1913-003 Chancery Cause: J. W. Whitehead, Dollie Thomas Whitney & J. Frank Whitney 110
Ddc f/Wright County VS B. L. Joyner et al

other surnames: Joyner, Turner, Parkerson, Wilson

/

J. W. Whitehead and others,

v.

B. L. Jones and others.

B I L L :

October 3rd. 1911. Bill and answers of adult defendants and guardian ad litem filed. Decree for reference and appointing guardian ad litem entered. Suit docketed.

JAMES H. CORBITT
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

J. W. Whitehead, Dollie Thomas Whitney and J. Frank Whitney, her husband, - - - - - - - - - - - - - - - - complainants,

v. BILL:

B. L. Jones, Jesse Lee Jones, Novella Bettie Jones, Cary Smith Jones, Annie Maud Jones, Eddie Jones, Esther Cleveland Jones, Maurice Gray Jones, Sallie Cherrie Jones, Mittie Dorset Jones, Elsie May Whitney, and Bettie Archer Whitney, the last six being infants.-Defendants.

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

Humbly complaining sheweth unto the Court your complainants, J. W. Whitehead and Dollie Thomas Whitney and J. Frank Whitney, her husband, that Camilla Whitehead (formerly Camilla Joyner) in her life time was seized and possessed of a certain tract of land in the County of Isle of Wight, in the State of Virginia, conveyed to her by deed dated the 16th day of June, 1859, by N. P. Young, Commissioner acting under decrees of the County Court of Isle of Wight County, rendered on the 6th day of June, 1858, and on the 7th day of March, 1859, in the suit therein depending between Eliza Turner and others, plaintiffs, against Joseph Parkerson, Administrator of Frances Whitley, and others, defendants, the said tract containing by estimation one hundred and twenty (125) acres, and lying adjacent to the lands then owned by Robtrt Gibbs, Samuel J. Hargraves and others, and being the same upon which the said Camilla Whitehead resided up to the time of her death; and being so seized and possessed on, to-wit, the 7th day of January, 1910, the said Camilla Whitehead departed this life intestate, leaving her son, your complainant J. W. Whitehead, her daughter, your complainant Dollie Thomas Whitney, wife of J. Frank Whitney, her daughter, Annie E. Jones, the wife

of B. L. Jones, and two grand-children, Elsie May Whitney and Bettie Archer Whitney, infant children of decedent's daughter Bettie A. Whitney, who was the former wife of J. Frank Whitney, (the said Bettie A. Whitney having departed this life on, to-wit, June 29th, 1904,) her heirs at law.

On the 19th day of April, 1911, Annie E. Jones, the wife of B. L. Jones, departed this life intestate, leaving nine children her heirs at law as follows:

Jesse Lee Jones, Novella Bettie Jones, Cary Smith Jones, Annie Maud Jones, now the wife of Eddie Jones, all now adults, and Esther Cleveland Jones, Maurice Wray Jones, Sallie Cherrie Jones and Mittie Dorset Jones, now infants under the age of Twenty-one years.

And your petitioners further state that the said real-estate is, as they believe, susceptible of partition among the parties entitled thereto, but should the property not be devisable in kind your complainants believe and here state that the interests of those who are entitled to the said real-estate, or its proceeds, will be promoted by a sale of the whole of the same or by an allotment of part and a sale of the residue.

In tender consideration whereof and forasmuch 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, they pray that the said B. L. Jones, Jesse Lee Jones, Novella Bettie Jones, Carey Smith Jones, Annie Maud Jones, Eddie Jones, Esther Cleveland Jones, Maurice Wray Jones, Sallie Cherry Jones, Mittie Dorset Jones, Elsie May Whitney and Bettie Archer Whitney may be made parties defendant to this bill and required to answer the same, but not on their oaths, the oaths being expressly waived, the said adults in their own proper person and the infants by Guardian ad Litem; that a

proper Guardian ad Litem be appointed in this cause for said infants who shall also answer this bill; that proper process issue; that the said estate be divided between the parties entitled thereto, or else, if it cannot be divided, that it may be sold and the proceeds divided amoung the adult and infant parties according to their respective rights, the shares of the infants to be held as directed by statute for such cases made and provided; that all proper orders and decrees may be made, accounts taken and inquiries directed; and that your complainants may have all such further and other and general relief in the premises as the nature of their case may require or to equity shall seem meet.

Notice is hereby given that the Court will be asked to allow reasonable fee to plaintiffs' counsel for services in conducting this case.

James H. Corbitt, p.q.

J. H. Whitehead
Dollie Thomas Whitney and
J. Frank Whitney
By James H. Corbitt, their
Counsel.

7

J. W. Whitehead & others

v.

B. L. Jones & others

Answer of
adiuct defendants

Filed Oct 3/1911

JAMES H. CORBITT
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

J. W. Whitehead, Dollie Thomas Whitney, and J. Frank Whitney, her husband,

v.

B. L. Jones, Jesse Lee Jones, Novella Bettie Jones, Cary Smith Jones, Annie Maud Jones, Eddie Jones, Esther Cleveland Jones, Maurice Wray Jones, Sallie Cherrie Jones, Mittie Dorset Jones, Elsie May Whitney and Bettie Archer Whitney, the last six being infants.

THE JOINT AND SEPARATE ANSWERS OF B. L. JONES, JESSE LEE JONES, NOVELLA BETTIE JONES, CARY SMITH JONES ANNIE MAUD JONES, EDDIE JONES TO A BILL IN EQUITY EXHIBITED AGAINST THEM AND OTHERS IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT BY J. W. WHITEHEAD, DOLLIE THOMAS WHITNEY AND J. FRANK WHITNEY, HER HUSBAND, COMPLAINANTS.

These defendants, in answer to the complainants' bill, answering say, that they admit the truth of the statements in said bill made, and join in the prayer of the said bill for the partition of the said property as set forth therein.

And having fully answered the complainants' bill they pray to be hence dismissed with their reasonable costs by them in this behalf expended and they will ever pray, etc.

B. L. J. B. L. Jones

J. L. J. Jesse L. Jones

N. B. J. N. Bettie Jones

C. S. J. Cary S. Jones

A. M. J. Annie M Jones

Eddie Jones Eddie Jones

3

J. H. Whitehead & others

v.

B. L. Jones & others

Answer of

Guardian ad litem

Filed October 3rd
1911

JAMES H. CORBITT
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

J. W. Whitehead, Dollie Thomas Whitney and J. Frank Whitney, her husband,

v.

B. L. Jones, Jesse Lee Jones, Novella Bettie Jones, Cary Smith Jones, Annie Maud Jones, Eddie Jones, Esther Cleveland Jones, Maurice Wray Jones, Sallie Cherrie Jones, Mittie Dorset Jones, Elsie May Whitney, and Bettie Archer Whitney, the last six being infants.

THE SEPARATE ANSWERS OF ESTHER CLEVELAND JONES, MAURICE WRAY JONES, SALLIE CHERRIE JONES, MITTIE DORSET JONES, ELSIE MAY WHITNEY AND BETTIE ARCHER WHITNEY, INFANTS UNDER THE AGE OF TWENTY ONE YEARS, BY H. STUART LEWIS, THEIR GUARDIAN AD LITEM APPOINTED TO DEFEND THEM IN THIS SUIT, TO A BILL OF COMPLAINT FILED AGAINST THEM AND B. L. JONES, JESSE LEE JONES, NOVELLA BETTIE JONES, CARY SMITH JONES, ANNIE MAUD JONES, AND EDDIE JONES IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, BY J. W. WHITEHEAD, DOLLIE THOMAS WHITNEY AND J. FRANK WHITNEY, HER HUSBAND, COMPLAINANTS.

These respondents, reserving to themselves the benefit of all just exceptions to the said bill of complaint, for answer thereto, or to so much thereof as they are advised that it is material they should answer, by their said Guardian ad Litem, answer and say:

That they are infants of tender years, and by reason of their infancy are incapable of understanding or of taking care of their rights and interests herein; and that they therefore commend themselves and their rights and interests to the protection of the Court, and pray that no decrees may

be entered that will tend to their prejudice.

And now, having fully answered the complainants' bill, these respondents pray to be hence dismissed with their reasonable costs by them in this behalf expended.

A. Stuart Lewis

Guardian ad Litem for Esther Cleveland Jones, Maurice Wray Jones, Sallie Cherrie Jones, Mittie Dorset Jones, Elsie May Whitney and Bettie Archer Whitney.

5

Jno H. Whitehead et ux

vs

B. L. Jones et ux

Report of Commissioner.
Made in pursuance to
decree entered Oct. 3-1911.

Filed Feby 2nd 1912

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

J. W. Whitehead, et als.
vs) Chancery.
B. L. Jones, et als.

The depositions of W. V. Wilson and C. A. Turner, et al. taken before me, A. S. Johnson, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, on this 22nd. day of February, 1912, to be read as evidence in the above entitled cause in the Circuit Court of the County of Isle of Wight now pending, together with a report directed by decree entered therein on the 3rd. day of October, 1911.

C. A. Turner being duly sworn deposes and says:

(Examination conducted by the Commissioner)

Q. Please state your name, age, residence and occupation? A. C. A. Turner, thirty six years of age, live in Isle of Wight County, near Long View, and am a merchant and a farmer.

Q. This suit is brought for the purpose of making partition of the lands of which Camilla Whitehead died siezed and possessed. Are you acquainted with this piece of land? A. Yes sir.

Q. When have you been over the land? A. To day.

Q. For what purpose did you go over it? A. To appraise it or value it.

Q. What [redacted] Have you determined as a fair fee simple and a fair annual value of this piece of land? A. About nine hundred dollars, fee simple value. It ought to rent for about thirty dollars.

Q. What is its present state? A. To use my language it is about at the end of the rope. The buildings are all about rotten down and about one sixth of the fence is wire and the balance old rails and that about rotten down.

Q. Have you considered the value of the timber upon this land?

A. Yes sir.

Q. Do you know who the heirs of Camilla Whitehead are? A. Yes sir.

Q. Who are they? A. John W. Whitehead, Annie, who married Bervin Lee Jones, Bettie, who married Frank Whitney, and Dollie, who married Frank Whitney. Annie is dead and left her husband B. L. Jones, and the following named children: Jesse Lee Jones, Novella Bettie Jones, Cary Smith Jones, Annie Maud Jones,(who has married Eddie Jones), Esther Cleveland Jones, Maurice Wray Jones, Sallie Cherry Jones, and Mittie Dorset Jones.

Bettie is also dead, and left her husband, J. Frank Whitney, and two children, namely: Elsie May Whitney and Bettie Archer Whitney.

Dollie is still living and is now the wife, of the said J. Frank Whitney.

Q. What is the character of the tract of land mentioned, how much of it cleared and in condition to be cultivated, and how much woodland, and what is the quality of the timber thereupon? The soil is a medium soil. The land is cut up by ravines and gullies, deep enough to wash badly. There has been about forty acres of it under fence but part of this is grown up and about twenty acres now in condition to be cultivated. The rest of it is woodland. There is some good lumber in the woodland but it is not thickly set. Pine mostly; little poplar but not enough to figure in a deal, I do not think.

Q. Can this tract of land be conveniently made among the parties entitled to receive the same? A. I do not think it can be conveniently divided in kind among the parties. I know of no one of the parties interested who desire to buy the tract or any part of it. In my opinion it would be to the interest of all the parties to sell the whole tract and divide the proceeds. In fact I do not see how it can be divided otherwise.

Q. Are you any relation to any of the parties or have you any interest, of any sort, in this tract of land. No sir.

And further this deponent saith not.

C A Turner .

W. V. Wilson being duly sworn deposes and says:

(examination conducted by the commissioner)

Q. Mr. Wilson, please state your name, age, residence and occupation? A. W. V. Wilson, I am sixty two years old, reside in Isle of Wight County, near the Courthouse, and am a farmer.

Q. Are you acquainted with the land of which Mrs. Camilla Whitehead died siezed and possessed? A. Yes sir. I have been there several times. I was there to day.

Q. Have you been upon it recently with a view of ascertaining the value? A. Yes sir.

Q. Please state what you have determined as a fair fee simple value and what you think a fair rental value per annum? A. I think it is worth about a thousand dollars. I do not think it would rent for over thirty dollars a year. I would not like to give more than that for it and keep the fence up.

Q. Please state, generally, the character of the land and its present condition? A. The place is certainly run down, and the houses-there is nothing there except what whoever rents puts there, so far as the outhouses are concerned. The dwelling house is about played out. You can live in it and that is about all. There is a crippled negro living there now and has been for some eight or nine years, I think. The land has not been well cultivated for a long time and it is run down. The fence is in bad shape. The land is badly cut up by ravines. There is a large one running through it. It is a long narrow strip of land with the field in the middle and woodland at both ends. It looks like there is about one hundred and twenty five acres as it is mentioned in the Bill. The quality of timber is good but it is thinly set.

Q. You have heard the deposition of Mr. Turner referring to the heirs-are you acquainted with Mrs. Whitehead's heirs? A. I knew the son and daughters but not the children mentioned.

Q. Do you think this piece of land could be conveniently divided among the several parties mentioned in the Bill, in kind? A. I do not

think it could be conveniently divided among them. I think the proper way to make division of it would be to make sale of it and to divide the money.

Q. Do you know whether or not any of the parties in interest will take the whole of the land and pay to the others their shares therein? No sir.

And further this deponent saith not.

W. V. Wilson

John W. Whitehead being duly sworn, deposes and says:

(Examination conducted by the Commissioner)

Q. Please state your name, age, residence and occupation? A. Jno. W. Whitehead, age, fifty two years old, reside in Isle of Wight County, near Long View, and am a farmer.

Q. Are you interested in this suit? A. I am one of the plaintiffs.

Q. Who are the heirs of Camilla Whitehead, deceased? A. Myself, (oldest child), the children of my sister Annie. They are Jesse Lee Jones, Novella Bettie Jones, Cary Smith Jones, Annie Maud Jones (married to Eddie Jones), Esther Cleveland Jones, Maurice Wray Jones, Sallie Cherry Jones, and Mittie Dorset Jones: the children of my sister Bettie, Elsie May Whitney and Bettie Archer Whitney; and my sister Dollie.

Q. Do you know of any party or parties in interest who will take the property mentioned and pay to the others their shares therein? A. No sir.

And further this deponent saith not.

J. W. Whitehead

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

J. W. Whitehead et als.
vs) Chancery
B. L. Jones, et als.

To J. W. Whitehead, Dollie Thomas Whitney and J. Frank Whitney, her husband,.....Plaintiffs
and
B. L. Jones, Jesse Lee Jones, Novella Bettie Jones, Cary Smith Jones, Annie Maud Jones, Eddie Jones, Esther Cleveland Jones, Maurice Wray Jones, Sallie Cherrie Jones, Mittie Dorset Jones, Elsie May Whitney and Bettie Archer Whitney, the last six being infants under the age of twenty one years, and H. Stuart Lewis, Guardian ad Litem.

Take notice that I shall, at my office at Isle of Wight Courthouse, Virginia, on the 3rd. day of November, 1911, between the hours of eleven o'clock A.M. and three o'clock P.M., proceed to execute the decree entered in the above entitled cause in chancery in the Circuit Court of the County of Isle of Wight, Virginia, now depending and un determined, on the 3rd. day of October, 1911, of which the following is an extract:

"(1)An account of the real estate of which Camilla Whitehead died sieged and possessed, with an accurate description thereof, together with the annual and fee simple values of the same, and any liens of record binding said property, or the interest of any of the parties entitled thereto.

(2) The heirs and distributees at law of the said Camilla Whitehead, deceased, together with their respective interests and shares in said decedent's estate.

(3) Whether partition can be conveniently made of the said property, and if not whether any party will accept the entire subject matter and pay therefor to the others such sums of money as their interest will entitle them to receive; and if any party will so accept the entire subject matter, what sums of money the others will be entitled to receive, and if partition cannot be conveniently made, and no party will accept the entire subject matter, whether the interest of the parties will be promoted by a sale of the entire subject matter and a division of the proceeds of sale, or whether it would be to the interests of the parties that there should be an allotment of a part and a sale of the residue.

(4) Whether or not there are any delinquent taxes against the estate of the said decedent, Camilla Whitehead.

(5) To inquire and report to Court whether or not all parties in interest are properly before the Court; and,

(6) And further matter deemed pertinent by the Commissioner or required to be stated by any party in interest.

Respectfully,

_____
Commissioner in Chancery.

October 24th. 1911.

I hereby acknowledge sufficient and legal service of the within notice.

Hobart Lewis

Guardian ad Litem for theinfant defendants.

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

J. W. Whitehead et als.
vs) Chancery
B. L. Jones, et als.

To J. W. Whitehead, Dollie Thomas Whitney and J. Frank Whitney, her husband,.....Plaintiffs
and
B. L. Jones, Jesse Lee Jones, Novella Bettie Jones, Cary Smith Jones, Annie Maud Jones, Eddie Jones, Esther Cleveland Jones, Maurice Wray Jones, Sallie Cherrie Jones, Mittie Dorset Jones, Elsie May Whitney and Bettie Archer Whitney, the last six being infants under the age of twenty one years, and H. Stuart Lewis, Guardian ad Litem.

Take notice that I shall, at my office at Isle of Wight Courthouse, Virginia, on the 3rd. day of November, 1911, between the hours of eleven o'clock A.M. and three o'clock P.M., proceed to execute the decree entered in the above entitled cause in chancery in the Circuit Court of the County of Isle of Wight, Virginia, now depending and un determined, on the 3rd. day of October, 1911, of which the following is an extract:

"(1)An account of the real estate of which Camilla Whitehead died siezed and possessed, with an accurate description thereof, together with the annual and fee simple values of the same, and any liens of record binding said property, or the interest of any of the parties entitled thereto.

(2) The heirs and distributees at law of the said Camilla Whitehead, deceased, together with their respective interests and shares in said decedent's estate.

(3) Whether partition can be conveniently made of the said property, and if not whether any party will accept the entire subject matter and pay therefor to the others such sums of money as their interest will entitle them to receive; and if any party will so accept the entire subject matter, what sums of money the others will be entitled to receive, and if partition cannot be conveniently made, and no party will accept the entire subject matter, whether the interest of the parties will be promoted by a sale of the entire subject matter and a division of the proceeds of sale, or whether it would be to the interests of the parties that there should be an allotment of a part and a sale of the residue.

(4) Whether or not there are any delinquent taxes against the estate of the said decedent, Camilla Whitehead.

(5) To inquire and report to Court whether or not all parties in interest are properly before the Court; and,

(6) Any further matter deemed pertinent by the Commissioner or required to be stated by any party in interest.

Respectfully,

C. H. Lewis

Commissioner in Chancery.

October 24th. 1911.

J. W. Whitehead et als.

vs) Chancery

B. L. Jones et als.

Notice to take accounts.

We hereby accept due, legal and suffient service of the within notice:

Jnn J. W. Whitehead

DTW D T Whitney

JFW J. F. Whitney

BLJ B. L. Jones

JLJ J. L. Jones.

JWJ J. W. Jones

LSJ L. S. Jones

AMJ Annie M. Jones

EJ Eddie Jones

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

J. W. Whitehead, et als.

vs) Chancery

B. L. Jones et als.

Report of Commissioner, taken Feb. 22nd. 1912.

TO HONORABLE B. D. WHITE,

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

The undersigned, one of the Commissioners of your Honor's Court, to whom has been referred the papers in the above entitled cause now pending for the execution of a decree entered therein on the 3rd. day of October, 1911, begs leave to make report as follows:

NOTICE OF TAKING ACCOUNTS.

That on the 24th. day of October, 1911, Your Commissioner issued notices to all parties, both complainants and defendants, in this suit, that he would, on the 3rd. day of November, 1911, at his office, at Isle of Wight Courthouse, Virginia, between the hours of eleven o'clock A.M. and nine o'clock P.M., proceed to execute the said decree. That on the 3rd. day of November, 1911, your Commissioner attended at the time and place mentioned in the said notice and began the execution of the said decree, and by agreement, not having completed the execution thereof on that date, adjourned the further taking of the accounts directed in the said decree till the 22nd. day of February, 1912; and on the last named date made up and completed the said report, taking the depositions of competent witnesses filed herewith in support thereof.

A copy of the notice to the parties is filed herewith,

ESTATE SUBJECT OF SUIT.

Camilla Whitehead died siezed and possessed of a tract of land in Isle of Wight County, containing, by estimation, one hundred and twenty five acres, more or less, conveyed to her by N. P. Young, Commissioner, by his deed bearing date June 16th. 1859, and of record in D.B. No. 40,page 172, therein described as a tract of adjoining the lands of Robert Gibbs and others, and now adjoining the lands of J. O. Thomas, Harrison Jordan, George W. Gwaltney and others.

ANNUAL VALUE.

It appears from the evidence before your commissioner that the annual value of the land mentioned is thirty dollars. It appears that the fences upon the land are in bad shape, the buildings in poor repair and the land in a run-down condition.

FEE SIMPLE VALUE.

The fee simple value of the tract of land appears to be from nine hundred to a thousand dollars. Land in this locality would, ordinarily, be expected to bring more, per acre, that this tract of land is assessed at, but owing to the fact that the buildings are ruinous and out of repair; and that the arable land has partially grown up; that the timbered land is thinly set with good quality mill timber; that the fences are in bad shape; and that the land has been rented for such a long period of time and has not been well attended to, the value thereof is much less than the surrounding territory. Another reason is that the tract here mentioned is cut up by ravines and gullies and liable to wash. The present value at which the said land is assessed upon the land book is one thousand dollars, eight hundred for the land and two hundred for the buildings. In making this assessment it is not presumed that the assessor paid very close attention to the lay, quality and general condition of the place. In fact it being off the road and difficult to reach it is doubtful if a

careful view of the land was had by the Assessor.

LIENS.

Your commissioner finds no recorded liens against the said property, either in the name of the said Camilla Whitehead or any of her heirs, either by judgment, forthcoming bond, deed of trust, or otherwise, encumbered.

HEIRS AND DISTRIBUTEES.

It appears from the evidence before your Commissioner that the heirs of the said Camilla Whitehead are:

Jno. W. Whitehead, a son (unmarried)

B. L. Jones,(husband of Annie Whitehead, now deceased), Jesse Lee Jones, Novella Bettie Jones, Cary Smith Jones, Annie Maud Jones, (now the wife of Eddie Jones), Esther Cleveland Jones, Maurice Wray Jones, Sally Cherry Jones, and Mittie Dorset Jones.

J. Frank Whitney, (husband of Bettie Whitehead, now deceased), and Elsie May Whitney and Bettie Archer Whitney, children of the said Bettie and J. Frank Whitney.

Dollie Thomas Whitney (who is the wife of J. Frank Whitney, the said J. Frank Whitney having married two sisters).

INTEREST OF HEIRS.

The interest of the several heirs above mentioned in the said estate, the said Camilla Whitehead appearing to have died intestate, is as follows:

B. L. Jones,(the husband of Annie) is entitled to a life interest in the one fourth interest therein accruing to the said Annie Jones, with remainder to the children of the said Annie Jones by the said B. L. Jones, above named.

J. Frank Whitney,(husband of Bettie Whitney), is entitled to a life interest in the one fourth interest therein accruing to the said

Bettie Whitney, , with remainder to the children of the said Bettie Whitney by the said J. Frank Whitney, above named.

Dollie Thomas Whitney, now the wife of J. Frank Whitney, is entitled to a one fourth interest therein.

John W. Whitehead is entitled to a one fourth interest therein.

SUSCEPTIBILITY OF PARTITION.

From the evidence before your commissioner the only conclusion to be arrived at is, it appears, that the property cannot be conveniently divided in kind; that no party in interest desires to purchase the property; that it does not appear that it is practicable to allot a part and sell the residue; but, that the only feasible way to make division thereof is by a sale of the whole and a distribution of the proceeds, in accordance with the direction of the Court.

PARTIES TO SUIT.

All of the proper parties to this suit are heretofore named and are properly before the Court.

Respectfully submitted,

R. Johnson
Commissioner in Chancery.

Commissioners fee,...$15.00

Witnesses claim no attendance.

8

IN THE CIRCUIT COURT OF ISLE WIGHT COUNTY; VIRGINIA.

J. W. Whitehead et als.
v. IN CHANCERY;
B. L. Jones et als.

)))))

REPORT OF JAMES H. CORBITT,

Special Commissioner.

14, 3
Ex. 3.
Filed 12 Dec.

JAMES H. CORBITT
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

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

J. W. Whitehead et als.

v. In Chancery:

B. L. Jones et als.

REPORT OF JAMES H. CORBITT, SPECIAL COMMISSIONER.

TO THE HONORABLE B. D. WHITE, JUDGE:

The undersigned, Special Commissioner appointed by the decree in the above entitled cause entered on the 14th day of March, 1912, to sell certain property set forth and described in said decree, begs leave to report that after having given bond as required by said decree and after having duly advertised the property as therein directed, a copy of which advertisement is hereunto attached, your Commissioner did on the 3rd day of June, 1912, in accordance with the said advertisement, offer the said property for sale at public auction to the highest bidder at the front door of the Court House of Isle of Wight County, Virginia, and same was bid off by the Surry Lumber Company for the sum of Eight Hundred Dollars, ($800.00), it being the highest bidder.

The sale was well advertised and, from subsequent investigation made, your commissioner is of the opinion that the property would not have brought any more if resold at public auction; but since that time the Surry Lumber Company, upon being advised that, inasmuch as the Commissioner in Chancery has reported the property to be worth from $900.00 to $1,000.00, the sale for $800.00 would not be confirmed, has offered to pay the sum of One Thousand Dollars, ($1,000.00), in cash, therefor, and your Commissioner strongly recommends that the said offer of One Thousand Dollars, ($1,000.00), be accepted. The report of

Albert S. Johnson, Commissioner, filed herein reported that "The fee simple value of the tract of land appears to be from Nine Hundred to One Thousand Dollars", that the buildings on the land are in very bad condition, that the arable land is partially grown up, that the fences are in bad shape and the timber land only thinly set with timber.

Your Commissioner further reports that since the institution of this suit the defendant B. L. Jones has departed this life. The only interest he would have had was a curtesy interest as the husband of Annie Whithead, deceased, which said curtesy interest is extinguished by reason of his death.

Respectfully,

James H. Corbitt

Special Commissioner.

February 3rd, 1913.

Commissioner's Sale

OF

Valuable Tract of Land

In Isle of Wight County, Virginia

By authority of a decree entered on the 14th day of March, 1912, in the chancery cause of J. W. Whitehead et als. v. B. L. Jones et als., pending in the Circuit Court of Isle of Wight County, the undersigned will sell at public auction to the highest bidder, at the front door of the Court House of Isle of Wight County, Virginia,

ON MONDAY, JUNE 3d, 1912

At 1 o'clock P. M.

All that tract of land of which Camilla Whitehead died seized and possessed, containing by estimation one hundred and twenty-five acres, more or less, conveyed to her by N. P. Young, Commissioner, by his deed bearing date June 16th, 1859, and of record in the Clerk's Office of Isle of Wight County, in Deed Book 40, page 172, therein described as the tract of land lying adjacent to the land then owned by Robert Gibbs, Samuel J. Hargraves and others, and as shown by the report of A. S. Johnson, Commissioner, filed on the 22nd day of February, 1912, now adjoining the lands of J. C. Thomas, Harrison Jordan, George W. Gwaltney and others.

☞ This tract of land has thereon some VALUABLE STANDING TIMBER.

TERMS--One-third (⅓) of the purchase price to be paid in cash and the residue in two equal credit instalments at twelve and twenty-four months from the date of sale, with interest from said date, the purchaser giving his bond for the credit instalments, the title to the property to be retained until the full purchase money is paid and a conveyance directed by the Court, with the privilege to the purchaser to pay the purchase price in cash and receive a conveyance therefor when directed by the Court.

JAMES H. CORBITT,
Special Commissioner

MAY 20, 1912.

VIRGINIA—Clerk's Office of the Circuit Court of the County of Isle of Wight, March 20th, 1912:

J. W. Whitehead et als. vs. B. L. Jones et als.

The bond required of the Commissioner, appointed by decree entered in the above entitled cause in the Circuit Court of the County of Isle of Wight now pending, which said decree provides for the sale of the land in the bill and proceedings of the said suit mentioned, has been executed by said Special Commissioner, according to law.

Teste: A. S. JOHNSON, Clerk.

Presses of Suffolk Printing and Stationery Co.

Preservation Jan 1 A.D. 13

The within tract was
Sold to the
Cumberland Lumber
Company June 3rd
1912 for $800.00

R. G. Edwards

Agent

Clerk's Office
of Isle of Wight County
Isle of Wight, Va.

February 5th. 1913.

Mr. James H. Corbitt, Attorney at Law,

Suffolk, Va.

Dear Mr. Corbitt:

I am returning, herewith, the papers in the Whitehead suit, the decree having been entered. I am not able to find the original decree entered confirming the commissioner's report, and think it was probably mailed to you when the bond was mailed to you for execution, though I may be mistaken and I may locate it later. I have made a copy of it and have put it in the papers.

The costs in the suit to dismissal, assuming that it will be done at this or the next term of court, is-

Writ tax,	$ 1.50
Clerk,	10.00
Commissioner,	15.00

Yours very truly,

Clerk.

Oct 11/11 8.50

Folio

Terms -- Cash.

Suffolk, Va., Mar. 20th, 1912

Mrs. J. W. Corbitt

Copy

To WEST & WITHERS, Dr.,

Fire, Life, Marine, Accident, Health, Employers' Liability,

AND STEAM BOILER INSURANCE AND SURETY BONDS

P. O. Box 103 OFFICE, No. 936 WASHINGTON STREET. Bell Phone No. 10

Date	Policy No.	Company	Property Insured	Amount	Premium
Mar 20th		To Bond Special Deputy Com. to Sell Real Estate of White Woodstock dec'd vs. Jesse White		1500	10 00

Paid Mar 20 1912

PRINTERS AND DEALERS
High-Grade
Commercial Stationery

Business and Legal Forms

Typewriter Paper
Advertising Novelties
Calendars, Etc.

TERMS: CASH
Bills Due When Presented

Suffolk Printing and Stationery Co.

Incorporated

No. 606 Main Street

Bell Phone 161

Suffolk, Va., Nov. 30, -12

Sold to Jas. A. Corbett, Atty.

Shipped by

May 21 Bill sale W. Whitehead

Suffolk Printing & Stationery Co., Inc'd

PAID
NOV 30 1912

BY H L Mabry

Queen Anne Whitney

RECEIVED OF James H. Corbitt, Special Commissioner in the Chancery suit of John W. Whithead et als v. B. L. Jones, et als in the Circuit Court of Isle of Wight County, Virginia, Two Hundred and One 37/100 Dollars, ($201.37), in full settlement of the share due me in accordance with the decree entered in the aforesaid cause the 3rd day of February, 1913.

Sallie T. Whitney

Witness:

E. W. Jordan

J. F. Whitney

RECEIVED of James H. Corbitt, Special Commissioner, in the Chancery suit of John W. Whitehead et als v. B. L. Jones, et als inthe Circuit Court of Isle of Wight County, Virginia, One Hundred 69/100 Dollars ($100.69), in full settlement of the share due Elsie May Whitney and One Hundred 69/100 Dollars ($100.69), in full settlement of the share due Bettie Archer Whitney paid to me in accordance with the decree entered in the aforesaid cause the 3rd day of February, 1913.

J. F. Whitney

Witness:

Ed. W. Jordan,

RECEIVED of James H. Corbitt, Special Commissioner, in the Chancery suit of John W. Whithead et als v. B. L. Jones, et als. in the Circuit Court of Isle of Wight County, Virginia, Twenty-five 17/100 Dollars ($25.17) in full settlement of the share due Esther Cleveland Jones; Twenty-five 17/100 Dollars, ($25.17), in full settlement of the share due Marice Wray Jones; Twenty-five 18/100 ($25.18) in full settlement of the share due Sally Cherry Jones and Twenty-five 18/100 Dollars ($25.18) in full settlement of the share due Mittie Dorset Jones paid to me in accordance with the decree entered in the aforesaid cause the 3rd day of February, 1913.

T. W. Joyner

Witness: Lucile Gillette

Annie Maud Jones.

RECEIVED of James H. Corbitt, Special Commissioner, in the Chancery suit of John W. Whitehead et als v. B. L. Jones et als in the Circuit Court of Isle of Wight County, Virginia, Twenty-five 17/100 Dollars, ($25.17), in full settlement of the share due me in accordance with the decree enrered in the aforesaid cause the 3rd day of February, 1913.

Annie. Maud. Jones.

Witness: E. L. Jones

RECEIVED of James H. Corbitt, Special Commissioner, in the Chancery suit of John W. Whitehead et als v. B. L. Jones et als. in the Circuit Court of Isle of Wight County, Virginia, Twenty-five 17/100 Dollars, ($25.17) in full settlement of the share due me in accordance with the decree entered in the aforesaid cause the 3rd day of February, 1913.

Carrie Smith Jones

Witness: J. L. Edwards

RECEIVED of James H. Corbitt, Special Commissioner, in the Chancery suit of John W. Whitehead et als v. B. L. Jones et als in the Circuit Court of Isle of Wight County, Virginia, Twenty-five 17/100 Dollars, ($25.17) in full settlement of the share due me in accordance with the decree entered in the aforesaid cause the 3rd day of February, 1913.

Novella Bessie Jones

Witness: J H Edwards

RECEIVED of James H. Corbitt, Special Commissioner, in the Chancery suit of John W. Whitehead et als. v. B. L. Jones, et als. in the Circuit Court of Isle of Wight County, Virginia, Twenty-five 17/100 Dollars, ($25.17) in full settlement of the share due me in accordance with the decree entered in the aforesaid cause the 3rd day of February, 1913.

Jesse Lee Jones

Witness: Lucile Gillette

RECEIVED, Februafy 13th, 1913, of James H. Corbitt, Special Commissioner, in the Chancery suit of John W. Whitehead et als. v. E. L. Jones et als. in the Circuit Court of Isle of Wight County, Virginia, Seven 50/100 Dollars, ($7.50) in full payment of my sharges for crying property sold at public auction.

R Augustus Edwards.
Clerk

RECEIVED of James H. Corbitt, Special Commissioner in the Chancery Suit of John W. Whitehead et.als.v.B.L.Jones, et als., in the Circuit Court of Isle of Wight County, Virginia, Eleven 50/100 Dollars, ($11.50) in full settlemnnt of writ tax and Clerk's Costs in the above suit.

O. Johnson, Clerk

Received , February 13th, 1913, of James H. Corbitt, Special Commissioner in the Chancery suit of John W. Whitehead et als., v. B. L. Jones et als., inthe Circuit Court of Isle of Wight County, Virginia, Fifteen Dollars, ($15.00), in full settlement of fee to me as Commissioner in the above matter.

W. H. Sudan. Com'r

John W. Whitehead.

RECEIVED OF James H. Corbitt, Special Commissioner, in the Chancery suit of John W. Whitehead et als. v. P. L. Jones, et als. in the Circuit Court of Isle of Wigth County, Virginia, Two Hundred and One,37/100 Dollars. ($201.37) in full settlement of the share due me in accordance with the decree entered in the aforesaid cause the 3rd day of February, 1913.

May 1th

John W. Whitehead

Witness: G.M. Crumpler

10

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

J. W. Whitehead et als.

v.

B. L. Jones et als.

Report of Special Commissioner.

June 3, 1913

JAMES H. CORBITT
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

LAP OVER MARGIN

KNOW ALL MEN BY THESE PRESENTS: That we JAMES H. CORBITT, principal, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, surety, are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of FIFTEEN HUNDRED DOLLARS to the payment whereof well and truly to be made we bind ourselves and each of us, our and each of our heirs, executors and successors, jointly and severally, firmly by these presents.

And as to this bond we hereby severally waive the benefit of our Homestead Exemption, and also any right, claim or privilege to discharge any liability arising hereunder to the said Commonwealth, or by virtue of the said office or trust for which this bond is given, with coupons detached from the bonds of this State.

IN TESTIMONY WHEREOF, the said James H. Corbitt, principal, hereto sets his hand and seal and the said Fidelity and Deposit Company, of Maryland, surety, by Junius E. West, its duly authorized agent and attorney in fact, has caused its corporate name and seal to be hereunto affixed, the said seal to be attested by the signature of the said Junius E. West, its said agent and attorney in fact, this, the 20th. day of March, A. D. 1912.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound James H. Corbitt, who has been appointed a Special Commissioner by the Judge of the Circuit Court of the County of Isle of Wight, in vacation, in the chancery suit therein pending styled Whitehead et als. vs. Jones et als, by a decree entered therein on the 14th. day of March, 1912, shall faithfully perform and discharge the duties imposed upon him by the said decree, and any future decree entered in the said cause, then the above obligation to be void, or else to remain in full force and virtue.

James H. Corbitt, (SEAL)

Fidelity and Deposit Company of Maryland.

By Junius E. West, Its duly authorized agent and attorney in fact. (SEAL)

Attest: Junius E. West,
Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 20th. day of March 1912, this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

A. S. Johnson, Clerk.

A copy,

Teste, A S Johnson Clerk.

Whitehead et als.

vs) Chancery

Jones et als.

Copy of bond of Spl. Comr.
Filed March 20th. 1912.

J. W. Whitehead, et als., Plaintiffs,

v. DECREE:

B. L. Jones, et als., Defendants.

This cause came on this day to be again heard upon the papers formerly read and upon the report of James H. Corbitt, Special Commissioner, appointed by decree entered in this cause on the 14th day of March, 1912, this day filed to which no exceptions have been taken, and was argued by counsel.

On consideration whereof, and it appearing to the Court from the report aforesaid, that the said Special Commissioner has, pursuant to the decree entered herein on the 3rd day of February, 1913, made a deed with special warranty conveying the property described in said decree to the Surry Lumber Company and has received the sum of $1,000.00 in payment therefor, and that he has as directed by said last mentioned decree made distribution of the funds in his hands as shown by the following account, which is supported by vouchers produced before the Court:

Cash received from Surry Lumber Co. for land- - - - - - -$1000.00

" paid Suffolk Herald for advertising- - - - -$1.50

" " R. Augustus Edwards, Auctioneer,- - - - 7.50

" " West & Withers, premium on Special Comr's. bond- - - - - - - - - - - - - -10.00

Deed from Special Commissioner to Surry Lbr. Co.- 5.00

Commissions to Special Commissioner- - - - - - - 29.00

Court costs:

Clerk and writ tax - - - - - - -$11.50		
Sheriff- - - - - - - - - - - -	0.00	
Commr. In Chancery- - - - - -	15.00	
Taxed Atty.- - - - - - - - - -	15.00	
Fee to J.H.Corbitt, Atty., by Court- - - - - - - - - - - -	100.00	141.50

Balance in hand for distribution- - - - - - - - 805.50

$1000.00 $1000.00

Paid to

John W. Whitehead, 1/4- - - - - - - - - - - - -	$201.37
Jesse Lee Jones, 1/32- - - - - - - - - - - - - -	25.17
Novella Bettie Jones, 1/32- - - - - - - - - -	25.17
Cary Smith Jones, 1/32- - - - - - - - - - - -	25.17
Annie Maud Jones, 1/32- - - - - - - - - - - - -	25.17
V. W. Joyner for Esther Cleveland Jones, 1/32- -	25.17
V. W. Joyner for Maurice Gray Jones, 1/32- - -	25.17
V. W. Joyner for Sally Cherry Jones, 1/32- - -	25.18
V. W. Joyner for Mittie Dorset Jones, 1/32- -	25.18
J. F. Whitney for Elsie May Whitney, 1/8- - -	100.69
J. F. Whitney for Bettie Archer Whitney, 1/8-	100.69
Dollie Thomas Whitney, 1/4- - - - - - - - - - -	201.37
	$805.50

it is ordered adjudged and decreed that the report of the said Special Commissioner be and the same hereby is Confirmed.

And nothing further remaining to be done in this cause, it is ordered, adjudged and decreed that the same be removed from the docket.

11

J. W. Whitehead et als.

v.

E. L. Jones et als.

DECREE:

1913
June 3
Enter this
13 D.W.

C.O.13-T, p 180

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

J. W. Whitehead et als. Plaintiff,

v. In Chancery.

B. L. Jones et als. Defendants.

This cause came on this day to be again heard upon the papers formerly read and upon the report of James H. Cirbitt, Special Commissioner appointed by a decree entered in this cause on the 14th day of March, 1912, this day filed, to which no exceptions have been taken and was argued by counsel.

On consideration whereof, and it appearing to the Court from the report aforesaid that at the public sale of the property described in the decree entered herein on the 14th day of March, 1912, and mentioned in said report the said property was bid off by the Surry Lumber Company for the sum of Eight Hundred Dollars, ($800.00), it being the highest bidder therefor, that, as appears from the report of Albert S. Johnson, Commissioner filed in this cause, the fee simple value of the tract of land appears to befrom Nine Hundred ($900.00) to One Thousand Dollars, ($1,000.00), and that since the said sale at public auction the said Surry Lumber Company, the purchaser thereat, has offered to pay the sum of One Thousand Dollars, ($1,000.00), for the said property, and that the said James H. Corbitt, Special Commissioner, strongly recommends that the said offer of One Thousand Dollars, ($1,000.00), be accepted, the Court hereby accepts the offer of One Thousand Dollars, ($1,000.00), to be paid in cash by the said Surry Lumber Company for the said property and orders, directs and decrees

that the said James H. Corbitt, Special Commissioner, do make a deed, with special warranty, conveying the property described as follows:

> "All that tract of land of which Camilla Whitehead died seized and possessed, containing by estimation one hundred and twenty-five acres, more or less, conveyed to her by N. P. Young, Commissioner, by his deed bearing date June 16th, 1859, and of record in the Clerk's Office of Isle of Wight Cuunty, in Deed Book 40, page 172, therein dessribed as the tract of land lying adjacent to the land then owned by Robt. Gibbs, Samuel J. Hargraves and others, and, as shown by the report of A. S. Johnson, Commissioner, filed on the 22nd day of February, 1912, now adjoining the lands of J. G. Thomas, Harrison Jordan, George W. Gwaltney and others,"

to the said Surry Lumber Company upon receipt of the sum of $1,000.00 in payment therefor.

It is further ordered, adjudged and decreed that said Special Commissioner after paying the expenses of sale of the said real-estate, the costs taxed in this suit, he pays the sum of $100.00, as a reasonable fee to James H. Corbitt, Attorney, for his services in this cause, all dues and assessments such as taxes as may be against the land sold and the funds in his hands arising therefrom, and shall divide the balance of the funds in his hands arising from the sale of the real-estate, in shares for the parties entitled thereto as set forth in the report of A. S. Wohnson, Commissioner, filed on the 22nd day of February, 1912, except that nothing is allowed the defendant B. L. Jones, who since the institution of this suit has died, the interest of the said defendant B. L. Jones being only a contingent curtesy interest, and that nothing is allowed J. Frank Whitney, as it appears from the bill filed in this cause that Bettie A. Whitney, the former wife of J. Frank Whitney, died before her mother Camilla Whitehead, leaving the parties entitled to the said pro-

perty and their shares therein as follows:

To John W. Whitehead - - - - - - - - - - -one-fourth,
Jesse Lee Jones- - - - - - - - - - - one-thirty-second th,
Novella Bettie Jones - - - - - - - - - one-thirty-second th,
Cary Smith Jones,- - - - - - - - - - - one-thirty-second th,
Annie Maud Jones - - - - - - - - - - one-thirty-second th,
Esther Cleveland Jones-infant,- - - -one-thirty-second th,
Maurice Wray Jones, infant,- - - - - one-thirty-second th,
Sally Cherry Jones, infant, - - - - one-thirty-second th,
Mittie Dorset Jones,infant- - - - - one-thirty-second th,
Elsie May Whitney -infant,- - - - - -one-eighth,
Bettie Archer Whitney, infant- - - - one-eighth,
Dollie Thomas Whitney - - - - - - - -one-fourth.

The shares due the adult parties to this suit ~~shall~~ to be paid to them, And the shares of the infant defendants Esther Cleveland, Maurice Wray, Sallie Cherry and Mittie Dorset Jones, ~~and Elsie May and Bettie~~ Archer Whitney The said Special Commissioner shall pay to J. W. Joyner, the said shares of said infants to be expended by the said J. W. Joyner in the education and maintance of said infants; and the shares of Elsie May and Bettie Archer Whitney said Special Commissioner shall pay to J. E. Whitney, the father of said infant, to be by him expended in the education and support of said infants; and said Special Commissioner shall report his proceedings hereunder.

9

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

J. W. Whitehead, et als,

v.

B. L. Jones, et als.

D E C R E E.

1913
Feb. 3.
Entered this.
B.D.C.

Copy p 166

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

J. W. whitehead, Dollie Thomas Whitney and
J. Frank Whitney, her husband,

vs.

In Chancery

~~DECREE.~~

B. L. Jones, Jesse Lee Jones, Novella Bettie Jones, Cary Smith Jones, Annie Maud Jones, Eddie Jones, Esther Cleveland Jones, Maurice Wray Jones, Sallie Cherrie Jones, Mittie Dorset Jones, Elsie May Whitney and Bettie Archer Whitney, the last six being infants.

This day came the complainants, J. W. Whitehead, Dollie Thomas Whitney and J. Frank Whitney, her husband, and filed their bill, and on their motion H. Stuart Lewis, a discreet and competent attorney practicing in this Court, is appointed as a guardian ad litem of the infant defendants, Esther Cleveland Jones, Maurice Wray Jones, Sallie Cherrie Jones, Mittie Dorset Jones, Elsie May Whitney and Bettie Archer Whitney, to defend their interests in this suit,and thereupon, on like motion and by leave of the Court, the said guardian ad litem filed the answer of the said infant defendants and his own answer to the plaintiffs' bill, and on motion of the adult defendants B. L. Jones, Jesse Lee Jones, Novella Bettie Jones, Cary Smith Jones, Annie Maud Jones and Eddie Jones and by leave of the Court, they filed their joint and separate answer to said bill, to all of said answers, the complainant replied generally, whereupon, this cause, on motion of the complainants, and by consent of parties, is placed upon the docket, and by like consent, this cause came on this day to be heard upon the complainants' bill, the said answers, and the replications thereto, and was argued by Counsel; whereupon

this cause by consent of parties came on to be heard upon said bill, and the application thereof and said answers, and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that this cause be referred to one of the commissioners of this Court who is directed to inquire and report to the Court as follows:-

(1) An account of the real estate of which Camilla Whitehead died seized and possessed, with an accurate description thereof, together with the annual and fee simple values of the same, and any liens of record binding said property, or the interest of any of the parties entitled thereto.

(2) The heirs and distributees at law of Camilla Whitehead, deceased, together with their respective interests and shares in said decedent's estate.

(3) Whether partition can be conveniently made of the said property, and if not, whether any party will accept the entire subject matter and pay therefor to the others such sums of money as their interests will entitle them to receive; and if any party will so accept the entire subject matter, what sums of money the others will be entitled to receive, and if partition cannot be conveniently made, and no party will accept the entire subject matter, whether the interests of the parties will be promoted by a sale of the entire subject matter and a division of the proceeds of sale, or whether it would be to the interests of the parties that there should be an allotment of a part and a sale of the residue.

(4) Whether or not there are any delinquent taxes against the estate of said decedent, Camilla Whitehead.

(5) To inquire and report to Court whether or not all parties in interest are properly before the Court: and

(6) Any further matter deemed pertinent by the commissioner, or required to be stated by any party in interest.

By consent of all the adult parties, complainants and defendants alike, the consent of H. Stuart Lewis, Guardian ad Litem for the infant defendants, in term time entered of record, it is further ordered that the papers in this cause may be submitted to the Judge of this Court for such decision and decree, judgment or order therein in vacation as might be made in term.

All Available Text Successfully Captured

J. W. Whitehead et al.
To
B. L. Jones et al.

1911
Feb 3
Ent. 2.
Enter this.
B. D. W.

O. B. #7 Page 81

We consent to the within decree -
J. W. Whitehead
D. T. Whitney
J. F. Whitney
B. L. Jones
Jesse L. Jones
Novella L. Jones
Lary L. Jones
Annie M. Jones
Eddie Jones
H. Grant Lewis
Guardian ad Litem.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, IN VACATION, ON THE 14TH. DAY OF MARCH 1912.

J. W. Whitehead, et als.
vs)
B. L. Jones, et als.

This cause came on this day to be heard on the papers formerly read, and on the report of A. S. Johnson, Commissioner in Chancery, acting in accordance with d cree entered herein on the 3rd. day of October, 1911, and duly filed in the Clerk's Office of this Court on the 22nd. day of February, 1912, to which, there is no exception, and was argued by counsel.

And it appearing to the Court that the property set forth and described in the Bill and proceedings cannot be conveniently divided, and that no party will take the entire property and pay therefor to the others such sums as their interests will entitle them to receive, and that it would be to the best interest of all parties that the said property be sold and the proceeds divided among those entitled to the same, and that all the proper parties to the cause are properly before the Court, and that there are no liens against the said property, on consideration whereof the Court doth approve and confirm the said report, and doth adjudge, order and decree that James H. Corbitt, who is hereby appointed Special Commissioner for the purpose, do expose to sale at public auction to the highest bidder at the front door of the courthouse of this county all that tract of land of which Camilla Whitehead died siezed and possessed, containing by estimation one hundred and twenty five acres, more or less, conveyed to her by N. P. Young, Commissioner, by his deed bearing date June 16th., 1859, and of record in the Clerk's Office of Isle of Wight County in Deed Book No. 40, page 172, therein described as the tract of land lying adjacent to the land then owned by Robert Gibbs, Samuel J. Hargraves and others, and as shown by the report of A. S. Johnson, Commissioner, filed herein on the 22nd. day of February, 1912, now adjoining the lands of J. O. Thomas, Harrison Jor-

dan, George W. Gwaltney and others, after advertising the time, place and terms of sale for ten days by hand bills posted at ten or more public places in Isle of Wight County and in such other manner as said Special Commissioner may see fit.

And it is further ordered , adjudged, and decreed that the said sale shall be upon the following terms: one third of the purchase price to be paid in cash, and the residue in two equal credit installments at twelve and twenty four months from the date of sale, with interest from said date, the purchaser giving his bond for the credit installments, the title to the property to be retained until the full purchase money is paid and a conveyance directed by the Court, with the privilege to the purchaser to pay the purchase price in cash and receive a conveyance therefor when directed by the Court.

And the said Commissioner is hereby empowered to have a survey made of the said property, or any part thereof, if in his judgment it is advisable, and to make sale of same in parcels or as a whole.

And the said Commissioner is directed to report his proceedings hereunder to the Court.

But the said Special Commissioner shall not receive any money from the purchaser or purchasers at such sale under this decree until he shall enter into a bond with sufficient security in the Clerk's office of this Court payable to the Commonwealth of Virginia in the penalty of $1500.00 and conditioned upon the faithful discharge of his duties as such Commissioner.

All of which is certified to the Clerk of this Court to be entered in vacation in the Chancery Order Book.

B. D. White.

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight March 18th. 1912, the foregoing vacation decree was received and entered of record.

Teste, _____ Clerk.

A copy,

Teste, _____ Clerk.

Jno. W Whitehead et als

vs) Chancery.

B. L. Jones et als.

Copy of vacation decree.
Entered March 14th. 1912.

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

J. W. Whitehead, et als.

v. REPORT OF SPECIAL COMMISSIONER:

B. L. Jones, et als.

TO THE HONORABLE B. D. WHITE, JUDGE:

The undersigned Commissioner respectfully reports that pursuant to the decree entered in this cause on the 3rd day of February, 1913, he has made a decree with special warranty conveying the property described in the said deed to the Surry Lumber Company, and has received the sum of $1,000.00 in payment therefor; and as directed by the said decree he has made distribution of the funds in his hands as shown by the following account, which is supported by vouchers herewith shown to the Court:

Amt. received from Surry Lumber Co. for land- - - - - - -		$1000.00
" paid Suffolk Herald for advertising- - - - -	$1.50	
" " R. Augustus Edwards, Auctioneer,- - - -	7.50	
" " West & Withers premium on Special Commr's bond- - - - - - - - - - - - - -	10.00	
Deed from Special Commissioner to Surry Lbr.Co.-	5.00	
Commissions to Special Commissioner- - - - - -	29.00	
Court costs:		
Clerk and writ tax- - - - - - - - -	11.50	
Sheriff- - - - - - - - - - - - - -	0.00	
Commr. in Chancery- - - - - - - -	15.00	
Taxed Atty.- - - - - - - - - - - -	15.00	
Fee to J.H. Corbitt, Atty., by Court- - - - - - - - - - - -	100.00	141.50
Balance in hand for distribution - - - - - - - -		805.50
		$1000.00 $1000.00

Paid to

John W. Whitehead, 1/4- - - - - - - - - - - - - - - -	$201.37
Jesse Lee Jones, 1/32- - - - - - - - - - - - - - - -	25.17
Novella Bettie Jones, 1/32- - - - - - - - - - - - -	25.17
Cary Smith Jones, 1/32- - - - - - - - - - - - - - -	25.17
Annie Maud Jones, 1/32- - - - - - - - - - - - - - -	25.17
V. W. Joyner for Esther Cleveland Jones, 1/32- -	25.17
V. W. Joyner for Maurice Wray Jones, 1/32- - - -	25.17
V. W. Joyner, for Sally Cherry Jones, 1/32- - - -	25.18
V. W. Joyner for Mittie Dorset Jones, 1/32- - - -	25.18
J. F. Whitney for Elsie May Whitney, 1/8- - - - -	100.69
J. F. Whitney for Bettie Archer Whitney, 1/8- - -	100.69
Dollie Thomas Whitney, 1/4-- - - - - - - - - - - -	201.37
	$805.50

As nothing further remains to be done your commissioner recommends that this suit be dismissed from the docket.

Respectfully,

May 22, 1913

James V. Barbitt

Special Commissioner.