

1912-008 Chancery Causes: Richard R. Blunt vs Clarence Branch vs
Isle of Wight County

98

Plat in Oversize Box 2

other surnames: Tynes, Bailey,
Chapman, Blount, Thomas,
Adams, Goodrich, Hayden,
Young

CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE
OF WIGHT NOVEMBER 2ND. 1910.

Blunt et als.

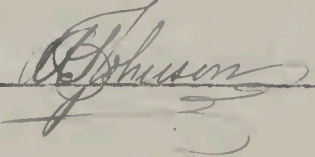
vs) Chancery.

Blunt et als.

APPOINTMENT OF GUARDIAN AD LITEM.

Upon motion of the plaintiff's attorney, T. C. Selby, a discreet and competent attorney at law, practising in this Court, is hereby assigned as guardian ad litem in the above styled suit, of the infant defendants therein, to defend the interests of the said infants.

Teste,

 Clerk.

-----2-----
Blunt et als.

vs) Chancery.

Blunt et als.

Order appointing guardian
ad litem for infant defts.

Filed Nov 2/1910

Test Johnson Clk

Whereas James Thomas and John E. Adams by their deed of trust dated on the 15th of February 1873 and duly recorded in the clerks office of Isle of Wight County Court, did convey to R. S. Thomas, C. B. Hayden and N. P. Young their trustees, all the property real and personal, held by them, as well in their capacity under the late firm of Thomas and Adams, as in their individual capacities, save and except certain property specially reserved by the terms of said deed to the respective wives of the said James Thomas and John E. Adams, with power & authority to sell and dispose of the property so conveyed in manner and form as set out in said deed, and whereas the said Trustee in furtherance of the provisions of said deed, and after due and legal notice of the time and place of sale, did expose to sale at public auction, in the town of Smithfield, on the 17th day of September 1875, that portion of the real estate of the said James Thomas known as the Davis Land, and which was purchased by the said James Thomas from Jeff Davis and Stephen Davis respectively lying adjacent to the lands of John D. Chalmers, on the North & South, & others on the East and West, it being the land that was assigned to the said Jeff and Stephen Davis in the lands of their mother Hannah Brown, late Davis, at which sale C. C. Goodrich became the purchaser of the said property for the sum of Two Hundred and twenty five Dollars, which in accordance with the terms of sale has been fully paid, and at his request, signified by his signature to this deed, the said property is to be conveyed hereby to Evans Blount and Add Blount, Now therefore, this Deed made this 23d day of February 1880, between the said R. S. Thomas, C. B. Hayden and N. P. Young trustees of said James Thomas, of the one part, and the said Evans and Add Blount of the other part.

Witnesseth, that the said trustees in virtue of the authority vested in them by the deed of trust aforesaid, and in furtherance of its provisions, and in consideration of the payments to them made as aforesaid, do convey with special warranty to the said Evans Blount and Add Blount, the property herein before mentioned and described with

its appurtenances.

Witness the following signatures & seals.

R. S. Thomas,	(SEAL)
C. B. Hayden,	(SEAL)
N. P. Young,	(SEAL)
O. C. Goodrich,	(SEAL)

Isle of Wight County Iss.

I, R. E. Boykin a Commr. on Chancery for the Circuit Court for the County of Isle of Wight and State of Virginia do certify that R. S. Thomas, C. B. Hayden and N. P. Young & O. C. Goodrich whose names are signed to the writing hereto annexed bearing date on the 23rd day of Feby. 1880, has acknowledged the same before me in my said County.

Given under my hand this 23d. day of Feby. 1880.

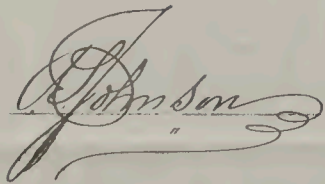
R. E. Boykin, Commr.

In the clerk's office of Isle of Wight County Court the 1st. day of March 1880. This Deed from R. S. Thomas & als. to Evans & Add Blount was received and admitted to record upon the annexed certificate of R. E. Boykin Commr. in Chancery.

Teste, W. A. Edwards, D. C.

A copy,

Teste,



Clerk.

Exhibit "A" 3 1/2

Plaintiff at

" { Chancery

Plaintiff at

Filed with Bill

1st November 1910

Int. Office

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

Blount et als.....Plaintiffs.

vs. In Chancery.

Blount et als.....Defendants.

This cause came on this day to be again heard upon the papers formerly read; and ^{when} the report of the ^(then for appointed) commissioners, filed this day by leave of Court, to which no exception has been taken, and was argued by counsel.

On consideration whereof, and it appearing to the court that in the partition made by the said commissioners, as set forth ^{in the} map and survey of the land of which Evans Blount died seized and possessed, ~~by a competent survey~~, that lot number ^{Six} 6 fell to the ^{share} share of Richard R. Blount; that lot number ^{ten} 10 fell to the share of Dred L. Blount; that lot number ^{nine} 9 fell to the share of James Blount; that lot number ^{four} 4 fell to the share of John Blount; that lot number ^{three} 3 fell to the share of Eddie Blount; that lot number ^{seven} 7 fell to the share of Hester B. Blount; that lot number ^{eight} 8 fell to the share of William Blount; that lot number ^{one} 1 fell to the share of Esther E. and Mordecia London Tynes, children of Sarah Ann Tynes, deceased; that lot number ^{two} 2 fell to the share of Clarence Branch and Vara Branch, children of Mary E. Branch, subject to the curtesy of James Branch; and that lot number ^{five} 5 fell to the share of Maud Millian Bailey, Florence Evilina Bailey, Corine Bailey, and Theodore Bailey, ^{jointly} children of Evilina Bailey, deceased, subject to the curtesy of John Bailey: the court doth adjudge, order and decree that the said report of the said commissioners be confirmed, and that the partition in the manner and form aforesaid made, be held firm and stable, ^{and that the title shall vest in the respective parties to the same extent as long as the said or dies back there} And it is further adjuded, ordered, and decreed, that E. H. Williams, ^{herein made commissionary} ~~is hereby appointed special commissioner for the~~ shares, aforesaid.

~~purpose, execute and deliver a good and sufficient deed, with
covenants of SPECIAL WARRANTY, to the parties for the lots here
inbefore mentioned, assigned and allotted.~~

And that the cost of the suit be proportionally borne by the
parties ~~thereto~~, including ~~court~~ costs up to ~~and~~ including a final
decree, the cost of map and survey of the said land, and a fee to
E. H. Williams for services in this cause.

*And it is further ordered
that the plat of said land, as made by W. M. Morris, shall be
furnish record in the Clerk's office of this Court.*

And it is further adjudged, ordered and decreed that the plat and
survey returned herewith and mentioned herein, together with a
copy of this decree, be entered by the Clerk of this Court in the
current deed book of Bargain and Sales in his office.

And it is also adjudged, ordered and decreed that the
costs of this suit be proportionately born by the parties to the
same; and that E. H. Williams, Attorney in this cause, be allowed
a fee of two hundred dollars for his services herein, less the
total amount of costs herein ~~up to~~ dismissal.

And nothing further appearing to be done in this cause
it is ordered that the same be stricken from the docket.

12
Blount et als.

vs. In Chancery

Blount et als

DECREE.

1912
May 7.
Enter this
B.D.W.

C.O.B. # 7 Page 121

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

Richard R. Blunt, Dred L. Blunt,
Esther Lee Tynes, Mordecai London
Tynes, William Blunt, James Branch, James
Blunt, John Bailey, John Blunt, Hester
Blunt and Eddie Blunt,..... Plaintiffs.

Vs) In Chancery

Clarence Branch, Vera Branch, Maud Lillian
Bailey, Florence Everlena Bailey, Corine Bailey
and Theodore Bailey, all of whom are infants,..... Defendants.

----- ooo -----

This cause came on this day to be again heard on
the papers formerly read, the report of A. S. Johnson filed
September, 20th, 1911, to which no exceptions have been taken,
and was argued by Counsel, *and it appearing to the Court from the
said report that the land in the title and proceedings can*
On consideration whereof the Court confirmed the said
report, doth adjudge, order and decreethat T. B. Wright, T. L.
Dashields, and A. S. Whitehead, who are hereby appointed Com-
missioners for the purpose, after having been duly sworn, do*
proceed to lay off and divide the real estate, of which Evans
Blount died seised and possessed, containing twenty-three and
one half acres, more or less, adjoining the estate of John D.
Chalmers and others, near the town of Smithfield, in the County
of Isle of Wight, Virginia, in ten equal parts, having regard
to quality, quantity, and value, and assign the said parts as
follows, to-wit: one part to Richard R. Blunt: one part to
Dred L. Blunt: one part to William Blunt: one part to James
Blunt: one part to John Blunt: one part to Eddie Blunt: one part
to Hester Blunt: one part to the children of Sarah Anne Tynes,
deceased, who was Blunt, namely Esther Lee Tynes and Mordecia
London Tynes; one part to the two children of Mary E. Branch,
deceased, who was Blunt, subject to the Curtesy of James Branch,
namely, Clarence Branch and Vera Branch: and one part to the
four children of Everlena Bailey, deceased, who was Blunt, sub-

* At the close of the day of October 1911, it was ordered that the
said parties be referred to the said commissioners to divide the land
and that the said parties be notified to appear at the Court on the
first day of November, 1911, to hear the report of the said commissioners.
The Court is satisfied that the said parties are interested in the
land and that the said commissioners are qualified to divide the land.

The said parties are hereby notified to appear at the Court on the
first day of November, 1911, to hear the report of the said commissioners.

ject to the Curtesy of John Bailey, namely, Maud Lillian

Bailey, Florence Everlena Bailey, Corine Bailey and Theodora
Bailey.

*And said Commissioners shall cause to be made a
plat of said land showing the part to be assigned to*

But if the said Commissioner should find that partition
cannot be conveniently made of the said real estate among the
aforesaid parties, then they are required to report the facts
upon which their opinion is based to the court, and also whether
the interest of those who are entitled to the said real estate,
or its proceeds, will be promoted by a sale of the entire real
estate, or allotment of part and sale of the residue, and what
in their opinion is the fee simple value of the whole of the
real estate of which the said Evans Blunt died seised and poss-
essed; and in either case they are required to report their pro-
ceedings under this order to the court.

Each of the parties interested herein shall be recorded.

9
Blount ch also

v.

Blount ch also.

Deer.

Robert Cullen

1911.

Oct 2.

Auto this
B.D.W.

C.O.B. #7, page 80.

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

Clarence Branch, Vera Branch, Maud L. Bailey, Florence E. Bailey,
Corine Bailey, and Theodora Bailey.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Richard Blunt, Dred L. Blunt, Esther
Lee Tynes, Mordecai London Tynes, William
Blunt, James Branch, James Blunt, John
Bailey, John Blunt, Hesger Blunt and
Eddie Blunt, ... Plaintiffs.

Vs,) In Chancery.

Clarence Branch, Vera Branch, Maud
Lillian Bailey, Florence Everlena Bailey,
Corine Bailey and Theodora Bailey, all
of whom are infants, ... Defendants.

This cause came on this day to be heard on the com-
plainant's bill, the separate answers of the infant defendants,
the answer of the infant defendants by their guardian ad litem, a
discreet and competent attorney at law, duly assigned at rules,
and upon the answer of said guardian ad litem, and upon the
general affidavits to said answers, and was argued by counsel.
On consideration whereof, the Court doth adjudge, order

and decree that A. S. Johnson, one of the Commissioners of this
Court, take, state and report to the Court the following inquiries and
accounts:

FIRST: whether or not the real property in the bill mentioned;
namely, All that certain tract, piece or parcel of land lying,
situate and being in the County of Isle of Wight, State of Virgin-
ia, adjoining the lands of John D. Chalmers and others, and is
known as the Davis tract, and being the same land conveyed to
Evans Blunt and Add Blunt by deed from Thomas & Adams' trustees

and O. C. Goodrich, bearing date February 23rd. 1880, and recorded
in the Clerk's Office of the Circuit Court of the County of Isle
of Wight, Virginia, in Deed Book No. 45, page 262, can be conven-
iently divided in kind between the parties entitled to share there
in;

SECOND: If the same cannot be conveniently divided in kind wheth-
er any party in interest will take the entire property and pay

this day filed by leave of the Court.

therefor to the other parties such sum or sums of money as their interest may entitle them to;

THIRD: And if the same cannot be conveniently divided in kind, and neither party will take the entire property and pay to the others for their share, whether the interest of those entitled to the said property, or its proceeds, will be promoted by a sale of the entire property, or by an allotment of a part and a sale of the residue.

FOURTH: An account of the real estate of which Evans Blunt died seized and possessed, with the annual and fee simple values of the said land;

FIFTH: Whether or not there are any liens on the said land for delinquent taxes, or otherwise, and whether or not there are any liens on the interest of either of the parties in the said land;

SIXTH: Whether all the proper parties are properly before the Court.

which several inquiries and accounts the said Commissioner shall make and to the court report, together with any matter specially stated, deemed pertinent by himself, or required by any party in interest to be so stated.

Blunt, et als.

Vs,) In Chancery.

Blunt, et als.

DECREE.

1911
Jan. 23.

Enter this,

B.H.W.

C.O.B. No.

7, page 58

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

Richard R. Blunt, Dred L. Blunt,
Esther Lee Tynes, Mordecai London
Tynes, William Blunt, James Branch, James
Blunt, John Bailey, John Blunt, Hester
Blunt and Eddie Blunt,..... Plaintiffs.

vs.) In Chancery.

Clarence Branch, Vera Branch, Maud Lillian R.
Bailey, Florence Everlena Bailey, Corine Bailey
and Theodora Bailey, all of whom are infants, ...Defendants

-----000-----

By consent of all parties, it is ordered that this
cause be submitted to the Judge of this Court for such decision
and decree to be made and entered in vacation as might be made
in term.

Blunt, et als.

Vs.) In Chancery.

Blunt, et als.

DECREE.

1910
Dec. 5
To be entered, B.D.W.

C. O. B. No. 7, page 44.

We consent to the within
decree.

McWilliams
T. C. Selby
Guardian ad litem.

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

Blount et als.....Plaintiffs.

vs. In Chancery.

Blount et als.....Defendants.

TO THE HONORABLE B. D. WHITE, JUDGE OF THE CIRCUIT COURT OF
THE COUNTY OF ISLE OF WIGHT.

We, the undersigned Commissioners under a decree of your Court entered on the 2nd day of October, 1911, beg leave to report, that in pursuance of said decree, after having given all parties in interest notice, did, on the 13th day of October, 1911, at ten o' clock A. M. lay off and divide the real estate of which Evans Blount died, seized and possessed into ten equal parts, having regard to quality, quantity and value, and have assigned the said parts as follows, and as shown by the map and survey made of the said land by a competent survey, lot number 6 to Richard R. Blount; lot number 10 Dred L. Blount; lot number 9 to James Blount; lot number 4 to John Blount; lot number 3 to Eddie Blount; lot number 7 to Hester B. Blount; lot number 8 to William Blount; lot number 1, to Esther E. and Mordecai London Tynes, children of Sarah Ann Tynes, deceased; lot number 2 to Clarence Branch and Vara Branch, children of Mary E. Branch, subject to curtesy of James Branch; and, lot number 5, to children of Evilina Bailey, deceased, subject to curtesy of John Bailey, namely, Maud Lillian Bailey, Florence Evilina Bailey, Corine Bailey, and Theodora Bailey.

Your Commissioners beg leave to state that the lot assigned to Eddie Blount is the lot upon which is located the dwelling house and out buildings belonging to the said tract of land and that it is more valuable than the other lots assigned to the other parties, but your commissioners, nevertheless recommend, that the said lot be assigned to the said Eddie Blount for the reason that many of the improvements on the said lot were put there by Eddie Blount, and for the reason that it was the wish of Evans Blount, deceased, that Eddie Blount should have the dwelling house, and also for the reason that all the adult

all the adult parties to the suit desire that the said Eddie Blount shall have the said lot which has been assigned to him by your Commissioners and your Commissioners further state that they feel that the wishes of the adult parties ought to control for the reason that they paid off the debts of Evans Blount, deceased, which amounted to about one thousand dollars.

All of which is respectfully submitted,

Thos B. Wright

A. R. Whitehead

J L Dashiell

Commissioners.

all the parti

Blount et al

vs. In Chancery

Blount et al.

Report of Courts.

WITHERS & SELBY
ATTORNEYS AT LAW
SMITHFIELD, VA.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Richard Blunt, Dred L. Blunt, Esther Lee Tynes, Mordecai London Tynes, William Blunt, James Branch, James Blunt, John Bailey, John Blunt, Hester Blunt and Eddie Blunt

vs) Chancery.

Clarence Branch, Vera Branch, Maud Lillian Bailey, Florence Everlena Bailey, Corine Bailey and Theodora Bailey, all of whom are infants.

To the parties in the above suit:

Take notice that I shall, at the office of E. H. Williams, Esq. attorney at law, in the town of Smithfield, County of Isle of Wight and State of Virginia, on the 2nd. day of February, 1911, at two o'clock P.M. proceed to execute that part of the decree entered in the said cause on the 23rd. day of January, 1911, which reads as follows:

First: Whether or not the real property in the bill mentioned: namely: all that certain tract, piece or parcel of land lying, situate and being in the County of Isle of Wight, State of Virginia, adjoining the lands of John D. Chalmers and others, and is known as the Davis tract, and being the same land conveyed to Evans Blunt and Add Blunt by deed from Thomas & Adams' trustees and O. C. Goodrich, bearing date February 23rd. 1880, and recorded in the Clerk's Office of the Circuit Court of the County of Isle of Wight, Virginia, in Deed Book No. 45, page 262, can be conveniently divided in kind between the parties entitled to share therein:

Second: If the same cannot be conveniently divided in kind whether any party in interest will take the entire property and pay therefor to the other parties such sum or sums of money as their interest may entitle them to:

Third: And if the same cannot be conveniently divided in kind, and neither party will take the entire property and pay to the others for their share, whether the interests of those entitled to the said property, or its proceeds, will be promoted by a sale of the entire property, or by an allotment of a part and a sale of the residue.

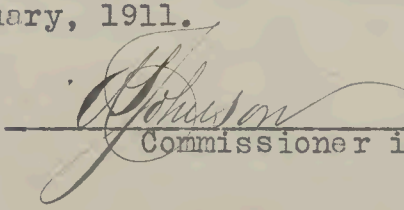
Fourth: An account of the real estate of which Evans Blunt died seized and possessed, with the annual and fee simple values of the said land:

Fifth: Whether or not there are any liens on the said land for delinquent taxes or otherwise, and whether or not there are any liens on the interest of either of the parties in said land;

Sixth: Whether all the proper parties are properly before the Court.

Which several inquiries and accounts the said Commissioner shall make and to the Court report, together with any matter specially stated, deemed pertinent by himself, or required by any party in interest to be so stated.

Given under my hand as Commissioner in Chancery for the said Court, this 23rd. day of January, 1911.


Commissioner in Chancery.

Wherby accept
due and legal
Service of the within
Notice,

E. Williams p.p.
J. C. Selby, Guardian
ad Litem for
Infant Defendants

Dred Blunt being duly sworn deposes and saith.

By. Mr. Williams,

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

A. Dred Blunt, fifty years old, live near Smithfield, Virginia and am a farmer.

Q. Are you the son of Evans Blunt ?

A. Yes.

Q. Are you well acquainted with the piece of land in the Bill and proceedings of this suit mentioned, and which you have heard us talking about here?

A. Yes,

Q. Do you think that it would be to the advantage of all parties who are entitled to share in the said land as heirs of Evans Blunt, deceased, to divide the lot of land into lots having respect to quality as well as quantity and assign each their shares therein, or do you think that it would be to a better advantage to sell the whole and divide the money?

A. Divide it up in lots.

Q. How about the interest of the infant defendants- would the land be better for them than the money?

A. The land.

Q. And further this deponent saith not.

Dred Blunt

money it would bring if sold. I think that a share in the land would be worth a great deal more to the children than their share in the money it might bring if it was sold for a division.

Q. ~~If it should appear to the Court that a better division~~ could be made by selling the property and dividing the money, among the heirs, do you know of any party in interest who would take the entire property and pay the others for their respective shares?

A. Yes, I would and I am sure that either of my brothers Eddie Dred or John would. I am satisfied that it would be more to the interest of the infants to give them their share in the land than in the money, because I am satisfied that the land would last them longer than the money.

Q. What will this piece of land rent for a year?

A. About seventy five dollars.

Q. What is its fair cash value?

A. About twelve hundred dollars.

Q. Do you know of any other heirs of your father, Evans Blunt than those you have already mentioned?

A. I do not.

Q. Is your mother living ?

A. No, sir,

And Further this deponent saith not.

James Blunt

James Blunt being duly sworn deposes and says:

By Mr. Williams.

Q. James please state your name, age, residence and occupation

A. James Blunt, forty years old, resides in Isle of Wight

~~County, near the town of Smithfield, and am a farmer.~~

Q. Are you one of the heirs of Evans Blunt, deceased?

A. Yes, I am a son.

Q. Who are the heirs of Evans Blunt?

A. Richard Blunt, a son, Dred Blunt, a son, William Blunt, a son, James Blunt, a son, John Blunt, a son, Eddie Blunt, a son, and Hester Blunt, a daughter, now living, Sarah Ann Blunt, who afterwards married Moses Tynes, who died before my father died leaving two children, Esther Lee Tynes and Mordicai London Tynes, Mary E. Blunt, who married James Branch, and who died since the death of her father, leaving as her heirs, her hus-

band, James Branch, and two children, Clarence Branch and Vera Branch, Everlena Blunt, who married John Bailey, and who died since her father's death, leaving as her heirs, her husband, John Bailey, and four children, Maud Lillian Bailey, Florencece Everlena Bailey, Corine Bailey and Theodora Bailey.

Q. Who was this Add Blunt, mentioned in the Bill filed in these proceedings?

A. He was a brother of my father, who died before my father without leaving any will, and unmarried, and who left as his only heir my father, Evans Blunt.

Q. Are you acquainted with the piece of land of which your father died seized and if so state whether or not in your opinion it can be to a better advantage than otherwise divided in kind among the several heirs who are entitled to share therein?

A. Yes, I do, In its present condition no one of the heirs are getting anything from it to speak of and I believe the land divided would be worth more to each one of us than our part of the

D. Chalmers, and others, containing by estimation twenty three and ~~one~~ half acres, and if so please state whether or not in your opinion it can be conveniently divided among the several heirs of the said Evans Blunt, which, according to the Bill filled in these proceedings, would necessitate a division into ten equal parts, having respect to quantity and value alike.

A. I am acquainted with the land, and it can be so divided. It is situated very near to the town of Smithfield and by quite a little settlement and for this reason I say that it can be so divided to advantage. If I was the owner of this piece of property, I am sure that I could dispose of it to a better advantage to myself by dividing it into small lots, or parcels and selling in such lots or parcels than as a whole.

Q. What do you consider a fair value of this land, as it is, per annum?

A. I think a hundred dollars a year.

Q. What is its present fee simple value?

A. I reckon it will bring fifteen hundred dollars, owing to its nearness to town.

And further this deponent saith not.

J. M. Chapman

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

Blunt, et als.

vs.

Blunt, et als.

Depositions of J. M. Chapman, and others, taken before me,
A. S. Johnson, a Commissioner in Chancery, of the Circuit
Court of the County of Isle of Wight, on the 2nd. day of Feb-
ruary, 1911, at the office of E. H. Williams, Attorney at law
in the town of Smithfield, County of Isle of Wight, State of
Virginia, at 2 o'clock P. M. to be read as evidence in the
execution of a decree entered in the above entitled cause in
the said Court now depending, on the 23rd. day of January,
1911,

Present, E. H. Williams, Counsel for complainants.

T. C. Selby, Guardian ad litem of the infant defend-
ants.

Mr. J. M. Chapman, being duly sworn deposes and says;

By Mr. Williams.

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

A. Name J. M. Chapman, thirty two years old, resides in
Smithfield, Isle of Wight County, Virginia, and I am a mer-
chant.

Q. Mr. Chapman, are you acquainted with that certain tract of
land near the town of Smithfield, of which Evans Blunt died
seised and possessed, adjoining the land of the estate of Jno.

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

Blunt et als.

vs)

Blunt et als.

REPORT OF REFERENCE.

TO HONORABLE B. D. WHITE,

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

The undersigned, one of the Commissioners in Chancery of your Honor's Court, to whom has been referred the papers in this case, reports that on the 23rd. day of January, 1911, he issued notices to the parties in the said suit that he would, at the office of E. H. Williams, Esq., Attorney at Law, in the Town of Smithfield, County of Isle of Wight and State of Virginia, on the 2nd. day of February, 1911, at two o'clock P.M. for the execution of decree mentioned in the said notice; and that at the time and place mentioned in said notice he attended for the purpose in the notice stated, and then and there took the evidence of J. M. Chapman and others, which evidence is herewith returned as a part of this report, and from such evidence so taken and aforesaid, and by reference to the records in the Clerk's Office of this Court your Commissioner finds, and reports, as follows:

1st. That the tract of land mentioned in the bill can be conveniently, and it appears to good advantage, divided in kind among the several parties entitled to share therein.

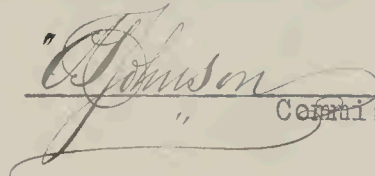
2nd: That Evans Blunt died seized and possessed of a tract of land adjoining the estate of John D. Chalmers and the lands of others, near the Town of Smithfield, County of Isle of Wight and State of Virginia, which, by estimate, contains twenty three and one half acres, more or less, and is worth some twelve or fifteen hundred dollars, in fee simple, and some seventy five or a hundred dollars annually.

3rd. Your Commissioner finds no liens for delinquent taxes or otherwise against the said tract of land, or the interest therein of any of the parties.

4th. All the proper parties appear to be before the Court.

5th. It is very apparent from the evidence that should the Court deem it proper to make sale of the land in the proceedings of this suit mentioned that it would be bought by some of the parties and the others paid for their respective shares therein. It further appears that the interest of the infant defendants will be promoted by a division in kind, as it is stated in the testimony that it is likely that the land will last them longer than any money that might be realized from a sale of the same.

Respectfully submitted,


Commissioner in Chancery.

Commissioner's fee,.....\$10.00

8
Blount et al

vs J Chancery

Blount et al

Report of Court
of reference

Filed Sept 20/1911

COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting;

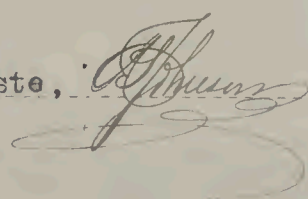
We command you that you summon Clarence Branch, Vera Branch, Maud Lillian Bailey, Florence Everlena Bailey, Corine Bailey and Theodora Bailey, all of whom are infants,

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said Court on the 1st,

Monday in November, 1910, 191, to answer a bill in chancery exhibited against them in our said Court by Richard R. Blunt, Dred L. Blunt, Esther Lee Tynes, Mordecai London Tynes, William Blunt, James Branch, James Blunt, John Bailey, John Blunt, Hester Blunt and Eddie Blunt,

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Courthouse, this 2nd. day of November, 1910, 191, and in the 135th. year of the Commonwealth.

Teste,  Clerk.

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Thurst et al
n { Subpoena re Chancery
Branch et al

I hereby accept
legal service of
the within process
J. C. Selby
Guardian ad
litem of the infant
defendants.

St. Mary rules 1910
Returned

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

Richard Blunt, Dred L. Blunt, Esther
Lee Tynes, Mordecai London Tynes, William
Blunt, James Branch, James Blunt, John
Bailey, John Blunt, Hester Blunt and
Eddie Blunt, ... Plaintiffs.

Vs.) In Chancery.

Clarence Branch, Vera Branch, Maud
Lillian Bailey, Florence Everlena
Bailey, Corine Bailey and Theodora
Bailey, all of whom are infants, ... Defendants.

The answers, under oath of Clarence Branch and Vera
Branch, infants under the age of twenty one years, but over the
age of fourteen years to a bill of complaint exhibited against
them by Richard R. Blunt, Dred L. Blunt, Esther Lee Tynes, Morde-
cai Tynes, William Blunt, James Branch, James Blunt, John Bailey,
John Blunt, Hester Blunt and Eddie Blunt, in the Circuit Court of
the County of Isle of Wight.

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

Clarence Branch.

Vera Branch.

State of New Jersey,

County of Monmouth, to-wit:

Sworn to before me in my County aforesaid by Clarence
Branch and Vera Branch, this 7th day of Dec. 1910.

Daniel Woodford Notary Public

6
nt, et als.

Answer of the

Infant defendant

nt, et als.

*Filed Jan 23
1941*

having fully answered, the defendants pray to be hence dismissed,
with their costs, etc.

By, Tunis C. Selby
guardian ad litem.

Clarence Brauch

Hera Brauch

Maud Lillian Baile

Florence Evelyn Baile

Corine Baile

Theodora Baile

By, Tunis C. Selby
guardian ad litem for infant defendants.

State of Virginia,

County of Isle of Wight, to-wit:-

Sworn to before me in my County aforesaid by Tunis C. Selby,
guardian ad litem as aforesaid, this 30th. day of November, 1910.

L. C. McCallum N.P.

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

Richard R. Blunt, Dred L. Blunt, Esther Lee
Tynes, Mordecai London Tynes, William Blunt,
James Branch, James Blunt, John Bailey,
John Blunt, Hester Blunt and Eddie Blunt, ...Plaintiffs.

vs.) In Chancery.

Clarence Branch, Vera Branch, Maud Lillian
Bailey, Florence Everlena Bailey, Corine
Bailey and Theodora Bailey, all of whom
are infants, ...Defendants.

The answers of Clarence Branch, Vera Branch, Maud
Lillian Bailey, Florence Everlena Bailey, ~~Corine Bailey and Theo-~~
dora Bailey infants under the age of twenty one years, by Tunis C.
Selby, a discreet and competent attorney at law, ^{their} ~~his~~ guardian ad
litem of the said infant defendants, to a bill of complaint exhib-
ited against the said infant defendants by Richard R. Blunt, Dred
L. Blunt, Esther Lee Tynes, Mordecai London Tynes, William Blunt,
James Branch, James Blunt, John Bailey, John Blunt, Hester Blunt
and Eddie Blunt in the Circuit Court of the County of Isle of
Wight, Virginia.

For answer to the said bill the said infant defendants
by their guardian ad litem answer and say that being of tender
years they do not know ^{what} their true interests are in relation to the
subject-matter of the said bill, nor do they know whether the
statements therein contained are true or not. ~~They confide the~~
protection of their interests therein to the care of the Court.
And the said guardian ad litem of the said infant defendants for
answer to the said bill answers and says that he knows nothing as
to the truth or falsity of the statements in the bill contained.
He prays full protection for the infant defendants. And now,

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

Richard R. Blunt, Dred L. Blunt, Esther Lee
Tynes, Mordecai London Tynes, William Blunt,
~~James Branch, James Blunt, John Bailey, John~~
Blunt, Hester Blunt and Eddie Blunt,..... Plaintiffs.

Vs.) In Chancery.

Clarence Branch, Vera Branch, Maud Lillian
Bailey, Florence Everlena Bailey, Corine
Bailey and Theodora Bailey, all of whom
are infants, ... Defendants.

The answer, under oath of Maud Lillian Bailey an in-
fant under the age of twenty one years, but over the age of four-
teen years to a bill of complaint exhibited against her by Richard
R. Blunt, Dred L. Blunt, Esther Lee Tynes, Mordecai London Tynes,
William Blunt, James Branch, James Blunt, John Bailey, John Blunt,
Hester Blunt and Eddie Blunt, in the Circuit Court of the County
of Isle of Wight, Virginia.

For answer to the said bill this defendant says that
she is fourteen years of age; that she, by reason of her tender
years, knows but little of the allegations of the said bill; so
far as she does know she believes the same to be true, and she
sees no reason why the prayer of the bill should not be granted,
and accordingly she concurs therein, but she relies upon the Court
to protect her interest. And now, having fully answered, she prays
to be hence dismissed, with her costs. And she will ever pray,
etc.

Maud L. Bailey.

State of Virginia,

County of Isle of Wight, to-wit:-

Sworn to before me in my County aforesaid by Maud
Lillian Bailey, this 10th day of Decr. 1911.

W. E. Hume N P

Journal of W. E. Hume Sept 1 - 1914

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Blunt, et als.

Answer of infant
vs.) defendant.

Blunt, et als.

Filed Jan 22/1911

4
Blunt, et als.

Vs.) In Chancery.

Blunt, et als.

Answer of guardian ad litem

1st. November rules 1910

Filed

Est. Johnson

Blunt

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

said real estate will be promoted by a sale of the whole of the said real estate.

In tender consideration whereof, and for as much as your complainants are remediless in the premises save by the aid of a court of equity, where matters of this kind are alone and properly cognizable, your complainants pray that the said Clarence Branch, Vera Branch, Maud Lillian Bailey, Florence Everlena Bailey, Corine Bailey and Theodora Bailey, infants, may be made parties defendant to this bill, and required to answer the same; an answer under oath being hereby expressly waived as by the statute in such cases made and provided; that a proper guardian ad litem be assigned to the infant defendants to defend their interest in this suit; that proper process issue; that the said real estate be divided in kind, but, if such division cannot be advantageously made, that the whole of the said real estate be sold for a division; that a reasonable fee be allowed your complainants' attorney for his services in this cause; that all proper orders and decrees may be made, and proper inquiries be directed, and that all such other, further and general relief may be afforded your complainants as the nature of their case may require, or to equity and good conscience may seem meet.

And your complainants will ever pray, etc.

E. H. [Signature] P. P.

possessed of the said real estate, the said Evans Blunt departed this life intestate during the month of April 1893, leaving surviving him a widow, Esther Blunt, who has since departed this life, namely in March 1903, and the following persons, namely, Richard Blunt, Dred L. Blunt, William Blunt, Mary Ann Branch, James Blunt, Lena Bailey, John Blunt, Hester Blunt, Eddie Blunt, Esther Lee Tynes and Mordecai London Tynes, the last two being children of his deceased daughter Sarah Ann Tynes, as his only heirs at law;

Your complainants allege that since the death of Evans Blunt, the said Mary Ann Branch has departed this life intestate leaving surviving her a husband, James Branch, of Seabright, N. J. and two children, namely, Clarence Branch, a minor over the age of fourteen years, namely, sixteen years of age, and Vera Branch a minor, over the age of fourteen years, namely of the age of fifteen years, both of Seabright, N. J., the two said infants being her only heirs at law and are entitled to the share of the said Mary Ann Branch in and to the said real estate, subject to the curtesy interest of the said James Branch;

Your complainants allege that since the death of Evans Blunt, the said Lena Bailey has departed this life intestate leaving surviving her a husband, John Bailey and four children, namely, Maud Lillian Bailey, a minor of the age of fourteen years Florence Everlena Bailey, a minor under the age of fourteen years namely, of the age of twelve years, Corine Bailey, a minor under the age of fourteen years, namely, of the age of ten years, and Theodora Bailey, a minor under the age of fourteen years, namely, of the age of eight years, the four said infants being her only heirs at law, and are entitled to the share of the said Lena Bailey in and to the said real estate, subject to the curtesy of the said John Bailey;

And your complainants further allege and so state that the real estate hereinbefore described can be advantageously partitioned in kind, but if the same cannot be advantageously partitioned in kind, the interests of those who are entitled to the

TO THE HONORABLE B. D. WHITE, JUDGE OF THE CIRCUIT COURT OF THE
COUNTY OF ISLE OF WIGHT, VIRGINIA:

Richard R. Blunt, Dred L. Blunt, Esther Lee Tynes,
Mordecai London Tynes, William Blunt,
James Branch, James Blunt, John Bailey,
John Blunt, Hester Blunt and Eddie Blunt, ...Plaintiffs.

Vs.) In Chancery.

Clarence Branch, Vera Branch, Maud Lillian
Bailey, Florence Everlena Bailey, Corine
Bailey and Theodora Bailey,, all of whom
are infants,.....Defer[red]s.

Humbly complaining, sheweth unto the Court, your com-
plainants, Richard R. Blunt, Dred L. Blunt, Esther Lee Tynes, Mor-
decai London Tynes, William Blunt, James Branch, James Blunt,
John Bailey, John Blunt, Hester Blunt and Eddie Blunt, that Evans
Blunt, deceased, was in his life time seised and possessed of the
following real estate, to-wit:- All that certain tract, piece or
parcel of land lying, situate and being in the County of Isle of
Wight, State of Virginia, adjoining the lands of John D. Chalmers
and others, and is known as the Davis tract, and being the same
land conveyed to Evans Blunt and Add Blunt by deed from Thomas &
Adams' trustees and O. C. Goodrich, bearing date February 23rd.
1880, and recorded in the Clerk's Office of the Circuit Court of
the County of Isle of Wight, Virginia, in Deed Book No. 45, page
262. A certified copy of said deed being herewith filed, mark-
ed "Exhibit A" and made a part of this Bill;

That the said Add Blunt mentioned as joint tenant in
the certified copy of the deed hereto attached and made a part of
this bill, departed this life some time during the year 1880,
leaving surviving him the said Evans Blunt as his only heir at
law.

And your complainants allege that being so seised and

3m

Blunt, et als.

Vs.) Bill.

Blunt, et als.

1st. November rules, 1910.

Process returned with service
acknowledged by T. C. Selby,
guardian ad litem- Bill and
exhibit filed. Decree nisi.

2nd. November rules, 1910.

Answer of guardian ad litem
filed. Case set down for hear-
ing

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

MAP

Showing Division Lines of Hester Blunt's Estate in Isle of Wight County Virginia.
Scale 50 ft = 1 inch

W.W. Morrison Surveyor
Nov 3rd 1911

