

1909-005

Chancery Causes

Mattie V. Russell

VS

Mary R. Little

Edwin Little's executor & ad

Petition of

Shaw Land & Timber Company

Ile of Wight County

other surnames: Gwaltney
Jones, Vellines, Gale,
Crocker, Thomas, white,
Ferguson

Summary of case

13. 3. 1904

14. 11. 1904

15. 11. 1904

16. 11. 1904

17. 11. 1904

June 6 - 1904

2. November rule, 1903

Summons returned, executed as to
Adm. & Swain, Mary R. Lill, Sumner
W. Lill, Adm. & Swain & Lill, and J. C.
Lill. Continued as to matters & B.
Lill and T. S. Russell.

1. 11. 1903. 11. 1903. 11. 1903. 11. 1903.

2. 11. 1903. 11. 1903. 11. 1903. 11. 1903.

Answer of Infants defendants,
by Jdn ad litem, filed; and was
set for hearing as to them.

Bills taken for confessed as
to defendants Adm. & Swain,
Mary R. Lill, Sumner W. Lill,
Adm. & Swain & Lill and J. C. Lill,
and case set for hearing as to
them. Continued as to matters
& B. Lill and T. S. Russell.

1. 11. 1906

11. 1906. 11. 1906. 11. 1906. 11. 1906.

2. 11. 1906. 11. 1906. 11. 1906. 11. 1906.

Bills taken for confessed as to
Adm. & Swain, Mary R. Lill, Sumner
W. Lill, Adm. & Swain & Lill, and J. C. Lill,
and case set for hearing as to
them. Continued as to matters
& B. Lill and T. S. Russell.

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

Mattie V. Russell

vs.

Mary R. Little et als.

BILL.-

2^d June Rules 1904 Bill
filed. same caption on all
advertisements. W. L. Falk off to go.
Attorney.

1st July rules 1904. Bill taken
for confound & case set for hearing

Oct. term 1904 done for accounts

NELMS & WISE,
COUNSELLORS AT LAW,
NELMS BUILDING,
NEWPORT NEWS, VIRGINIA.

W. T. BARRON & CO., PRINTERS, NORFOLK, VA.

(5)

process may issue, and for all such other, further and general relief as the nature of the case may require and to a Court of Equity shall seem meet.

And your complainant will ever pray, etc.

John H. Hise
p. q.

Mattie V. Russell

State of Virginia,

County of Elizabeth City, to-wit:

This day personally appeared before me, the undersigned, a notary public for the said county, Mattie V. Russell, who made oath and said that she believes the several statements made in the foregoing bill to be true.

Given under my hand this 5th day of April, 1904.-

G. M. Phillips

Notary Public.

My Commission expires Nov 13th 1906

)

depreciate the interest of the remainderman.

In tender consideration whereof and forasmuch as your complainant is without remedy save in a court of equity where matters of this sort are alone and properly cognizable, and to the end that justice may be done, she prays that Mary R. Little, Emmett W. Little, Executor of the last will and testament of Edwin Little, deceased, Emmett W. Little, in his own right, B. F. Russell, James C. Little, Ada V. Gwaltney, Adniram J. Little, Eddie Little, an infant over the age of fourteen years, Vernon Little, an infant over the age of fourteen years, and Basil Little, Frank Little, Joseph Linwood Little and Mary Viola Russell, all infants under the age of fourteen years, may be made parties defendant to this suit; that a proper guardian ad litem may be appointed to defend the rights of the said infants and that the said adult defendants and infants over the age of fourteen years, as well as their said guardian ad litem, and the said guardian ad litem of the other said infants, may be required to answer this bill, but answer under oath is hereby waived; that the said tract or parcel of land mentioned and described in the aforesaid will and testament of Edwin Little, deceased, as being located East and South of the line mentioned in the said will and which was by the sixth clause thereof devised to his wife, the said Mary R. Little for and during her life and widowhood, with remainder to your complainant and the heirs of her body, may be sold and the proceeds thereof invested for the benefit of your said complainant and the said infant defendants entitled to remainder in the said estate, as this honorable court may direct, and that all proper orders and decrees may be made and all proper accounts and inquiries directed, that proper

authenticated copy of the said deed is herewith filed marked Exhibit "B" and prayed to be taken and read as a part of this bill.

Your complainant believes that now is an advantageous time to sell the said land and that a higher price can doubtless be obtained for the same at this time than at any other in the near future; that a sale of the said land would very much promote the interest of your complainant and all parties interested. The present rental value is very small being but twenty-five dollars per year, so that after paying the taxes on the land, there is but little left to your complainant and she does not receive the benefits therefrom that was intended by her father, because it is impossible to rent the same to advantage. There are now several saw mills in the vicinity, which has created a demand for lumber and by reason of this fact, a larger price would doubtless be obtained for the land at the present time than at some future date; that these mills are liable to be removed at any time, which removal would depreciate the value of the land very largely as the land is situated too remote ^{from} ~~xxx~~ navigation, to be marketed, and it is only by reason of the lumber roads running to the mill, which makes the land of so great value.

Your complainant would represent that the said infant defendant Mattie Viola Russell has no other estate, real or personal, than that hereinabove mentioned; that she believes the only estate her mother Mary R. Little and the children of the said Joseph C. Little have is set forth in the said will, that the rents derived from the said lands amount to a very insignificant sum and that if the same could be invested in some good dividend paying ^{investment} ~~company~~, your complainant would receive the benefit of her father's will, and would in no wise

queathed unto his wife, Mary R. Little, all of his said real estate, during her life or until her marriage, and at the death or marriage of his said wife Mary R. Little, directed and provided that all of the said land East and South of the line drawn in said will, should go to your complainant for and during her life and at her death to the legal heirs of her body, if any, and if not, then to Joseph C. Little and in the case of the death of Joseph C. Little, the son of the said Edwin Little, and Mattie V. Little, now Russell, without a legal heir of the body of either, then to Mary E. Little.

That your complainant, the daughter of the said Edwin Little, has intermarried with one B. F. Russell and has had born to her one child, Mattie Viola Russell, now aged nine years; that should your complainant and her said child also die, the children of the said Joseph C. Little, hereinafter named, would be entitled to the said lands under the said will; that the said Joseph C. Little has departed this life, leaving surviving him the following children about the following ages: Eddie, aged seventeen, Vernon, aged fifteen, Basil, aged eleven, Frank, aged ten, Joseph Linwood, aged nine.

Your complainant would represent that by deed of bargain and sale, bearing date on the 31st day of December, 1896, and duly recorded in the Clerk's Office of the County Court of Isle of Wight County, Virginia, on the 14th day of April, 1899, for a valuable consideration, the said Mary R. Little sold and conveyed to your complainant all her right, title, interest and estate in and to all of the real estate situate East and South of the said dividing line and which was devised to the said Mary R. Little for and during her life or widowhood, with remainder to your complainant and the heirs of her body, a duly

In the Circuit Court of the County of Isle of Wight, Virginia:-

To the Honorable Robert R. Prentiss, Judge of said Court.

Complaining sheweth unto the Court your complainant, Mattie V. Russell, of the County of Elizabeth City, Virginia, the following case:

Edwin Little, the father of your complainant, departed this life in the year 1879, leaving surviving him his wife, Mary R. Little, ^{James C. Little} Mary E. Little, Adniram J. Little, Joseph C. Little, Emmott W. Little, Ada V. Gwaltney. Mary E. Little has since ~~unmarried~~ and died, without issue. Joseph C. Little has departed this life, leaving surviving him his wife, who has since died, and the following children, Eddie Little, Vernon Little, Basil Little, Frank Little and Joseph Linwood Little.

Your complainant's father died seized and possessed of valuable real estate situate in the said County of Isle of Wight, Virginia; that by the last will and testament of the said Edwin Little, which was duly admitted to probate in the County Court of the County of Isle of Wight, Virginia, on the 5th day of January, 1880, he divided the said real estate into two tracts or parcels, the said division line running as follows:

"Commencing a line at a marked gum in branch on Mallory Jones' line, then up branch in field to a marked hickory near head of branch, then to a marked black gum on farm line of Burwell Green tract, then along the said Green line to a cedar post on George W. Barlow line, then to a marked tree on Benjamin Bailey line, then to line of Nancy Tines, then said line to main run of Delk's Swamp". An authenticated copy of said will is herewith filed marked Exhibit "A" and prayed to be taken and read as a part of this bill; that the said Edwin Little devised and be-

Mattie V. Russeel

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Mary P. Little et al.

Petition of
Shaw Land & Timber Co

H. H. RUMBLE

ATTORNEY AND COUNSELLOR AT LAW
NORFOLK, VA.

Jewell & Co., Phila

the said Mary J.'s life estate therein, but did not acquire the remainder owned by the children of said Mary J.

It further appears from the complainant's bill in said suit that Mary J. Little is now dead. On this state of facts, the life estate of Mary R. Little in this land is now owned by the children of Mary J. and Joseph C. Little, namely, Eddie, Vernon, Basil, Frank and Joseph Linwood Little; all of whom, as appears from the bill, are infants.

It appearing from these facts that the bill in this cause was not filed by the proper person, your petitioner objects to the confirmation of the said sale, and prays that the same may be set aside, and that the said Special Commissioner may be directed to refund and repay to your petitioner forthwith the said sum of \$608.33 paid to him, as aforesaid.

And your petitioner will ever pray, etc.

SHAW LAND AND TIMBER COMPANY,

By


Its attorney.

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

Mattie V. Russell, *
Vs. *
Mary R. Little, et al. *

To the HONORABLE ROBERT R. PRENTIS,
Judge of said Court:

Your petitioner, Shaw Land and Timber Company very respectfully represents that at the sale made by W. J. Nelms, Special Commissioner in the above entitled suit, your petitioner became the purchaser of the tract of land in the bill and proceedings mentioned, at the price of \$1,825.00, of which the sum of \$608.33 was paid to the said W. J. Nelms, Special Commissioner, in cash.

Afterwards, your petitioner had its attorney examine the title to the said tract of land, and has ascertained thereby that the Court was without jurisdiction to decree a sale of the said property in this suit. The examination of the title to said property discloses the fact that by deed of March 7th, 1893, recorded in Deed Book No. 57, page 603, in the Clerk's Office of Isle of Wight County, Mary R. Little and Joseph C. Little conveyed their respective interests in the entire tract of land of which this land is a part, to Mary J. Little, wife of said Joseph C. for her life, with remainder to the children of said Mary J. by said Joseph C. Little.

Afterwards, viz, December 31, 1895, Mary J. Little conveyed to Mary R. all of the interest of Mary J. in the tract of land sold in this suit. (See Deed Book No. 67, page 117). By the latter deed, Mary R. Little acquired anew so much of the estate for her own life as was owned by Mary J., that is,

dismissed, with his reasonable costs in this behalf expended.

And now having fully answered, he prays to be hence
to a sale of the said land, as prayed for in the said bill.

And in the said bill and there. This respondent does not object

to the said bill, answers and asks that he believe the statements

in the respondent's bill and answering, &c., for answer.

And he prays that he be allowed to amend the said bill.

And he prays that he be allowed to amend the said bill.

And he prays that he be allowed to amend the said bill.

And he prays that he be allowed to amend the said bill.

And he prays that he be allowed to amend the said bill.

And he prays that he be allowed to amend the said bill.

And he prays that he be allowed to amend the said bill.

In the Circuit Court of the
County of Isle of Wight, Va.
Matthew V. Russell
vs.
Mary R. Little et als.

Answer of B. Russell.

In Objection.

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

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

Mattie V. Russell

vs.

In Chancery

Mary R. Little, and others.

The answer of B. F. Russell, to a bill in equity exhibited against him, and others, in the Circuit Court of the County of Isle of Wight, Virginia, by Mattie V. Russell.

This respondent, saving and reserving, &c., for answer to the said bill, answers and says that he believes the statements made in the said bill are true. This respondent does not object to a sale of the said land, as prayed for in the said bill.

And now having fully answered, he prays to be hence dismissed, with his reasonable costs in this behalf expended.

B. F. Russell
by W. J. Allen
Counsel.

R. A. Edwards, Gdn. &c.

vs) In chancery

Little, et als.

Answer of the defendant ~~Eddie~~

J. Little

LAW OFFICE OF
R. E. BOYKIN,
SMITHFIELD, VA.

Edwards, Guardian

vs)

Little, et als.

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

The answer of Eddie J. Little to the Bill of Complaint in said Court exhibited by R. A. Edwards, Guardian, against him and others.

This defendant saving and reserving all right of exceptions to the many errors and imperfections in the said Bill contained, for answer thereto, or to so much thereof as he is advised it is material or necessary for him to answer, answering, says: That he admits to be true the general allegations in the said Bill contained and having arrived to the age of twenty one years since the filing of the Complainant's Bill, he is informed and believes that it is to the interest of this defendant, and the other parties to the said suit that the sale of the land in the Complainant's Bill mentioned to the Shaw Land and Timber Company heretofore made as in said Bill alleged, should be ratified approved and confirmed:.

And having answered, this defendant prays hence to be dismissed with his costs in this behalf most unreasonably expended.

370 ✓
Circuit Court of Isle of
Wight County, Va.

Mattie V. Russell,

v.

Mary R. Little and others.

Answer of Guardian ad litem
to infant defendants *under 14*

26 Sept 1904 -

NELMS & WISE,
COUNSELLORS AT LAW,
NELMS BUILDING,
NEWPORT NEWS, VIRGINIA.

W. T. BARRON & CO., PRINTERS, NORFOLK, VA.

USA
PAPER
infant defendants,

by the said

W. F. Dock,

their guardian ad litem.

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State of Virginia,)
County of Isle of Wight.-) to wit:-

This day personally appeared before me the undersigned, a Justice
Public of the Peace for the said county of Isle of Wight, W. F. Dock

Dock, guardian ad litem of Mattie Viola Rus-
sell, Basil Little, Frank Little and Joseph Linwood Little, and
made oath that he believes the several statements made in the
foregoing answer to be true.

Given under my hand this 26th day of September, 1902.-

W. F. Dock
Justice of the Peace.
One box 10/27/1902

In the Circuit Court of the County of Isle of Wight, Va.-

-----x
Mattie V. Russell, plaintiff,

versus

Mary R. Little and others.-
-----x

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)
) In chancery.-
)
)

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The answer of W. L. Fulk, guardian ad litem,
to the infant defendants Mattie Viola Russell, Basil Little,
Frank Little and Joseph Linwood Little, and the answer of the said
infant defendants by the said W. L. Fulk,
their guardian ad litem, to the bill in equity exhibited against
them, and others in the circuit court of the County of Isle of
Wight, Virginia, by Mattie V. Russell.

For answer to the said bill, the said guardian ad litem
answers and says that he does not know whether the interests of
the infant defendants would be promoted by a sale of the ~~xxxxx~~ land
as prayed for in the said bill, or not; and the said infant de-
fendants, by their said guardian ad litem, answer and say, that
being infants of tender years, they know nothing of the matters
mentioned in the bill, and commit the protection of their inter-
ests to the Court.

And now having fully answered they pray to be hence dismissed.

W. L. Fulk
Guardian ad litem to

Mattie Viola Russell,
Basil Little,
Frank Little and
Joseph Linwood Little, &
the said Mattie Viola Russell,
Basil Little,
Frank Little and
Joseph Linwood Little, and
Eddie Little, and
Vernon Little

✓
Mattie V. Russell.

Vs. In Chancery.

Little et als.

Answers of Eddie Little and Ver-
-non Little.

3 Apr. 1905

R U S S E L L E T A L S.

V S.

L I T T L E E T A L S.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

The joint and several answer of of Eddie Little and vernon Little to the bill of complaint in said court exhibited ^{by} Mattie V. Russell against them and others.

These defendants saving and reserving all right of exception to the many errors and imperfections in the said bill contained, for answer thereto or to so much thereof as they are advised it is material or necessary for them to answer, answering say, that they are infants, under the age of twenty one years and commit their interests to the protection of this honorable court.

And further answering these defendants say that, they are informed, that it would be inadvisable to sell the land in the complainants bill mentioned at private sale, as they believe it would sell for a much larger sum if sold at public auction, as several parties, as they are informed, desire to purchase the same, and the said land would bring much more than the sum of one thousand dollars.

And having answered they pray hence to be dismissed with their costs in this behalf most unreasonably expended.

Eddie Little

Vernon Little

Isle of Wight County, to wit.

I R. E. Boykin a commissioner in chancery for the Circuit Court for the County aforesaid in the State of Virginia, personally appeared before me in my said county and made oath that the statements contained in the foregoing answer are true.
Give under my hand this 3^d day of April 1905.

R. E. Boykin
Comm in chancery.

Executed by delivering to the within
named Mary R. Little & W. Little Esrs
& E. Little in his own right. J. C. Little
A. J. Little Esq. June 17th 1904

R. F. Russell adn V. Swallow and Dickinson
Not found in my County June 17th
1904

At A. Edwards
Siff

Walter V. Russell

VS. }
SUBPOENA
IN
CHANCERY.

Mary R. Little

John Wise

p. 9

To 2 June Rules,
bicent Court.

B 3119

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon Mary R. Little, Emmett W. Little
Executor of Edwin Little deceased, Emmett W. Little in his own right-
B. F. Russell, James C. Little, Ada V. Gwaltney, Adiraman J. Little,
Eddie Little an infant over the age of fourteen years, Vernon Little
an infant over the age of fourteen years, Mattie Viola Russell, Basil
Little, Frank Little and Joseph Linwood Little, infants under the
age of fourteen years,

to appear at the Clerk's office of the Circuit Court of the County of Isle of Wight-
at the rules to be held for the said Court, on the Third Monday in June 1904,
to answer a bill in chancery, exhibited against them in our said court for
by Mattie V. Russell

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at
the court-house, the 14th day of June 1904, and in the 128
year of the Commonwealth.

N. F. Young clerk

Executed this the 16th Day of June 1904, by delivering a true copy of the within process to Ada V. Gwalling in person

J. W. Berry Deputy
For Aaron Baker Sheriff
Harrison County Va

Mattie V. Gwall

VS.

SUBPOENA
IN
CHANCERY.

Mary R. Dittala et al

John and Phoebe

D. 9

To 2^d June

Rules,

Declarit

Court.

B3119

The Commonwealth of Virginia,

To the Sheriff of the County of ^{Nammond} ~~Isle of Wight~~, Greeting:

WE COMMAND YOU that you summon Mary R. Little, Emmett W. Little,
executor of Edwin Little deceased, Emmett W. Little in his own right,
B. F. Russell, James B. Little, Ada V. Gwaltney, Adniram J. Little,
Eddie Little an infant over the age of fourteen years, Vernon Little
an infant over the age of fourteen years, Mattie Viola Russell, Basil
Little, Frank Little and Joseph Lincoln Little infants under the age
of fourteen years

to appear at the Clerk's office of the Circuit Court of the County of Isle of Wight
at the rules to be held for the said Court, on the Third Monday in June 1904,
to answer a bill in chancery, exhibited against them in our said court for
by Mattie V. Russell

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at
the court-house, the 14th day of June 1904, and in the 12⁸
year of the Commonwealth.

N. F. Young *clerk*

vs.

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SUBPOENA
IN
CHANCERY.

p. 9

To..... Rules,

..... Court.

B 3119

The Commonwealth of Virginia,

^{Elizabeth}
To the Sheriff of the County of ~~Isle of Wight~~, Greeting:

WE COMMAND YOU that you summon Mary R. Little, Emmett W. Little
executor of Edwin Little deceased, Emmett W. Little in his own right
B. F. Russell, James B. Little, Ada V. Gwaltney, Adniam J. Little
Eddie Little, an infant over the age of fourteen years, Vernon Little
an infant over the age of fourteen years, Mattie Viola Russell, Basil
Little, Frank Little and Joseph Linwood Little, infants under the age
of fourteen years,

to appear at the Clerk's office of the Circuit Court of the County of Isle of Wight
at the rules to be held for the said Court, on the Third Monday in June 1904,
to answer a bill in chancery, exhibited against them in our said court ~~for~~
by Mattie V. Russell

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at
the court-house, the 14th day of June 1904, and in the 12th
year of the Commonwealth.

N. F. Young clerk

Attest Teste N. F. Young clerk

VS.

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SUBPOENA
IN
CHANCERY.

p. 9

To *Rules,*

Court.

B 3119

The Commonwealth of Virginia,

To the Sheriff of the County of ^{Elizabeth City} ~~Isle of Wight~~, Greeting:

WE COMMAND YOU that you summon Mary R. Little, Emmitt W. Little executor of Edwin Little deceased, Emmitt W. Little in his own right, B. J. Russell, James L. Little, Ada V. Gwaltney, Aseniam J. Little, Eddie Little, an infant over the age of fourteen years, Vernon Little an infant over the age of fourteen years, Mattie Viola Russell, Paul Little, Frank Little and Joseph Linwood Little, infants under the age of fourteen years.

to appear at the Clerk's office of the Circuit Court of the County of ~~Isle of Wight~~ at the rules to be held for the said Court, on the Third Monday in June 1904, to answer a bill in chancery, exhibited against them in our said court for by Mattie V. Russell

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the 14th day of June 1904, and in the 12th year of the Commonwealth.

N. F. Young clerk

A copy sent N. F. Young clerk

Martin V. Russell

VS.

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SUBPOENA
IN
CHANCERY.

Mary R. Little et als

Wm. H. Rice

p. 9

To 2^d June

Rules,

Circuit

Court.

B 33119

Service of the within
is hereby accepted for
B. H. Russell &
Martin V. Russell
W. J. Nelson
att'y
June 14/64

The Commonwealth of Virginia,

Elinor L. Little
To the Sheriff of the County of ~~Isle of Wight~~, Greeting:

WE COMMAND YOU that you summon *Mary R. Little, Emmett W. Little,*
executor of the last will and testament of Edwin Little deceased, *Emmett W.*
Little in his own right, B. F. Russell, James B. Little, Ado V. Swallow, Adrian
J. Little, Eddie Little an infant over the age of fourteen years, *Vernon*
Little an infant over the age of fourteen years, *Mattie Viola Russell, Basil*
Little, Frank Little and Joseph Linwood Little infants under the age of
fourteen years

to appear at the Clerk's office of the *Circuit* Court of the County of *Isle of Wight*
at the rules to be held for the said Court, on the *third* Monday in *June* 1904,
to answer a bill in chancery, exhibited against *them* in our said court for
by Mattie V. Russell

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at
the court-house, the *14th* day of *June* 190*4*, and in the 12*8*
year of the Commonwealth.

N. F. Young clerk

1888-7

724

1888-7

1888-7

Received and filed March 4th

1905

Test N. D. Gamm, clerk

ALBERT S. JOHNSON,
ATTORNEY AT LAW,
SMITHFIELD, VA.

Ans. I just told you. ~~Five~~ It may sell for less, it may sell for more. That is what I think.

Q. I wish you would do it, again please, and answer my question just propounded?

Ans. Twelve or fifteen hundred dollars.

Q. Have you heard anybody say they would give this much for it?

Ans. I have not, only what I have heard in the room.

And further this deponent saith not.

Geo. A. White

Sworn to and subscribed before me as Commissioner of said, on the day herein mentioned,

Geo. A. White

Q. Have any persons been buying timber lands in that section?

Ans. Yes sir.

Q. Who?

Ans. The Greenville Timber Company for one, and the Shaw Land and Lumber Company the other, for whom Mr. Gale has been purchasing.

Q. State whether or not, in your opinion, it would be for the best interests of the parties to this suit, or would the land bring more at private sale or at public auction?

Ans. Public auction.

Q. What, in your opinion, is a fair value for this land?

Ans. Land, lumber and all, twelve or fifteen hundred dollars.

Q. Is it not possible, or even probable, that if there are three or more lumber men desiring to purchase the timber land in this section, and having been purchased in the section, that the land might sell for more than fifteen hundred dollars?

(Question objected to as leading and hypothetical)

Ans. I think so sir.

(Cross examined by Mr. Helms.)

Q. Suppose that three or four timber men were there and did not want to buy. Do you think it would bring more than twelve hundred dollars?

Ans. I would take it.

Q. At what price would you take it?

Ans. I would take it at twelve hundred dollars.

Q. Would you take it at more?

Ans. If I could get it at twelve I would not want to take it at more.

Q. What would be the highest price that you would buy this land for for cash?

Ans. I don't think it is right, I have told you what I could do and you want to lead me to find out such I will give for it.

Q. What price do you believe, at a private sale, at cash sale, this land would sell for?

15
Q. Do you not think that a fair cash value of this land would be about a thousand dollars.

Ans. No sir; it is more than that.

Q. Have you heard any one say they would give over a thousand dollars for this land?

Ans. No sir, I have not.

And further this deponent saith not.

John A. Johnson

B. O. Thomas
mark

Mr. Jos. W. White, being duly sworn deposes and says:

(Examined by Col. Boykin)

Q. State your name, residence and occupation.

Ans. Forty nine; Isle of Wight County; farming.

Q. Are you familiar with this land, and how far do you live from it?

Ans. I live about a mile and a half from it. I am familiar with it.

Q. How many acres of this land is set in timber?

Ans. I don't know exactly, Colonel. I suppose something like fifty acres.

Q. You have lived in the vicinity of this land all your life, have you not?

Ans. I have.

Q. You own land in this vicinity and live on it, do you not?

Ans. Yes sir.

Q. What is the character of the timber on this land?

Ans. I was over it bird hunting last fall. The original growth is the prettiest in our section. There is no doubt about that.

As I reckon there is a little over half of the timbered land is original growth: the other timber is first class second growth.

Q. Do you know, whether or not, there is a demand for timber and timbered land in that section?

Ans. There has been the biggest demand for it in the last six months, since I entered my home twenty five years ago.

Q. State, if you know, how many acres of this land are set in
timber and the character of timber?

Ans. I would not say like to say the number of acres. I know the
land but do not know the number of acres in timber.

Q. From your best judgment how many acres would you say?

Ans. I would say all of sixt sixty.

Q. What is the character of the timber?

Ans. Right much of it is original growth. The balance of it is
good lumber, saleable I suppose.

Q. From your knowledge of this land and the timber on it, what
would you say was its fair value?

Ans. I should say eighteen hundred dollars.

(Cross examined by Mr. Helms)

Q. How long since you were on this land?

Ans. I have not been on it now in two years.

Q. What was your business when last time on it?

Ans. When I was last on it I simply came through it on a by-path
on my way from Mrs. Swallow's.

Q. Have you ever been on this land with a view of appraising it
as to the value of the timber or land, if so when?

Ans. No sir, I have not.

Q. Do you know of any person who will give eighteen hundred dol-
lars for this land?

Ans. No sir, I do not. I have not heard any say anything about it
either way, what they would give.

Q. Have you talked with any person touching the value of this land
recently?

Ans. No sir. I have heard those people around there talking about
buying lumber such as it.

Q. Who did you hear?

Ans. I heard Mr. Horewothy speak of it yesterday.

Q. Did you hear him say what he would give for this tract.

Ans. He told me, but he said he would not like for me to tell it
as he wished to buy it. He was speaking of the lumber and not the
land

13
Q. What part of this land is in original growth?

Ans. I think that half or more is in original growth.

Q. Are you satisfied that there are about twenty five acres or more of original growth?

Ans. I would think that there are all of twenty five acres in original growth.

Q. Would you give fifteen hundred dollars for this land?

Ans. If it was mine I should charge that for it. I don't expect to undertake to buy it but if I wanted it, and was prepared to buy, I would give fifteen hundred dollars for it.

Q. Cash?

Ans. Yes.

Q. Do you want it and are you prepared to buy?

Ans. No sir.

Q. Do you know of any person who will give fifteen hundred dollars cash for this land.

A. I have heard no one make any price on it at all except those right here.

And further this deponent saith not.

B. J. [Signature]

B. O. Thomas being duly sworn, deposes and says:

(Examined by Col. Boykin)

Q. State your age, residence and occupation? How far do you live from this land and are you familiar with it?

Ans. Thirty eight; Isle of Wight County; Farming; For the past two years I have lived about three miles from it. Before that for about twenty years I lived within a mile of it. I used to be familiar with it, but have not been on it much for two years. Before that time I was.

Q. About how many acres in this tract of land- the whole tract?

Ans. I don't know much about that, but I should think there had ought to be a hundred or a little over.

12
Q. About how many acres in this tract, and how many in first growth pine?

Ans. About a hundred acres in the tract. I suppose there is between twenty five and thirty acres in first growth pine.

Q. How many in second growth?

Ans. There is about twenty acres of open land, and the rest of it in second growth.

Q. And further this deponent saith not:

At I Little

E. D. Crocker being first duly sworn, deposes and says:

(Examined by Col. Boykin)

Q. State your name, age, residence and occupation and where you reside.

Ans. E. D. Crocker; thirty nine; Isle of Wight County; farming.

Q. How far do you live from the land in question and are you acquainted with it?

Ans. Yes sir; I live in about a half of a mile from the land.

Q. ~~What~~ About how many acres of this land is timbered and what is the character of the timber?

Ans. I think there must be somewhere about fifty acres of timbered land; original growth and second growth.

Q. Is the timber, in your opinion, of fair, good, or very good quality?

Ans. It is very good lumber.

Q. What, in your opinion, is a fair value of the land and timber?

Ans. Fifteen hundred dollars.

Q. State whether, in your opinion, it would be to the best interests to all the parties of this suit that the said land be sold at public auction or at private sale?

Ans. Public auction?

(Cross-examined by Mr. Halse)

11
(Question excepted to by Mr. Helms as leading and because it has not been shown heretofore that J. E. Galt has not been purchasing timber from anyone.)

Ans. I do not.

And further this Dependent saith not.

E. W. Little

Mr. A. J. Little being first duly sworn deposes and says:

(By Col Boykin)

Q. State your name, age, residence and occupation; and whether you are familiar with the lands in this suit mentioned?

Ans. A. J. Little; Fifty two; Isle of Wight County; farmer; I am familiar with the lands mentioned.

Q. What relation are you to Artie V. Russell?

Ans. Brother.

Q. How many acres of this land is set in timber?

Ans. Somewhere about forty or fifty acres I reckon.

Q. What is the character of the timber?

Ans. Pine timber, second growth a portion of it and a portion of it original growth.

Q. Is the land that is timbered thickly or thinly set in timber?

Ans. Tolerably thick.

Q. How far do you live from the land?

Ans. Five and a half.

Q. What, in your opinion, is a fair value of this land, with together with the timber?

Ans. I think about fifteen hundred dollars.

Q. Do you think it would sell better at private sale or at public auction?

Ans. Better at public auction.

(Cross examined by Mr. Helms)

Q. Would you give fifteen hundred dollars cash for it?

Ans. I would give twelve hundred dollars cash for it.

Q. Are you in a position to make a cash payment to that amount.

Ans. I reckon I can, sir.

on the property if they had a chance at a public sale.

Q. State, whether or not, timber in that section is now in considerable demand?

Ans. It is.

Q. Considering acreage, will you please state whether or not, in your opinion, in that section there is as valuable a piece of timber land?

Ans. There is none, to my knowledge, for sale.

Q. State what in your opinion, is a fair value of this land, including the timber thereon?

Ans. Not less than eighteen hundred dollars.

Q. Are there any improvements on this land?

Ans. None.

(Cross examined by Mr. Welms.)

Q. What is the total acreage of this tract?

Ans. About one hundred and ten.

Q. What is the highest price you have ever heard any one say they would give for this land.

Ans. I have heard two say they would give twelve hundred dollars. It is not reasonable for a man to pay exactly what he would give that wants the land.

Q. Who were these persons?

Ans. A. J. Little was one, and Mr. J. E. Gale was another.

Q. When did you hear your brother make this statement?

Ans. I heard him say so at my house not two weeks ago. I heard him make the same remark on the wharf.

Q. When and where did you hear Mr. J. E. Gale make this statement?

Ans. On the county road, sometime inside of three months.

Q. Did these parties pay cash or on terms?

Ans. Cash.

Ex (Re-examined by Col. Boykin)

Q. Do you know whether or not the Greensville Timber Company, and the Shaw Land and Lumber Company, I mean by the latter, the company for whom it is said Mr. J. E. Gale has been buying land, have been buying land or timber, and land and timber in that vicinity?

Monday morning, Feb. 26th, 1900.

E. F. Little, being first duly sworn, deposes and says:

(Examined by Col. Boykin)

Q. State your age, residence and occupation? and what relation you are to Mrs. Mattie V. Russell?

Ans. Fifty four; residence, town of Smithfield; occupation, farmer; am brother to Mrs. Russell.

Q. State whether or not, you are familiar with the land in this proceeding mentioned, and if so, how long have you known it?

Ans. I have been acquainted with it all my life.

Q. State, if you please, how many acres of this land are set in timber, whether thickly or thinly set in timber, and the character thereof?

Ans. Sixty acres, or about, set in timber; a larger part of this timbered land is well set in an original growth heart pine. The other portion thickly set in merchantable lumber.

Q. Will you state, whether or not, you have been over this timber, and if so how often and when was the last time you went over it?

Ans. I have been over the timber often, that was some fifteen or eighteen years ago. Since that time I have been over it twice. I was over it about four years ago the last time.

Q. State, whether or not, in your opinion, it would be for the best interests of the parties to this suit to sell the same at private sale, or public auction.

Ans. At public auction.

Q. Give your reasons.

Ans. The reason is that I know three or four parties who would bid

Q. When you state that this property will sell, in your judgment, for twelve or fifteen hundred dollars, do you mean cash or credit?

Ans. Cash, every dollar of it.

Q. Are you referring to the entire Edwin Little tract of land?

Ans. No sir,

Q. Then I understand ~~my~~ your reference to be to that part allotted to Mrs. Mattie V. Russell?

Ans. Yes sir.

Q. Do you know where the dividing line between Mrs. Russell's piece, and Joe Little's piece.

Ans. I do positively, and helped to chop it.

Q. How many acres would you say was in this piece.

Ans. I think it is a hundred or a hundred and ten acres. I have not seen it surveyed.

Q. Are there any improvements on the land?

Ans. I do not think there are any houses on the land.

(Admitted by counsel that there are no houses on the piece of land)

Q. You have not examined this timber in the last two or three years?

Ans. I have not, in the last two or three years.

And further this deponent saith not:

J. S. Hall

Adjourned to meet again Saturday morning, Feb. 25th, 1905.

Q. Is it well set for original growth?

Ans. I think so, sir.

Q. Will you please state, on the occasion mentioned, for what purpose you examined the said timber, and who, if any one accompanied you.

Ans. I was through there with Mr. Fergusson. He walked through it and I drove the paths. I was in the buggy.

Q. For what purpose did you go?

Ans. Mr. Fergusson was looking at it at the time, expecting to buy it.

Q. Have you, for some years, been engaged in the lumber or log business, and have you also been engaged in the purchase of timber either for yourself or others, or in the examination of timber with a view to its purchase in this county and in the county of Suixy?

Ans. Yes sir, I have been engaged in the log business for ten or twelve years: I have been, for the last six or eight months, engaged in examining timber land with a view for purchasing it or for others.

Q. What, in your opinion, is a fair market value for the tract of land in question with the timber thereon?

Ans. I think it ought to be worth twelve or fifteen hundred dollars.

Q. Is timber in demand in this section at present?

Ans. Yes sir.

Q. State whether or not, if this land and timber thereon is exposed to sale at public auction in your opinion would it bring its fair market value, and whether, in your opinion, there will probably be more than one bidder?

Ans. I think it will bring its fair market value, if exposed. I think there will be one bidder, I cannot tell how many others.

Q. Who do you mean by one bidder? Do you mean Mr. E. T. Fergusson alone?

Ans. I did not have reference to Mr. Fergusson. There would be another bidder. One other than E. T. Fergusson.

(Cross examined by J. J. Helms)

to and fro to ascertain the number of acres of land set in timber, or its value?

Ans. I did not.

Q How long has it been since you processioned this land?

Ans. I cannot tell, I suppose that it has been fifteen years.

Q When you went bird hunting on this land you hunted principally in the field ~~xxxxxx~~

Ans. I paid no attention to the woodland-land.

And further this deponent saith not:

J. S. Bellum

Mr. J. S. Gale being duly sworn deposes and says as follows:

By Col Boykin.

Q. Please state your name, age, residence and occupation?

Ans. J. S. Gale, sixty years old, residence, Isle of Wight County; farmer.

Q. Are you familiar with the land in this proceeding mentioned and how near do you live to it.

Ans. I live in about a mile and a half or two miles, having lived there twenty odd years or thirty years, and I am tolerably familiar with. I was one of the processioners with Mr. Vallines and went around it about fifteen years ago.

Q. Have you, recently, or within a comparatively short time, examined the timber upon the said land, and if so, state as near as you can, the number of acres set in timber, whether well set or sparsely, the character of the timber, whether original or second growth?

Ans. I have not examined the timber in one or two years. I went over it about two or three years ago, and I did not give it a thorough examination then. I would suppose that there is about fifty or sixty acres in first growth timber. It is very good timber and more than usual. The timber is tolerable thickly set, not as much as some old fields I have seen.

5-
No sir, I do not.

Q. You do not know then, the number of acres, set in timber, whether it is well or sparsely set in timber, or the character of the growth?

Ans. I do not know whether it is original growth or second growth.

Q. Upon what then, is your estimate that the said land is worth seven or eight hundred dollars based?

Ans. Just from looking at it, I should think that that is about what it is worth, seven or eight hundred dollars.

Q. How looking at it-- what examination did you make?

None at all, just went into the yard and looked at it. It has been quite a number of years since I processed this tract of land and I cannot tell you, sir, the worth of the lumber on it.

Q. As I understand you then, your estimate of the land, is not based by going over it, examining the quality of the timber thereon, the number of acres, set in timber, but by going on the land, standing in the yard and looking over it in that way-- and I correct?

Ans. Yes sir.

Re examination by Mr. Helms.

Q. You were present on this land where you not five years ago?

Ans. Yes, and I have bird hunted over it since.

Q. How recently?

Ans. I think I was there year before last.

Q. Mr. Vellines, you are acquainted with value of that section of the country or not?

Ans. Yes sir, I think I am.

Q. You have been living in two or three miles from this tract for a number of years, have you not.

Ans. Yes sir, all my life.

Re-cross examined by Col. Boykin.

Q. When you assessed this land, did you go through the timber?

Ans. No sir, I did not. When I processed it I went around the line.

Q. When you processed the land, did you go through the timber?

Q. You say the Williams farm is about six miles from this place, and you have been over this piece of land time and again and by your best judgment there is about sixty acres of land, and in your opinion it is worth at its best about a thousand dollars.

Ans. I would not judge it to be over sixty acres of land, and not worth more than a thousand dollars.

And further this deponent saith not:

J. D. Jones

Mr. L. L. Vellines being duly sworn, deposes and says as follows:

Examination by Mr. Helms:

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

Ans. L. L. Vellines, forty three years old: resides in Isle of Wight County and am a farmer and merchant.

Q--Are you familiar with the tract of land in Isle of Wight County of which Edwin Little died seized and possessed.

Ans. Yes sir, I have been on it several times.

Q: I have just read you an extract from the first page of the bill in this cause describing the division line set out in Edwin Little's will. The part of the land lying East and South of the said line was devised to Mrs. Mattie V. Russell, Please state whether you were or not one of the processioners at the last procession.

Ans. Yes sir.

Q Did you procession this land?

Ans. Yes sir.

Q. Were you one of the assessors who assessed this land.

Ans. Yes sir: Five years ago I assessed this property.

Q.. Is it not a fact that saw mill have been buying lumber in the vicinity of this farm lately.

Ans. I understand that a man has located a mill in about a mile and a half from this farm. I have a mill in about three miles of the

farm.

Q Please state what is the annual and fee simple value of this land, in your judgment?

Ans. The annual value of it, I suppose, about twenty five or thirty dollars will be enough for it. I suppose the fee simple value is about seven or eight hundred dollars. There may be more timber there than I think, but from my observation I suppose it to be about seven or eight hundred dollars.

Q It is the purpose, Mr. Vellines, to sell this land and re-invest the money so that it will produce annually somewhere between sixty and a hundred dollars. Do you believe that it will be advantageous to make disposition of the land and invest the proceeds as above.

Ans. I certainly think so.

Q Under the terms of Mr. Little's will if Mrs. Russell dies without children the land will go to Joe Little's children and in the even of their death, it would descend then, under the general law of descents. Under these circumstances, please state whether or not, the interests of all persons interested would be promoted by a sale and a re-investment of the proceeds of sale.

Ans. I think so.

Q If the money is re-invested under the supervision of the court and held under the same terms of the will as this land is held, will, in your judgment, the interest of any person be violated?

Ans. Not at all.

And further this deponent said not:

L. L. Vellines

Mr. L. L. Vellines recalled and cross examined by Col. R. T. Roykin, Attorney for the infant children of Joseph C. Little, deceased, and others.

Q Will you please state if you know the character of the timber upon the land in question, whether original or second growth?

Ans. I do not.

Q Do you know how many acres of the said land is set in timber?

Ans. It rents for twenty five dollars a year.

Q---What do you think to be a fair value of this place, that is the fee simple value?

Ans. I do not think it to be worth more than about a thousand dollars. I understand that it is about sixty acres of land.

Q--- Do you think a thousand dollars would be a very good price for it.

Ans. I do. I would not like to give more than that for it.

Q-- the Purpose of this sale, Mr. Jones, is to sell this land and re-invest the money in other property which will produce from sixty to seventy five dollars per year, and perhaps more--- Under these circumstances, do you believe that the interest of all the parties interested would be promoted by a sale of this land and to invest the money so as to produce this additional annual value?

Ans. I do.

Q In the event of the death of Mrs. Russell's child and the death of Mrs. Russell without leaving any child living, under the provisions of the will, the children of Mr. Jo. Little will be entitled to the property. If this land is sold and the proceeds re-invested so as to produce this additional annual amount, do you think that the rights of any person interested would be violated by this sale and reinvested in the fund?

Ans. I do not.

Q. Do you think it probable that at a sale this land would even sell for more than seven or eight hundred dollars?

Ans. I do not.

Q Then I understand your statement as to a thousand dollars as being a top notch for it.

Ans. I do. I do not think I would be willing to give more than that.

(Questioned by Mr. Little) ---Cross examination---

Q Mr. Jones, where do you live.

Ans. I live at the William's Farm, about six miles from the land in question.

Depositions of L. G. Jones and others taken before Geo. H. Atkinson, Commissioner in Chancery for the Circuit Court of Isle of Wight County, the 24th. day of February, 1905, to be read as evidence in the suit of Russell and others against Little and others, pending in the said Circuit Court, under a decree of the said Court dated the 6th. day of October, 1904.

Present: Mr. W. J. Nelms, attorney for Mattie V. Russell, B. F. Russell, and Mattie Viola Russell.

W. L. Folk, Guardian ad litem for Eddie Little, Vernon Little, Basil Little, Frank Little, Joseph Linwood Little and Mattie Viola Russell.

F. W. Little, executor of the last will and testament of Edwin Little, deceased, and in his own right.

Mr. L. G. Jones having been duly sworn deposes and says as follows:

By Mr. Nelms-----

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

Ans. --- L. G. Jones; thirty six years old; reside in Isle of Wight County,; farmer.

Q--This is a suit brought for the purpose of selling that part of the farm known as the Edwin Little Farm situated in Isle of Wight County which was devised to Mattie V. Russell, who was Mattie V. Little, the daughter of Edwin Little. In Mr. Edwin Little's will, this description occurs: Commencing, a line at a marked gum in branch on Mallory Jones line; thence up branch in field to a marked Hickory near head of branch; then to a marked black gum on farm line of Burwell Green tract; then along the said Green line to a cedar post on George W. Barlow's line; thence to a marked tree on Benjamin Bailey line; then to line of Nancy Tynes; then said line to main run of Dalk swamp. The part which was devised to Mrs. Russell was described as a part of the said land East and South of the said line above described. Please state if you are familiar with this land?

Ans. Yes sir: I have been going on it for several years now.

Q--What does it rent for?

Walter T. Russell

1,500

this fee of 2,500 was
sent to N. J. Young
by W. J. Russell
\$ 2000

Oct 17th 1902 ✓

M. Mattie V Russell Nelson & wife Dr.

To R. A. EDWARDS, Sheriff of Isle of Wight County, Va.

To executing Writ
on Mary R Little Es Little and Es Little adms
\$1.50

Received payment.

Walter P. Reed

~~250~~

Reed & Co.

March 3rd 1904

Mrs. Mattie W. Russell

Dr. Melus & wife atty.

To R. A. EDWARDS, Sheriff of Isle of Wight County, Va.

To executing with an E. B. Little Mary R. Little E. W. Little & J. C. Little & A. J. Little 2.50
By check sent by Melus & wife for 5.00 to pay this & former acct.

Received payment.

R. A. Edwards Sheriff

Hiatt & Russell

$$\begin{array}{r} 350 \\ 300 \\ 300 \\ 500 \\ \hline 1450 \end{array}$$

June 17th 1904
Mrs Martha V Russel or Leitch Dr. W J Richards atty

To R. A. EDWARDS, Sheriff of Isle of Wight County, Va.

To executing writ on Mary R Leitch & W Leitch Esq & W Leitch
1904 of J C Leitch & A J Leitch 2.50
Nov. 4 W & Rule on Eddie Leitch & Veram Leitch 1.00

Received payment.

Matthew Russell

Zoo

Mrs. Martha W. Russell

July 15th 1905
Dr. W. J. Adams City

To R. A. EDWARDS, Sheriff of Isle of Wight County, Va.

To executing Court Order - Edw. Lewis & for Mary Adair for C. Lewis
a. J. Lewis Adm. & L. H. F. Lewis and L. H. F. Lewis Adm. & L. H. F. Lewis

Received payment.

Nathan Russell

Zoo

Mrs Martha V. Russell

Apr 6th 1905
Dr. W J Nelson City

To R. A. EDWARDS, Sheriff of Isle of Wight County, Va.

To executing notice for decree in *William Henry R. Lusk & Co Lusk & Co* Ex: 12.
J. C. Lutter Add V. Whitting & J. Lutter and W. L. Folk meat & other
3.00

Received payment.

W. J. Nelson Spl. Cont.
Master & Rissell

5.00

3.00

3.00

1
Mr W J Julius & Co Cash W Russell Dr. *W J Julius & Co* 1905.

To R. A. EDWARDS, Sheriff of Isle of Wight County, Va.

To ~~executing~~ *Selling* *Master W Russell Farm* 15.00
on

Received payment.

Niattu V Russell

150

Sept 22 1905
Mrs Martin Russell Dr. W J Melius atty.

To R. A. EDWARDS, Sheriff of Isle of Wight County, Va.

To executing Expresses of Sheriff to Norfolk.
on to Jt & J Letter to Jgrs Cassin in
the Dist Mt Vernon vs Lewis Heirs 1.00

Received payment.

NELMS & WISE,
ATTORNEYS AT LAW,
ROOMS 6, 7, 8 & 9,
NELMS' BUILDING,
NEWPORT NEWS, VA.

Newport News, Va., February 28th, 1905.-

Honorable George R. Atkinson,
Smithfield, Virginia.

My dear Judge:-

I herewith return you the papers in the suit of M. V. Russell against Mary R. Little and others. I also hand you agreement which Colonel Boykin and I discussed before you yesterday, which I started to hand you, but it was suggested by the Colonel that I simply discuss the purport of it before you at that time, as I could not put my hands on it for the instant. I beg to ask as I did in my oral statement yesterday that you specially state this agreement and that you report that in your judgment this agreement should be carried out and the interest of all the parties will be promoted and preserved by a sale of the land to Mrs. Fergusson at \$1000.00 and the costs of this suit. Please let me know what day you send your report to the Court House and I shall be glad if you will give me a brief outline of what you have reported. I will thank you to mark the agreement between Mattie V. Russell and E. L. Fergusson as filed with you.

With kind regards, I am,

Yours truly,

NM.

Encs.

10 9 11 11 11 11

✓
To the
Hon. Sec. of the
Interior, etc.

Department of the Interior.

Filed March 4th 1905

ALBERT S. JOHNSON.
ATTORNEY AT LAW,
SMITHFIELD, VA.

That the interest of all parties, whether directly or con-
tingently interested, will be promoted by a sale of the said
property and the investment of the proceeds under a decree of
the Court: nor the right of any party excluded by such sale and investment

Your Commissioner has been unable to ascertain whether
there are any delinquent taxes against said land, but has reason-
ably to believe that there are none.

Your Commissioner especially reports, by the request of
the parties, thereto, that an order has been entered into
between the said *William V. Russell* and *D. F. Russell*, her husband,
and *Mrs E. L. Ferguson*,
dated the 27th day of December, 1903 for the sale of the said
land for the sum of one thousand dollars to be paid or direct-
ed in said contract, which contract is herewith returned; and
your Commissioner has been asked to report whether, in his judg-
ment, the said sale should be ratified by the Court or the prop-
erty sold by public auction; and your Commissioner reports that,
in his judgment, according to the evidence before him, that
if certain land should be sold at public auction within the
next six months, that it will probably sell for more than it
will under said agreement.

Respectfully submitted,

Time employed 13 hours
Commenced Dec 4, 1905

Wm R. Atkinson

Commissioner in Charge for the Cir-
cuit Court of Lake of Michigan County.

COMMISSIONER'S OFFICE,

Smithfield, Va. March 2nd. 1906.

TO THE SHERIFF OF THE COUNTY OF SMITH:

Pursuant to a decree

of the said Court entered on the 21st day of October, 1904, in a suit in Chancery therein styled as follows: Plaintiff: and Mary T. Little and others, Defendants, the undersigned, a Commissioner of the said Court, was directed by the said Court to inquire into and report to the said Court the value of the property in said suit and in the said decree and to report to the said Court the value of the property in said suit and in the said decree and to report to the said Court the value of the property in said suit and in the said decree.

And: That the rights of the parties in said suit will be violated by the sale of the said land.

And: That the value of the said land is not less than \$1000.00 and the value of the said land is not less than \$1000.00 and the value of the said land is not less than \$1000.00.

Your Commissioner reports to the Court that on the 21st day of Feb. 1906, he issued notice to the said parties requiring them to appear at his office on the 21st day of Feb. 1906, to comply with the said decree, which decree was entered on the 21st day of Oct. 1904, and to report to the said Court the value of the property in said suit and in the said decree and to report to the said Court the value of the property in said suit and in the said decree. The said parties appeared at the said office on the 21st day of Feb. 1906, and the said parties reported to the said Court the value of the property in said suit and in the said decree and to report to the said Court the value of the property in said suit and in the said decree.

And your Commissioner reports that the value of the said land is not less than \$1000.00 and the value of the said land is not less than \$1000.00 and the value of the said land is not less than \$1000.00.

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

Mattie V. Russell.

vs.

Mary R. Little et als.

EXEPTIONS OF
E. L. FERGUSSON TO REPORT
OF COMMISSIONER.-

NELMS & WISE,
COUNSELLORS AT LAW,
NELMS BUILDING,
NEWPORT NEWS, VIRGINIA.

W. T. BARRON & CO., PRINTERS, NORFOLK, VA.

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

Mattie V. Russell

vs.

Mary R. Little et als.

E. L. Fergusson excepts to the report of Commissioner George R. Atkinson, filed in these causes on the 4th day of March, 1905, for the reason that it did not report \$1000.00 as being the true value of the land in the bill and proceedings mentioned and that the said land should be sold to her in accordance with the terms set out in the agreement mentioned and set out in said report and filed in these proceedings.

E. L. FERGUSSON

By

W. J. Adams

Counsel.

To your son
N. P. Clark
Jewelry of America

SALE OF VALUABLE REAL ESTATE AND TIMBER LAND!

By virtue of a decree entered at the June term 1905 of the Circuit Court of Isle of Wight County, Va., in the cause of Mattie V. Russell vs. Mary R. Little, et al., I shall, as Special Commissioner appointed by said decree, sell to the highest bidder at Isle of Wight Court House, Va.,

MONDAY, SEPT. 4TH, 1905,
AT 11 O'CLOCK, A. M.,

all of that certain tract, piece or parcel of land situate in Isle of Wight County, Va., described in the bill in the proceedings mentioned as all of the farm of the late Edwin Little lying East and South of the line drawn through said land as follows: "Commencing a line at a marked gum in branch on Mallory Jones' line, then up branch in field to a marked hickory near head of branch, then to a marked black gum on farm line of Burwell Green tract, then along the said Green line to a cedar post on Geo. W. Barlow line, then to a marked tree on Benjamin Bailey line, then to line of Nancy Tines, then said line to main run on Delk's Swamp." There is on this land a fine lot of timber.

TERMS

One-third cash and the balance in six and twelve months, the credit instalments carrying interest from the date of sale, and the purchaser or purchasers executing bonds therefor payable at said respective dates, the title to the property to be retained until the whole of the purchase money is paid and conveyance directed by the Court, but the said purchaser or purchasers shall be at liberty to anticipate any or all of the said deferred payments.

W. J. NELMS,
July 8th, 1905. Special Commissioner.

In the Circuit Court for the County of Isle of Wight, Mattie V. Russell vs. Mary R. Little, et als.
I, Albert S. Johnson, Clerk of the Circuit Court for the County of Isle of Wight, do certify that the bond required of the Special Commissioner by the decree in the said cause of June 5th, 1905, has been duly given.
Given under my hand this 10th day of July, 1905.

Teste:

ALBERT S. JOHNSON,
CLERK.

The Franklin Printing Co., 227 25th Street.



W. Brown

1825

to be paid to the owner of the

Sept 4 of 65

825
608.33

B. B. B. B.

Mary V. Russell

Vs

Mary R. Little, et als.

Report of
W. J. Nelms
Special Counsel

Filed by the Clerk's
Office of the High
County Circuit Court
Oct 2, 1905.
R. Johnson. Clk

NELMS & WISE,
COUNSELLORS AT LAW,
NELMS BUILDING,
NEWPORT NEWS, VIRGINIA.

W. T. BARRON & CO., PRINTERS, NORFOLK, VA.

#2.-

The said Mary R. Little having conveyed her life estate in the said land to Mary J. Little, the wife of J. C. Little, for her life, remainder to the children of Mary J. Little, since which time the said Mary J. Little reconveyed her interest back to Mary R. Little, and since which time the said Mary J. Little has departed this life.

Your Commissioner is advised that the purchaser desires to complete his purchase if he can obtain a good and perfect title.

Your Commissioner believes the price a good one, and recommends confirmation of the sale and such proceedings taken as may be necessary to perfect the title, all of which is respectfully submitted.

October 2nd, 1905.

W. J. Nelson
Special Commissioner

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

MARY V. RUSSELL

VS

MARY R. LITTLE, ET ALS.

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

The undersigned Special Commissioner appointed by decree in the above entitled cause at the June term, 1905, of the Circuit Court of Isle of Wight County, Virginia, to make sale of the tract of land in said decree mentioned, begs leave to report;

That in pursuance of said decree he offered the said lands in the said decree mentioned for sale at Public Auction at Isle Of Wight Court House on September 4th, 1905.

That there were a number of bidders and the bidding was spirited, and the land was finally knocked down to L. W. Brown for \$1825.00, for one third cash and the balance in six and twelve months, the credit installments carrying interest from day of sale.

That said purchaser paid to your Commissioner one third of the sum, namely: \$608.33, which the said Commissioner deposited in the First National Bank of Newport News, Virginia on the 5th day of September, 1905.

The purchaser informs your Commissioner that he desired to pay all cash as soon as his attorney could examine the title. His attorney upon examining the title to this land discovered the fact, (which was unknown to your Commissioner until he was thus so informed) that the life estate of Mary R. Little is vested in the children of J. C. Little and not in Mattie V. Russell as alleged in the bill of these proceedings,

Handwritten notes in cursive script, mostly illegible due to fading and slant. Some words like "Commissioner" and "appeal" are partially visible.

any of the parties in interest.-

stated, seemed pertinent by himself, or required to be stated by report to the said Court, together with any matters specially

which involve the said Commissioner, shall also be

mentioned in the bill, and the said bill shall be

violated in the sale of the said land, and the said bill shall be

of such sale under the decree of the said Court, and the said bill shall be

not be paid by the sale of the said land, and the said bill shall be

of the said land, and the said bill shall be

In the Circuit Court of the County of Isle of Wight, Va.
 Mattie V. Russell
 vs.
 Mary R. Little et al.
Entered Oct 6, 1904
Robert H. Hunt
Chancery Clerk
Book No. 273

On consideration thereof, the Court doth adjudge, or-

On consideration whereof, the Court doth adjudge, order and decree that the papers in this cause be referred to one of the commissioners of this court, who is directed to inquire into and report to the Court,

- 1 Whether the interests of the infant defendants and all others directly or contingently interested will be promoted by the sale of the property in the bill mentioned, or any part thereof, and the investment of the proceeds of such sale under the decree of this court.
- 2 Whether the rights of any persons interested shall be violated by the sale of the said land. *will*
- 3 What is the annual and fee simple value of the land mentioned in the bill, *and whether there are any delinquent taxes due thereon.* -

Which inquiries the said Commissioner shall make and report to the said Court, together with any matters specially stated, deemed pertinent by himself, or required to be stated by any of the parties in interest.-

And the Court doth further adjudge order and decree that the infant defendants Eddie Little and Vernie Little be summoned to appear before this court at the next term thereof to show cause why they should not be required to answer the bill in this cause.

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

Mattie V. Russell

versus

In Chancery.

Mary R. Little, Emmett W. Little, Executor of the last will and testament of Edwin Little, deceased, Emmett W. Little, in his own right, B. F. Russell, James C. Little, Ada V. Gwaltney, Adniram J. Little, Eddie Little, an infant over the age of fourteen years, Vernon Little, an infant over the age of fourteen years, Mattie Viola Russell, Basil Little, Frank Little, and Joseph Linwood Little, infants under the age of fourteen years.

This cause came on this day to be heard on the complainant's bill, regularly proceeded on at rules, and set for hearing as to the adult defendants, which said bill was taken for confessed as to Mary R. Little, Emmett W. Little, Executor of the last will and testament of Edwin Little, deceased, Emmett W. Little, in his own right, James C. Little, Ada V. Gwaltney, Adniram J. Little, on answer of B. F. Russell, one of the adult defendants, ~~the answer of Eddie Little and Vernon Little, in~~

~~fants over the age of fourteen years, duly sworn to, the answer~~
~~of~~ *W. L. Folk*, guardian ad litem of the said Ed-
~~(over the age of 14 years) duly sworn to, the answer of~~
die Little and Vernon Little, ~~the answer of~~ Basil Little, Frank

Little, Joseph Linwood Little and Mattie Viola Russell, infants under the age of fourteen years, by *W. L. Folk*, their
~~duly assigned at rules~~
guardian ad litem, duly sworn to, and the answer of *W. L. Folk*

~~Eddie Little, Vernon Little infants over the age of 14 years~~
_____ guardian ad litem for infant defendants, Basil Little, Frank Little, Joseph Linwood Little and Mattie Viola Russell, infants under the age of fourteen years, duly sworn to, with general replecation to all of said answers, and was argued by counsel.

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

M. V. Russell.

vs.

Mary R. Little et als.

Entered June 5 1903
Robert R. Printis

C. O. B. No 6, page 429

NELMS & WISE,
COUNSELLORS AT LAW,
NELMS BUILDING,
NEWPORT NEWS, VIRGINIA.

W. T. BARRON & CO., PRINTERS, NORFOLK, VA.

2.-

and terms of sale for thirty days by posted hand-bills, posted at three or more public places in the County of Isle of Wight, Virginia, sell at public auction ~~in front of the Court House of Isle of Wight County, Virginia,~~ the land in the bill and proceedings mentioned and described, the terms of the said sale, to be one-third cash and the balance in six and twelve months, the credit installments carrying interest from the date of sale, and the purchaser or purchasers executing bonds therefor, payable at said respective dates, the title to the property to be retained until the whole of the purchase money is paid and conveyance directed by the Court, but the said purchaser or purchasers shall be at liberty to anticipate any or all of the said deferred payments. The said Special Commissioner will report his proceedings hereunder to the Court.

not act
~~receive no money~~ But the said W. J. Nelms, Special Commissioner, shall bond with sufficient security before the Clerk of this Court, payable to the Commonwealth of Virginia, in the penalty of \$2500.-, and conditioned for the faithful discharge of his duties hereunder.

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

Mattie V. Russell

vs.

Mary R. Little et als.

This cause came on this day to be again heard ~~in recess~~
~~tion at the office of the Honorable R. B. Prentiss, Judge of the~~
~~Circuit Court of Isle of Wight County, Virginia, in Suffolk,~~
~~Virginia,~~ on the papers formerly read, on the answer of Eddie
Little and Vernon Little, infants over the age of fourteen years,
this day filed, on the report of George R. Atkinson, Commissioner
in Chancery, made under decree entered in this cause on the 6th
day of October, 1904, and filed in this cause on the 4th day
of March, 1905, on the depositions of the witnesses returned
with said report and the contract entered into between Mattie
V. Russell and B. F. Russell and E. L. Fergusson, and on the
exceptions of the said E. L. Fergusson to the said report

and was argued by counsel;

the court *On Consideration whereof*

~~And it appearing to the Court that all of the adult~~
~~defendants to this cause and the guardian ad litem of the in-~~
~~fant defendants have been served with notice of motion for a~~
~~decree to be entered in this cause confirming said report of~~
~~George R. Atkinson, Commissioner, and directing a sale of the~~
~~land in the bill and proceedings mentioned more than ten days~~
~~prior to the date of this decree, the Court doth overrule the~~
said exceptions of the said E. L. Fergusson to the said report
of George R. Atkinson, Commissioner, and doth adjudge, order,
and decree that the said report be and the same is hereby
approved and confirmed.

And the Court doth further adjudge, order and decree
that W. J. Nelms, who is hereby appointed Special Commissioner
for the purpose, do, after having advertised the time, place

on account of the purchase
price of the land described in
these proceedings.
And the Court doth reserve all
^{other} further questions for further
consideration.

~~Mary V. Russell~~
vs.
Mary R. Little

Acme.

Entered Oct. 2, 1905
J. D. H. H. H. H.

^{attor}
Mary V. Russell
vs

Mary R. Little et al.

This cause came on this day
to be again heard on the papers
formerly read and on the report of
sale of the land in the bill and pro-
ceedings mentioned, made by W. J.
Harris, Special Commissioner,
this day filed by hon of court,
& which said report no excep-
tions have been filed and was
argued by counsel, on considera-
tion whereof, it appearing to the
court that the sale of the land
cannot at this time be con-
firmed, the court doth adjudge
order and decree, that upon the
request of L. W. Brown the pur-
chaser, W. J. Harris, who is
heretofore appointed Commissioner
in for that purpose, do draw
his check, in favor of the said
L. W. Brown, on the funds to
the credit of this cause in the
First National Bank of New
York for the sum of Six-
hundred eight and 33/100 dollars,
that being the amount paid by him

M. V. Russell
Litter,

U. S. No. 6, page 63.

Deere,

Mr. Wason & the
within deere.

1909

Dec. 6.

Enter his.
B. W.

five dollars due R. A. Edwards
for over fees, the court
with adjudge, order and decree
that he by and with the consent
of the said plaintiff and the
said W. J. Adams, be bound
by their endorsements herein,
that M. V. Russell do pay
unto W. J. Adams the sum of
eighty five dollars in
full of all claims against
him in connection with this
suit, and out of which the said
W. J. Adams shall pay the taxes
costs of this suit.

(and the clerk of this court is ordered to docket this judgment in the first term then
sitting, and out of which the said

It appearing to the court that
nothing remains to be done in
this cause it is ordered & the
dismissed from the docket of
this court.

In witness whereof

W. J. Adams

M. V. Russell.

Dec 1st 1871

In the Circuit Court of DeKalb County.

M. V. Russell

vs

Little et al.

This cause came on this day to be again heard on the papers formerly read, and on ^{the} motion of W. J. Belger to require the plaintiff ^{Mathis} Russell to pay all costs and counsel fees in this cause and was argued by counsel. ^{And} it appearing that the said plaintiff has had notice of said motion, as appears by return of the sheriff of Elbert Co. to the court on said notice, and it appearing to the court that the parties to said motion and said plaintiff have compromised ^{the} differences ^{existing between them} and that the plaintiff has agreed to pay ^{to said W. J. Belger} the sum of eighty five dollars in full of all claims, except what is due the said W. J. Belger out of which the said W. J. Belger is to pay all the costs of this suit, and all cost of a suit by the same style heretofore dismissed in this said court, including fifteen dollars due R. A. Edwards for sheriff fees and

of a bill arising in this cause has been removed from the docket of this court. What the same has not been removed. It is ordered that the same be reinstated and the hearing be continued.

ARTICLES OF AGREEMENT

Mattie V. Russell et vir
with

E. L. Fergusson.-

Duplicate

NELMS & WISE,
COUNSELLORS AT LAW,
NELMS BUILDING,
NEWPORT NEWS, VIRGINIA.

W. T. BARRON & CO., PRINTERS, NORFOLK, VA.

(2)

they may be advised is necessary by counsel learned in law, prosecute all necessary legal proceedings to perfect the title in the said E. L. Fergusson, and will employ such counsel as may be designated by the said E. L. Fergusson, but all counsel fees and expenses of acquiring the said title shall be paid by the said E. L. Fergusson, and the said parties of the first part are to be at no expense whatsoever in and about the same.

The said E. L. Fergusson covenants and agrees to purchase the said land above set forth and described in accordance with the terms hereof and to pay for the same as herein prescribed.

Witness the following signatures and seals:-

M. V. Russell (SEAL)
B. F. Russell (SEAL)
E. L. Fergusson (SEAL)

State of Virginia,

County of Elizabeth City, to-wit:-

I, _____, a Notary Public for the County of Elizabeth City, in the State of Virginia, do hereby certify that Mattie V. Russell and B. F. Russell, her husband, and E. L. Fergusson, whose names are signed to the foregoing writing bearing date on the 23rd day of December, 1905, have acknowledged the same before me, in my County aforesaid.

Given under my hand this _____ day of December, 1905.

My Commission expires

Notary Public.

)

Articles of Agreement, made and entered into this
23rd day of December, 1902, by and between Mattie V. Russell
and B. F. Russell, her husband, of the County of Elizabeth
City, Virginia, parties of the first part, and E. L. Ferguson
of Bedford, Virginia, party of the second part:

Witnesseth, - That the said parties of the first part,
for and in consideration of One thousand dollars (\$1000.00) to
be held and invested as shall be directed by the Court, Five
Dollars (\$5.00), each in hand paid, the receipt whereof is
herby acknowledged, and the further sum of four hundred and
ninety-five dollars (\$495.00) to be paid when a good and com-
plete title shall be made to the said E. L. Ferguson, and a
further sum of five hundred dollars (\$500.00) to be paid in
6 months after the said good and complete title shall
be made to the said E. L. Ferguson, the said five hundred dol-
lars to be paid 6 months after the said good and perfect
title shall be made to the said E. L. Ferguson to bear six
per cent interest from date of said title being made good
and perfect, and the same to be secured by a deed of trust
upon the property hereby agreed to be sold, agreed to sell
unto the said E. L. Ferguson, all that certain lot, piece or
parcel of land, situate and being in the County of Albemarle, Vir-
ginia, and described in the last will and testament of Edwin
Little, to which special attention is hereby invited, as fol-
loweth: - All of the land east and south of the line drawn in the
will of the said Edwin Little and therein set out and described,
it being the said lot, piece or parcel of land which was devised
to M. V. Little, who was since intermarried with B. F. Russell,
under the said will.

The said parties of the first part covenant and
agree that they will in their own names or in such names as

Probably sent
me by mistake

MAR

Return
of
Jules

Excerpts from Letter of H.H.Rumble to Judge Prentis.

Russell Vs Little.

Bill alleges will of Edwin Little, devise to Mary R. his wife for
life, remainder to \$; Mrs. Russell for life, with remainder to her heirs and

Matter Vs Russell vady,if fished shall fbearef any with a llaad fde the handle south and east of line mentioned in will,if left no children to Jos. C.Little. That by deed of Decr 31st 1896,Mary R.Little has conveyed to Mrs Russell all of her interest in the above portion of tetators land; the case has proceeded upon the theory that Mattie V.Russell is the life tenant in possession of the land in question,and on that theory the proper parties are before the court.

Rumble find, that by deed of March 7th 1893, D.B. 57, p 603, Mary R. the widow and Jos. C. Little convey their respective interest in the whole land, 253 acres, to Mary J, wife of Jos. C., for her life, with remainder to the children of ~~Jos. C. Little~~ of Mary J. by Jos. C. By this deed the life estate of Mary R. in the entire land, including land in this suit, passed to Mary J. for her life, with remainder to her children. By deed of Decr 31st 1895, D.B. 67, p 117, Mary J. Little conveyed to Mary R. all of the interest of Mary J. in the 110 acres, lying South and east involved in this suit.

By this deed Mary acquired anew so much of the estate for her own life as was owned by Mary J. that is, the said Mary J.'s life estate therein, but did not acquire the remainder owned by the children of Mary U. that is the balance of the life estate of Mary R. who survived Mary J. The said Mary J. being dead leaving Mary R. surviving so that the children of Jos C. by Mary J., own the remainder of Mary R.'s life estate.

Question. Did the court have jurisdiction? Was this suit brought by the proper party? The statute for the sale of contingent interests seems to contemplate that the bill shall be filed by the person entitled to the present enjoyment of the estate.

From above facts Mrs Russell seems to have no present interest, and will have none until the death or marriage of Mary R.

Asks, in behalf of Shaw L & T Co, to withhold confirmation of sale until time for examination.

I.

At the death or marriage of my
wife Mary R. Little, I leave
to my daughter Mattie V
Little (Russell) ~~and~~ all of the land
East & South & said line drawn
in my will, for her life,
and at her death, to the legal
heirs of her body, if she
shall leave any, if not,
to my son Joe. C. Little.

Joe. C. Little dead - ~~leaving~~ leaving
widow & children +

Mattie Russell living with
one child - a daughter

Will dated 31st March 1879
Probated 5th Jan 1880

"In case of death of Joe. C. Little &
Mattie V. Little without a legal
heir of the body of either of them
I give to my daughter Mary C. Little
all of my lands."

Newport News, Va., April 14th, 1905.-

Colonel R. E. Boykin,
Smithfield, Virginia.

My dear Colonel:-

I herewith enclose you copy of notice which
I have had served on all parties in the Russell vs. Little suit.
I also enclose you copy of decree. If you have any suggestions,
I would be very glad to hear from you.

Yours very truly,

(Signed) W. J. Nelms.

NM.

Encs.

Copy.

R. E. BOYKIN
ATTORNEY AND COUNSELLOR AT LAW
SMITHFIELD, VA.

April 18th 1905.

Mr W.J.Nelms.

Newport News, Va.
My dear Nelms.

The people who, I have in a way, represented in the suit of Russell Vs Little, have acted so peculiarly in the matter of signing the necessary formal answer, that I do not think it wise to appear as acknowledging anything on their behalf. For that reason I would not like to endorse on the decree "that I have seen this decree". You may, if you wish, enclose this letter to Judge Prentis. I know you will appreciate my position.

Very Truly Yours.

R.E. Boykin

NELMS & WISE,
ATTORNEYS AT LAW,
ROOMS 6, 7, 8 & 9,
NELMS' BUILDING,
NEWPORT NEWS, VA.

Newport News, Va., April 20th, 1905.-

Honorable R. R. Prentis,
Suffolk, Virginia.

My dear Judge:-

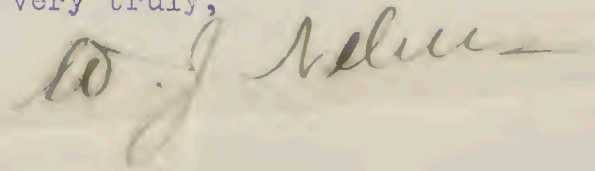
I herewith hand you the papers of Russell vs. Little, together with notice for decree before you on the 26th instant. I understand there will be no contest made and therefore I shall not appear unless there is some. I also enclose you a decree which I will thank you to enter and forward the papers to Mr. Young at Isle of Wight Court House. I enclose a copy of the decree and if you make any change in the original, I will appreciate it if you will make the change on the copy also and let me have it. I desire to advertise the property immediately as it seems to be the opinion of all that the property will bring more now than at any other time. I herewith enclose you a copy of letter I wrote Colonel Boykin and also enclose you his reply which I will thank you to return to me.

Thanking you for your kind attention and with kind regards, I am,

Yours very truly,

NM.

Encs.



Nelms & Wise.

Counselors at Law.

Nelms Building.

Newport News, Virginia.

W. J. Nelms.
George Nelms Wise.

Newport News, Va., May 5th, 1905.-

Honorable R. R. Prentiss,
Suffolk, Virginia.

My dear Judge:-

I thank you for yours of April 26th. I suppose there is nothing to do but wait for the term of Court before having the decree entered. I will thank you to take the papers to Court with you when you go.

Yours very truly,

NM.

W. J. Nelms

Norfolk, Va., Sept. 30, 1905.

HON. ROBERT R. PRENTIS,

Suffolk, Va.,

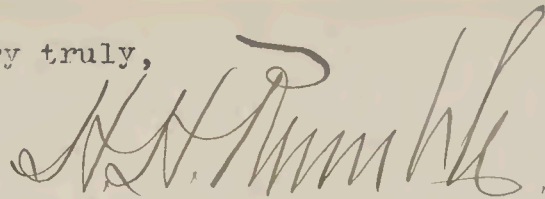
My Dear Judge:-

I have had some correspondence with Messrs. Boykin and Nelms in reference to the sale made in the suit of Russell Vs. Little et al., which was the subject of my letter of the 12th inst. to you. All seem to agree that the sale as made in this proceeding will not confer a good title. As I understand it, all are satisfied with the price brought, and would like the land sold at that price. I also understand from my client that it is willing to let its offer stand, provided the title can be cured within a reasonable time. I have therefore suggested to counsel in the case that the guardian of these infants file a bill in the suit somewhat in the nature of a bill of review, but conforming in all respects to a bill for the sale of infants' lands, except that instead of praying a sale of the lands, it ask that the Shaw Land and Timber Company's offer as made at the former sale be accepted; or, putting it in another way, that the sale already made at public auction be confirmed; that evidence be taken to show the propriety of the sale, the sufficiency of the price, and all other facts necessary to sustain a bill for the sale of infants' lands. I think that likely this will be done, but in order to get my objection to the title formally before you, I hand you herewith the petition of the Shaw Land and Timber Company to be filed in the case. I would thank you to take it to Isle of Wight with you, as I cannot conveniently be there on Monday. I also think that pending the

R. R. P. #2.

necessary proceedings to cure the title, the money paid by Shaw Land and Timber Company should be refunded, and should like whatever decree is entered in the cause to so provide. I do not apprehend any difference of opinion as to the insufficiency of this title. Should any develop, however, I wish to be notified, and will try to arrange to take it up during the present term of Court.

Yours very truly,

A handwritten signature in cursive script, appearing to read 'H. H. R.', written in dark ink.

P. S. Since the above was written, Mr. Nelms has called me by telephone, and I learn from him that he will, in his report mention my objection to the title. He also thinks that all that I have suggested in reference to curing the title can be done at this term of the Court. If so, it will of course be unnecessary to direct the return of the money paid into his hands. If, however, it will likely require any considerable length of time, I should not want the money to lie idle.

H. H. R.

Entered by delivering a copy
To Eddie Little. Dec. 2

Notice named, for now Little not
found + no inhabitant of my Co.
H. H. Moore's death, still

Form No. 239.

Mattie V. Russell

vs.

Rules Vs. Eddie Little and

Wm. Little

May R. Little et al

To

Wm. Little

Terms,

Little

Court.

The Commonwealth of Virginia,

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

WE COMMAND YOU, That you summon Eddie Little and Vernon Little infant
defendants in the suit in chancery depending in the Circuit Court of Isle
of Wight County entitled, Mattie V. Russell vs. Mary R. Little et als
to appear before the Judge of our Circuit Court of the County of Isle of Wight -
at the court-house thereof, on the 2nd day of December 1904, to show cause,
if any ~~there~~ can, why ~~they~~ should not be required to answer the bill
in said cause.

And have then there this writ.

WITNESS, N. J. Hanna Clerk of our said Court, at the court-house,
the 2nd day of November 1904, and in the 12th year of the Commonwealth.

N. J. Hanna clerk

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Service receipts
for M. V. Russell
matter: Out a Russell
& 1st 7th Russell
by W. J. Russell
attly

Commissioner's Office

Smithfield Feb 7th 1905

To Mattie V Russell

Plaintiff

and to

Mary R Little, Emmett W Little in his own right and as executor of Edwin Little deceased, B F Russell, Ada V Groatney, James C Little, Adairam J Little, Eddie Little an infant over the age of fourteen years Vernon Little an infant over the age of fourteen years, Mollie Viola Russell, Basil Little, Frank Little and Joseph Leonard Little infants

Defendants

You are hereby notified that I have fixed upon the 21st day of February 1905 at my said office to inquire and report to court whether the interests of the infant defendants and all others directly or contingently interested will be promoted by the sale of the property in the bill mentioned or any part thereof and the investment of the proceeds of such sale under the decree of this court, whether the rights of any person interested will be violated by the sale of the said land. What is the amount and fee simple value of the land in the bill mentioned and whether there are any delinquent taxes due thereon required to be made by the decree of the Circuit Court of Isle of Wight county rendered on the 6th day of October 1904 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 commissioner in chancery of the said court the day and year first above mentioned

Wm R Atkinson

Mr. R. A. Edwards Sheriff

Arthur M. M. M.

2

Secret
W. D. A. A.

St. Peter 2 1870-5-

Supp. No. 250

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Journal de la Commission des Archives de la Ville de Paris

Commissioner's Office

Smithfield Feb 7th 1905-

To Mattie V Russell

Plaintiff

and to

Mary B Little, Emmett W Little in his own right and as executor of Edwin Little deceased, B F Russell Ada V Goralbury, James C Little, Admiram J Little, Eddie Little an infant over the age of fourteen years Vernon Little an infant over the age of fourteen years, Mollie Viola Russell, Basil Little, Aaron Little and Joseph Linnard Little infants Wm L Folk guardian ad litem of said infants Defendants

You are hereby notified that I have fixed upon the 21st day of February 1905 at my said office to inquire and report to court whether the interests of the infant defendants and all others directly or contingently interested will be promoted by the sale of the property in the bill mentioned or any part thereof and the investment of the proceeds of such sale under the decree of this court, whether the rights of any person interested will be violated by the sale of the said land. What is the amount and fee simple value of the land in the bill mentioned and whether there are any delinquent taxes due thereon required to be made by the decree of the Circuit Court of Isle of Wight county rendered on the 6th day of October 1904 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 commissioner in chancery of the said court the day and year first above mentioned

Wm L Folk

Wm B. Williams

Wm B. Williams

Thistle & Russell
vs.

May R Galloway has

Entered on Ada
V Galloway by deliver-
ing a copy to her
last 20th day of Aug.
1905

Co. R. E. Eason
Shff

Commissioner's Office

Smithfield Feb 7th 1905-

To Mattie V Russell

Plaintiff

and to

Mary B Little, Emmett W Little in his own right and as executor of Edwin Little deceased, B F Russell, Ada V Gualberry, James C Little, Admiram J Little, Eddie Little an infant over the age of fourteen years, Vernon Little an infant over the age of fourteen years, Mollie Viola Russell, Basil Little, Frank Little and Joseph Linwood Little infants, Defendants.

You are hereby notified that I have fixed upon the 21st Day of February 1905 at my said office to enquire and report to the court whether the interests of the infant defendants and all others directly or contingently interested will be promoted by the sale of the property in the bill mentioned or any part thereof and the investment of the proceeds of such sale under the decree of this court whether the rights of any person interested will be violated by the sale of the said land. What is the amount and fee simple value of the land in the bill mentioned and whether there are any delinquent taxes due thereon, required to be made by the decree of the Circuit Court of Isle of Wight county rendered on the 6th day of October 1904 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 commissioner in chancery of the said court the day and year first above mentioned.

W. B. Russell

W. B. Russell

W. B. Russell

Form No. 232.

vs. { Rules Vs. _____

To _____ *Terms,*

_____ *Court.*

The Commonwealth of Virginia,

To the Sheriff of the County of Surry, Greeting:

WE COMMAND YOU, That you summon Eddie Little

to appear before the Judge of our Circuit Court of the County of Isle of Wight
at the court-house thereof, on the 6th day of March 1905, to show cause,
if any he can, why he should not be required to answer the bill in
the ^{in. ex. am.} suit on said writ depending styled, Mattie V. Russell vs. Mary R.
Little et als.

And have then there this writ.

WITNESS, N. F. Hanna Clerk of our said Court, at the court-house,
the 2nd day of February 1905, and in the 12th year of the Commonwealth.

N. F. Hanna clerk

a copy Teste N. F. Hanna clerk

Mauri V. Russell

Rules Vs. Eddie Little
vs. {

Mary R. Little et al

To March Terms,
Circuit Court.

Eddie Little has not
been found in my
jurisdiction.

B. Edwards Sheriff
of Surry Co.

The Commonwealth of Virginia,

To the Sheriff of the County of Surry, Greeting:

WE COMMAND YOU, That you summon Eddie Little

to appear before the Judge of our Circuit Court of the County of Isle of Wight
at the court-house thereof, on the 6th day of March 1905, to show cause,
if any he can, why he should not be required to answer the bill in the suit
in chancery in said Court depending, styled Martin V. Russell vs. Mary R.
Little et als

And have then there this writ.

WITNESS, N. F. Hanna Clerk of our said Court, at the court-house,
the 29th day of February 1905, and in the 12th year of the Commonwealth.

N. F. Hanna clerk

T O

Mary R. Little, Emmett W. Little, Executor of the last will and testament of Edwin Little, deceased, Emmett W. Little in his own right, B. F. Russell, James C. Little, Ada V. Gwaltney, Adniram J. Little, and W. L. Folk, Guardian ad litem for Eddie Little, Vernon Little, Basil Little, Frank Little, Joseph Linwood Little and Mattie Viola Russell, ^{infants} ~~in~~ under the age of fourteen years:

TAKE NOTICE THAT I shall on the 26th day of April, 1905, at 12 o'clock on that day, at his office in the town of Suffolk, Virginia, move the Honorable R. R. Prentis, Judge of the Circuit Court of Isle of Wight County, Virginia, to enter a decree in vacation confirming the report of the Honorable George R. Atkinson, Commissioner in Chancery, filed on March 4th, 1905, in the cause of Mattie V. Russell vs. Mary R. Little and others, pending in the Circuit Court of Isle of Wight County, Virginia, and I shall further move the Court to enter a decree directing a Commissioner to sell the land in the bill and proceedings mentioned.

Very respectfully,

MATTIE V. RUSSELL

April 6th, 1905.

By

W. J. Adams
Counsel.

I hereby acknowledge service of
the foregoing notice

W. L. Folk

ap 11 1905

Russell
vs. }
Little

Notice of motion
requiring plaintiff
to pay costs &c.

Mrs. M. V. Russell not being
at her usual place of abode
I executed this 3rd day of Dec.
1809, by tacking a true copy
of the within summons
on the front door of Mrs. M.
V. Russell's place of abode.

B. H. Curtis Sheriff.

By T. S. Curtis
Deputy Sheriff.

Newport News, Va., Dec. 3, 1909.

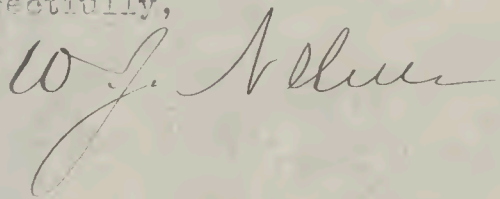
TO MRS. M. V. RUSSEL:-

DEAR MADAM:-

Please take notice that I shall, on Monday, December 6, 1909, at Isle of Wight Court House, Virginia, move the said Court to enter an order in the suit of Fussel vs. Little, pending in the Circuit Court of Isle of Wight County, Virginia, requiring you to pay all of the costs of the said suit, including an attorney's fee of \$25.00 for bringing the suit, the commissions on the sale of the property, auctioneer's fees, and other charges incident to the said suit, amounting in the aggregate to about \$125.00, and in default of the payment of the same, that a commissioner be appointed to sell your interest in the land mentioned in the proceedings to pay the said costs, fees, and other charges.

Very respectfully,

WJN, RCL.



Executed this
17th day of November
By delivering to
E. H. Williams
Ada V. Groaty
Mary R. Little
Emmett White
Abner A. Thetle
Joe Chetle as
true copy of the
within

E. P. Turner.
Clerk

Edwards, John

vs.

SUBPOENA
IN
CHANCERY.

Little, et al

W. E. Daykin p. 9

To ^{2nd} ~~1st~~ November Rules,

Circuit Court.

1905

B 3119

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The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon ~~Eddie Little, Vernon Little, Basil Little,~~ Frank Little, Jos. Linwood Little, and Mattie Viola Russell, infants under the age of twenty one years, by E. H. Williams, their guardian ad litem, appointed at rules, and Mattie V. Russell and B. F. Russell, her husband, Mary R. Little and Emmett W. Little in his own right and as executor of Edwin Little, deceased, Jas. C. Little, Adoniram J. Little and Ada V. Gwaltney,

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 3rd Monday in November, 1905, to answer a bill in chancery, exhibited against them in our said court for by R. A. Edwards, guardian of Eddie Little, Vernon Little, Basil Little, Frank Little and Joseph Linwood Little,

And have then there this writ. Witness ~~NATHANIEL F. YOUNG~~ A. S. Johnson, Clerk of our said court, at the court-house, the 3rd day of November, 1905, and in the 12130th year of the Commonwealth.

A. S. Johnson
Clerk

Executed this 29th day of Jan 1906 by delivering a true copy of the within summons to Mattie V. Russell in person and explaining the purport thereof to her

T. P. Clements Sheriff
By E. L. Clements Deft
Sheriff

Fee Paid
\$1.00

Edwards M. C.

vs.

SUBPOENA
IN
CHANCERY.

Russell et al

Baylin & Nohrman p. 9

To 1st February Rules,
Circuit Court.

B 33119
B. F. Russell not found at his usual place of abode I execute this, this 29th day of Jan 1906 by delivering a true copy of the within summons to Mrs. B. F. Russell she being ^{his wife and} a member of his family over the age of sixteen years

The Commonwealth of Virginia,

Elizabeth City
To the Sheriff of the County of *Isle of Wight*, Greeting:

WE ^{again} COMMAND YOU that you summon *Mattie V. Russell* and
B. F. Russell, her husband,

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 *1st* Monday in *February* 190*6*,
to answer a bill in chancery, exhibited against *them et al* in our said court for
by *V. A. Edwards, Gdn, &c*

And have then there this writ. Witness *Nathaniel F. Young*, Clerk of our said court, at
the court-house, the *17th* day of *January* 190*6*, and in the *30th*
year of the Commonwealth.

A copy
Test Nathaniel F. Young

Test Nathaniel F. Young

Edwards. J. du

vs.

SUBPOENA
IN
CHANCERY.

Little et al

W. H. Hines p. 9

To 1st Sep Rules,

Practic Court.

1906

B 3119

Executed in the City
of Norfolk this 31st
day of August 1906 by
serving a copy here
of on Eddie J. Little

J. F. Lawler Sgt
City of Norfolk
by J. F. W. Lynn
Sergeant's fee paid. opty

3-4-1906
Edwards, Jdm

vs.

}

SUBPOENA
IN
CHANCERY.

Little et al

W. H. Nelson

p. 9

To 14 September Rules,

Circuit Court.

1906

B3119

Executed in the City
of Norfolk this 3rd
day of August 1906
by serving a copy
thereon Eddie J. Little

J. A. Lawler Sgt
City of Norfolk
by J. B. W. Lynn
Sergeant J. B. W. Lynn

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon

Eddie J. Little

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 1st Monday in September 1906,
to answer a bill in chancery, exhibited against him, and others in our said court for
by R. A. Edwards, guardian

And have then there this writ.

Witness NATHANIEL F. YOUNG, Clerk of our said court, at

the court-house, the 2^{3rd} day of August 1906, and in the 12^{1st}
year of the Commonwealth.

Nathan F. Young
Test, Nathan F. Young C. C.

Memoranda
Chas
Litt

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

Robert A. Edwards, Guardian of Eddie J. Little, Vernon Little, Frank Little, Joseph Linwood Little -- all infant children of Joseph C. Little, deceased.

vs.

Eddie J. Little, Vernon Little, Frank Little, Joseph Linwood Little, Mattie Viola Russell, Mattie V. Russell, B. F. Russell, Mary R. Little, Emmett W. Little, Executor of the last will and testament of Edwin Little, deceased; Emmett W. Little in his own right; James C. Little, Ada V. Gwaltney and Adniram J. Little

Issue summons in Chancery for Eddie J. Little to second rules in May, 1907, directed to the Sargeant of the City of Norfolk, Virginia.

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