1915-003 Chancery Causes, Alice M. Babb, gdn. of Claude L. Babb vol vs Claude L. 159
Isle of Wight County Babb + al, by v.c. + M. L. Babb.
Petition of Alice M. Babb, gdn

other SURNAMES: Butler
Dunston, Rhodes, Holland;
Darden

Alice M. Babb, Guardian of
Claude L. Babb and others.
VS.
M. L. Babb, and others.

BILL.

STATE OF VIRGINIA:

CITY OF SUFFOLK, TO-WIT:

Alice M. Babb, Guardian of Claude L. Babb, Holly C. Babb, Bernice Babb, Quinton Babb and Florence Babb, the complainant named in the foregoing bill, being duly sworn, says that the facts and allegations therin contained are true except so far as they are therin stated to be on information, and that so far as they are therin stated to be upon information she believes them to be true.

Alice M. Babb Guardian of
Claude L. Babb, Holly C. Babb, Quinton Babb
Bernice Babb and Florence Babb Complainant.

Taken, sworn to and subscribed before me Hugh L. Holland, a Notary Public of and for the City and State aforesaid, this 13th., day of November 1913.

Hugh L. Holland
NOTARY PUBLIC.

My commissions expire on the 26th., day of October 1915.

guardian ad litem, be required to answer the allegations herein contained; that the said infants may answer by their said guardian ad litem, to be assigned to them, who (as well as the said infants, if over fourteen, years of age) shall answer the said bill on oath in proper person; that the said M. L. Babb be required to answer in proper person but not on oath the oath being hereby waived as to him; that the aforesaid real estate may be decreed to be sold, and the proceeds invested as the Court shall direct; that all proper allowances and counsel fees shall be made in this suit; that all proper accounts may be taken, inquiries directed, and orders entered; that your complainant may have all such further and other and general relief in the premises as the nature of his case may require, or to equity shall seem meet.

Alice M. Babb
Guardian of Claude Babb,
~~Holley C. Babb, Bernice Babb~~
Quinton Babb and Florence Babb Complainant.

Hugh J. Holland. Counsel.

(b) That it is impossible for the reason of your complainants non-residence to give the property her personal care and attention;

(c) That it has to be rented out, and is not being properly cares for, and your complainant is unable to care for it properly.

(d) In its present condition the property does not command a rental sufficiently commensurate with it value.

(e) Your complainant and all of her wards reside in the City of Suffolk, Virginia.

(Fifth) That the interest of the said infants will be promoted by sale of the aforesaid real estate, and that the rights of no person will be violated by such sale and investment: and,

(Sixth) That the heir and distributee of the said infants, if they were dead,would be their father M. L. Babb: and that the said Claude L. Babb, Holly C. Babb, Bernice Babb, Quinton Babb, and Florence Babb, and M. L. Babb are all the persons who are or can be in any way interested in thissuit:

In consideration whereof, and forasmuch as your complainant is remediless in the premises, save in a Court of equity, your complainant prays that the said Claude L. Babb, Holly C. Babb, Bernice Babb, Quinton Babb and Florence Babb and M. L. Babb may be made parties defendant to this bill; that a guardian ad litem may be appointed to defend the rights of the said infants, Cluade L. Babb, Holly C. Babb, Bernice Babb, Quinton Babb and Florence Babb; and that M. L. Babb, the adult defendant and Claude L. Babb, Holly C. Babb, Bernice Babb Quinton Babb and Florence Babb, and the said

fee simple in the following real estate, namely: All that tract of land situate i n the County of Isle of Wight, State of Virginia, and said to contain Ninety-seven (97) acres, and adjoining the lands of Dicky Holland, John W. Darden, W. E. Outland, Thomas M. Darden, and others; it being the land owned and occupied for many years by Meredith D. Butler, deceased, and which was conveyed by said Meredith D. Butler to Susan Butler, during the time between his death and her death and at her death to the children of M. L. Babb and Alice M. Babb, his wife, by Deed dated August 10th., 1901, and duly recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, on October 4th., 1901, in Deed Book 66 Page 530; and the said infants derived the said real estate from the above referred to Deed from Meredith D. Butler, a Certified copy os which said Deed is herewith filed, marked "Exhibit B", and made a part of this bill; that the said infants do not own any personal property whatever; and that the said real estate is all the property belonging to the said infants; and,

(Fourth) Your complainant thinks that the interest of her wards will be greatly promoted by the sale of the real estate above mentioned, and the investment of the proceeds in other property, as provided by the Statute of Virginia. And she thinks the following facts are calculated to show the propriety of such sale and investment:

(a) That the said property is rapidly deteriorating and decreasing in value because of the fact that the houses thereon are in a bad state of repair, and your complainant is not in a position to have the same repaired and put in proper condition.

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

Alice M. Babbm Guardian of
Claude L. Babb, Holly C. Babb,
Bernice Babb, Quinton Babb and Florence Babb. Complainant.

VS. BILL

M. L. Babb, Claude L. Babb,
Holly C. Babb, the last two being
infants over the age of fourteen
years, Bernice Babb, Quinton Babb
and Florence Babb, the last three being
infants under the age of fourteen years. DEFENDANTS.

To the Honorable Circuit Court of Isle of Wight County:

(First) That she is guardian of Claude L. Babb, Holly C. Babb, Bernice Babb, Quinton Babb and Florence Babb, infant children of your complainant, Alice M. Babb, and, M. L. Babb, that she was appointed and qualified as guardian of said infants in the Circuit Court of the City of Suffolk, Virginia, on the 20th., day of October 1913, as will appear from the Certificate of the Clerk of said Court, showing the same, herewith filed, marked "Exhibit A", and made a part of this bill: and,

(Second) That the said Claude L. Babb, is eighteen years of age, that the said Holly C. Babb, is fifteen years of age, that the said Bernice Babb is twelve years of age, that the said Quinton Babb is ten years of age, that the said Quinton Babb is ten years of age, and that the said Florence Babb is seven years of age: and,

(THIRD) That the said infants are the owners in

Alice M. Babb, Guardian of
Claude L. Babb, and others.
VS.
M. L. Babb, and others.

Petition for reinvestment of
Alice M. Babb, Guardian, and etc.
Affidavits of R. L. Brewer, Jr.,
and others.
Certificate of title.

Filed
In the CLERK'S OFFICE of the
CIRCUIT COURT,
of
COUNTY OF ISLE OF WIGHT
this 26 day of July 1919
Test. R. T. Johnson Cl

Alice M. Babb, Guradian of
Claude L. Babb and others.
VS.
M. L. Babb, and others.

Suffolk, Virginia, June 25th., 1914.

I hereby certify that I have examined the title to lots Number 17 and 18, Block A, on the Plat or Plan of the Jeffery Land Company, Incorporated, known as Highland Park, in Nansemond County, Virginia, I find that Elfrida C. Lewis, has a fee simple title to the said property and there there are no liens in the form of judgments, deeds of trust or otherwise against the said property. The taxes have been paid up to January 1st., 1914.

Hugh L. Holland,
Attorney.

We the undersigned, have read the foregoing petition of Alice M. Babb, Guardian of Claude L. Babb, Holly C. Babb, Quinton Babb Bernice Babb and Florence Babb, we further state that we have no interest whatever in the sale or investment asked for in said petition; and we further represent that we have examined the property described in said petition, including the house thereon, and we give it as our opinion that the price charged for the said property is a reasonable price, that the property is well worth the price charged therefor, that it is conveniently located to the City of Suffolk, and we believe will be a good investment of the proceeds in the suit mentioned in said petition. We therefore most respectfully recommend the investment and the purchase of the said property as prayed for in said petition.

R. C. Brewer Jr.
Geo. P. Holland
H. E. Brinkley

State of Virginia,
City of Suffolk, to-wit:

Subscribed and sworn to before me, Hugh L. Holland, a Notary Public for the City aforesaid, in the State of Virginia, this 25th day of June 1914.

Hugh L. Holland
Notary Public.

My commissions expire on the 26th., day of October 1915.

We the undersigned most respectfully represent that we have read the foregoing petition of Alice M. Babb, guardian of Claude L. Babb, Holly C. Babb Bernice Babb, Quinton Babb and Florence Babb, and that we most fully join in said petition, verify the statements therein contained, and most respectfully ask the Court that the prayers asked for and relief sought in said petition be granted.

Most respectfully submitted.

Witnesses:
Hugh L. Holland
C. S. Lewis

his
Claud × L Babb
mark
his
Holly × C. Babb
mark
his
Bernice × L. Babb
mark
John D. Hutton
Guardian ad Litem for Claude L. Babb, Holly C. Babb, Bernice Babb, Quinton Babb & Florence Babb.

State of Virginia,
City of Suffolk, to-wit:

Subscribed and sworn to before me, Hugh L. Holland, a Notary Public for the City aforesaid in the State of Virginia, this 15th day of June 1914.

Hugh L. Holland
Notary Public.

My commissions expire on the 26th., day of October 1915.

a Notary Public for the City aforesaid, in the State of Virginia, this 25th day of June 1914.

Hugh J Holland
Notary Public.

My commissions expire on the 26th., day of October 1915.

of said York Street. Said land constituting and being lots number 17 and 18, Block A, on the Plat or Plan of the Jeffery Land Company, Incorporated, known as "Highland Park", said lots being bounded on the West by said York Street on the North by lot number 19 Block A, on said plat, on the East by an alley and on the West by lot number 16 Block A, on said plat, these lots were conveyed to Elfrida C. Lewis by the Jeffery Land Company, Incorporated, by Deed dated May 9th., 1914, and June 1st., 1914, and duly recorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia.

Together with all buildings thereon and appurtenances thereto belonging.

Your petitioner respectfully represents that one of these lots has a new five (5) room house, with front and back porch, lathed and plastered all over, and newly painted inside and out, with a tin roof, said house having been constructed of good sound merchantable timber. Your petitioner further represents that this property is located conveniently to the City of Suffolk, and that it is by far the best property that she has been able to obtain for the money. She further represents that this would make a comfortable home for her wards and that they as well as she desire that the said property be purchased. Your petitioner would further most respectfully ask the Court to invest the proceeds in hand in this suit in said property.

Most respectfully submitted.

Alice M. Babb

Guardian of Claude L. Babb, Holly C. Babb, Bernice Babb, Quinton Babb and Florence Babb.

State of Virginia, City of Suffolk, to-wit:

Subscribed and sworn to before me, Hugh L. Holland,

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

To the Honorable B. D. White, Judge of the said Court:

Alice M. Babb, Guardian of
Claude L. Babb and others,

VS.

M. L. Babb and others.

Your petitioner respectfully represents that the property hereinafter described has been offered to the parties in interest in this suit for the sum of One Thousand and Ten Dollars, said property being described as follows:

All that certain piece parcel or lot of land situate in the County of Nansemond, in the State of Virginia, near the Southern Corporate limits of the City of Suffolk, said land being bounded and described as follows: Beginning at a certain point on the East side of York Street, which point is two hundred and two (202) feet South of the Southeast corner of York Street and Kilby Avenue and thence running Southwardly along and fronting on said York Street One Hundred and one (101) feet, and thence running at a right angle from said York Street and in an Easterly direction and in a line parallel with Kilby Avenue One Hundred and Thirty Six and two tenths (136.2) feet to an alley, and thence running in a Northerly direction and in a line parallel with said York Street One Hundred (100) feet, and thence running in a Westerly direction in a line parallel with said Kilby Avenue One Hundred and Fifty One and one tenths (151.1) feet tothe point of beginning on the East side

Alice M. Babb, Guardian
of Claude L. Babb and
others.

VS. IN CHANCERY

M. L. Babb, and others.

Answer of Holly C. Babb.

his prejudice.

And, now, having fully answered the complainant's bill, this respondent prays to be hence dismissed with his reasonable costs by him in this behalf expended.

Holly C. X his mark Babb
Respondent.

Witness
Hugh L. Holland

State of Virginia:
City of Suffolk,

Holly C. Babb, the respondent named in the foregoing answer, being duly sworn, says that the facts and allegations therin contained are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be upon information he believes them to be true.

Holly C. X his mark Babb
Respondent.

Witness
Hugh L. Holland

Taken, sworn to, and subscribed before me, Hugh L. Holland, a Notary Public of and for the City and State aforesaid, in my City aforesaid this the 13 day of November 1913.

Hugh L. Holland
Notary Public.

My commissions expire on the 26th day of October 1915.

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

Alice M. Babb, Guardian of
Claude L. Babb, Holly C. Babb, COMPLAINANT.
Bernice Babb, Quinton Babb and
Florence Babb.

VS.

M. L. Babb, Claude L. Babb.
Holly C. Babb, the last two being
infants over the age of fourteen years, DEFENDANTS.
Bernice Babb, Quinton Babb, and
Florence Babb, the last three being
infants under the age of fourteen years.

The separate answer of Holly C. Babb, an infant under the age of twenty-one years, but over the age of fourteen years, in proper person, to a bill of complaint filed against him and M. L. Babb, Claude L. Babb, Bernice Babb, Quinton Babb and Florence Babb in the Circuit Court of Isle of Wight County by Alice M. Babb, Guardian of Claude L. Babb, Holly C. Babb, Bernice Babb, Quintom Babb, and Florence Babb.

This respondent, reserving to himself the benefit of all just exceptions to the bill of complaint aforesaid, for answer thereto, answers and says:

That he is fifteen years of age; that by reason of his tender years he knows nothing of the allegations of the said bill, but so far as he does know, he believes the same to be true; that he sees no reason why the prayer of the bill should not be granted; that he accordingly concurs in the prayer of the said bill, but that he commends himself and his rights and his interests to the protection of the Court, and prays that no decree will be entered that will tend to

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Alice M. Babb, Guardian of
Claude L. Babb, and others.
VS. IN CHANCERY.
M. L. Babb, and others.

Answer of Claude L. Babb.

Court, and prays that no decree will be entered that will tend to his prejudice.

And now, having fully answered the complainant's bill, this respondent prays to be hence dismissed with his reasonable costs by him in this behalf expended.

Claude L. Babb
Respondent.

State of Virginia:
City of Suffolk, to-wit;

Claude L. Babb, the respondent named in the foregoing answer, being duly sworn, says that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be upon information he believes them to be true.

Claude L. Babb
Respondent.

Taken, sworn to and subscribed before me Hugh L. Holland, a Notary Public, of and for the City and State aforesaid, in my City aforesaid this the 13th., day of ~~October~~ November 1913.

Hugh L. Holland
Notary Public.

My commissions expire on the 26th., day of October 1915.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNT: VIRGINIA:

Alice M. Babb, Guardian of
Claude L. Babb, Holly C. Babb,
Bernice Babb, Quinton Babb, and
Florence Babb,
VS.
M. L. Babb, Claude L. Babb, Holly
C. Babb, the last two being infants
ove the age of fourteen years, Bernice
Babb, Quinton Babb, and Florence Babb,
the last three being infants being under
the age of fourteen years.

COMPLAINANT.

DEFENDANTS.

The separate answer of Claude L. Babb, an infant under the age of twenty-one years, but over the age of ofurteen years, in proper person, to a bill of complaint filed against him and M. L. Babb, Holly C. Babb, Bernice Babb, Quinton Babb and Florence Babb, in the Circuit Court of Isle of Wight County, by Alice M. Babb, Guardian of Claude L. Babb, Holly C. Babb, Bernice Babb, Quinton Babb and Florence Babb.

This respondent, reserving to himself the benefit of all just exceptions to the bill of complaint aforesaid for answer thereto, answers and says:

That he is eighteen years of age; that by reason of his tender years he knows nothing of the allegations of the said bill, but so far as he does know, he believes the same to be true; that he sees no reason why the prayer of the bill should not be granted; that he accordingly concurs in the prayer of the said bill, but that he commends himself and his rightd and his interests to the protection of the

Alice M. Babb, Guardian of
Claude L. Babb, and others.
VS. IN CHANCERY
M. L. Babb, and others.

Answer of Infants by their
Guradian ad litem and
answer of Guardian ad litem.

State of Virginia:

City of Suffolk, to-wit:

Sworn to before me in my City aforesaid, by John K. Hutton, guardian ad litem as aforesaid, this the 18th day of November A. D. 1913.

Hugh A. Holland
NOTARY PUBLIC.

My commissions expire on the 26th., day of October 1915.

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

The answer of Claude L. Babb, Holly C. Babb, Bernice Babb, Quinton Babb and Florence Babb, infants under the age of twenty-one years by John K. Hutton, (a discreet and competent attorney-at-law), their guardian ad litem assigned to defend them in this suit, and the answer of the said John K. Hutton, guardian ad litem of the said infants defendants, to a bill of complaint exhibited against the said infants and other by Alice M. Babb, in the Circuit Court of the County of Isle of Wight.

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

By John K. Hutton
Guardian ad litem.

Claude L. Babb
Holly C. Babb
Bernice Babb
Quinton Babb
Florence Babb

John K. Hutton Guardian ad litem of said infants.

Alice M. Babb, Guardian of
Claude L. Babb and others.
VS IN CHANCERY
M. L. Babb, and others.

Answer of M. L. Babb.

State of Virginia,

City of Suffolk, to-wit::-

M. L. Babb, the respondent named in the foregoing answer, being duly sworn says that the facts and allegations contained therein are true, except so far as they are therein stated to be on information. and that so far as they are therein stated to be on information he believes them to be true.

M L Babb

Respondent.

Taken, sworn to and subscribed before me Hugh L. Holland, a Notary Public of and for the City and State aforesaid, in my City aforesaid this 19th day of November 1913.

Hugh L Holland

NOTARY PUBLIC.

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

Alice M. Babb, Guardian of Cluade L. Babb, Holly C. Babb, Bernice Babb, Quinton Babb and Florence Babb. — COMPLAINANT.

VS

M. L. Babb, Claude L. Babb, Holly C. Babb, the last two being infants over the age of fourteen years, Bernice Babb, Quinton Babb and Florence Babb, the last three being infants under the age of fourteen years. — DEFENDANTS.

The separate answer of M. L. Babb, to a bill of complaint filed against him, and Claude L. Babb, Holly C. Babb, Bernice Babb, Quinton Babb and Florence Babb, infants under the age of twenty-one years, in the Circuit Court of Isle of Wight County, by Alice M. Babb, Guardian of Claude L. Babb, Holly C. Babb, Bernice Babb, Quinton Babb and Florence Babb.

This respondent reserving to himself the benefit of all just exceptions to the said bill of complaint, for answer thereto, answers and says:

That he believes the statements in said bill of complaint to be true; that he does not object to the sale of the land as prayed for in the said bill; and that he concurs in the prayer of the said bill.

And now, having fully answered the complainants bill, this respondent prays to be hence dismissed with his reasonable costs to him in this behalf expended.

M M L Babb

RESPONDENT.

Wilmer Hugh Holland

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Alice M Babb. gdn

v. { Chancery

M L Babb et als

Report upon ii. queries

Filed December 22nd 1913
Teste. Ethelbert Cobb

A. S. JOHNSON
ISLE OF WIGHT C.H. VA.

Alice M Bush Hunt

vs.

M. E. Bush et als

Summons

Executed the within ~~warrant~~ this the 9

day of Dec 1913 by serving a true copy

of same on Each of the within named in person in person

Within the County of Isle of Wight.

R. G. Evans Jr. Shenlf.

_____ D. S.

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT, GREETING:

We command you that you summon T. J. Dunston, Tom Darden, D. B. Holland and J. Woodville Darden to appear before the undersigned, one of the Commissioners in Chancery of the Circuit Court of the County of Isle of Wight, State of Virginia, at the office of Hugh L. Holland, Attorney at Law, in the City of Suffolk, State of Virginia, on Friday the 12th. day of December, 1913, at twelve o'clock M., to testify in the cause in chancery in the said Circuit Court now pending in which Alice M. Babb, guardian, is the complainant, and M. L. Babb and others are defendants. And have then and there this writ.

WITNESS, A. S. Johnson, Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, at ~~the Courthouse,~~ this 9th. day of December, 1913.

A. S. Johnson
Commissioner in Chancery.

Hugh L. Holland, p.q.

We hereby accept due legal and sufficient service of the within notice—

alice M. Babb, Guardian of Claud L. Babb, Holly C. Babb, Bernice Babb, Quinton Babb, and Florence Babb—

M. L. Babb
by Hugh Holland Her attorney

John T. Hutton
Guardian ad Litem for
infant defendants

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

To Alice M. Babb, Guardian of Claud L. Babb, Holly C. Babb, Bernice Babb, Quinton Babb and Florence Babb,.....Complainant.

and)

M. L. Babb, Claud L. Babb, Holly C. Babb, the last two infants over the age of fourteen years, Bernice Babb, Quinton Babb and Florence Babb, the last three being infants under the age of fourteen years, and John M. Hutton, guardian ad litem.

Take notice that I shall, at the office of Hugh L. Holland, in the City of Suffolk, State ofnVirginia, on Friday the 12th. day of December, 1913, take the evidence of D. B. Holland and others, to be read as evidence in the execution of a decree entered in the suit in Chancery in the Circuit Court of the County of Isle of Wight now pending, to which you are parties, an extract of which is as follows, to-wit:

"On consideration whereof, the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this Court, who is directed to inquire and report to court as follows:
FIRST: Of what estate, real and personal, the infant defendants, Claud L. Babb, Holly C. Babb, Bernice Babb, Quinton Babb and Florence Babb, are possessed or entitled, and what are their respective shares or interests therein, where such estate is situated, and what is its fee simple and annual values, and how the same was acquired?
SECOND: Whether the interests of the said infant defendants will be promoted by a sale of the real estate in the bill mentioned, or any p part thereof, and an investment of the proceeds of sale in other property?
THIRD: Whether the rights of any person will be violated by such sale and investment?
FOURTH: Who would be the heirs at law or distributees of the said infants if they were dead, and whether all such persons, and all others in interest are properly before the Court in this cause?
FIFTH: What will be a fair compensation to be allowed to the counsel for the complainant out of the proceeds of sale of the infants land for his services in instituting and conducting this suit?
SIXTH:The liens against said property, if any, the amount of delinquent taxes and the taxes for the current year.

Which said inquiries the said Commissioner shall make, after first giving notice of the time and place thereof to all parties, or their counsel, and report the same to the Court, along with any matter specially stated, deemed pertinent by himself or required by any party to be so stated."

The time of taking the said testimony is 12 o'clock — M.

Respectfully,

D Johnson

Commissioner in Chancery.

December 8th 1913

next birth day: Florence E. Babb, eight years her next birth day .

This is all.

Q. Mrs. Babb when did Meredith Butler die?

A Meredith Butler died on the 17th., day of January 1907.

Q. When did Susan Butler, his wife, die?

A Susan Butler died on the 30th., day of June 1909.

Alice M Babb

Q. Are your children, or any of them, at school? Three of them are at school, the other two are at work? The two oldest boys are at work, the oldest is nearly eighteen years old and the other is fourteen.

Q. How much do they get? The oldest gets a dollar and sixty cents a day and the youngest gets a dollar a day. The oldest works for the Norfolk & Western Railroad and the youngest works at Boaz at the stave mill, the oldest one is likely to hold his position, but I want the little one to come home and go to school. Neither ~~kkx~~ of them have been to school any, not as good as any, the oldest one has been about two months in all.

Q. Can they read and write? The oldest one can but the youngest one cannot.

Q. Is your husband a strong man? A. Not physically he is not.

Q. How old is he? A. He is fifty three years old.

Q. Can you and your husband support the children and let them go to the public schools in Suffolk till they have a fair education without the proceeds from their land? A. No. sir.

Q. Do you think that the interests of the infants would be benefitted by selling this land and investing the money in other property that can have your attention? A. I think that it would be to the interest to have the property sold and the money used as the Court shall direct.

And further this deponent saith not.

Alice M. Babb

Alice M. Babb being recalled deposes and says:

Q. Please give the names and ages of your children by M. L. Babb? A. Claude L. Babb, eighteen years his next birth day: Holly C. Babb, fifteen years his next birth day: Bernice Babb, thirteen years old his next birth day: Quinton Babb, ten his

to sell the land and use the money from such sake for the children.

Q. Do you think that the land will bring more, if sold, by selling the land and timber separately? A. I think that it would be just as well to sell it as a whole. There is so little timber upon it that it could be cut in a few days, and not enough to locate a mill for. I do not believe that there would be any advantage in selling it separately.

Q. Are you well acquainted with Mr. and Mrs. Babb and their children? A. I have known them all their lives.

Q. If the land mentioned should be sold and it is found that the money coming to the children is under three hundred dollars each, do you believe that their mother would be a proper person for the Court to turn it over to for their benefit, for their maintenance and support? A. I think so.

And further this deponent saith not.

Witness:
Susie L. Harrell

J. W. his X Warden mark

Alice M. Babb being duly sworn deposes and says:

Q. Please state your name, age, residence and occupation? A. My name is Alice M. Babb, I am forty one years of age, I live in Suffolk and attend to my household duties and what time I have to spare I work in an overall factory.

Q. Are you the Alice M. Babb who is the complainant in this suit? A. I am.

Q. You are the mother of the infant defendants mentioned herein? A. Yes sir.

Q. Is your husband, M. L. Babb, employed by any one? A. Yes sir, he is a night watchman at Parker's buggy factory. He gets one dollar and fifteen cents a night now but I do not know how long he will hold that place.

Q. Are you well acquainted with Mr M. L. Babb and his wife, the father and mother of these children? A. Pretty well, fairly well, they have lived in my neighborhood all of their lives, I have known of them somethirty four years.

Q. Do you think that they are able to improve this property and to support and send their children to school, giving to them an education upon their income and from their personal efforts? A. No sir, I do not.

Q. Do you think that the rights of any person or persons will be violated by a sale of this proper and the use of its proceeds, under the direction of the court, for the benefit of the infant defendants? A. I do not think it could be.

And further this deponent saith not.

J B Holland

J. Woodville Darden being duly sworn, deposes and says:

Q. What is your name, age, residence and occupation? A. J. Woood ville Darden, I am sixty six years of age, and am a farmer and live in Isle of Wight County, near Boaz.

Q. Are you acquainted with the property on which M. D. Butler owned when he died? A. Yes sir, I live right there at it, adjoining it.

Q. What do you think is a fair cash value for it? A. I think it is worth about a thousand dollars?

Q. What ought it to rent for? A. In its present condition, with t then fences in bad shape and the ditches in bad condition I could not if I wanted it afford to pay over thirty five or forty dollars for it.

Q. Do you think it would be to the interest of the infants who own this land to sell it and invest the proceeds as directed by the Court for their benefit? A. The mother and father of the children cannot live upon the land and make a living for their family. They are living in Suffolk and the place is going down. I think that it would be to the interest of the children

sold, should be paid to either of the said infants, or to some one for them, that they would derive as much benefit from it as from retaining the land as it is and coming into full control of it when attaining to their majority? A. A. I think that if the money should be paid to the mother of the children that it would be handled judiciously and to their advantage.

Q. Do you think the mother and father of the infants are able to clothe and maintain them and send them to school on what they can make? I do not think so.

And further this deponent saith not.

J P Rhodes

D. B. Holland being duly sworn, deposes and says:

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

A. My name is D. B. Holland, I am fifty six years of age, I live in Isle of Wight County and am a farmer.

Q. Are you acquainted with the land you have heard here mentioned, and which belonged to Meredith D Butler at his death?

A. Yes sir, I know something of it.

Q. Are you prepared to testify as to its worth, and its present condition? A. Only in a general way. I know that in passing I have observed that the fence is in poor conditon, the buildings old and out of repair, and the land in a poor state of cultivation. I would think that it is worth something like a thousand or twelve hundred dollars, and it might rent for twenty five or thirty dollars.

Q. Do you think that it would be to the interest of the infant defendants to sell this land and to invest the proceeds derived from such sale, or to use it in the support and maintenance of the children? A. I think that it would be as well to sell it as anything that could be done with it and take the money and use it for the benefit of the children. It is giving them nothing at all as it is and is not likely to do so.

ing the future by the past I dont think that it would rent for much, thirty five or forty dollars at the most, for I have never seen anything there worth much.

Q. What is the present condtion of the property? A. The buildings are in poor condition, the land needs draining and it is poor, and the fences need repairs.

Q. Will you please state whether or not, in your opinion, the interest of the infants defendants will be promoted by a sale of this property, or any part thereof, and an investment of the proceeds in other property? A. So far as my knowledge goes it would, for it is no benefit to them as it is.

Q. Would you say sell all or a part of it? A. I think I would sell all.

Q. Would you sell the standing timber separate and a part from the land and then sell the land as a whole, or would you sell all together? A. I am not prepared to say about that I do not know which would bring the most.

Q. Do you think it would be better to sell it separately, and after doing this put it up and sell it as a whole and let it go for the best price it would bring. A. I do not see that it would not be better. It could be no worse.

Q. Do you think the rights of any person would be violeted by such a sale and investment? A. I do not see how it could be.

Q. Do you think the money derived from this sale would be of more benefit to the children than the land? A. The land is in no condition at all and I do not see that they are getting any benefit from it.

Q. The law provides that where the amount coming to any infant from the sale of land, as would be in this case, that the Court may pay it to the infants, if, in the opinion of the court the infant is a proper person to look out for himself; and, if not that it can be paid to any party for the infant without the intervention of a guardian. Do you think that if this money derived from the sale of the land, in the event it should be

or any thing particular about it?

Q. Have you been by it of late? A. Yes sir, I suppose some thirty days ago.

Q. Did you observe it enough to give an estimate of its worth and condition? A. No sir.

Q. Are you prepared to say whether or not, in your opinion, that it would be to the benefit of the infant defendants in this suit to sell the land and invest the proceeds derived from such sale in other property? A. I am not, I do not know anything about it at all.

And further this deponent saith not.

W. L. Newton

J. P. Rhodes being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. My name is J. P. Rhodes, I am seventy years of age, I live in Isle of Wight County and am a farmer?

Q. Do you know the land of which Meredith D. Butler died siezed and possessed, and which, as appears of record, he had, prior to his death, given it, by deed, to the children of Alice M. and M. L. Babb, subject to his life estate and the life estate of his wife Susan Butler?

A. Yessir, I have known it all my life. I live in about two mile of it.

Q. Where is this land situated? A. It is on the Virginian Railroad, near Boaz, in Isle of Wight County.

Q. What do you consider to be a fair cash value for it? A. So far as my knowledge goes I think a thousand dollars is a fair price for it.

Q. What do you think it ought to rent for per annum? A. Judg-

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

Alice M. Babb, guardian,
vs.
M. L. Babb and others.

The depositions of T. J. Dunston 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 Hugh L. Holland, attornet at Law, in the City of Suffolk, State of Virginia. pursuant to notice, duly served, and attached hereto, to be read as evidence in the above styled suit, taken in pursuance to a decree entered in the said cause in chancery in the said court depending, on the first day of December, 1913.

Present: Hugh L. Holland,
Attorney for Alice M. Babb, guardian
Attorney for M. L. Babb

John K. Hutton,
Guardian ad litem.

EXAMINATION CONDUCTED BY MR. HOLLAND:

T. J. Dunston being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. T. J. Dunston, I am fifty six years of age, live in Isle of Wight County, and am a farmer.

Q. Are you acquainted with the tract of land in Isle of Wight County of which Meredith D. Butler died siezed and possessed, and which he conveyed to the children of M. L. and Alice M. Babb, after the death of himself and his wife Susan Butler?

A. I know where it is, but know nothing except in a general way about it. I do not know how much it is, what is on it

It will be noted that Alice M. Babb and M. L. Babb, by their deed bearing date the 17th.day of January, 1908, and of record in the Clerk's Office of this Court, leased a portion of the land mentioned in the bill, for $150"now paid in cash" to H. M. Johnson for the term of twenty years, describing the lot by metes and bounds but not giving the area; and, on the 21st. day of November, 1907, conveyed, with General Warranty and the usual covenants of title, one half of an acre of this land to George G. Johnson and H. M. Johnson, both of which deeds or writings appear of record in the Clerk's Office of this Court in D.B. 77, page 387 and 388, respectively, neither of which, in any manner, affects the title to the property here mentioned, as neither of the grantors had the slightest right to convey or lease the said property, or any part thereof. There are no delinquent taxes against the land, of record, and the taxes for the year 1913 amount to $12.00, and the penalty due thereon, if not paid before December 1st. 1913.

Your Commissioner reports that the assessed value of this land is $1000, including the buildings thereon, which seems out of all proportion to the assessments of other lands about it, considering its condition, it being unproductive, and in bad shape, generally; and, even,were it in excellent condition the assessment is high.

Your Commissioner especially reports that the witnesses who testified in this case are of an unusually high character as to competency and integrity, and an unusual amount of weight may be attached to their testimony. None of them appeared to know anything about what would be learned from them when appearing. Especially is this true as to J. P. Rhodes, who happened to be in Suffolk on the day of the taking of the testimony, and was requested by counsel for the complainant to come in and tell what he knew about the land.

Respectfully submitted,

W. S. Thurman
Commissioner.

Commissioner's fee,.....$25.00

The land mentioned in the Bill is located on the Virginian Railroad, in the County of Isle of Wight, adjoining the lands of J. W. Darden et als, near Boaz, and in Windsor Magisterial District.

Its fee simple value appears to be about a thousand dollars. One witness says it is worth a thousand or twelve hundred dollars (D.B.Holland), but the weight of the testimony is that it is safely put at a thousand dollars.

As stated above and before, the land was acquired by deed from M. D. Butler.

It appears from the testimony that the interests of the infant defendants, or some of them, and the most of them, will be promoted by a sale of the land and an investment of the proceeds in other property, for the following reasons, to-wit: From the testimony of J. P. Rhodes, D. B. Holland and J. W. Darden, the land is coming down, there not being sufficient there on which M. L. Babb and his wife can make a living for their family. They are away from there, residing, at this time, in Suffolk, where the husband, M. L. Babb, is employed as a night watchman at a dollar and fifteen cents per night, and the wife, Alice M. Babb, mother of the infants, is employed in an overall factory, such of her time as she can spare from her household duties where her wage is not and cannot be a great deal by reason of the character of work she is engaged in. The land is growing up, the fences are in bad shape, the ditches are grown up and the buildings are ruinous and out of repair.

The oldest son is getting a fair wage, and, in all probability, he will not stop work, at his age, and getting his wage, which is a dollar and sixty cents a day, and go to school. It is within the range of possibility that he will but not at all probable. The next oldest, (fourteen years of age) is getting a dollar a day, and while this is a good wage for him, he is more likely to attend school. There are three children remaining who are unable to support themselves, and they should, if possible, be schooled, and, in all probability, if clothed properly and given advantage, will attend school.

If the money is invested in other property, in Suffolk, where the parents now reside, and is used by them as a home, expense of rent will be cut down and they will be better enabled to support and care for their children. It is in evidence that the mother of the infants would be a proper person to handle and control their respective shares in said estate, if sold and converted into money; but, as their several interests cannot be ascertained at this time, it may be the wisest course to have the money invested in other property so that their respective interests will be preserved, and probably increased by reason of the advance in the property, and, when their interests can be certainly ascertained. Your commissioner cannot report as to what portions of the proceeds derived from such a sale, if had, should be divided among the said infants as other children are likely to be born to Alice M. Babb and M. L. Babb, she being only forty one years of age.

The rights of no person or persons will be violated by such a sale and conveyance, so far as your commissioner can ascertain.

If the said infants were dead their father would be their heir at law and distributee, should he be living, and if not, then their mother, brothers and sisters, or such of them as survived, in case the one or ones dying should leave no issue, in which event their issue would be their heirs or heirs. All of the necessary parties are before the court.

A fair compensation to be allowed counsel for the complainant in conducting this suit is left to the Court to determine after the suit has progressed further, your Commissioner, at this time, not being advised of what is or will be required.

There appear no liens of record affecting title to the property.

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

ALICE M. BABB, GUARDIAN,

VS) Chancery Report upon inquiries.

M. L. BABB, 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 of this Court, to whom has been referred the papers in the above entitled cause, for the execution of a decree entered therein on the 1st. day of December, 1913, respectfully reports as follows:

That on the 8th. day of December, 1913, he issued notice to the parties that he would, at the office of Hugh L. Holland, in the City of Suffolk, Virginia, at twelve o'clock M., on the 12th. day of December, 1913, proceed to take evidence to be read in the execution of the said decree, and summoned witnesses to attend at the time and place mentioned, at which time and place your Commissioner and witnesses summoned, and other witnesses appeared, and took the evidence of witnesses attending, which was reduced to writing and is herewith returned, over the signatures of the deponents, to be read as evidence in the execution of the said decree, as well as notice to the parties showing legal service thereupon.

Your Commissioner finds that the infant defendants, Claud L. Babb, Holly C. Babb, Bernice Babb, Quinton Babb and Florence Babb, who are the children of Alice M. Babb and M. L. Babb, aged, respectively, seventeen years, Fourteen years, twelve years, nine years, and seven years, according to the testimony of Alice M. Babb, their mother, are possessed of a fee simple interest in the lands mentioned in the Bill, and conveyed to them by the deed of M. D. Butler, bearing date the 10th. day of August, 1901, subject to the life estate of said M. D. Butler and Susan Butler, his wife, both of them, the said M. D. Butler and Susan Butler, being now dead, provided, however, no other children are born to the said Alice M. Babb and M. L. Babb. It will be noted that the deed conveys the property to"Susan Butler, wife of M. D. Butler and the children of M. L. Babb and Alice M. Babb his wife". Upon the death of M. D. Butler, the children of Alice M. Babb and M. L. Babb, and who are here named, took a vested remainder in the said land, to come into possession thereof upon the death of Susan Butler, and which remainder, under the doctrine of Hamlotts & Others vs. Hamlett's Exrs. etc., 12 Leigh, 350, is transmissible and liable to be diminished by after born children of the said M. L. Babb and Alice M. Babb. While the land is conveyed to the children of Alice M. Babb and M. L. Babb, your Commissioner believes, from authorities consulted, that the donor meant to convey the remainder, after the death of Susan Butler only to such children as might be born to said Alice M. and M. L. Babb, and not any born to either of them by another husband or wife.

Kg/m²

Kg/m² +20

SALE OF
VALUABLE REAL ESTATE
—AT—
PUBLIC AUCTION

By auchority vested in me by a decree entered on the 5th, day of January, 1914, in the chancery cause of Alice M. Babb, guardian of Claud L. Babb and others vs. M. L. Babb and others, I shall sell at Public Auction, AT BOAZ, on the Virginian Railroad, in Isle of Wight County, Virginia,

On Saturday, February 7, 1914

AT 12 O'CLOCK M.

THE FOLLOWING REAL ESTATE, TO-WIT:

All that tract of land situated in the County of Isle of Wight, State of Virginia, and said to contain ninety-seven (97) acres, and adjoining the lands of Dicky Holland, John W. Darden, W. E. Outland, Thomas M. Darden, and others; it being the land owned and occupied for many years by Meredith D. Butler, deceased, and which was conveyed by said Meredith Butler to Susan Butler, during the time between his death and her death, and at her death to the children of M. L. Babb and Alice M. Babb, his wife, by deed dated August 10th, 1901, and duly recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, on October 4th, 1901, in Deed Book 66, Page 530.

TERMS OF SALE: One-third (⅓) of the purchase money in cash, and the remainder in two equal installments, payable in twelve and twenty-four months from the date of sale, with interest payable semi-annually from said date, and the title to be retained until the further order of the Court, or the purchaser may pay the entire purchase money in cash, but at the said sale said purchaser shall deposit fifteen per cent. of his bid with the Special Commissioner, otherwise he shall forthwith again offer for sale the said property on the same terms and said fifteen per cent of said purchase money the purchaser shall forfeit unless he shall fully comply with the said terms of sale.

HUGH L. HOLLAND,
Special Commissioner

SUFFOLK, VA., JANUARY 21TH, 1914

VIRGINIA: Circuit Court of the County of Isle of Wight.

I, A. S. Johnson, Clerk of the Circuit Court of the County of Isle of Wight, do hereby certify that Hugh L. Holland, who was, on the 5th day of January, 1914, appointed a Special Commissioner to sell the land in the Bill and proceedings of the Chancery cause in the said Court depending in which Alice M. Babb, guardian, is the complaintant and M. L. Babb and others are defendants, has executed the bond required of him in said decree, according to law.

Given under my hand this 19th day of January, 1914.

A. S. JOHNSON, Clerk

PLEASE POST

Babb Gdn ac
vs Chancery
Babb et ors

Report of Comr

Filed 7/25/1914

estimation about thirty five acres and situated as follows, beginning at a black gum tree on county road near Woodville Darden's house and going direct south along the land of Woodville Darden and M. D. Butler to the swamp near Jason Holland thence east along the land of Jethro H. Butker on which Jason Holland now resides to the old tram track and thence north along the said tram track and a line of chopped trees and M. D. Butler's land to within seventy (70) yds. to the county road, thence east one hundred (100) yds. thence north seventy (70) yds. to county raid, thence west along county road to the starting point.

Your commissioner also reports that Carlyle P. Holland became the purchaser of the said land at the said sale for the sum of twelve hundred and fifty ($1250.00) Dollars. Your commissioner further reports that the said purchaser desires to pay the purchase price of said land on the terms of one third in cash and the remainder in two equal installments twelve and twenty-four months from date of sale, with interest payable semi-annually from said date. Your commissioner further reports that said purchaser has complied with the terms of said decree by depositing fifteen (15%) per cent. of his bid.

Your commissioner would further report that the said sale is, in his opinion, a most excellent one. Your commissioner would, therefore, recommend the confirmation of the same, amd most respectfully requests that he be instructed by the Court as to what is to be required of said purchaser as to the reaminder of the purchase price and as to what he shall do with the proceeds of the first installment of the purchase price.

Most respectfully submitted.

Hugh McHolland.

Alice M. Babb, Guardian of
Claud L. Babb and others.
VS
M. L. Babb, and others.

The undersigned, Hugh L. Holland, Special Commissioner, respectfully reports to Court:

That pursuant to a decree entered in the above styled cause on the 5th., day of January 1914, your Commissioner executed the Bond required by said Decree and, after having duly advertised the time, terms and place of sale in accordance with the terms of said decree as shown by copy of advertisement hereto attached, exposed to sale at public auction, at Boaz, Isle of Wight County, Virginia, on the 7th., day of February 1914, the land in the bill and proceedings mentioned, as follows: All that tract of land situated in the County of Isle of Wight, State of Virginia, and saie to contain Ninety-seven (97) acres, and adjoining the lands of Dicky Holland, John W. Darden, W. E. Outland, Thomas M. Darden and others, it being the land owned and occupied for many years by Meredith D. Butler, deceased, and which was conveyed by said Meredith Butler to Susan Butler, during the time between his death and her death and at her death to the children of M. D. Babb and Alice M. Babb, his wife, by deed dated August 10th., 1901, and duly recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, on October 4th., 1901, in Deed Book 66, Page 530: save and except the following tract of land, which was conveyed by Meredith D. Butler and Susan Butler, his wife, to Mrs. Allie M. Babb, wife of M. L. Babb, by Deed duly recorded in the Clerk's Office of the Circuit Court of Isle of Wight County on October 7th., 1895, described as follows: a certain piece or parcel of land containing by

15

Alice M. Babb, Guardian,

vs.

M. L. Babb and Others.

Report of Hugh L. Holland,
Special Commissioner, with
Affidavit of Alice M. Babb and
M. L. Babb and notes of
purchaser attached.

Filed
In the Clerk's Office of the
CIRCUIT COURT
OF THE
COUNTY OF ISLE OF WIGHT
this 6 day of April 1894
Test. A. Holland C.C.C.

State of Virginia:

City of Suffolk, to-wit:

Alice M. Babb, and M. L. Babb, being duly sworn, do depose and state on oath that Walter Babb, deceased, was their lawfully born son, that he died on the 1st. day of June 1911; that he was 20 years of age on the date of his death.

Alice M. Babb

M. L. X Babb.
mark

Witness
Hugh G. Holland.

Sworn to and subscribed before me in my City in the state of Virginia, on the 14th., day of February 1914.

Hugh G. Holland.
Notary Public for the City of Suffolk.

My commissions expire on the 26th., day of October 1915.

Alice M. Babb and M. L. Babb, and that this interest, subject to be diminished as aforesaid, passed and descended according to the law of descents and distributions of the State of Virginia, to M. L. Babb, the father of the said Walter Babb.

Your commissioner further reports that the cost of this suit and expenses of sale, exclusive of a fee to Hugh L. Holland, Attorney and exclusive of the commissions to Hugh L. Holland, Special Commissioner, are as follows:

Virginian-Pilot Publishing Co., for advertising sale three times	4.50
Woodward and ELam for premium on bond of Hugh L. Holland, Special Commissioner	10.00
J. E. McGuire for hand bills advertising sale	1.75
Suffolk Herald for advertising sale 1 time	1.00
J. Walter Hosier auctioneer for selling land	10.50
Writ tax	1.50
Clerk's fees (estimated)	10.00
A. S. Johnson, Commissioner in Chancery	25.00
R. A. Edwards, Sheriff for summoning three witnesses	.90
Taxed attorney fee	15.00
Witness fees for J. P. Rhoades, Woodville Darden, Julie Dunston, and D..B. Holland $1.50 each.	6.00
TOTAL	76.15

Your Commissioner respectfully petitions the Court that he be authorized to make tha above expenditures and that he be directed as to what disposition to make of the remainder of the money in his hands.

Respectfully submitted.

Hugh L. Holland

Special Commissioner

Alice M. Babb, Guardian of Claud L.

Babb and others

VS.

M. L. Babb and others.

Report of Special Commissioner,

February 23rd., 1914.

The undersigned, Hugh L. Holland, Special Commissioner, respectfully reports to court:

That pursuant to a decree entered in the above syled cause on the day of February 1914, your Commissioner has collected from Carlyle P. Holland, the purchaser of the land described in said decree, the sale of which was confirmed thereby, the sum of Four Hundred and Sixteen Dollars and Sixty Seven Cents, it being one-third of the purchase price of Twelve Hundred and Fifty Dollars. Your Commissioner further reports that he has also received from the said purchaser two notes for Four Hundred and Sixteen Dollars and Sixty Six Cents each, payable twelve and twenty four months after date, respectively, dated February 7th., 1914, for the remaining installments of the said purchase price, as directed by said decree. These said notes are filed herewith. Your commissioner further reports that Alice M. Babb and M. L. Babb have made an affidavit, herewith filed, to the effect that Walter Babb was their lawfully born son and that he died on the 1st., day of June 1911 at the age of twenty- years. Your commissioner reports that by an oversight this fact was not brought to the attention of the Commissioner in Chancery to whom this cause was referred. Your commissioner further reports that Walter Babb owned a one-sixth interest in the land described in the said decree, subject to be diminished by the birth of other children to

Alice M. Babb, Guardian of
Claude L. Babb and others.

VS.

M. L. Babb and others.

Report of disbursements
By Hugh L. Holland,
Special Commissioner.

Filed
In the CLERK'S OFFICE of the
CIRCUIT COURT
OF THE
COUNTY OF ISLE OF WIGHT
this 26 day of July 1914
Test. [illegible] Cl'k

Apr. 7th.	Woodward & Elam, premium on ~~Policy~~ Bond Ck. No. 222N	$10.00 ✓	
Apr. 7th.	J. E. McGuire, for advertising, Ck. No. 223 N.	1.75 ✓	
Apr. 7th.	Hugh L. Holland, fee	75.00 ✓	
Apr. 7th.	Hugh L. Holland, taxed attorneys fee	15.00 ✓	
Apr. 7th.,	Hugh L. Holland, Comms. as Special Commissioner,	34.00 ✓	
Apr. 7th.,	J. F. Rhodes, for witness fee, Ck No. 127 W.	1.50 ✓	
Apr. 7th.	Woodville Darden, for witness fee Ck. No. 128 W.	1.50	
Apr. 7th.	Julie Dunston, for witness fee Ck No. 129 W.	1.50 ✓	
Apr. 7th.	D. B. Holland, for witness fee. Ck. No 130 W	1.50	
Apr. 7th.	W. J. Bradshaw, Deputy Treasurer, for taxes, Ck. No. 126W	12.60 ✓	
1913. Oct. 24th.	G. A. Harris, Clerk, Certificate as Guardian Ck. No. 50 A	.37 ✓	
Oct. 9th.	A. S. Johnson, Clerk, copy of Deed, Ck. No. 1172 F.	.40 ✓	
1914. May 13th.	To R. A. Edwards, Sheriff, for summoning witnesses, Ck. No. 255 A.	2.00 ✓	
	To deposited in the National Bank of Suffolk to the credit of Hugh L. Holland, Special Commissioner	207.05	
		416.67	416.67

Respectfully Submitted.

Hugh L. Holland
Special Commissioner

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

Alice M. Babb, Guardian of

Claude L. Babb and others.

VS.

M. L. Babb, and others.

Report of Special Commissioner,

The undersigned, Hugh L. Holland, Special Commissioner, respectfully represents to Court:

That pursuant to a decree entered in the above styled cause on the _____ day of ___ _____1914, your Commissioner has paid out the following cost and expenses in this suit and sale, including a fee to Hugh L. Holland for his services in this suit and the commissions of your Commissioner, all of which expenditures were authorized by the said decree to be paid out of the funds of $416.67 in the hands of said Commissioner, and that he has deposited the balance of the funds in his hands to his credit as Special Commissioner in this cuase in the National Bank of Suffolk, Suffolk, Virginia., as shown by the account stated below and supported by vouchers attached:

1914. Feb. 20th.,	By cash collected from C. P. Holland.		$ 416.67
March 13th.	To A. S. Johnson for Commissioner's fee ck. number 123W	25.00	✓
March 13th.	To A. S. Johnson, Clerk's fees, Ck. No.124W	11.50	✓
March 31st.	To. J. Walter Hosier, Auctioneer, Auctioneer's fee, 125W	10.50	✓
Apr. 7th.	Virginian-Pilot Pub. Co. for advertising ck. No 220N	4.50	✓
Apr. 7th.,	Suffolk-Herald Corp. for advertising ck. No.221N	1.00	✓

Mr. Hugh [redacted] Holland,

Attorney-at-law.

To G. A. HARRIS, Dr.,
CLERK CIRCUIT COURT CITY OF SUFFOLK, VIRGINIA

VS.

19[redacted]13, October 15th.

Tax $	*Transfer $*	*Fee $*	*Total $*

To certificate of qualification of
Mrs. Alice M. Babb, guardian----------$0.37

Paid
10/27/13
[redacted]

R. L. WOODWARD
W. G. ELAM

SUFFOLK, VA., June 17, 1914

M Sylvia Holland,
Shelburne

To WOODWARD & ELAM, Dr.

Life, Fire, Accident,
Steam Boiler,
Employers' Liability,
Fidelity, Health.

Insurance

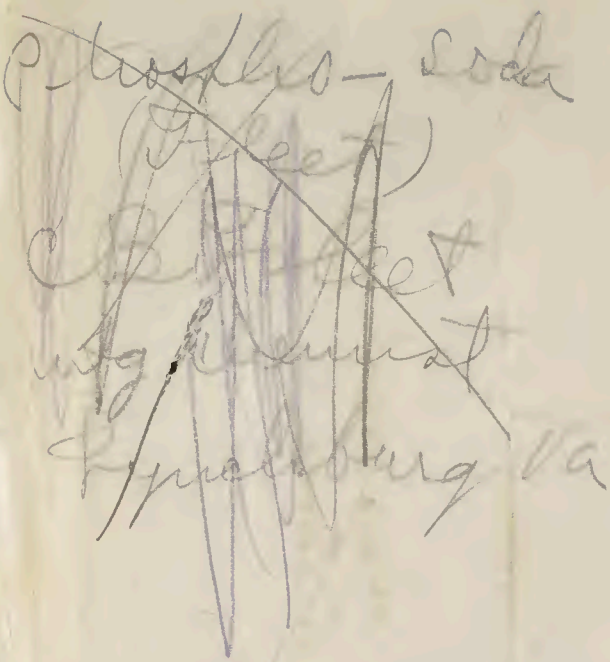
OFFICE,--No. 526 MAIN STREET

Date	Policy No.	Company	Property Insured	Term	Amount	Premium
1914						
June 17		U.S. Fdy & Bridge Co	Shelburne Jr Both		1500	10

WOODWARD & ELAM
PAID
APR 7 1914
SUFFOLK, VA.

Credit Mrs. Sylvia Holland
Shelburne
a/c. 7 1914

Thanks



Suffolk, Va., Jany 31 1913

Mr. Hugh L. Holland

CALL

428

To **J. E. McGUIRE,** Dr.

Book and Job Printing

OFFICE OVER THE BELL-EASON SHOE STORE

TOM SMITH BLOCK, Cor. Main and Washington Streets

21 Jan Bills – Babb vs. Babb 1 75

Paid By Hugh L Holland
Ape Court
Apr. 7-1914
J. E. McGuire

Folio

191

From

TO

Jan 24

OVER

Norfolk, Va., Oct 6 1917

M. N. L. Holland Special Commissioner
Auction Sale V.S. Babb

To Virginian and Pilot Publishing Company, Dr.

ADVERTISING	Auction Sale 2 in 3 ts alt	8 4 50
	from Mrs Holland the Owner	

Received Payment, VIRGINIAN AND PILOT PUBLISHING CO.,

Per Daisy Nursey

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TOTAL ----------

W. J. KENDRICK, President and Editor
J. C. HOLLADAY, Secretary and Treasurer

Suffolk, Va., FEB 27 1914 191

M r Hugh L. Holland Spec. Corr. Bobby Bobbs

To SUFFOLK HERALD CORPORATION, Dr.

: : Newspaper and Job Printing : :

Suffolk's Leading Job Printers

No. 912 WASHINGTON ST.

TERMS OF THIS B'LL—NET CASH

BELL PHONE 135

1914 Jan	30	To Pub Public Sale Notice I.T. Jan 30		1 00
		Paid by Hugh L Holland Spec Corr 4/7/14		

PAID
Apr 11 14
SUFFOLK HERALD CORPORATION
Herald

HUGH L. HOLLAND
ATTORNEY AT LAW
BARBEE BUILDING
SUFFOLK, VIRGINIA.

Received of Hugh L. Holland, Special Commissioner, in the suit of Alice M. Babb, Guardian vs. M. L. Babb and others $25.00 for my fee as Commissioner in Chancery in this suit.

March 13th., 1914.

R. Johnson

HUGH L. HOLLAND
ATTORNEY AT LAW
BARBEE BUILDING
SUFFOLK, VIRGINIA.

Received of Hugh L. Holland, Special Commissioner, in the suit of Alice M. Babb, Guardian vs M. L. Babb and others $11.50, $1.50 of which to pay the writ tax in this suit, and the remaining $10.00 of which to cover the estimated Clerk's fees in this suit.

March 13th., 1914.

R. Johnson

HUGH L. HOLLAND
ATTORNEY AT LAW
BARBEE BUILDING
SUFFOLK, VIRGINIA.

Received of Hugh L. Holland ten Dollars and Fifty Cents for me fee as auctioneer in selling the land in the suit of Alice M. Babb Guardian vs M. L. Babb and others. March 31st., 1914.

J. Wallace Vincent
Auctr

Cle 125 W

HUGH L. HOLLAND
ATTORNEY AT LAW
BARBEE BUILDING
SUFFOLK, VIRGINIA.

Received of Hugh L. Holland, Special Commissioner in the suit of Claude L. Babb and other vs. M. L. Babb and others Seventy-Five ($75.00) Dollars, for fee as Attorney in this suit as allowed by Decree; Fifteen($15.00) Dollars, for taxed attorney fee; and Thirty-Fourt($34.00,) for commissions as Special Commissioner.

April 7th., 1914.

Hugh L. Holland

HUGH L. HOLLAND
ATTORNEY AT LAW
BARBEE BUILDING
SUFFOLK, VIRGINIA.

Received of Hugh L. Holland, Special Commissioner, in the suit of Alice M. Babb and etc. vs M. L. Babb and others $1.50, it being my allowance as a witness in this suit.

J. P. Rhodes

(Please sign and return)

April 7th., 1914.

HUGH L. HOLLAND
ATTORNEY AT LAW
BARBEE BUILDING
SUFFOLK, VIRGINIA.

Received of Hugh L. Holland, Special Commissioner, in the suit of Alice M. Babb and etc. vs M. L. Babb and others $1.50, it being my allowance as a witness in this suit.

G. F. Duncan

(Please sign and return)

April 7th., 1914.

HUGH L. HOLLAND
ATTORNEY AT LAW
BARBEE BUILDING
SUFFOLK, VIRGINIA.

Received of Hugh L. Holland, Special Commissioner, in the suit of Alice M. Babb and etc vs. M. L. Babb and others $12.60 for taxes on the land belonging to the children of Alice M. Babb abd M. LL Babb in Is le of Wight County for 1913.

April 7th., 1914. W. J. Bradshaw, Deputy Dr.

Mr. [redacted] Dr.

WINDSOR DISTRICT

No. 1112

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

Form 1

1913

	State Taxes 3½c. on $100. Support Government, Schools and Pensions and Income, 1%	County Levies Gen'l Co. 25 c. on $100 Co. Schools 15 c. on $100 Poor 7½c. on $100 Co. Roads 5 c. on $100 Total 52½c.	District Levies Dis. Schools 17½c. on $100 Dis. Roads 15 c. on $100 Total 32½c.	TOTAL TAXES AND LEVIES
61 ½ Acres, valued 1000	3 50	5 25	3 25	
..... Acres, valued				
..... Acres, valued				
..... Acres, valued				
Per. Prop., Sched. B, val.	Paid to W J Bradshaw Deputy Tr By Hugh L Holland as Notice Rec'd			
Per. Prop. Sched. C, val.				
Stock Merchandise, val.				
Income, Sched. D, 1%				
Total valuation	3 50	5 25	3 25	
Capitation				~~1 50~~
Total				12 00
5% Penalty added Dec. 1, 1913				60
Total Taxes and Penalty				$12 60

Received payment 9 day of April 1914 W E Laine Treasurer, per W J B

EVERETT WADDEY CO. RICHMOND, VA

Received of Hugh J. Holland,
Special Commissioner alice M.
Babb. Gdn &c vs. M. L. Babb & als
Two and 00/100 Dollars for
summoning four witnesses
in this suit.

May 13-1914

P. Augustus Edwards
Shff.

To paid	Woodville Darden, witness fee		1.50	
"	"	Julie Dunston	" "	1.50
"	"	D. B. Holland,	" "	1.50
"	"	W. J. Bradshaw, Deputy Treasuer, taxes.		12.60
"	"	G. A. Harris, Clerk, certificate of qualification as guardian.		.37
"	"	A. S. Johnson, Clerk, copy of deed.		.40
"	"	R. A. Edwards, Sheriff- fees.		2.00
"	amount of balance deposited in the National Bank of Suffolk.			207.05
			$416.67	$416.67

On consideration whereof, the Court doth confirm the said report: and it also appearing to the Court from the said petitions, that the said Alice M. Babb, guardian and the said Claude L. Babb and the other parties hereinabove named, desire to have the funds arising under the proceedings of this cause re-invested in the property hereinafter named belonging to Elfrida C. Lewis; and is also appearing from the letters of Hugh L. Holland, special commissioner, and from the plans and specifications of the buliding, as well as from the affidavits of the said R. L. Brewer, Jr., and others, above named, that the re-investment of the said proceeds of sale to the extent of $1010.00, in the said property, would be to the advantage and benefit of the said parties hereto, and it also appearing from the certificate of said Hugh L. Holland, that the title to the said property is good, the Court doth adjudge, order and decree that the said sum of $1010.00 be re-invested in the said property, and that the said Elfrida C. Lewis, do convey unto the said M. L. Babb, as heir of his son, Walter Babb, deceased, M. L. Babb, as heir of his daughter Florence Babb, deceased, Claude L. Babb, Holly C. Babb, Bernice Babb and Quinton Babb, upon the terms set forth in a certain Deed from Meredith D. Butler, filed in this cause, and recorded in the

the terms of which said deed are hereby adopted as a part hereof,
to Susan Butler and others

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

In Vacation. On the 21st day of July 1914.

Alice M. Babb, Guardian of Claude L. Babb et als.) Plaintiffs.

vs.) IN CHANCERY.

M. L. Babb and others.) Defendants.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of Hugh L. Holland, Special Commissioner, this day filed, and to which no exception has been taken, and on the petition of Alice M. Babb, guardian of Claude L., Holly C., Bernice, Quinton and Florence Babb, duly sworn to, and upon the petition of Claude L., and Holly C. Babb, infants over the age of fourteen years, and upon the petition of John K. Hutton, guardian ad litem of Bernice, Quinton and Florence Babb, infants under the age of fourteen years, duly sworn to, and upon the affidavits of R. L. Brewer, Jr., G. S. P. Holland, Jr., and W. F. Brinkley, as to the value of the hereinafter described property, and upon the certificate of the examination of the title to the ~~hereinafter described~~ said property, and it appearing to the Court from said report that the said Special Commissioner, has received the sum of $416.67, on account of the purchase rice of the property directed to be sold under the proceedings of this cause, and that he has disbursed the same as follows:

1914.			
Feb. 20:-	By cash from C. P. Holland, Comm'r		416.67
March 13:	To paid A. S. Johnson, fee.	25.00	
"	" " " " Clerk.	11.50	
"	" J. W. Hozier, auctioneer.	10.50	
April 7:-	" " Virginian-Pilot, for advertising.	4.50	
"	" Suffolk Herald.	1.00	
"	" Woodward & Flam for bond.	10.00	
"	" J. E. McGuire, for advertising.	1.75	
"	" Hugh L. Holland, fee	75.00	
"	" " " " taxed "	15.00	
"	" " " " commissions	34.00	
"	" " " " J. P. Rhodes, witness fee	1.50	

Alice M. Babb, Guardian of
Claude L. Babb and others.
VS.
M. L. Babb, and others.

DECREE.

Filed
In the Clerk's Office of the
Circuit Court
of
COUNTY OF ISLE OF WIGHT
this 26 July 1916
Testa. A D Johnson Clk

Commissioner is hereby authorized to pay to himself the sum of $30.00 for his services in connection with the above mentioned investment and in examining the title to the above described land.

And the said Special Commissioner is directed to make report of proceedings herunder to this Court and this cuase is continued. All of which is certified to the Clerk of this Court to be entered in vacation in the Chancery Order Book.

W. L. White
Judge.

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight July 26th. 1914. The foregoing vacation decree was received and entered of record.

Teste, O. Johnson Clerk.

East side of said York Street. Said land constituting and being lots number 17 and 18, Block A, on the Plat or Plan of the Jeffery Land Company, Incorporated, known as "Highland Park", said lots being bounded on the West by said York Street on the North by lot number 19 Block A, on said plat on the East by an alley and on the West by lot number 16 Block A, on said plat these lots were conveyed to Elfrida C. Lewis by the Jeffery Land Company, Incorporated, by Deed dated May 9th., 1914, and June 1st., 1914, and dulyrecorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia.

Together with all buildings thereon and appurtenances thereto belonging.

The Court doth further adjudge order and decree that the said Hugh L. Holland, Special Commissioner, transfer assign and turn over to the said Elfrida C. Lewis two (2) certain bonds held by him as Special Commissioner in this cause, for Four Hundred and Sixteen Dollars and Sixty Six Cents ($416.66) each, payable twelve and twenty four months after date respectively, dated February 7th., 1914, with interest from date, that these bonds shall be assigned at their value as of the date on which this decree is entered, including therein the interest from the date ~~of~~ the said bonds to the date of this decree, and that the balance of the said purchase price of $1010.00 be paid in cash to the said Elfrida C. Lewis by the said Hugh L. Holland, Special Commissioner, out of the funds in his hands as such Special Commissioner in this suit.

The said Hugh L. Holland, shall have the said deed for said property recorded ~~as aforesaid~~ and pay for same out of the funds in hand in this suit, and the said Hugh L. Holland, Special

Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, in Deed Book 66, page 530, that is to say, to Susan Butler during the time between his death and her death with the remainder after his death and her death to the children of M. L. Babb and Alice M. Babb, his wife, in fee simple, the said property to be conveyed as aforesaid is bounded and described as follows:

as is fully set forth in said Deed

being

All that certain piece, parcel or lot of land situate in the County of Nansemond, in the State of Virginia, near the Southern Corporate limits of the City of Suffolk, said land being bounded and described as follows: Beginning at a certain point on the East side of York Street, which point is Two Hundred and two (202) feet South of the Southeast corner of York Street and Kilby Avenue and thence running Southwardly along and fronting on said York Street One Hundred and One (101) feet, and thence running at a right angle from said York Street and in an Easterly direction and in a line parallel with Kilby Avenue One Hundred and Thirty Six and two tenths (136.2) feet to an alley, and thence running in a Northerly direction and in a line parallel with said York Street One Hundred (100) feet, and thence running in a Westerly direction in a line parallel with said Kilby Avenue One Hundred and Fifty One and one tenths (151.1) feet to the point of beginning on the

Alice M. Babb, Guardian of
Claud L. Babb and others.

VS. IN CHANCERY.

M. L. Babb, and others.

We hereby Consent to
this decree
Alice M Babb Guardian of
Claude L., Holly C.,
Bernice, Quinton and
Florence Babb

DECREE.

M. L Babb
by Hugh M Holland
Solicitor

John R Sullivan
Guardian ad litem
for Maud Defendants

1913.

~~Filed~~. D3 C. 1.

Entered this
13. D. V.

GOB 7. page 200

order and decree that this cause be referred to one of the Commissioners of this Court, who is directed to inquire and report to the Court as follows:

(FIRST) Of what estate, real and personal, the infant defendants, Claud L. Babb, Holly C. Babb, Bernice Babb, Quinton Babb and Florence Babb, are possessed or entitled, and what are their respective shares of interests therein, where such estate is situated, and what is its fee-simple and annual value; and how the same was acquired.

(SECOND) Whether the interests of the said infant defendants will be promoted by a sale of the realestate in the bill mentioned, or any part thereof, and an investment of the proceeds of sale in other property:

(THIRD) Whether the rights of any person will be violated by such sale and re-investment:

(FOURTH) Who would be the heirs-at-law or distributees of the said infant defendants if they were dead, and whether all such persons, and all others interested, are properly before the Court in this cause.

(FIFTH) What will be a fair compensation to be allowed to the counsel for the complainant out of the proceeds of sale of the infant's land for ~~their~~ his services in instituting and conducting this suit. 6: The liens against said property, if any, and the amount of the judgment lien, and the costs for the recording thereof.

Which said inquiries the said commissioner shall make, after first giving notice of the time and place thereof to all parties, or their counsel, and report the same to the Court, along with any matter specially stated deemed pertinent by himself or required by any party to be so stated.

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

Alice M. Babb, Guardian of Claud L.
Babb, Holly C. Babb, Bernice Babb, COMPLAINANT.
Quinton Babb, and Florence Babb.

VS DECREE

M. L. Babb, Claud L. Babb,
Holly C. Babb, the last two,
being infants over the age of fourteen
years, Bernice Babb, Quinton Babb,
and Florence Babb, the last three
being under the age of fourteen years. DEFENDANTS.

This day came Alice M. Babb, Guardian of Claud L. Babb, Holly C. Babb, Bernice Babb, Quinton Babb and Florence Babb, and, by leave of Court filed her bill, verified by oath, and the exhibits ~~therein named~~ therewith: and on her motion, John K. Hutton a discreet and competent attorney-at-law, is assigned as guardian ad litem to Cluad L. Babb, Holly C. Babb, Bernice Babb, Quinton Babb and Florence Babb to defend their interest and protect their rights; and thereupon the said guardian ad litem filed the answer of the said infant defendants and his own answer, ~~on~~ sworn to oath; and M. L. Babb, the adult defendant filed his own answer, ~~on~~ sworn to oath; to which several answers said complainant replied generally; and thereupon by consent of all parties this cause is set for hearing and docketed, and by like consent came on this day to be heard upon the bill of complaint, the answer under oath of the infants by John K. Hutton, their guardian ad litem, as well as the answers, under oath, of the infant defendants, over fourteen years of age in proper person, with general replications thereto, and was argued by counsel.

On consideration whereof, the Court doth adjudge,

10

Babb Edna
v duChauncey.
Babb et als

Decree

1913

Dec 22

Entries

Bates

EXAMINED

We comment—
Alice M Babb Edna Clarke
J. Babb— Holly C Babb—
Bernice Babb,— Quinton
Babb and Florence
Babb.
M.L. Babb
by Hugh Holland Atten
ney
John T. Hutton,
Guardian ad litem for
Infant Defendants.
Book 207 Page 206

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

Alice M. Babb, Guardian of
Claud L. Babb, Holly C. Babb,
Bernice Babb, Quinton Babb and
Florence Babb. COMPLAINANT.

VS.

M. L. Babb, Claud L. Babb,
Holly C. Babb, Bernice Babb,
Quinton Babb and Florence Babb.

By consent of all parties in interest, it is adjudged, ordered and decreed that this cause and all matter in controversy herein, , or to be passed upon herein, may be submitted to the Judge of this Court for such, decision, judgment, or decree in vacation as might be entered in term time.

11

Alice M. Babb, Guardian
v. 3 Deeds
M. L. Babb et al

Decree
1914
Jan. 5.
Entered.
B. D. W.

the bill and proceedings mentioned, as follows:

All that tract of land situate in the County of Isle of Wight, State of Virginia and said to contain Ninety-seven (97) acres, and adjoining the lands of Dicky Holland, John W. Darden, W. E. Outland, Thomas M. Darden, and others; it being the land owned and occupied for many years by Meredith D. Butler, deceased, and which was conveyed by said Meredith D. Butler to Susan Butler, during the time between his death and her death and at her death to the children of M. L. Babb and Alice M. Babb, his wife by Deed dated August 10th., 1901, and duly recorded in the Clerk's office of the Circuit Court of Isle of Wight County, Virginia, on October 4th., 1901, in Deed Book 66, Page 530.*

The Court doth further adjudge, order and decree that the property be sold for cash to be paid as soon as the sale is confirmed by the Court and a Deed for the said property is tendered to the purchaser by the said Special Commissioner, but no sale shall be made unless the purchaser at the time he bids off the said property shall at once deposit with said Commissioner at least 15% of the amount of his bid, ~~which sum he~~ shall forfeit unless he shall fully comply with the said terms of sale.. But the said Special Commissioner, ~~Hugh L. Holland~~, shall not proceed to act under this decree until he shall have ~~entered~~ into a bond before the Clerk of this Court with surety of $1500.00, ~~and~~ conditioned for the faithful discharge of his duties hereunder and under any further decrees in this cause.

The said Special Commissioner is directed to make report of his proceeds to Court.

* upon the terms of one third cash and the remainder in two equal payments payable in one and two years from date of sale, with interest payable annually, the deferred payments to be secured by the bonds of the purchaser, and a lien retained upon the property sold to secure the payment thereof, evidenced by the bonds

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

Alice M. Babb, Guardian

VS CHANCERY

M. L. Babb, and others.

This cause came on this day to be again heard on the papers formerly read; and on the report of Commissioner A. S. Johnson, filed on the 22nd., day of December 1913, to which report there is no exception taken, and on the depositions of witnesses taken in the presence of the guardian ad litem of the infant defendants returned with the said report, and was argued by counsel; and it appearing to the Court, that the property in the bill and proceedings mentioned and hereinafter described is owned in fee simple by the infant defendants in this suit, subject to be diminished by after born children of M. L. Babb and Alice M. Babb, and ~~that~~ it being clearly shown from said report and the evidence therein would be to the ~~best~~ interest of the said infant defendants will be promoted by a sale of the real estate herein described ~~to sell the said property~~ and invest ~~or divide~~ the proceeds in the property, of ~~the~~ sale according to the further order of this Court, the court being of opinion and that the rights of no person will be violated by such sale:

On consideration whereof the Court doth ~~approves and~~ confirms ~~the~~ said report, and doth adjudge order and decree that Hugh L. Holland, who is hereby appointed as Special Commissioner for the purpose, do, after advertising the time, place and terms of sale for two (2) consecutive weeks, by hand bills conspiciously at ten (10) or more public places in the County pf Isle of Wight and in such other manner as in his judgment may seem best, proceed to sell at public auction, at Boaz in the County of Isle of Wight, the land in

the manner advertised &c

14

Alice M. Babbidge
Claude F Babbidge
vs Chancery
M F Babbidge

1914
7 16
Entered this -
B.D.C.

Book 7 Page 218

And it further appearing to the Court that the said purchaser desires to pay the purchase price one-third in cash, and the remainder in two equal installments payable in twelve and twenty-four months from date of sale, with interest payable semi-annually from said date, the Court doth adjudge, order and decree that Hugh L. Holland, Special Commissioner as aforesaid, be and hereby is authorized and directed to receive one-third of the said, purchase money in cash and to give therefor a receipt to the said purchaser for the same and shall obtain from the said purchaser two notes for the remaining two thirds of the purchase price, in equal installments, dated on the 7th., day of February 1914 and payable twelve and twenty-four months from said date, with interest payable semi-annually from said date.

And said Special Commissioner is directed to make report of all proceedings hereunder to this court, filing with his report the notes of the said purchaser for the unpaid purchase price as aforesaid, and this cause is continued.

Isle of Wight, State of Virginia, and said to contain Ninety-Seven (97) acres, and adjoining the lands of Dicky Holland, John W. Darden. W. E. Outland, Thomas M. Darden and others, it being the land owned and occupied for many years by Meredith D. Butler, deceased, and which was conveyed by said Meredith Butler ~~and~~ Susan Butler, during the time between his death and her death and at her death to the children of M. L. Babb and Alice M. Babb, his wife, by deed dated August 10th., 1901, and duly recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, on October 4th., 1901, in Deed Book 66, Page 530, save and except the following tract of land which was conveyed by Meredith D. Butler and Susan Butler, his wife, to Mrs. Allie M. Babb, wife of M. L. Babb, by Deed duly recorded in the Clerk's Office of the Circuit Court of Isle of Wight County on October 7th.,1895, described as follows: a certain piece or parcel of land containing by estimation about thirty-five (35) acres and situated as follows, beginning at a black gum tree on county road near Woodville Darden's house and going direct south along the land of Woodville Darden and M. D. Butler to the swamp near Jason Holland thence east along the land of Jethro H. Butler on which Jason Holland how resides to the old tram track and thence north along the said old tram track and in a line of chopped trees and M. D. Butler's land to within seventy (70) yds. to the county road, thence east one hundred (100) yds , thence north seventy (70) yds. to the county road, thence west along county road to the starting point, be and the same hereby is declared to be firm and binding.

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

Alice M. Babb, Guardian of
Claud L. Babb and others.
VS.
M. L. Babb, and others.

This cause came on this day to be again heard on the papers formerly read as well as on the report of Hugh L. Holland, Special Commissioner, duly appointed as such by a decree entered herein on the 5th., day of January 1914, directing said commissioner to make sale of the real estate in the bill and proceedings mentioned, which said report was this day filed by leave of Court and by consent of all parties, and to which report no exceptions have been taken, and was argued by counsel, and it appearing from said report, that said special commissioner, Hugh L. Holland, has executed the bond required of him by said decree, and has sold the real estate in the bill and proceedings mentioned, with the exception of the land adjoining said tract and which was owned in fee by Alice M. Babb, (and) by her sold to M. W. Darden and others, the same having been inadvertantly included in the description contained in said bill, and in the report of Commissioner A. S. Johnson), as hereinafter appears, ~~strictly~~ in accordance with the terms of said decree, to Carlyle P. Holland, for the sum of Twelve Hundred and Fifty Dollars.

On consideration whereof, the Court approving and confirming the said report, doth adjudge, order and decree that the sale of the land therein reported, to-wit:

All that tract of land situated in the County of

16

Alice M. Babb, Guardian

Vs.

M. L. Babb and others.

DECREE.

1914

Enter this.
B. D. W.

COB 7 f 227

credit of the said Special Commissioner on interest, and he is directed to make report of all proceedings hereunder to this Court, filing with his report the receipt of the said Bank for said deposit, and this cause is continued.

for his services as counsel in said cause as well as the lawful commissions to the said Special Commissioner and any taxes that may be due upon said land up to the date of sale.

And it further appearing to the Court from said report of Hugh L. Holland Special Commissioner, and from the affidavit of Alice M. Babb and M. L. Babb, that Walter Babb was their lawful born son and that he died on the 1st., day of June 1911 at the age of Twenty years, and that at the time of his death he was possessed of a one-sixth interest, subject to be diminished by the birth of any ~~more~~ children born to Alice M. Babb and M. L. Babb, in the said land as described in said decree confirming the sale to Carlyle P. Holland, and it appearing that said interest owned by said Walter Babb at his death passed and descended to M. L. Babb, his father, and it appearing that this fact by an oversight was not brought to the attention of the Commissioner to whom this cause was referred.

On consdieration whereof the Court doth adjudge, order and decree that at the time of the sale the said land that M. L. Babb, the father and heir-at-law of Walter Babb was the owner of a one-sixth interest in the said land, subject to be diminished by the birth of any future children to Alice M. Babb and M. L. Babb, and that he is hereby declared to be entitled to such an interest in the proceeds of the said sale.

The said Special Commissioner is directed to deposit the remainder of the proceeds in his hands, after paying out the disbursements above authorized, in the National Bank of Suffolk, Suffolk, Virginia, to the

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

Alice M. Babb, Guardian of Claud
L. Babb and others.
VS.
M. L. Babb and others.

This cause came on this day to be again heard on the papers formerly read, as well as on the report of Hugh L. Holland, Special Commissioner, which said report was this day filed by leave of Court, and by consent of all parties, and to which report no exceptions have been taken, and was argued by counsel, and it appearing from said report that said Special Commissioner, Hugh L. Holland, has received from Carlyle P. Holland, the sum of Four Hundred and Sixteen Dollars and Sixty Seven Cents and two notes for Four Hundred and Sixteen Dollars and Sixty Six cents each, dated February 7th., 1914, payable twelve and twenty-four months after date, respectively, with interest payable semi-annually, for the cash and deferred installments for the purchase price of the land described in a decree entered in this cause on the 15 day of February 1914, as directed by said decree, and it appearing that said report contains a correct statement of the Court costs and expenses of this sale, exclusive of Commissioners fee to Hugh L. Holland Attorney. ~~and of the Commissions of Hugh L. Holland, Special Commissioner.~~

On consideration whereof, the Court approving and confirming said report, doth adjudge order and decree that the said Special Commissioner is directed to pay all cost and expenses in this suit and sale, as stated in his said report, and a fee of $75.00 to Hugh L. Holland,

No. 159 Cy

DECREE.

Alice M. Babb, Guardian
of Claude L. Babb et als
VS. 159
M. L. Babb et als.

we hereby consent
to this decree
Alice M Babb Guar
&c
M L Babb
by A G Holland atty

John T Sherman
Guardian Ad Litem
for Myard Children

1915
Feb. 14
Enter this
B. D. W

COB 7 - page 285

And it also appearing to the court from said report this day filed that the property in the bill and proceedings mentioned in Isle of Wight County, Virginia, has been conveyed to Eliza H. Edwards, assignee of Carlyle P. Holland, the original purchaser, and that the deed to the property in Nansemond County has been duly recorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, pursuant to the terms of a decree entered in this cause on July 26, 1914, and that the bonds of Carlyle P. Holland given in part payment of the purchase price thereof have been paid and surrendered to him.

On consideration whereof the court doth confirm the said report, and it also appearing to the court that there is nothing further to be done in this suit, it is ordered that the same be stricken from the docket.

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

Alice M. Babb, Guardian of Claude L. Babb, Holly C. Babb, Bernice Babb, Quinton Babb and Florence Babb

VS. DECREE

M. L. Babb, Claude L. Babb, Holly C. Babb, the last two being infants over the age of fourteen years, Bernice Babb, Quinton Babb and Florence Babb, the last three being infants under the age of fourteen years.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of Hugh L. Holland, Special Commissioner, this day filed, and to which no exception has been taken, and it appearing to the court from said report that the said Hugh L. Holland, Special Commissioner, had in hand Two Hundred and Seven and 05/100 ($207.05) Dollars on the 26th day of July, 1914, as shown by his report filed on that date and by a decree entered by this court on that date confirming said report, and it appearing to the court that the said Hugh L. Holland, Special Commissioner, has disbursed the same as follows:

By Balance in hand as shown by report filed July 26, 1914, and confirmed by decree entered on July 26, 1914		$207.05
To Fee allowed by court for examination of title and services in connection with investment of money in hand in property near Suffolk	$30.00	
" Paid Elfrida C. Lewis in part on property above mentioned	153.75	
" Paid Geo. E. Bunting, recording deed from Elfrida C. Lewis to M. L. Babb et als	2.60	
" Hugh L. Holland, fees, etc.	12.70	
" A. S. Johnson, clerk fees	4.00	
" " " " " " for exoneration from taxes	1.75	
" A. S. Johnson, for clerk's fees in suit	2.25	
	$207.05	$207.05

"Exhibit A" 2

Babb

v

Babb et al

COMMONWEALTH OF VIRGINIA:

In the Clerk's Office of the Circuit Court for the City of Suffolk.

I, G.A.Harris, , Clerk of the Circuit Court aforesaid, do hereby certify that on the 16th day of October, 1913 , Alice M.Babb, duly qualified in the said Circuit Court as guardian of Claude L.Babb, Holly C.Babb, ~~of~~ Bernice Babb, Quinton Babb, and Florence Babb. and gave bond as such according to law

Given under my hand this 16th day of October, , 1913 .

G. A. Harris , Clerk.

J. P. BELL COMPANY, PRINTERS, LYNCHBURG, VA.

"Exhibit B" 3

Baff

v

Baff et alx

6 1/2 £1000-

surance of the said land as may be requisite.

Witness the following signature and seal.

Witness, J. R. Rhodes. Meredith his x mark D. Butler, (SEAL)

State of Virginia,

County of Isle of Wight, to-wit:

I, Wm. S. Holland, a Commissioner in Chancery of the Circuit Court for the County aforesaid in the State of Virginia, do certify that Meredith D. Butler, whose name is signed to the foregoing writing, bearing date on the 10th. day of August, 1901, has acknowledged the same before me in my County aforesaid.

Given under my hand this 10th. day of Aug. 1901.

Wm. S. Holland, Comr. in Chancery of the Cir Ct. &c.

In the Clerk's Office of Isle of Wight County Court October 4th. 1901, this deed was received and with the certificate annexed, admitted to record.

Teste, M. F. Young, Clerk.

By Albert S. Johnson, Deputy.

A copy,

Teste, A. S. Johnson Clerk.

Recorded in Deed Book No. 65, page 530.

THIS DEED, made this 10th. day of August, in the year one thousand nine hundred and one, between Meredith D. Butler of the County of Isle of Wight in the State of Virginia, party of the first part, and Susan Butler, wife of M. D. Butler and the children of M. L. Babb and Alice M. Babb his wife, parties of the second part-

WITNESSETH: That for and in consideration of FIVE DOLLARS cash paid and for natural love and affection and for the further consideration that the said parties of the second part shall and will pay my just debts at my death, the said Meredith D. Butler doth grant unto the said Susan Butler during the time between his death and her death with remainder after his death and her death to the said children in fee simple with General Warranty, all that tract of land whereon I now live in the County of Isle of Wight in the State of Virginia, said to contain 97 acres, and adjoining Dickey Holland Jno. W. Darden, W. E. Outland, Thos. M. Darden and others, it being the land I have owned and occupied for many years, and is the same land the said M. D. Butler conveyed to his father by a deed of gift about thirty years ago and which said father deeded back to him by a deed which has been lost or destroyed, within a few months after the said brother deeded it to him, and which he, the said M. D. Butler has exclusively possessed and paid taxes on for more than thirty years, and to which land no one has laid any claim at any time since said deeds for a period of thirty years. No one is to take possession or in any way take charge of this land till the death of the said M. D. Butler.

The said M. D. Butler covenants that he has the right to convey the said land to the grantees; that he has done no act to encumber the said land; that the grantees shall have quiet possession of the said land, free from all encumbrances from the death of the said M. D. Butler, but not till then, and that he, the said party of the first part, will execute such further as-

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Alex M Babb Pltf

vs } Chancery

W L Babb et als

Filed
In the CLERK'S OFFICE of the
CIRCUIT COURT
OF THE
COUNTY OF ISLE OF WIGHT
this 19 day of Janu 1914
Test H Johnson C K

No.

Know all Men by These Presents: That we Hugh L. Holland

principal ,

and

The United States Fidelity and Guaranty Company, surety ,

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

°°--------FIFTEEN HUNDRED DOLLARS---------°°

to the payment whereof well and truly to be made we bind ourselves and each of us, our and each of our heirs, executors, 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 Hugh L. Holland, principal, has hereto set his hand and seal and the said The United States Fidelity and Guaranty Company surety, by Richard L. Woodward, 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 Richard L. Woodward, its said agent and attorney in fact, this, the 19th. day of January, A. D. 1914

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound Hugh L. Holland, appointed Special Commissioner in the chancery suit in the Circuit Court of the County of Isle of Wight now pending in which Alice M. Babb, guardian, is the complainant, and M. L. Babb and others are defendants, by decree entered therein on the 5th. day of January, 1914, shall discharge and perform all the duties required of him by said decree or any future 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.

Hugh L Holland [SEAL]

The United States Fidelity & Guaranty Co.

By Richard L Woodward

Its duly authorized agent and attorney in fact.

Attest: Richard L Woodward

Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 19 day of January 1914, this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

A Johnson Clerk.