31. July
to 24. Aug. 95.

In the Circuit Court of Isle of Wight
County April Term 1895-

W. J. W. Bailey Esq.

Plaintiff

vs.

Bailey & Co.

Defendants.

This cause came on this day to be again
heard on the papers formerly read, and on
the report of W. J. W. Bailey Commissioner
under decree herein of April term 1888,
filed October 17th 1892, and was argued
by Counsel. On consideration whereof the
Court doth confirm the said report to
which no exceptions are filed, & doth discharge
the rule against the said W. J. W. Bailey,
which was entered against him on the
4th day of May 1892, & doth adjudge order
& decree that one of the Commissioners
of the Court doth report an account
showing what is the balance in the hands
of said W. J. W. Bailey Commissioner from
the sale of the timber made by him after
deducting therefrom the costs of suit and
attorneys fee paid by him together with
any matter deemed pertinent by him or
required by any party to be so stated.

A copy

Teste W. P. Young clk

by A. F. Young Deputy

~~To the credit of~~

R. R. Turner,
Wholesale and Retail
LUMBER DEALER.

POST OFFICE
RAYNOR, ISLE OF WIGHT CO.,
VIRGINIA.

189

Isle of Wight County State of Virginia
Known all men by these presents that
I Wm J. W. Bailey administrator of
Joshua Bailey deceased do hereby
sell to R. R. Turner & Son all the
timber 14 inches and upwards
on the lands of the said Joshua
Bailey for the sum of one hundred
and fifty dollars the receipt of
which is hereby acknowledged
said timber adjoins the lands of
Peter H. Crocker on the North Gilbert
Worren on the South Robin G. Walling
on the East & Thos. Spaulding on
the West

William J. W. Bailey
R. R. Turner & Son

2021 Confidential

FORM NO. 133.

To the Hon. Judge
Bailey's order.

vs.

SUMMONS TO show
~~PROPERTY~~ ~~AND TENANTS~~
~~OF LANDS.~~
W. W. Bailey
Com. vs.

Bailey et al.

To

Oeto: term

Circuit Court,

1892

Executed on
the within
May 28th 1892
R. A. Ewing
Sik

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight Greeting

WE COMMAND YOU to summon

William J. W. Bailey

Circuit

to appear before the Judge of our Court for the County of Isle of Wight, at
the court-house, on the 20th day of October 1892, to show cause if any he can,

against the application of why he has not reported to Court
his proceedings under a decree of said Court
rendered at April term 1880, directing him
to sell certain timber in the suit of Bailey's
gov. n. Bailey et al.; directing him as com-
missioner to sell the timber in the proceedings
of said suit mentioned

And have then there this writ.

Witness H. P. Young, Clerk of our said court, at the court-house, this 14th

day of May, 1892, and in the 110th year of the Commonwealth.

H. P. Young, Clerk

Bailey & Co.

vs.

COMMISSIONER'S NOTICE.

Bailey & Co.

To 24. Sept. 1895

Executed in the
presence

Commissioner's Office,

Shelby County, Tenn. 1895

To W. J. W. Bailey guardian of Savannah
Bailey and to Savannah Bailey and
Margaret Bailey depts.

You are hereby notified that I have fixed upon the ²⁴ day of August next,
if fair, if not, on the next fair day thereafter (Sunday excepted), to take and settle at my office, ^{an} the account
of what is the balance in the hands of
said W. J. Bailey as commissioner from the
sale of the timber made by him under
a decree in this case, after deducting the
costs of said and other expenses paid by him

required to be taken by a decree of the Circuit Court of the County of Shelby
rendered on the day of April 1895, in a suit in chancery depending in said
Court between said parties p'ts, & depts.

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.

H. O. Young comm.