1913-006 Chancery Causes: W. H. Little vd vs Susan A. Little, widow of W. H. Little vd Folder 1
Isle of Wight County W. H. Little vd vs H. L. Little vd, hrs & c 135

Plat in Oversize Bot 1

other SURNAMES: Key, Jones
Allmond, Gwaltney, Holleman,
Carroll, Folk, Barlow
Whitley, Stallings, Chapman

W. H. Little, et als,

VS) BILL.

H. L. Little, et als.

Oct term (Oct 17) 1912
Bill filed. Ans of H L
Little filed. Ans of gdn
ad litem filed. Ans of
Susan A Little filed. Docketed
by consent - Decree for
accounts &c

GEO. F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

OCTOBER TERM, 1912:

* * * \

of twenty-one years.

Your complainants state that their sister, Irene J. Little, who married Carroll, departed this life during the year 1905, intestate, leaving surviving her two children, to-wit: Virginia Sue Carroll, age eight (8), and James Milton Carroll, age seven (7). Your complainants further state that the dower interest of the said Susan A. Little, widow of the said W. H. Little, has been assigned to her out of other real estate belonging to the estate of the said W. H. Little, dec'd, and that she, the said Susan A. Little, widow of the said W. H. Little, dec'd, has no interest in the real estate herein mentioned.

And your complainants further state that the said real estate is, as they believe, susceptible of partition among the parties thereto, but if it be not, then your complainants desire the same to be sold, and the proceeds divided among your complainants, and the defendants, according to their respective rights; the shares of the infant defendants to be held as directed by the statute in such case made and provided. Should the property not be divisible 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 said real estate, or by an allotment of part and sale of the residue.

Your complainants state that a cash offer of TWO THOUSAND ($2,000.00) DOLLARS has been made to them by the Cumberland Lumber Company, for the piece of property herein mentioned; that they are willing to accept this amount, provided the property cannot be divided in kind among the parties entitled thereto.

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 Susan A. Little, widow of the said W. H. Little, dec'd, and H. L. Little,

Virginia Sue Carroll and James Milton Carroll may be made parties defendant to this bill, and required to answer the same; that a proper guardian ad litem be assigned the infant defendants, to defent their interests in this suit, who shall also answer this bill; that proper process issue; that the said real estate be divided between the several parties entitled thereto, and your complainants portion thereof be allotted to them, and in case the said real estate to be partitioned cannot be partitioned and divided in kind, that the whole of the said real estate be exposed to sale and that the proceeds of such sale be divided among the parties entitled thereto; that all proper orders and decrees 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 shall seem meet. And notice is hereby be given that proper counsel fees will be asked for in the progress of this suit.

And your complainants will ever pray, etc.

W. H. Little
Waverly E. Little
Mary E. Allmond
S. Allmond
Lucy A. Key
W. S. Key
J. S. Little
Anna Little
Martha S. Swaltney
W. H. Swaltney
Hannah R. Holleman
L. W. Holleman

By Counsel Geo. P. Whitley.

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W. H. Little, et als.

VS) AMENDED BILL:

H. L. Little, et als.

Filed in Open Court
December 30th 1910
Ans of gdn ad litem filed
Ans of Summ a Little and
H L Little filed. Case heard
by consent of all defendants

GEO. F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT:

* * * \

mentioned and described in the original bill, and being bounded and described as follows: Bounded on the North by the lands belonging to the estate of John W. Ward; on the West by the lands belonging to the estate of John W. Ward; on the South by the lands belonging to B. C. Carroll, and on the East by the lands belonging to Ben Jones and Jim Taylor.

In tender consideration whereof, your complainants pray that the original bill filed herein, be amended so as to include the above described property, and that the defendants, H. L. Little, Virginia Sue Carroll and James Hilton Carroll, and W. L. Polk, Guardian ad Litem for the said infants, be required to answer the bill as amended; and that your complainants may have full and general relief in the premises, such as the nature of their case may require.

And your complainants will ever pray, etc.

Geo. B. Wheeley, p. q.

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W. H. Little, et als,

ANSWER OF

vs)

H. L. LITTLE:

H. L. Little, et als.

GEO. F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

OCTOBER TERM, 1912:

* * * \

to be hence dismissed, with his costs.

And he will ever pray, &c.

H L Little

State of Virginia,

County of Isle of Wight, to-wit:

Sworn to before me in my County aforesaid, by H. L. Little, this 5th day of October, 1912.

Jno R Russell Jr N. P.

My commission expires Jany 3rd, 1914.

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W. H. Little, et als.

ANSWER OF

VS) GUARDIAN AD LITEM:

H. L. Little, et als.

GEO. F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

OCTOBER TERM, 1912:

* * * \

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 defendanrs. And now, havinf fully answered, these defendants pray to be hence dismissed, with their costs, etc.

W. L. Lillie)
Virginia Lee Carroll) By W. J. Folk,
James Milton Carroll) Guardian ad Litem.

W. J. Folk, Guardian ad Litem of the said Infants.

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

Sworn to before me in my County aforesaid by W. L. Folk, Guardian ad Litem as aforesaid, this 15th day of October, 1912.

Jas R Rawlings Jr, N. P.
My com. expires Jany 3rd 1914

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W. H. Little et als.

VS) ANSWER OF

Susan A. Little.

H. L. Little et als.

GEO. F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT? VIRGINIA:

OCTOBER TERM,1912.

W. H. Little et als,----------Plaintiffs

VS. In Chancery.

H. L. Little Et als.----------Defendants.

Theanswer of Susan A. Little, the widow of W. H. Little, deceased, to a bill in chancery exhibited against her and others by W. H. Little and others, in the Circuit Court for the County of Isle of Wight.

For answer to the said bill this defendant says that , true it is thzx she is the widow of W. H. Little, deceased; that as stated in the said bill,her dower interest in the property of which W. H. Little died seized and possessed has been assigned to her which she has accepted as all of her interest in the real property belonging to the estate of the said W. H. Little, and that she does not claim any interest whatsoever in the land in the bill mentioned.

And now having fully answered the complainants bill , she prayes to be hence dismissed with her costs.

And she will ever pray etc.

Susan A Little

X Susan A Little

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M. E. Little, et als,

vs)

ANSWER OF

GUARDIAN AD LITEM:

M. L. Little, et als.

Filed Dec 30/1913
Frth. A. Johnson Clk

GEO. F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT:

VIRGINIA:

* * * \

these defendants pray to be hence dismissed, with their costs, etc.

W. L. Settle

Virginia McCarver

James Milton Carver

By W. L. Folk
Guardian ad Litem.

W. L. Folk, Guardian ad Litem of the said infants

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

Sworn to before me in my County aforesaid by W. L. Folk, Guardian ad Litem as aforesaid, this 21st day of December, 1912.

I. E. Pleasants N. P.
My commission expires Jan 6th, 1913.

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W. H. Little, et als,

vs)

ANSWER OF

H. L. LITTLE:

H. L. Little, et als.

Filed December 30th 1912
Test. E. Johnson Clerk

GEO. F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

* * * \

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W. H. Little et als.

VS) Answer of

Susan A. Little.

H. L. Little et als.

Filed December 30/1912
Jas. A. Johnson Clerk

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT,

VIRGINIA:

* * * \

Report of Reference.

W. H. Little et als
vs(Chancery
H. L. Little et als.

Filed Oct. 25th. 1918.

A. S. Johnson, Commissioner.

THE LEGAL PUBLISHING CO., ATHENS, PA.

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

W. H. Little et als

vs) Chancery

H. L. Little et als.

Report of Commissioner in chancery

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 Honors Court, to whom has been referred the papers in the above entitled cause for the execution of a decree entered therein on the 17th. day of October, 1912, respectfully reports, that on the 18th. day of October, 1912, he issued notice to all the parties in the said suit, setting forth that on the 25th. day of October, 1912, at the office of George F. Whitley, Attorney at Law, in the town of Smithfield, in this County, at two o'clock P.M. that he would proceed to execute the said decree and then and there take the depositions of witnesses to enable him to make the report required; that the said notice has been duly served, according to law, on the said parties, and is hereto attached, as a part of this report, showing such service; that at the time and place mentioned in said notice your Commissioner attended, and took the depositions of B. G. Carroll, C. H. Jones, and John J. Barlow, competent witnesses, and which are herewith filed as a part of this report; that your commissioner, in the said decree of the 17th. day of October, 1912, is required to make the following inquiries, to-wit:

1st. Whether or not the real estate in the bill and proceedings mentioned can be conveniently divided among the several parties entitled thereto? In answer to this inquiry it is the opinion of your commissioner, and he so reports, that the property mentioned in the bill cannot be conveniently divided, among the parties.

The tract of land mentioned in the bill, and to which this suit has reference, is a tract of land estimated to contain one hundred and thirty and a half acres, more or less. W. H. Little died siezed and possessed, according to the land book for the year 1912, lodged in the Clerk's office of this Court, a tract of land of seventy acres, valued at $700; a tract of ten acres, valued at $80; a tract of sixty five and a half acres, valued at $350.00, and a tract of sixty four and three quarter acres, valued at $450.00. The tract in the Bill and proceedings of this suit mention, and which is sought to be partitioned, according to the deeds of conveyance of record, is made up of the last two tracts of land listed against the said estate, mentioned above, and which aggregates one hundred and thirty and a quarter acres, and of the aggregate assessed value of $800.00 on the said land books.

This land is located many miles from any town or transportation line, Smithfield being the nearest town and is some eleven or twelve miles, and is only available, for the present and the near future at least, for farm lands, and owing to the bad facility for transportation cannot be expected to enhance in value to any great extent, or to the same extent as if located nearer easy means of transportation.

The depositions of witnesses filed herewith show that it would lessen the value of each share were the land divided, and it is evident that the proper manner to make division is to sell the entire tract of land, mentioned in the Bill, and to divide the proceeds among the several parties entitled to share therein.

2nd. If the same cannot be conveniently divided, whether or not any party will take the entire property and pay therefor to the other parties such sums of money as their interests may entitle them to? It is not in evidence that any party to this suit desires to own the property, or any part of it.

3rd. And if the same cannot be conveniently divided and no party will take the entire property and pay 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 allotment of part and a sale of the residue? This inquiry is practically answered in the answer to the 1st. inquiry. It appears, however, to repeat, that the proper and most advantageous method of making division of this tract of land, is by a sale of the entire tract. as mentioned in the bill, and a division of the proceeds of the sale. It does not appear that a sale of a part and an allotment of a part is convenient, practicable, or will promote the interests of the defendants or any of them, having regard, especially, for the interests of the infants in this as well as in all other inquires made, specially stated or otherwise.

4th. An account of the real estate, with a description thereof, of which W. H. Little died siezed and possessed, with annual and fee simple value of said lands, and the respective interests of the parties entitled thereto? This inquiry is partially answered in the answer to the 1st. inquiry above. W. H. Little died siezed and possessed of four tracts of land, according to the land book for the year 1912, containing, respectively, 70 acres, assessed at $700.00, ten acres assessed at $80.00, 65½ acres, assessed at $350.00, and 64¾ acres, assessed at $450.00, the tract of land mentioned in the bill and proceedings of this suit being made up of the two last mentioned tracts, the fee simple value of which, according to the testimony filed herewith, being from twelve to fifteen hundred dollars, fifteen hundred dollars being considered as high, for it, and the annual value of which is something like sixty to seventy five dollars. This land appears to be only ordinary so far as productiveness is concerned, according to the testimony.

5th. Wheher 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 any party in the said land? Your commissioner finds no liens by delinquent taxes or otherwise, against W. H. Little, nor by delinquent taxes against any interest therein; but the following liens are found against some of the interests in the said land, to-wit:

J. S. Little, by his deed bearing date the 26th. day of November, 1910, conveyed his interest in the estate of W. H. Little, deceased, to George F. Whitley, in trust to secure to R. W. Stallings the payment of the sum of $318.68, evidenced by bond of even date with the said deed of trust, payable one year after date. This deed of trust has not been released of record, and is still and outstanding and subsisting lien upon the interest of the said J. S. Little in the tract of land in the bill and proceedings of this suit mentioned.

At the March term of the Circuit Court of this County (this court, on the Law side) 1908, B. P. Chapman obtained a judgment against Lonnie W. Holleman, John S. Little, Hannah R. Holleman, and Susan A. Little, for the sum of $500,00, with interest thereon from the 2nd. day of January, 1908, till payment, and $9.63 costs. This judgment appears to be an outstanding and subsisting lien upon the interest in the tract of land in this suit mentioned and sought to be partitioned of the several parties to this suit and defendants in the said action of the said B. P. Chapman, to-wit: John S. Little, Hannah R. Holleman and Susan A. Little, it having never been marked satisfied.

6th. Whether all the proper and necessary parties are properlye before the Court? The proper parties to this suit appear to be before the court, The said W. H. Little, appears to have died intestate, leaving him surviving, as his heirs at law, Susan A. Little, his widow, W. H. Little, (married) a son, Lucy A. Key, (married) a daughter, Mary E. Allmond (married) a daughter, Martha S. Gwaltney (married) another daughter, and Hannah R. Holleman (married) another daughter, and the infants of Irene J. Carroll, who was Little, the wife of Milton Carroll, and who departed this life before the death of said W. H. Little, the said infants being Virginia Sue Carroll and James Milton Carroll, and who are represented in this cause by W. L. Folk, their guardian ad litem, and J. S. Little, (married) another son; and H. L. Little, another son, unmarried and an infant, about the age of nineteen years. The Carroll children appears to be of the following ages: Virginia Sue Carroll about eight years of age, and James Milton Carroll, about seven years of age.

Your commissioner specially reports that the said W. H. Little, deceased, and his wife, the said Susan A. Little, by their deed bearing date on the 8th. day of January, 1904, and of record in the Clerk's Office of this Court in deed book No. 79, page 178, conveyed to Greensville Timber Company, Incorporated, "all timber ten inches across the stump and over, outside measurement, fifteen inches from the ground, when cut" on the tract of land in the bill and proceedings herein mentioned, together with certain rights, privileges and easements, fully set forth in said deed, for the term of ten years from the date of the said deed. The Cumberland Lumber Company is the owner of the said timber, rights, etc. at this time, being the alienee of the said Greensville Timber Company, Incorporated.

It will be noted that the limit for cutting the said timber has about expired, but the Cumberland Lumber Company is a very large concern, owning large timber interests in this and adjoining counties, and, while there is no evidence filed herewith upon which to base and opinion, from general information, easily obtained, your commissioner believes that there is not the barest possibility of the timber not being cut before the time for cutting the same has expired.

Respectfully submitted,

E. Johnson
Commissioner in Chancery.

Commissioner's fee,.....$ 15.00

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

W. H. Little et als.
vs) Chancery. Depoeitions on report of re ference
H. L. Little, et als.

The depositions of B. G. Carroll, and others, taken before me, A. S. Johnson, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, at the office of George F. Whitley, Attorney at Law, in the Town of Smithfield, County of Isle of Wight, Cctober 25th. 1912, to be read as evidence in the execution of a decree of reference entered in the suit styled as above, on the 17th. day of Octtober, 1912.

Present, George F. Whitley, p.q. and
W. L. Folk, Guardian ad Litem.

Examination conducted by Mr Whitley

B. G. Carroll being duly sworn deposes and says:
Q. Mr. Carroll, please state your name, age, residence and occupation? A.-B. G. Carroll, forty three years old, live in Isle of Wight County, and am a farmer.
Q. Mr. Carroll, the Bill in this suit asks the Court to divide a piece of land of which W. H. Little died siezed and possessed, containing 130 1/2 acres, adjoining the land of J. S. Gale, the lands of the estate of J. H. Thomas and others: Are you acquainted with this piece of land, if so how long have you known it and have you been over the property lately? A. Yes sir, I have been knowing it all my life, I live in about a mile of it, and I have been on it lately for the purpose of looking to see what condition it was in and estimating the value of it.

Q. Do you know the heirs of W. H. Little, deceased, if so please name them? A. W. H. Little, married, Lucy A. Key, who was little, married, Mary E. Allmond, who was Little, J. S. Little, married, Martha S. Gwaltney, who was Little, Hannah R. Holleman, who was Little, H. L. Little, and infant, about nineteen or twenty years old, Irene J. Little, who married Milton Carroll, and who is now dead, are all of the children of W. H. Little. Irene J. Little, who died Carroll, about seven years ago, left two children, whose names are Virginia Sue Carroll, who is about eight years old, and James Milton Carroll, who is about seven years old.

Q. When did W. H. Little, Sr. die? A. Two years ago this last May or thereabouts.

Q. Can this piece of real estate we have just described be divided among the parties entitled thereto, conveniently?

A. I do not think so? The reason of this is that it is farm land, and to cut it up in the several parts it would not give any one of them anything of value/

Q. Do you know whether or not any party will take the entire tract and pay to the others entitled to share therein, such sums of money as their interests may entitle them to? A. I do not know as I do.

Q. Are you well acquainted with all the parties and do you know what they desire as to the disposition of this tract of land?

A. The impression has been created upon my mind that they want to sell it and divide the money.

Q. Do you think that an allotment of a part of this property and sale of the residue would be of advantage to the parties?

A. I do not.

Q. Do you think the interest of all parties would be promoted by a sale of the whole and a divis on of the proceeds? A. Yes sir, I do. As a matter of fact I feel quite sure of this.

Q. What is the fee simple and annual value of this piece of land? There is a small two room dwelling on this piece of land and which, together with a small barn and stable, I believe is

worth about a hundred dollars, and the e is about thirty acres of open land worth about twelve dollars an acres, and the balance is woodland, worth about ten dollars an acres, and I believe it ought all to sell from twelve hundred to fifteen hundred dollars. The fence is nothing extra, and I believe seventy five dollars would be a good price for it/

Q. Is this piece of land in a reasonably good state of cultivation? No, it is poor.

By the Commissioner:

Q. Are you related with any of the heirs to this land? A. No sir. I am a brother of Milton Carroll, the father of the Carroll children who are parties.

Q. Are you a prospective purchaser for this piece of land? A. No sir.

And further this deponent saith not:

B. L. Carroll

C. H. Jones being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. C. H. Jones, fifty four years old, am a farmer and live in Isle of Wight County.

Q. Are you acquainted with the land of which Mr. W. H. Little died siezed and possessed, and which is said to contain one hundred and thirty and a half acres? A. Yes sir, I have been knowing it practically all my life, having, all my life, lived within a few miles of it.

Q. Have you been upon it recently? Yes sir, I have been upon it right lately, in the company of Mr. J. J. Barlow and Mr. B. G. Carroll, at the request of some of the heirs, with a view of estimating its value.

Q. Do you think that this piece of land can be conveniently divided among the several parties entitled to share in it? A. No sir, the only way to properly handle it would be to put it up and sell it and divide the money.

Q. Do you know all of the heirs of W. H. Little and who are entitled to share in this land, and especially the infant heirs, and have you due consideration for those infants in drawing your conclusions just expressed? A. Yes sir.

Q. What is a fair market value, I mean fee simple value for this land, and a fair annual value? A It ought to bring from twelve to fifteen hundred dollars, and I would think seventy five dollars would be a big rent for it.

Q. Do you know whether or not any of the interested parties wish to take this piece of land and pay the others for their respective shares? A. No sir, I do not.

Q. Could this piece of land be divided so as to allot a part of it to some of the parties, or one of them, and sell the residue to any advantage? A. No sir. I think the only way to handle it to an advantage would be to put the whole of it up and sell it and divide the proceeds.

And further this deponent saith not:

C. H. Jones
mark

Witness!
Wm. F. Whitley.

John J. Barlow being duly swron deposes and says:

Q. Please state your name, age, residence and occupation? A. John J. Barlow, live in Isle of Wight County, am a farmer, and I am fifty one years old.

Q. Are you acquainted with the tract of land said to contain one hundred and thirty and a half acres, which belonged to W. H. Little at the time of his death? A. Yes sir, I have been knowing it about thirty years, having lived within two miles of it all this time.

Q. Have you been upon this land lately, and if so for what purpose did you go? A. Yes sir, I went on there with Barmah Carroll and Charlie Jones to place some value, in our judgment, on this property.

Q. At whose request did you go on this piece of land for the purpose mentioned. A. For some of the heirs.

A. Are you acquainted with the heirs of Mr. Little? A. Yes sir.

Q. Do you think this piece of property can be conveniently divided among the heirs? A. Not without selling and dividing the money.

(By the Commissioner)

Q. Have you regard for the infant defendants in this conclusion? A. Yes sir.

(By Mr. Whitley)

If the property, as you say, cannot be conveniently divided, do you know whether or not any of the parties, any one of them, will take the entire property and pay therefor to the other parties such sums of money as their interest may entitled them to? A. No sir, I do not. My impression is that they all want to sell it.

Q. Do you know whether a part of this property could be allotted and the remainder sold and the proceeds divided to advantage. A. I think not, the only I can see that it could be handled to advantage is to seel it all and divide the money. It is farm land.

Q. What do you think a fair value (fee simple) for this property? A. I think from twelve to fifteen hundred dollars would be a fair average. Fifteen hundred dollars would be a big price for it, it being so far back in the woods.

Q. What do you think a fair annual value? A. Not over sixty dollars a year.

Q. What is th character of the soil? A. It is medium light, and some part of it a little rolly, and the land is poor.

Q. In making your estimate on this land did you have reference to the timber upon it as well as the land, and I mean by this did you all, Mr. Jones and Mr. Carroll and yourself, have this in mind when you made your estimate ? We all knew the timber had been sold and we were estimatingthe land without the timber. We estimated the buildings on the land at a hundred dollars, the open land, of about thirty acres, at twelve dollars an acre, and the wood land at ten dollars an acre, making a total of something over thirteen hundred dollars, and I believe this is a plenty for it too. I am estimating it as if I would like to have it myself.

(By the commissioner)

Mr. Barlow, are you a prospective purchaser for this land? A. No sir.

Q. How far is it from the nearest town? A. Smithfield is the nearest town and it is about eleven or twelve miles.

And further this deponent saith not.

John A. Barlow

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT

OCTOBER 18TH. 1912.

To W. H. Little and Waverly E. Little, his wife::
Lucy A. Key and W. S. Key, her husband:
Mary E. Allmond and G. Allmond, her husband:
J. S. Little and Alma Little, his wife:
Martha S. Gwaltney and W. H. Gwaltney, her husband:
Hannah R. Holleman and L. W. Holleman, her husband:
Complainants:

and

H. L. Little, Virginia Sue Carroll and James Milton Carroll, infants, and W. L. Folk, their guardian ad litem, and Susan A. Little, defendants.

Take notice that the undersigned, one of the Commissioners in Chancery of the Circuit Court of the County of Isle of Wight, to whom has been referred the papers in the chancery cause in the said court depending in the suit of W. H. Little et als. vs. H. L. Little, et als, for the execution of a decree entered therein on the 17th. day of October, 1912, the followinf of which is an extract:

On consideration whereof the Court doth adjudge, order and decree that this cause be referred to one of the commissioners of this court who will inquire into and report to court the following inquiries:
1st. whether or not the real estate in the bill and proceedings mentioned can be conveniently divided among the several parties entitled thereto:
2nd. If the same cannot be conveniently divided, whether or not any party will take the entire property and pay therefor to the other parties such sums of money as their interests may entitle them to:
3rd. And if the same cannot be conveniently divided, and no party will take the entire property and pay 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 allotment of part and a sale of the residue.
4th. An account of the real estate, with a description thereof, of which W. H. Little died siezed and possessed, with annual and fee simple values of said land, and the respective interest ofthe parties entitled thereto:
5th. 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 any party in the said land.
6th. Whether all the proper and necessary parties are properly before the court.
Which several inquiries 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.

will, on the 25th. day of October, 1912, at the office of George F. Whitley, Attorney at Law, in the Town of Smithfield, County of Isle of Wight and State of Virginia, at two o'clock P.M., proceed to execute the said decree and then and there will take the depositions of witnesses to enable him to make proper report as required.

Given under my hand this 18th. day of October, 1912.

O. Johnson. Commissioner in Chancery

Due, legal and sufficient service of the within notice is hereby accepted.

W. N. Little, Waverly C. Little
Lucy C. Key, W. S. Key,
Mary E. Allmond

L. Allmond

J. S. Little

Alma Little

Martha S. Swaltney

W. H. Swaltney

Hannah R. Holleman

L. W. Holleman

W. J. Park Guardian ad litem for Infants

W. I. Little, et als,

vs) REPORT OF COMMISSIONERS:

W. M. Little, et als.

Filed in Lobe
Clerk's Office

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

IN THE MATTER OF ASSIGNMENT OF DOWER
TO SUSAN A. LITTLE, WIDOW OF W. H. LIT-
TLE, DECEASED.

Report of Commissioners.

We, R. W. Stallings, B. G. Carroll and John J. Barlow, Commissioners appointed by the Circuit Court of the County of Isle of Wight to assign to Susan A. Little, the widow of W. H.Little, dec'd., her dower in the lands of which the said W. H. Little died siezed and possessed, do certify that on the 1st. day of November, 1911, at 10:30 o'clock A.M., the day designated and appointed, we met together and went over the lands of which W. H. Little died siezed and possessed; and after being duly sworn upon a view of the land aforesaid, we assigned as dower of said Susan A Little, in the estate of the said W. H.Little, dec'd., the piece of land bounded and described as follows: Commencing at a cedar post on the County Road; thence in an Easterly direction to a pine; thence in a North-easterly direction to a pine, corner on Ward, Jones & Little; thence in a Southeasterly direction to a pine; thence in the same direction to a pine on path; thence in a Southerly direction to a gum on a ditch; thence in a Southwesterly direction to a red oak; thence in a Northwesterly direction to an iron post on the said county road; thence in a Northeasterly direction along the said County Road to the beginning. a plot of which is herewith filed.

Given under our hands this 5th day of December, 1912.

B. G. Carroll

John J. Barlow

R. C. Stallings

Commissioners.

Virginia: In the Circuit Court of the County of Isle of Wight October 2nd. 1911.

In re appointment of Commissioners to set aside the dower of Susan Little.

It appearing to the court that W. H. Little has departed this life; and that Susan Little is the widow of the said W. H. Little, deceased: on the motion of J. S. Little, one of the heirs of the said W. H. Little, deceased, by his attorney, the court doth appoint R. W. Stallings, John Barlow and B. G. Carroll commissioners, who after being sworn are directed to assign to the said Susan Little as tenant in dower for her life, one-third of all the real estate whereof the said W. H. Little, or any other to his use, was, at any time during the coverture seised of an estate of inheritance, except where her right to such dower has been lawfully barred or relinquished, and make report of such assignment, which shall be subject to confirmation by this court. Said Commissioners shall go on said land at ten o'clock on Wednesday, the first day of November 1911, or if that day be not fair, then the first fair day thereafter, but before going on said land said Commissioners shall cause each of the parties interested in said land to be served with a copy of this order, and they shall lay off said dower by metes and bounds, employing a competent surveyor for that purpose, and shall make report to the court, returning with said report any plat they may cause to be made, together with the return of the Sheriff as to the manner of the ~~same~~ service of the copy of this order.

A copy,

Teste, C Johnson Clerk.

Notice of setting aside the
dower of Susan Little

I hereby accept legal service
of the within notice.

Martha S. Crowdney.

Virginia: In the Circuit Court of the County of Isle of Wight October 2nd. 1911.

In-re appointment of Commissioners to set aside the dower of Susan Little.

It appearing to the court that W. H. Little has departed this life; and that Susan Little is the widow of the said W. H. Little, deceased: on the motion of J. S. Little, one of the heirs of the said W. H. Little, deceased, by his attorney, the court doth appoint R. W. Stallings, John Barlow and B. G. Carroll commissioners, who after being sworn are directed to assign to the said Susan Little as tenant in dower for her life, one-third of all the real estate whereof the said W. H. Little, or any other to his use, was, at any time during the coverture seised of an estate of inheritance, except where her right to such dower has been lawfully barred or relinquished, and make report of such assignment, which shall be subject to confirmation by this court. Said Commissioners shall go on said land at ten o'clock on Wednesday, the first day of November 1911, or if that day be not fair, then the first fair day thereafter, but before going on said land said Commissioners shall cause each of the parties interested in said land to be served with a copy of this order, and they shall lay off said dower by metes and bounds, employing a competent surveyor for that purpose, and shall make report to the court, returning with said report any plat they may cause to be made, together with the return of the Sheriff as to the manner of the ~~same~~ service of the copy of this order.

A copy,

Teste, A. Johnson Clerk.

Notice of setting aside

the dower of Susan Little.

I hereby accept legal

service of the within notice.

S Little

Virginia: In the Circuit Court of the County of Isle of Wight October 2nd. 1911.

In-re appointment of Commissioners to set aside the dower of Susan Little.

It appearing to the court that W. H. Little has departed this life; and that Susan Little is the widow of the said W. H. Little, deceased; on the motion of J. S. Little, one of the heirs of the said W. H. Little, deceased, by his attorney, the court doth appoint R. F. Stallings, John Barlow and B. G. Carroll comissioners, who after being sworn are directed to assign to the said Susan Little as tenant in dower for her life, one-third of all the real estate whereof the said W. H. Little, or any other to his use, was, at any time during the coverture seised of an estate of ~~xxhxxxxxx~~ inheritance, except where her right to such dower has been lawfully barred or relinquished, and make report of such assignment, which shall be subject to confirmation by this court. Said Commissioners shall go on said land at ten o'clock on Wednesday, the first day of November 1911, or if that day be not fair, then the first fair day thereafter, but before going on said land said Commissioners shall cause each of the parties interested in said land to be served with a copy of this order, and they shall lay off said dower by metes and bounds, employing a competent surveyor for that purpose, and shall make report to the court, returning with said report any plat they may cause to be made, together with the return of the Sheriff as to the manner of the service of the copy of this order.

A copy,

Teste, Johnson Clerk.

Notice of setting aside the
dower of Susan Little.

I hereby accept legal service
of the within notice.

W.H. Little

Virginia: In the Circuit Court of the County of Isle of Wight October 2nd. 1911.

In-re appointment of Commissioners to set aside the dower of Susan Little.

It appearing to the court that W. H. Little has departed this life; and that Susan Little is the widow of the said W. H. Little, deceased: on the motion of J. S. Little, one of the heirs of the said W. H. Little, deceased, by his attorney, the court doth appoint R. W. Stallings, John Barlow and B. G. Carroll commissioners, who after being sworn are directed to assign to the said Susan Little as tenant in dower for her life, one-third of all the real estate whereof the said W. H. Little, or any other to his use, was, at any time during the coverture seised of an estate of inheritance, except where her right to such dower has been lawfully barred or relinquished, and make report of such assignment, which shall be subject to confirmation by this court. Said Commissioners shall go on said land at ten o'clock on Wednesday, the first day of November 1911, or if that day be not fair, then the first fair day thereafter, but before going on said land said Commissioners shall cause each of the parties interested in said land to be served with a copy of this order, and they shall lay off said dower by metes and bounds, employing a competent surveyor for that purpose, and shall make report to the court, returning with said report any plat they may cause to be made, together with the return of the Sheriff as to the manner of the ~~same~~ service of the copy of this order.

A copy,

Teste, _____ Clerk.

Notice of setting aside
the dower of Susan Little.

I hereby accept legal service of the within notice.

Mary E. Allmond.

Virginia: In the Circuit Court of the County of Isle of Wight October 2nd. 1911.

In-re appointment of Commissioners to set aside the dower of Susan Little.

It appearing to the court that W. H. Little has departed this life; and that Susan Little is the widow of the said W. H. Little, deceased; on the motion of J. S. Little, one of the heirs of the said W. H. Little, deceased, by his attorney, the court doth appoint R. W. Stallings, John Barlow and B. G. Carroll commissioners, who after being sworn are directed to assign to the said Susan Little as tenant in dower for her life, one-third of all the real estate whereof the said W. H. Little, or any other to his use, was, at any time during the coverture seised of an estate of ~~xxhxxxxxx~~ inheritance, except where her right to such dower has been lawfully barred or relinquished, and make report of such assignment, which shall be subject to confirmation by this court. Said Commissioners shall go on said land at ten o'clock on Wednesday, the first day of November 1911, or if that day be not fair, then the first fair day thereafter, but before going on said land said Commissioners shall cause each of the parties interested in said land to be served with a copy of this order, and they shall lay off said dower by metes and bounds, employing a competent surveyor for that purpose, and shall make report to the court, returning with said report any plat they may cause to be made, together with the return of the Sheriff as to the manner of the service of the copy of this order.

A copy,

Teste, O. Johnson Clerk.

Notice of setting aside the
dower of Susan Little.

I hereby accept legal service of the within notice.

Mrs Lucy Key

Virginia: In the Circuit Court of the County of Isle of Wight October 2nd. 1911.

In-re appointment of Commissioners to set aside the dower of Susan Little.

It appearing to the court that W. H. Little has departed this life; and that Susan Little is the widow of the said W. H. Little, deceased: on the motion of J. S. Little, one of the heirs of the said W. H. Little, deceased, by his attorney, the court doth appoint R. W. Stallings, John Barlow and B. G. Carroll commissioners, who after being sworn are directed to assign to the said Susan Little as tenant in dower for her life, one-third of all the real estate whereof the said W. H. Little, or any other to his use, was, at any time during the coverture seised of an estate of inheritance, except where her right to such dower has been lawfully barred or relinquished, and make report of such assignment, which shall be subject to confirmation by this court. Said Commissioners shall go on said land at ten o'clock on Wednesday, the first day of November 1911, or if that day be not fair, then the first fair day thereafter, but before going on said land said Commissioners shall cause each of the parties interested in said land to be served with a copy of this order, and they shall lay off said dower by metes and bounds, employing a competent surveyor for that purpose, and shall make report to the court, returning with said report any plat they may cause to be made, together with the return of the Sheriff as to the manner of the ~~same~~ service of the copy of this order.

A copy,

Teste, O. Johnson Clerk.

Notice of setting aside the
dower of Susan Little.

I hereby accept legal service
of the within notice.

H. D. Little

Virginia: In the Circuit Court of the County of Isle of Wight October 2nd. 1911.

In-re appointment of Commissioners to set aside the dower of Susan Little.

It appearing to the court that W. H. Little has departed this life; and that Susan Little is the widow of the said W. H. Little, deceased; on the motion of J. S. Little, one of the heirs of the said W. H. Little, deceased, by his attorney, the court doth appoint R. H. Stallings, John Barlow and S. T. Carroll commissioners, who after being sworn are directed to assign to the said Susan Little as tenant in dower for her life, one-third of all the real estate whereof the said W. H. Little, or any other to his use, was, at any time during the coverture seised of an estate of ~~inheritan~~ inheritance, except where her right to such dower has been lawfully barred or relinquished, and make report of such assignment, which shall be subject to confirmation by this court. Said Commissioners shall go on said land at ten o'clock on Wednesday, the first day of November 1911, or if that day be not fair, then the first fair day thereafter, but before going on said land said Commissioners shall cause each of the parties interested in said land to be served with a copy of this order, and they shall lay off said dower by metes and bounds, employing a competent surveyor for that purpose, and shall make report to the court, returning with said report any plat they may cause to be made, together with the return of the Sheriff as to the manner of the service of the copy of this order.

A copy,

Teste, T Johnson Clerk.

Notice of setting aside the
dower of Susan Little.

I hereby accept legal servic e
of the within notice.

x Hannah Hallowell

12

W. H. Little, et als,

vs)

REPORT OF

COMMISSIONER IN CHANCERY:

H. L. Little, et als.

Filed Dec. 5, 1913,
Jas. A. Thurm
Clerk

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

Chancery

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

W. H. Little et als
vs)
H. L. Little et als.

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

On the 30th. day of December, 1912, a decree was entered in the above entitled cause, an extract of which is as follows:

"On consideration whereof, without taking any action upon the Commissioner's report, doth refer the papers in this cause to the said Commissioner, and doth adjudge, order and decree that the said Commissinner to inquire into and report to the Court the following inquiries:
1st. Whether or not the real estate in the original Bill and the Amended Bill, mentioned, can be conveniently divided among the several parties entitled thereto:
2nd. If the same cannot be conveniently divided, whether or not any party in interest will take the entire property, and pay therefor to the other parties such sums of money as their interests may entitle them to:
3rd. And if the same cannot be conveniently divided, and no party will take the entire property and pay 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 allotment of part and a sale of the residue.
4th. Whether there be any liens by reason of delinquent taxes or otherwise against the said property, or against the interest of any of the parties hereto.
5th. The fee simple and annual values of said several tracts, together with the description of each.

6th. Whether all the parties necessary and proper to this cause are properly before the Court.

Which several inquiries 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.

The original Bill in this cause was filed in Open Court, on the 17th. day of October, 1912, praying for a partition of a part of the lands of which W. H. Little died siezed and possessed, and answers of the parties defendant to the said Bill were filed at the same time, and decree entered referring the same to a Commissioner of this Court for certain accounts, inquiries, and a report. The papers in the said cause were referred to the undersigned, one of the Commissioners of this Court, and report was filed thereupon on the 25th. day of October, 1911, recommending a sale of a part of the land of which said W. H. Little died siezed and possessed, and that part of said land mentioned in said Bill, and which said report has not been acted upon by the Court for the reason that any action that the Court might take would be improper, as the entire real estate of the said W. H. Little, deceased, should have been mentioned in the original Bill and should have been considered in the findings and report of the said Commissioner, herein mentioned, filed on the 25th. day of October, 1912.

In the execution of the decree herein mentioned, entered on the 30th. day of December, 1912, your Commissioner, on the 10th. day of January, 1913, issued notices to all the parties in this cause, that he would, at the office of George F. Whitley, Attorney at Law, in the town of Smithfield, County of Isle of Wight and State of Virginia, on the 17th. day of January, 1913, proceed with the execution of the said decree entered herein on the 30th. day of December, 1912, at the hour of eleven o'clock A.M., and attended at the time and place mentioned in said notices, and the

said notices having been returned, showing service on all the parties to said cause, Your Commissioner proceeded with the execution of the said decree, and upon the evidence then adduced, and from an examination of the records filed in the Clerk's Office of this Court, your Commissioner is informed and reports as follows:

1st. The real estate mentioned in the Original Bill and Amended Bill cannot be conveniently divided ~~in kind~~ among the interested parties. This is farm property, located a long ways from any transportation except the ordinary country conveyance, and there are many parties to the suit, and if divided among the several parties entitled to share therein no one would have a sufficient amount to be of any value for agricultural purposes. There are two tracts of it, some didtance apart, and this would add to the difficulty of a division.

2nd. It is not in evidence before your Commissioner that any party in interest desires any part of this property, or will take the same and pay to the other parties for their respective interests.

3rd. It does not appear from the evidence that allotment of a part of this land and a sale of the residue will be of advantage, or to the interests of any of the parties in interest, infants or adults.

4th. Your Commissioner finds no liens unsatisfied against the said W. H. Little, deceased for delinquent taxes or otherwise, but does find the following liens against some of the parties in interest, namely:

J. S. Little, by his deed bearing date the 26th. day of November, 1910, conveyed his interest in the estate of the said W. H. Little, deceased, to George F. Whitley, in trust to secure to R. W. Stallings the payment of the sum of $318. 68, evidenced by a bond of even date with the said deed of trust, payable one year after date. This deed of trust has not been released of record, and is still an outstanding an

subsisting lien upon the interest of the said J. S. Little in the said lands herein mentioned.

At the March term of this Court, (on the law side) 1908, B. P. Chapman recovered a judgment against Lonnie W. Holleman, John S. Little, Hannah R. Holleman, and Susan A. Little, for the sum of $500.00, with interest thereon from the 2nd. day of January, 1908, till payment, and $9.63 costs. This judgment has not been marked satisfied, and is a lien upon the interests in said land accruing to said John S. Little, Hannah R. Holleman and Susan A. Little. It will be noted, however, that the dower in said land having been assigned to Susan A. Little, her interest having been extinguished in the 130 acre piece of land desired to be partitioned, and hereinafter mentioned, the lien against her would probably be in the piece of the said land assigned to her as dower.

The said W. H. Little died siezed and possessed of four tracts of land in the said County of Isle of Wight, and described upon the Land Book of the said County for the year 1912, as follows:

1. 70 acres,	valued at	$ 700.00
2. 10 acres,	valued at	80.00
3. 65½ acres,	valued at	350.00
4. 64¾ acres,	valued at	450.00

Tracts 1 and 2 here mentioned are adjoining each other, and compose what is now called the Home Tract, and from which dower has been assigned to Susan A. Little.

Tracts Nos. 3 and 4 are adjoining each other and are about a mile from the piece composed of tracts 1 and 2.

The annual and fee simple values of the said lands are based upon the assumption that there are two tracts, one the Home Tract, composed of lots 1 and 2, and the other a 130 acre tract, composed of lots 3 and 4, and are as follows:

The Home Place,.....	annual value $50 or $60
	Fee simple value, $1000 to $1200.
The 130 acre tract	Annual value,$25 or $30
	Fee simple value $1000 to $1500.

It will be noted from a copy of an order herewith filed of this Court (on the law side) entered on the 3rd. day of February, 1913, that Dower in the said lands of which said W. H. Little died siezed and possessed was assigned to his widow, Susan A. Little, in the Home Tract, and is laid off by the Commissioners by metes and bounds, and takes 38.60 acres of that tract, which is composed of tracts 1 and 2 above mentioned.

5th. All of the parties necessary to this suit appear to be properly before the Court.

Your Commissioner specially reports that it appears from the evidence that it will not be convenient to sell the entire property of the said W. H. Little, deceased, or allot a part ~~of the~~ and sell the residue, for partition of the lands of which he died siezed and possessed at the time; but, it does appear that it would be to the advantage of the parties to sell a part of it at this time and hold the residue until it can be sold to advantage and the proceeds of that piece then divided. From the testimony it appears that the 130 acre tract is away from the Home Place, and but little of it is cleared land, and it it not being well kept up and is not likely to be, being separate and a part from the Home Place, a distance of a mile or about that. Dower has been assigned in the Home place of 80 acres, and to sell off the residue of this tract, even subject to the dower of the widow, would probably result in a sacrifice, so far as this tract is concerned.

The witnesses seem to be of the opinion that it would be to the interest to the parties, both infants and adults, to make sale of the 130 acre tract of land at this time and divide the proceeds, and wait for a division of the other tract after dower has been extinguished. Susan A. Little, as appears by reference to the marriage record lodged in the Clerk's Office of this Court, is now about 66 years of age. This record is not, of course, absolute, as the evidence is not under oath, but it can be relied upon as being near correct. This would place

the Home Tract in an undesirable position with a view of purchasing by any one save some of the heirs, and it does not appear that any of them desire any part of the land, unless Mrs. Little would take her dower in money which does not appear, and which hardly seems probable, she having had her dower assigned and allotted to her in the land. She is liable to live for several years longer and she is liable to not do so, having reached to the average life of an old person. It is evident that she cannot and will not look after the other tract located some distance from her. It is also true that an administrator of the estate of said W. H. Little, no matter who he be, judging from the facts connected with other personal representatives and their conduct of matters, (and this is stated with all respect to all of them), that the interests of the heirs will hardly be promoted by holding the tract of 130 acres, off to itself, if rented, and which most likely will be, beyond the increase in value of the land, if lying idle, which is not apt to be as much as six per cent interest on the money derived from a sale of same if it brings the price for which its worth.

In voew of these facts your Commissioner is of opinion that it would be to the interest of all the parties to make sale of the 130 acre tract of land, and divide the proceeds among the several parties entitled to the same, and to hold the Home Place till the widow's dower is extinguished, or she will join in a deed to a purchaser at some time when a good sale for same can be made.

All of which is respectfully submitted.

C. Stinson
Commissioner in Chancery.

Comm fee $10.00

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

In re, assignment of dower of Susan A. Little, widow of W. H. Little, deceased, in the lands of which said W. H. Little died sieved and possessed.

The Commissioners appointed by this Court on the 2nd. day of October, 1911, this day filed report of their assignment, which is in words and figures following, to-wit:

"We, R. V. Stallings, B. G. Carroll and John J. Barlow, Commissioners appointed by the Circuit Court of the County of Isle of Wight to assign to Susan A. Little, the widow of W. H. Little, deceased, her dower in the lands of which the said W. H. Little died sieved and possessed, do certify that on the 1st. day of November, 1911, at 10:30 o'clock A.M., the day designated and appointed, we met together and went over the lands of which W. H. Little died sieved and possessed; and after being duly sworn upon a view of the land aforesaid, we assigned as dower of said Susan A. Little in the estate of said W. H. Little, deceased, the piece of land bounded and described as follows: Commencing at a cedar post on the County road; thence in an Easterly direction to a pine; thence in a Northeasterly direction to a pine, corner on Ward, Jones and Little; thence in a Southeasterly direction to a pine; thence in the same direction to a pine on path; thence in a Southerly direction to a gum on a ditch; thence in a Southwesterly direction to a red oak; thence in a Northwesterly direction to an iron post on the said County road; thence in a Northwesterly direction along the said county road to the beginning, a plot of

which is herewith filed."

And there being no exceptions filed to said report, it is ordered that the same be, and it is hereby, approved and confirmed.

And it is further ordered that this report, to other with the plot returned therewith, shall be by the Clerk of this Court, entered of record in the current book containing conveyances, in his office

A copy,

Teste, D. Johnson Clerk.

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

* *

W. H. Little, et als,.....Plaintiffs,

vs) In Chancery, Depositions on Report of Reference:

W. L. Little, et als,.....Defendants.

* *

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The depositions of W. W. Stallings, and others, taken before me, A. S. Johnson, a Commissioner in Chancery for the Circuit Court for the County of Isle of Wight, at the Office of George P. Whitley, Attorney at Law, in the Town of Smithfield, County of Isle of Wight, January 17th, 1913, to be read as evidence in the execution of a decree of reference entered in the suit as styled above, on the 30th. day of December, , 1913

PRESENT: George P. Whitley, p.q., and

W. L. Folk, Guardian ad Litem.

W. W. Stallings, being first duly sworn, deposeth and saith in answer to interrogatories, as follows:

EXAMINATION BY MR. WHITLEY.

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

A. W. W. Stallings; forty-two years; Isle of Wight County; farmer.

Q. Are you familiar with the real estate of which W. H. Little died seized and possessed?

A. Yes, sir.

Q. How long have you known this property?

A. Have known it all my life, pretty well.

Q. Is all of his land in one piece?

A. No; it is in three (3) pieces. One piece is off by itself, about 130 acres I think; the other two pieces adjoin each other.

Q. How far is this 130 acre piece of property from the other land?

A. I reckon, about a mile.

Q. State whether or not you think the property of which W. W. Little died seized and possessed could be conveniently divided among the heirs?

A. I do not think so. It would be such little pieces to each one, it would'nt be anything for anybody to want. It is all farm land.

Q. Do you know whether any party in interest would buy the whole property, or not, and pay the other parties such sums of money as their interest might entitle them to?

A. I do not. But I understand that they want to sell the 130 acre piece.

Q. Do you think the interest of the parties in interest would be promoted by a sale of the entire property, or by allotment of part and a sale of the residue?

A. I think it would be an advantage to all the parties to sell the whole property. In fact, you could not allot any part of the property without hurting its value.

Q. State whether or not you think it would be to their advantage and interest to sell the 130 acre piece of property by itself?

A. Yes, sir; I do.

Q. How many acres of this is open land?

A. About 25 or 30 acres.

Q. Do you know whether of not the widow's dower has been assigned her?

A. Yes, sir; I was one of the commissioners appointed to assign her dower.

Q. Out of which piece did you assign her dower?

A. The home place, which was made up of about 70 acres and 10 acres which joined each other.

Q. How many acres were assigned?

A. About 40 acres.

Q. Did you lay it off by metes and bounds?

A. Yes; we marked the trees around the line, and where there were no trees we established the line by posts.

Q. After assigning the widow's dower, about how much does this leave of that piece?

A. About 40 acres.

Q. Do you think that the interest of the parties would be promoted by a sale of this 40 acres adjoining the widow's dower, at the present time?

A. No; I do not. I think it would be to the interest of all parties to let it stay as it is, as it will not bring as much now as it would bring if sold together with the widow's dower.

Q. State whether or not you think this 40 acres could be divided to advantage among the heirs of W. H. Little, dec'd?

A. No, sir; it would'nt be worth anything at all hardly, if you were to divide it up among them.

Q. State what you think the home place, or the 80 acres that you refer to, is worth.

A. Between $1,000.00 and $1,200.00.

Q. What do you think a fair rental value for that place?

A. $50.00 of $60.00.

Q. What do you think the 130 acres piece of land worth, cash value?

A. I think $1,500.00 would be a plenty for it.

Q. How much do you think it would rent out for?

A. 30 or $30.00.

Q. Have you been over this property lately?

A. I was over it about 12 months ago. I was at the home place about two weeks ago.

Q. Do you know the heirs of W. H. Little, dec'd?

A. Yes, sir.

Q. Can you name them?

A. W. F. Little, Lucy A. Hoy, Mary E. Allmond, J. S. Little, Martha S. Swaltney, Hannah P. Holloman, . . Little, an infant about 20 years old, and Irene J. Little who married Carroll, and who is the only one of the children dead.

Q. Did she leave any heirs?

A. Yes; Virginia Sue Carroll about 8 years old, and James Milton Carroll, who is about 7 years old.

And further this deponent saith not.

R. W. Stallings

Rx Clarence
Ebwrige

John J. Barlow, being first duly sworn, deposeth and saith in answer to interrogatories, as follows:

EXAMINATION BY MR. PRINCEY.

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

A. John J. Barlow; fifty years; Isle of Wight County; farmer.

Q. Mr. Barlow, did you know W. H. Little?

A. Yes, sir.

Q. Is he now living; if now, how long has he been dead?

A. No, sir; he is not living; has been dead going on three years.

Q. Did he own any real estate at the time of his death?

A. Yes, sir.

Q. Are you familiar with this real estate?

A. Yes, sir.

Q. How far do you live from it?

A. I live about a mile, or a mile and a half.

Q. Do you know about how much real estate Mr. Little owned at the time of his death?

A. Yes, sir.

Q. About how much would you say he owned?

A. Well, one place about 130 acres, and the home place about 70 acres and 10 acres; in two tracts joining, i.e., the 70 acres and 10 acres.

Q. Does the 130 acres adjoin the other tracts?

A. No, sir.

Q. About how far are they separate?

A. About a mile.

Q. Do you know the heirs of W. H. Little?

A. Yes, sir.

Q. How many heirs are there?

A. Eight.

Q. All of them living?

A. All but one.

Q. Do you mean to say that these heirs are his children?

A. Yes, sir; with the exception of his two grand-children.

Q. Which one of his children is dead?

A. She was called Jane. I believe her right name was Irene J. Little.

Q. Do you think that the real estate of which W. H. Little died seised and possessed could be conveniently divided among the above mentioned heirs?

A. No, sir; it could'nt, I don't think; not to no advantage.

Q. What are your reasons for this answer?

A. Because it is all farm land, and in two tracts, and to divide it up, it would'nt be any good to anyone.

Q. Do you know whether any of the parties in interest would take the entire property and pay therefor to the other parties such sums of money as their interest might entitle them to?

A. No, sir; I do not know as I do. I don't know of any of the heirs that particularly wants it; I hav'nt heard of any of them.

Q. Now, since you state that it could not be conveniently divided, and that no party will take the entire property and pay the others for their share; state whether or not you think the interest of those entitled to the said property or its proceeds, will be promoted by a sale of the entire property, or by allotment of part and sale of the residue.

A. I do not think that the property could be allotted in such a way that it would promote the interest of any of the heirs. I think the best thing to do would be to sell each piece separately, i.e., sell the 130 acres by itself, as that is separated from the other property, and to sell the 80 acre piece by itself. In other words, I believe it would be to the interest of the heirs, if the property is going to be sold, that each piece should be sold as

a whole.

Q. Do you know whether or not the widow's dower has been assigned to her?

A. Yes, sir; I was one of the commissioners.

Q. Out of which piece did you allot her dower?

A. Out of the 80 acres.

Q. How much of this did you give her?

A. About 40 acres, as near as we could come at it.

Q. Did the commissioners mark the line around this dower interest?

A. Yes, Sir.

Q. How?

A. We started from a cedar post and then we chopped the line wherever there were trees we could chop.

Q. Were any of the heirs with the commissioners on the day the dower was laid off?

A. W. H. Little was there and H. L. Little.

Q. If I understand you correctly, the real estate owned by T. H. Little at his death composed really of two tracts of land, about one mile apart; one tract consisting of 80 acres and the other of about 130 acres, is this correct?

A. Yes,sir.

Q. What do you think a fair cash value for the 80 acre tract of land?

A. Well, I reckon it is worth a $1,000.00.

Q. What do you think it would rent for by the year?

A. 00 or $60.00.

Q. What do you think a fair cash value for the 130 acres?

A. About $1,500.00. Certainly not less than $1,200.00.

And further this deponent saith not.

John J. Barlow

B. C. Carroll, being first duly sworn, deposeth and saith in answer to interrogatories, as follows:

EXAMINATION BY MR. WHITLEY.

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

A. B. C. Carroll; forty-three years; Isle of Wight County; farmer.

Q. Do you know how much real estate W. H. Little owned at the time of his death?

A. Yes, sir; I know about how much they say. There was two tracts of it. About 130 acres in one tract known as the "Old Place," and about 80 acres in the other tract, known as the "Home Place".

Q. How far apart are these two pieces of land?

A. About a mile.

Q. Do you know the heirs of W. H. Little?

A. Yes, sir.

Q. How long have you known them?

A. I have been knowing them all the time. I live there right near them.

Q. Do you think that the property of which W. H. Little died seised and possessed could be conveniently divided among the parties entitled to the same?

A. No, sir; I do not think so.

Q. Do you know of any of the parties in interest who would buy the whole property?

A. No, sir; I cannot say that I do. I hav'nt heard of anyone

Q. If this property cannot be conveniently divided among the heirs, in what way do you think it could be disposed of to promote the interest of the heirs?

A. I think it could be sold and the proceeds divided among the parties.

Q. State whether or not you think that the interest of the parties would be promoted by an allotment of part of the property and sale of the residue.

A. I do not think that you can allot the land. I think you would have to sell it in order to have a division. You would certainly have to handle it this way in order to promote the interest of the heirs.

Q. What do you think a fair cash value for the 80 acres?

A. I should think about 1,000 or $1,200.00.

Q. What do you think it would rent for?

A. I do not think it would rent for over 50 or $60.00.

Q. Who is the widow of W. H. Little, dec'd?

A. Susan A. Little.

Q. Do you know whether or not her dower interest has been laid off?

A. Yes, sir.

Q. How do you know?

A. I was one of the commissioners.

Q. Did you lay the property off by metes and bounds?

A. Yes, sir.

Q. Are the lines designated, and if so, how?

A. By marked trees and posts, also the county road on the front.

Q. Mr. Carroll, you have stated that the property cannot be conveniently divided among the several parties entitled thereto; please state your reasons.

A. Well, it would be such a small quantity to each party that it would'nt be of much value, and too, part of the land is wood land and part of it is open land, i.e., in both tracts. In fact, it would be almost impossible to divide it equally among the parties.

And further this deponent saith not.

W. L. Carroll

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

To W. H. Little and Waverly E. Little, his wife: Lucy A. Key and W. S. Key, her husband: Mary E. Allmond and G. Allmond, her husband: J. S. Little and Alma Little, his wife: Martha S. Gwaltney and W. H. Gwaltney, her husband: Hannah R. Holleman and L. W. Holleman, her husband,.....Complainants,

and

H. L. Little, Virginia Sue Carroll and James Milton Carroll, infants, and W. L. Folk, their guardian ad litem: and Susan A. Little,.....Defendants.

You are hereby notified that I shall, at the office of George F. Whitley, Attorney at Law, in the Town of Smithfield, Isle of Wight County, Virginia, on the 17th. day of January, 1913, at eleven o'clock A.M., proceed to execute the decree entered in the cause in chancery in the said court pending, styled as above, of which the following is an extract:

"On consideration whereof the Court doth adjudge, order and decree* * * * * that this cause be referred to said Commissioner (A. S. Johnson), and doth adjudge, order and decree that the said Commissioner to inquire into and report to Court the following inquiries:

1st. Whether or not the real estate in the original bill and the amended bill, mentioned, can be conveniently divided among the several parties entitled thereto.

2nd. If the same cannot be conveniently divided, whether or not any party in interest will take the entire property and pay therefor to the other parties such sums of money as their interests may entitle them to:

3rd: And if the same cannot be conveniently divided, and no party will take the entire property and pay 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 allotment of part and a sale of the residue.

4th. Whether there be any liens, by reason of delinquent taxes or otherwise, against the said property, or against the interest of any of the parties hereto.

5th. The fee simple and annual values of said several tracts, together with the description of each.

6th. Whether all the parties necessary and proper to this cause, are properly before the Court.

Which several inquiries 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 this 10th. day of January, 1913.

A. S. Johnson
Commissioner in Chancery.

Legal service of the within notice is hereby accepted.

W. H. Little
Waverly E. Little
Lucy A. Key
W. P. Key
Mary E. Allmond
L. Allmond
J. S. Little
Alma Little
Martha S. Swaltney
W. H. Swaltney
Hannah B. Holloman
L. W. Holloman
Susan A. Little
By Geo. D. Whitley
Atty

W. T. Folk
Guardian ad litem

15

W. H. Little, et als,

REPORT OF

vs)

SPECIAL COMMISSIONER:

H. L. Little, et als.

Filed 21st March 1913

Filed Apr 7-1913
Rue A Johnson. Clk

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

W. H.Little et als.
vs) Chancery.
H. L. Little, et als.

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 the Circuit Court of the County of Isle of Wight, to whom was referred the papers in the above entitled cause for the execution of a decree entered therein on the 7th. day of April, 1913, requiring him to make report of the amount of indebtedness against J. S. Little and Hannah R. Holleman, mentioned in the report of the Commissioner, filed herein on the 25th. day of October, 1912, respectfully reports that since the entry of said decree herein mentioned, both of the liens reported on the 25th. day of Ocfober, 1912, against the said parties mentioned herein, and in the decree entered herein on the 7th. day of April, 1913, have been satisfied of record.

Respectfully,

O. A. Johnson
Commissioner in Chancery.

No 17

W. K. Lill, et als
vs
Conn Report
H. C. Lill et als

Filed April 7th 1913
R. L. Johnson Comr

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

FEBRUARY TERM, 1913.

* * * \

TO GEORGE F. WHITLEY, SPECIAL COMMISSIONER IN THE SUIT OF LITTLE, et als, VS LITTLE, et als:

The Surry Lumber Company hereby makes a cash offer of TWO THOUSAND ($2,000.00) DOLLARS, for the real estate mentioned in the original bill filed in the above styled suit, described as containing One Hundred and Thirty and one-half (130½) Acres, and adjoining the lands of J. S. Gale, the lands of the estate of J. H. Thomas, and others.

SURRY LUMBER COMPANY,
BY Edward Rogers, Jr.
Superintendent

19

W. W. Little, et als.

VS) REPORT OF SPECIAL COMMISSIONER:

W. L. Little, et als.

Filed April 22/1910
Clk. Ct. Comm'r.

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

APRIL TERM, 1913:

* * * \

Amounts brought forwd.	$ 2,000.00	$ 61.50
By amount paid L. E. Pitman, Notary Public, for taking acknowledgment to Commissioner's deed, per voucher,		.50
By amount paid George F. Whitley, Special Commissioner's commissions, per voucher,		49.00
By amount paid W. B. Laine, Treasurer, taxes for 1912, per voucher,		10.71
By amount paid A. S. Barrett, premium on Special Commissioner's bond, per voucher,		10.00
Balance,		1,868.29
	$ 2,000.00	$ 2,000.00

To balance deposited to the credit of Special Commissioner in the Merchants & Farmers Bank, Inc., at Smithfield, Virginia, $ 1,868.29

Respectfully submitted,

Geo. F. Whitley

Special Commissioner.

Received of George M. Whitley, Special Commissioner in the suit of Little, et als, vs Little, et als, the sum of Ten ($10.00) Dollars, premium on Commissioner's bond.

A. S. Barrett, Agt

AMERICAN SURETY COMPANY OF NEW YORK

Statement of Costs, W. N. Little et ux et al vs. H. L. Little et ux et al

Writ Tax	$ 1.50
Clerk Fees (Estimated)	10.00
Sheriff Fees Paid Apl 19 1913	
Attorney Fees	
Commissioner	75.00

Teste, K. E. Johnson, Clerk.

Geo. F. Whitley, Esq.

Received of George F. Whitley, Special Commissioner in the suit of Little, et als, vs Little, et als, the sum of Fifty (50¢) Cents, for taking acknowledgment to Commissioner's deed.

I. E. Pelham
Notary Public.

Received of George F. Whitley, Special Commissioner in the suit of Little, et als, vs Little, et als, the sum of Forty-nine ($49.00) Dollars, Special Commissioner's commissions.

Geo. F. Whitley.
Special Commissioner.

Received of George F. Whitley, Special Commissioner in the suit of Little, et als, vs Little, et als, the sum of Fifteen ($15.00) Dollars, taxed attorney fee.

Geo. F. Whitley

Received of George F. Whitley, Special Commissioner in the suit of Little, et als, vs Little, et als, the sum of Ten ($10.00) Dollars, for drawing Commissioner's deed.

Geo. F. Whitley

Mr. Wm H. Sittes Est. Dr.

HARDY DISTRICT

No. 1032

1912

To W. E. LAINE, Treasurer of Isle of Wight County, Va.

No.	STATE TAXES					COUNTY LEVIES				DISTRICT LEVIES		TOTAL TAX
	State Tax Support Gov. 20c. on $100 R. E. and P. P. Schedule B.	State Tax Support Gov. 25c. on $100 P. P Sched. C	State School Tax 10c. on $100 R. E. & P. P. Sched. B. & C.	State Tax for Pensions 5c on $100 R. E. & P. P. Schedule B	Income 1 per cent.	County Levy 27 1-2c. on $100	General County School Tax 15c. on $100	Poor Tax 7 1-2c. on $100	General County Road Tax 2 1-2. on $100	District School Tax 30c. on $100	District Road Tax 10c. on $100	
To 70 acres, value $ 700	140		70	35		1 93	1 05	53	18	2 10	70	
To 10 acres, value $ 80	16		8	4		22	12	6	2	24	8	
To 65 1/2 acres, value $ 3501	70		35	18		97	53	27	9	105	35	
To 64 3/4 acres, value $ 4501	90		45	22		1 23	67	33	11	135	45	
Personal property, sched. B, val $			160									
Stock Merchandise, val. $			80									
Personal property, sched. C, val $			40									
Income, 1 per cent $			220									
Total $ 1580			120									
			240									
Capitation			80									~~1 50~~ 2 01 6
Total			10 20									1 01
5 per cent. penalty added Dec. 1, 1912			51									21 17
Total			$ 10 71									

Received payment 21 day of Apl 1913

W E Laine Treasurer. Per

All Available Text Successfully Captured

W. H. Little, et als,

VS)

REPORT OF
SPECIAL COMMISSIONER:

H. L. Little, et als.

1913
July 17
Filed B.D.C.

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

JUNE TERM, 1913.

* *

W. H. Little, et als,.....Plaintiffs,

- VS -

H. L. Little, et als,.....Defendants.

* *

----------oOo----------

TO THE HONERABLE B. D. WHITE,

JUDGE OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

The undersigned Special Commissioner begs leave to report that, pursuant to a decree entered in this cause on the 22nd day of April, 1913, he has paid paid out of the balance in his hands in this cause, as follows:

To amount of balance in hands of Special Commissioner,	$ 1,868.29	$
By amount paid George F. Whitley, attorney dee, per voucher,		75.00
By amount paid W. H. Little, 1/8 share, per voucher,		224.16
By amount paid Lucy A. Kea, 1/8 share, per voucher,		224.16
By amount paid Mary E. Allmond, 1/8 share, per voucher,		224.16
By amount paid J. S. Little, 1/8 share, per voucher,		224.16
By amount paid Martha S. Gwaltney, 1/8 share, per voucher,		224.16
By amount paid Hannah R. Holleman, 1/8 share, per voucher,		224.16

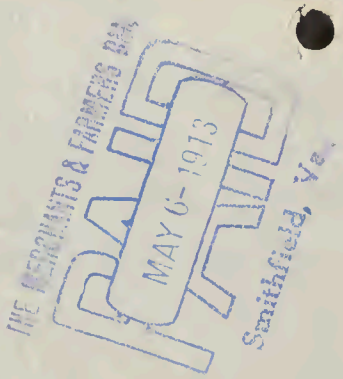
By amount paid R. M. Carroll, Guardian of
Virginia Sue Carroll and James Milton
Carroll, 1/8 share, per voucher, 224.16.

By amount paid H. L. Little, 1/8 share,
per voucher, 224.17

$ 1,868.29 $ 1,868.29

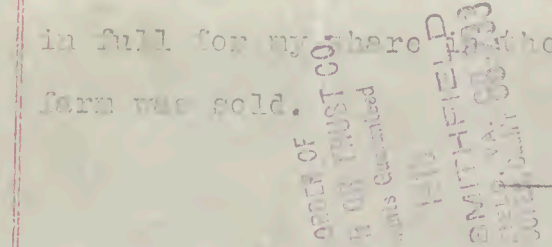
Respectfully submitted,

Jno. F. Whitley.
Special Commissioner



Received of George F. Whitley, Special Commissioner in the suit of Little, et als, vs Little, et als, the sum of Two Hundred and twenty-four and 16/100 ($224.16) Dollars, settlement in full for my share in the purchase price for which my Father's farm was sold.

W.H. Little



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Received of George F. Whitley, Special Commissioner in the suit of Little, et als, vs Little, et als, the sum of Two Hundred and twenty-four and 16/100 ($224.16) Dollars, settlement in full for my share in the purchase price for which my father's farm was sold.

/s/ Lucy A. Key

Received of George F. Whitley, Special Commissioner in the suit of Little, et als, vs Little, et als, the sum of Two Hundred and twenty-four and 16/100 ($224.16) Dollars, settlement in full for my share in the purchase price for which my Father's farm was sold.

Hannah R Holleman

Received of George F. Whitley, Special Commissioner in the suit of Little, et als, vs Little, et als, the sum of Two Hundred and twenty-four and 16/100 ($224.16) Dollars, settlement in full for my share in the purchase price for which my Father's farm was sold.

Mary E. Allmond.

Received of George F. Whitley, Special Commissioner in the suit of Little, et als, vs Little, et als, the sum of Two Hundred and twenty-four and 16/100 ($224.16) Dollars, settlement in full for the share of Virginia Sue Carroll and James Milton Carroll, children of Irene J. Carroll, in the purchase price of the property sold in the above suit.

R. M. Lowe

Guardian.

Received of George F. Whitley, Special Commissioner in the suit of Little, et als, vs Little, et als, the sum of Two Hundred and twenty-four and 16/100 ($224.16) Dollars, settlement in full for my share in the purchase price for which my Father's farm was sold.

J. S. Little

Received of George E. Whitley, Special Commissioner in the suit of Little, et als, vs Little, et als, the sum of two hundred and twenty-four and 16/100 ($224.16) Dollars, settlement in full for my share in the purchase price for which my Farther's farm was sold.

Martha L. Gwaltney.

Received of George F. Whitley, Special Commissioner in the suit of Little, et als, vs Little, et als, the sum of Two Hundred and twenty-four and 17/100 ($224.17) Dollars, settlement in full for my share in the purchase price for which my Father's farm was sold.

H L Little

Received of George F. Whitley, Special Commissioner in the Suit of Little, et als, vs Little, et als, the sum of Seventy five ($75.00) Dollars, attorney fee.

Geo. F. Whitley.
Attorney.

5

W. H. Little, et als.

VS) DECREE.

H. L. Little, et als.

1912
Oct. 14
Enter this
D.D.C.

C.O.B. 7 Page 146

GEO. F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

OCTOBER TERM, 1912:

* *
*
W. H. Little, et als,.....Plaintiffs, *
*
- VS - *
*
H. L. Little, et als,.....Defendants. *
*
* *

----------oOo----------

This day came the complainants and by leave of Court filed their bill, and on motion of the said complainants, W. L. Folk, an attorney practicing in this Court, is assigned as Guardian ad Litem to defent the interests of the infant defendants, H. L. Little, Virginia Sue Carroll and James Milton Carroll, and on motion of the defendants, H. L. Little, an infant over fourteen years of age, and Susan A. Little, leave is granted them to file their separate answers to this bill, and the same are accordingly filed, and on motion of the complainants, leave is granted the said guardian ad litem to file his own and the answer of the said infants, to said bill, and the same are accordingly filed, and on like motion, this cause is placed upon the docket of the Court, and thereupon, this cause, by consent of all parties, came on this day to be heard upon the bill of the complainants and upon the separate answers of H. L. Little and Susan A. Little, and upon the answers of the said infant defendants by their guardian ad litem, and the answer of said guardian ad litem, and upon the general replications to said answers.

On consideration whereof, the Court doth adjudge, order and decree that this cause be referred to one of the commissioners of this Court who will inquire into and report to Court the following inquiries:

1st: Whether or not the real estate in the bill and proceedings mentioned can be conveniently divided ~~in kind~~ among the several parties entitled thereto:

2nd: If the same cannot be conveniently divided, whether or not any party will take the entire property and pay therefor to the other parties such sums of money as their interests may entitle them to:

3rd: And if the same cannot be conveniently divided, and no party will take the entire property and pay 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 allotment of part and a sale of the residue:

4th: An account of the real estate, with a description thereof, of which W H Lill ~~Elmer Dews~~ died seized and possessed, with annual and fee simple values of said land, and the respective interests of the parties entitled thereto:

5th: 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 any party in the said land.

6th: Whether all the proper and necessary parties are properly before the Court.

Which several inquiries 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.

7

W. R. Little et als.

(VS) DECREE

H. L. Little et als.

1912
Dec 30
Entered this.
13.D.C.

C.C.B. 7 P. 162.

GEO. F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT,

VIRGINIA:

* * * \

to Court the following inquiries:

1st: Whether or not the real estate in the original bill and the amended bill, mentioned, can be conveniently divided among the several parties entitled thereto:

2nd: If the same cannot be conveniently divided, whether or not any party in interest will take the entire property and pay therefor to the other parties such sums of money as their interests may entitle them to:

3rd: And if the same cannot be conveniently divided, and no party will take the entire property and pay 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 allotment of part and a sale of the residue.

Which several inquiries 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.

4: Whether there be any liens, by reason of delinquent taxes or otherwise against the said property, or against the interest of any of the parties hereto.

5:- The fee simple and annual values of said several tracts, together with the description of each.

6:- Whether all the parties necessary and proper to this cause, are properly before the Court.

13

W. H. Little, et als.

VS) DECREE:

H. L. Little, et als.

1913
March 4th
Enter this.
B. Dec.

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

FEBRUARY TERM, 1913.

* *

W. H. Little, et als,.....Plaintiffs,

- VS -

H. L. Little, et als,.....Defendants.

* *

----------oOo----------

This cause came on this day to be again heard on the papers formerly read and on the reports of Commissioner, A. S. Johnson, filed on the 25th day of October, 1912, and on the 5th day of February, 1913, respectively, to which reports there are no exceptions, and was argued by counsel.

On consideration whereof, it being clearly shown from said reports and the evidence returned therewith, that the real estate mentioned in the original bill and the amended bill, cannot be conveniently divided among the parties interested therein; that no party in interest will take the same and pay the other parties for their respective interests; that it will not be to the advantage of the infants and adults interested in the said property to allot a part of the land and sell the residue; that there are liens on the interests of two of the parties in interest, as follows: On the interest of J. S. Little, by virtue of a certain deed of trust; and on the interest of Hannah R. Holleman and J. S. Little, by virtue of a certain judgment; that there are no delinquent taxes against the said property; that all the parties necessary to this suit are properly before the Court; that W. H. Little died seized and possessed of four (4) tracts of land, two tracts of

which join and form One tract consisting of Eighty (80) acres, out of which a dower interest has been assigned; and two tracts of which join and form another tract of land consisting of One Hundred and Thirty and one-quarter (130¼) acres; that it will not be to the advantage of the parties in interest to make sale, at the present time, of the eighty (80) acre tract of land, but that it will be to the interest of all parties in interest to make sale of the 130¼ acre tract, the Court doth confirm the said reports, and doth adjudge, order and decree that George r. Whitley, who is hereby appointed Special Commissioner for this purpose, after having advertised the time, place and terms of sale for twenty (20) days, by handbills conspicuously posted in ten (10) or more public places in the County of Isle of Wight, Virginia, proceed to offer for sale at public auction, in front of the United States Post Office in the Town of Smithfield, Virginia, the following piece of property, bounded and described, as follows: All that certain piece or parcel of land situate, lying and being in the County of Isle of Wight, State of Virginia, and near Bobs Post Office, containing by estimation 130¼ acres, and adjoining the lands of J. S. Gale; the lands of the estate of J. W. Thomas, and others.

The same to be offered for sale on the following terms: One-third cash, and the residue on a credit of twelve (12) and ~~eighteen (18)~~ twenty four month from the date of sale; the credit installments to bear interest from the date of sale, payable annually, and taking from the purchaser a bond for the deferred payments; the title to the said property to be retained until the entire purchase money is paid and a conveyance directed by the Court. But the purchaser shall have the option, if so desired, of paying the entire purchase price in cash. No bid shall be accepted until the bidder shall deposit with the said Special Commissioner at least ten per cent of the total amount of said bid. And in the event that the purchaser shall not pay cash, then the improvements on said property shall be insured in some good solvent Insurance Company for at least three-fourths of their value; the said insurance policy to be made

payable to the said Special Commissioner as his interest may appear.

The said Special Commissioner may report to Court private written bids for the said property.

The said Special Commissioner is directed to report his proceedings hereunder to Court. But the said Commissioner shall do no act under this decree until he shall have entered into a bond with sufficient surety, in the Clerk's Office of this Court, to be approved by the Clerk, payable to the Commonwealth, in the penalty of Twenty Five Hundred ——— Dollars, and conditioned upon the faithful discharge of his duties under this or any other decree entered in this cause.

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W. H. Little, et als,

vs) DECREE:

H. L. Little, et als.

1913
Apr. 7.
Entered this.
B. D. W.

Book 7 folio 17 F

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

FEBRUARY TERM, 1913:

W. H. Little, et als,.....Plaintiffs,

- VS -

H. L. Little, et als,.....Defendants.

-------oOo-------

This cause came on this day to be again heard on the papers formerly read and on the report of Special Commissioner, George F. Whitley, filed on the 20th day of March, , 1913, and to which there are no exceptions, and was argued by counsel.

On consideration whereof, it appearing from the said report that the said Special Commissioner has received from the Surry Lumber Company a written cash bid of TWO THOUSAND ($2,000.00) DOLLARS for the property directed to be sold, the Court doth confirm the said report and doth adjudge, order and decree that the said Special Commissioner collect from the said Surry Lumber Company the said sum of $2,000.00, and to execute a good and sufficient deed of Special Warranty, conveying the property described in the bill and proceedings, as follows: "All that certain piece or parcel of land situate, lying and being in the County of Isle of Wight, State of Virginia, and near Bobs Post Office, containing by estimation 130½ acres, and adjoining the lands of J. S. Gale; the lands of the estate of J. H. Thomas, and others", to the Surry Lumber Company; and that the said Special Commissioner shall deposit the said sum of $2,000.00 to his credit as Special Commissioner in this cause, in The Merchants & Farmers Bank, Incorporated, of Smithfield, Virginia.

The Court doth further adjudge, order and decree that the said Special Commissioner pay out of the said purchase money all of the cost of this suit, and expenses of sale, ~~including an attorney's fee of~~ _____ ~~Dollars, to the said George F. Whitley.~~

And the said Special Commissioner is directed to report all of his proceedings hereunder to Court, and is further ~~directed~~ that the sales in this cause be referred to the Master ~~to~~ enquire into and report to Court the amount due by J. E. Little on the endebtedness secured by a deed of trust executed by him and covering his interest in the property mentioned herein; and also to enquire into and report to Court the amount due on the judgment secured by B. F. Chapman against J. E. Little and Hannah D. Holleman.

provisions of this Court, both of

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W. M. Little, et als,

VS) DECREE:

W. L. Little, et als.

1913
Ofos. 22
Enter this.
B.D.W.

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

APRIL TERM, 1913.

* * * \

By amount paid George F. Whitley for drawing Special Commissioner's deed,		10.00
By amount paid I. E. Pitman, Notary Public, for taking acknowledgment to Commissioner's deed,		.50
By amount paid George F. Whitley, Special Commissioner's commissions,		49.00
By amount paid W. H. Laine, Treasurer, taxes for 1912,		10.71
By amount paid A. S. Barrett, premium on Special Commissioner's bond,		10.00
Balance,		1,868.29
	$ 2,000.00	$ 2,000.00

that there now remains deposited to the credit of said Special Commissioner in the Merchants & Farmers Bank, Incorporated, at Smithfield, Virginia, the amount of $1,868.29. And it appearing from the said report of A. S. Johnson, Commissioner in Chancery, that J. S. Little has settled in full the endebtedness secured by a deed of trust executed by him, covering his interest in the property sold, and that the said deed of trust is now marked satisfied; and that there is nothing due on the judgment secured by B. F. Chapman against J. S. Little and Hannah R. Hollemon, and that said judgment is now marked satisfied, the Court doth confirm the said reports and doth adjudge, order and decree that the said Special Commissioner pay out of the said $1,868.29, an attorney's fee of _____ ~~Fifty~~ Seventy five _____ Dollars, to George F. Whitley, and out of the balance he pay as follows:

To W. H. Little the sum of $ 224.16, it being the amount due him out of said balance, and a one-eighth share of same:

To Lucy A. Key the sum of $ 224.16, it being the amount due her out of said balance, and a one-eighth share of same:

To Mary E. Allmond the sum of $ 224.16, it being the amount due her out of said balance, and a one-eighth share of same:

To J. S. Little the sum of $ 224.16, it being the amount due him out of said balance, and a one-eighth share of same:

To Martha S. Gwaltney the sum of $224.16, it being the amount due her out of said balance, and a one-eighth share of same:

To Hannah R. Holleman the sum of $224.16, it being the amount due her out of said balance, and a one-eighth share of same:

To R. M. Carroll, Guardian for Virginia Sue Carroll and James Milton Carroll, (children of Irene J. Carroll, daughter of W. H. Little) the sum of $224, it being the amount due them out of said balance, and a one-eighth share of same.* And it appearing to the Court that H. L. Little, one of the infant defendants, is of sufficient age and discretion to use the amount due him, also the said Special Commissioner is directed to pay direct to the said infant the sum of $224.16, it being the amount due him out of said balance, and a one-eighth share of same.

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

*The Court's decree originally stated that the amount due R. M. Carroll, Guardian for Virginia Sue Carroll and James Milton Carroll, was $224 each, instead of $224 in all. The decree was corrected by interlineation by the Court.

W. H. Little, et als,

VS) DECREE:

H. L. Little, et als.

1913

July 17.

Enter this.

B. D. C.

C. O. B. #7, P. 186

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

JUNE TERM, 1913.

* *

W. H. Little, et als,.....Plaintiffs,

- VS -

H. L. Little, et als,.....Defendants.

* *

----------oOo----------

This cause came on this day to be again heard on the papers formerly read and on the report of George F. Whitley, Special Commissioner, this day filed, to which report there are no exceptions, and was argued by counsel.

On consideration whereof, it appearing from said report and the vouchers returned therewith, that the said Special Commissioner has paid out of the balance in hand, as follows:

To amount of balance in hands of Special Commissioner,	$ 1,868.29	$
By amount paid George F. Whitley, attorney fee,		75.00
By amount paid W. H. Little, 1/8 share,		224.16
By amount paid Lucy A. Key, 1/8 share,		224.16
By amount paid Mary E. Allmond, 1/8 share,		224.16
By amount paid J. S. Little, 1/8 share,		224.16
By amount paid Martha S. Gwaltney, 1/8 share,		224.16
By amount paid Hannah R. Holleman, 1/8 share,		224.16
By amount paid R. M. Carroll, Guardian of Virginia Sue Carroll and James Milton Carroll, 1/8 ahsre,		224.16

By amount paid H. L. Little, 1/8 share, 224.17

$ 1,868.29 $ 1,868.29

the Court doth confirm the said report.

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

H. N. Little

W. H. Little | Lucy Key | Mary Allen | J. M. Little | N. L. Little | Samuel Allen | Martha Swalley | Joyce Carnes

Va Carnes Jr. C.

No.

Know all Men by These Presents: That we George F. Whitley,

principal ,

and

AMERICAN SURETY COMPANY OF NEW YORK surety ,

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of

TWENTY FIVE 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, administrators 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 George F. Whitley, principal ,

and the said American Surety Company of New York surety ,

by A. S. Barrett (countersigned by C. E. Wilson) , 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 A. S. Barrett , its said agent and attorney in fact, this, the 19th. day of March, A. D. 1913.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound George F. Whitley, who has been appointed a Special Commissioner in the chancery cause in the Circuit Court of the County of Isle of Wight pending in which W. H. Little and others are the complainants, and H. L. Little and others are the defendants, by decree entered therein on the 3rd. day of March, 1913, shall faithfully, and according to law, perform and discharge his duties as such Special Commissioner under said decree entered in said cause,

~~shall faithfully discharge the duties of his office or trust as such~~

, then the above obligation to be void, or else to remain in full force and virtue.

George F. Whitley, [SEAL]

AMERICAN SURETY COMPANY OF NEW YORK.

By A. S. Barrett

Its duly authorized agent and attorney in fact.

Countersigned: Chas. E. Wilson.

(SEAL)

Attest: A. S. Barrett

Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 19th. day of March, 1913, 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.

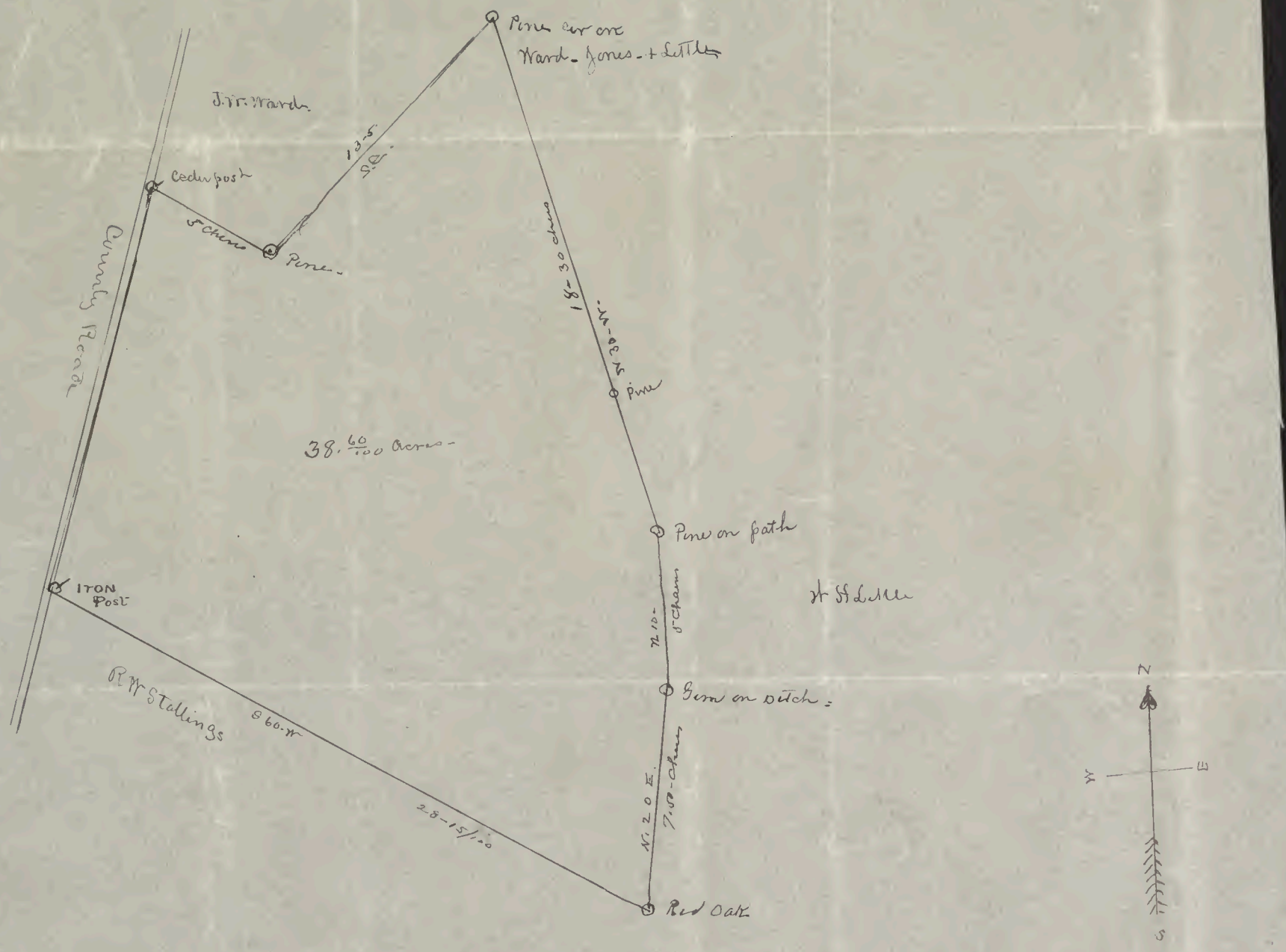
W. H. Lillie et ux

vs

H. L. Lillie et al

)

Copy of bond of Spl
Comr. Filed Sept 19 1913
Test. C. E. Johnson, Clerk

)

Plot of Dower interest of
Susan H Little in Estate of
W. H. Little. Dec'd. 38.60/100 Acres
W & Hamle.