1916-002 Chancery Causes. Hugh L. Bailey Vs Cuthbert Bailey et al 157

Isle of Wight County

other surnames: CARR, JOHNSON, DARDEN

SECOND DECEMBER RULES, 1913: Process returned executed on all parties. Bill Filed, Decree Nisi.

FIRST JANUARY RULES 1914: Defendants still failing to appear, plead, answer or demur, Bill taken for confessed as to all of them and case set down for hearing.

8

Bill.

Hugh S. Bailey
vs. } 154
Cuthbert Bailey
et als.

OFFICE OF
WILLIAM M. CRUMPLER,
ATTORNEY AND COUNSELLOR AT LAW,
SUFFOLK, VA

VIRGINIA

In the Circuit Court of Isle of Wight County.

Hugh S. Bailey,

vs.

Cuthbert Bailey, Margaret Bailey, W. W. Bailey, Lelia Bailey, Ada Carr, Tom Carr, Lillie S. Bailey, and Lula C. Bailey.

To the Honorable B. D. White, Judge of the Circuit Court of Isle of Wight County:

Your orator, Hugh S. Bailey, humbly complaining showeth unto your Honor:

That his father, Q. R. Bailey, was, in his life time, seized and possessed of certain real estate lying in the County of Isle of Wight, in the State of Virginia, hereinafter bounded and described and while so seized and possessed did, to-wit, on or about February 2, 1913, die intestate, leaving your complainant, Cuthbert Bailey, W. W. Bailey, and Ada Carr (nee Bailey), his only children and heirs at law, the remaining parties defendant to this suit being the consorts of said children or heirs, save Lula C. Bailey, who is the widow of the decedent, said real estate being bounded and described as will appear from a certified copy of the deed conveying said property to said Q. R. Bailey, which is herewith filed marked "Exhibit A" and prayed to be read as a part of this bill, as follows, to-wit:

"All of that certain tract or parcel of land lying and situated in the County of Isle of Wight, and State of Virginia, and the Magisterial District of Hardy, and bounded by Black Water River, the lands of J. R. Horne, J. C. Pierce,

and others, and said to contain one hundred and ten (110) acres, more or less, sale in gross and not by the acre."

And your orator further states that while he does not believe that the said real estate is susceptible of division among the parties entitled thereto, he is not familiar with the wishes of all of the defendants, and, consequently, it is his desire that the plausability or advisability of division be investigated by this court and in the event that it shall be found that the said real estate is not susceptible of division, then your orator desires that the same may be sold and the proceeds divided among the parties entitled thereto. For as much, therefore, as your orator is remediless in the premises, save by the aid of a court of equity, he prays that the said Cuthbery Bailey, Margaret Bailey, W. W. Bailey, Lelia Bailey, Ada Carr, Tom Carr, Lillie S. Bailey and Lula C. Bailey may be made parties defendant to this bill and be required, but not on oath to answer the same, the oath being hereby waived; that the said real estate be divided among the parties entitled thereto; that all proper orders and decrees may be made and accounts taken and inquiries be directed, including an account of the debts due and owing by the decedent's estate as well as against whom the use and occupancy of the said premises since the death of the decedent should be charged and that all such other, further, and general relief in the premises may be granted as may be just and right and your orator will ever pray etc.

Notice is hereby given all parties in interest that this court will be asked to allow counsel prosecuting this suit a reasonable fee for his services in that behalf.

Sam M. Lemmon Hugh S. Bailey

P.Q. By counsel.

VIRGINIA

In the Circuit Court of Isle of Wight County.

Hugh S. Bailey,

vs.

Cuthbert Bailey et als.

The separate answer of Ada Lee Carr, an infant under the age of twenty-one years, by Hugh L. Holland, her guardian ad litem, appointed to defend her in this suit, to a bill of complaint filed against her and others in the Circuit Court of Isle of Wight County by Hugh S. Bailey.

This respondent reserving to herself the benefit of all just exceptions to the said bill of complaint for answer thereto, or to so much thereof as she is advised that it is material she should answer, by her said guardian ad litem, answers and says.

That she is an infant of tender years, by reason of her infancy is incapable of taking care of her rights and interest herein; and that she commends herself and her rights and interest to the protection of the court, and prays that no decree may be entered that will tend to her prejudice. And now having fully answered the complainant's bill, this respondent prays to be hence dismissed with her reasonable cost by her in this behalf expended.

Guardian ad litem for Ada Lee Carr.

State of Virginia,

_____ to-wit:

Hugh L. Holland, guardian ad litem for Ada Lee Carr, 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 on information, he believes them to be true.

_____

Guardian ad litem for Ada Lee Carr.

Taken, sworn to, and subscribed before me _____ a Notary Public in and for the _____ and State aforesaid, in the _____ aforesaid, this _____ day of _____ 19___.

My term of office expires on the _____ day of _____ 19____.

_____

Notary Public.

VIRGINIA

In the Circuit Court of Isle of Wight County.

Hugh S. Bailey,

vs.

Cuthbert Bailey et als.

The separate answer of Ada Lee Carr, an infant under the age of twenty-one years, by Hugh L. Holland, her guardian ad litem, appointed to defend her in this suit, to a bill of complaint filed against her and others in the Circuit Court of Isle of Wight County by Hugh S. Bailey.

This respondent reserving to herself the benefit of all just exceptions to the said bill of complaint for answer thereto, or to so much thereof as she is advised that it is material she should answer, by her said guardian ad litem, answers and says.

That she is an infant of tender years, by reason of her infancy is incapable of taking care of her rights and interest herein; and that she commends herself and her rights and interest to the protection of the court, and prays that no decree may be entered that will tend to her prejudice. And now having fully answered the complainant's bill, this respondent prays to be hence dismissed with her reasonable cost by her in this behalf expended.

Hugh L. Holland,

Guardian ad litem for Ada Lee Carr.

State of Virginia,
City of Suffolk to-wit:

Hugh L. Holland, guardian ad litem for Ada Lee Carr, 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 on information, he believes them to be true.

Hugh L. Holland

Guardian ad litem for Ada Lee Carr.

Virginia,
City of Suffolk, to-wit:

Taken, sworn to, and subscribed before me William M. Lawrence a Notary Public in and for the City and State aforesaid, in the City aforesaid, this 1st day of October 1917.

My term of office expires on the 18th day of October 1917.

William M. Lawrence

Notary Public.

9

Bailey
N & Chy No 157
Bailey

1915.
Oct 28
Dem
R & W.

VIRGINIA,

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

We command you that you summon Ada Lee Carr, an infant, and Hugh L. Holland, her ~~guardian~~ guardian ad litem, to appear in the Clerk's Office of the Circuit Court for our County of Isle of Wight, at the rules to be holden for said court on the Third Monday in October, 1915, to answer a bill in chancery filed against her and others, by Hugh S. Bailey. And have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court, at the Courthouse, this 13th. day of October, 1915.

A S Johnson Clerk.

William M. Crumpler, p.q.

8

Pacey et al
vs
Pacey et ano
1357

VIRGINIA: CLERK'S OFFICE OF THE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT
Oct 18 1915
Returned
Teste: [illegible] Clerk

I executed the within summons this the 15th, day of October 1915, in the County of Isle of Wight by serving a true copy of same on Ada Lee Carr, an infant, under the age of twenty-one years, in person and explained to her the purport of same.

R. Augustus Edwards.
Sheriff of Isle of Wight County.

VIRGINIA,

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

We command you that you summon Ada Lee Carr, andinfant, and Hugh L. Holland, her ~~guardian~~ guardian ad litem, to appear in the Clerk's Office of the Circuit Court for our County of Isle of Wight, at the rules to be holden for said court on the Third Monday in October, 1915, to answer a bill in chancery filed against her and others, by Hugh S. Bailey. And have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court, at the Courthouse, this 13th. day of October, 1915.

A S Johnson Clerk.

William M. Crumpler, p.q.

7

Bailey

x ⟨ 157 Chas

Bailey

Subpoena

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

10/2 1915

Returned

Teste, A. D. Thrum Clerk.

Dec. 6, 1915 Subpoena in the above styled cause issued and delivered to the Sheriff of Isle of Wight County for service.

Attest: A. D. Thrum Clerk

Chas. Bailey & Co. vs. Chas. H. Holland et al. In Chancery in the Circuit Court of Isle of Wight County, Virginia. Subpoena issued Dec. 6, 1915 and delivered to the Sheriff of Isle of Wight County for service.

COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting;

We command you that you summon Cuthbert Bailey, Margaret Bailey, W. W. Bailey, Lelia Bailey, Ada Carr, Tom Carr, Lillie S. Bailey and Lula C. Bailey

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said Court on the third Monday in December, , 1913 , to answer a bill in chancery exhibited against them in our said Court by Hugh S. Bailey

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Court-house, this 15th. day of November, , 1913 , and in the 138th. year of the Commonwealth.

A. S. Johnson Clerk.

I executed the within summons this the 6th day of December 1913 in the County of Isle Of Wight by serving a true copy of same on Mrs Lula C. Bailey in person.

R. Augustus Edwards Sheriff.

By B. Williams White D. S.

Hu h S. Bailey
vs) Chancery 157
Cuthbert Bailey et als.

Subpoena in Chancery.

Rec'd Dec 10 1913

COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY--Greeting:

We command you that you summon Cuthbert Bailey, Margaret Bailey, W. W. Bailey, Lelia Bailey, Ada Carr, Tom Carr, Lillie S. Bailey and Lula C. Bailey

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said Court on the third Monday in December, ..., 1913 , to answer a bill in chancery exhibited against them in our said Court by Hugh S. Bailey

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Court-house, this 15th. day of November, ..., 1913 , and in the 138th. year of the Commonwealth.

A. S. Johnson Clerk.

Due, legal, and sufficient service of the within summons is hereby accepted and William M. Crumpler authorized as my counsel to act for me.

W. H. Bailey

Mrs. Lelia M. Bailey

In the Clerk's Office of the
CIRCUIT COURT,
OF THE
COUNTY OF ISLE OF WIGHT
this..... day of.....

.....

COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting;

We command you that you summon **Cuthbert Bailey, Margaret Bailey, W. W. Bailey, Lelia Bailey, Ada Carr, Tom Carr, Lillie S. Bailey, and Lula C. Bailey,**

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said Court on the ~~Second~~ Third Monday in **December,** ....., 191**3**, to answer a bill in chancery exhibited against **them** in our said Court by **Hugh S. Bailey**

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Court-house, this **15th.** day of **November,** **1913,** ..., 191..., and in the **138th.** year of the Commonwealth.

A. S. Johnson Clerk.

Due, legal, and sufficient service of the within summons is hereby accepted and William M. Crumpler authorized as my counsel to act for me.

Lillie S. Bailey

COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY--Greeting;

We command you that you summon Cuthbert Bailey, Margaret Bailey, W. W. Bailey, Lelia Bailey, Ada Carr, Tom Carr, Lillie S. Bailey and Lula C. Bailey

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said Court on the third Monday in December, , 1913 , to answer a bill in chancery exhibited against them in our said Court by Hugh S. Bailey

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Court-house, this 15th. day of November, , 1913 , and in the 138th. year of the Commonwealth.

A. S. Johnson Clerk.

Due, legal, and sufficient service of the within summons is hereby accepted and William M. Crumpler authorized as my counsel to act for me.

Margaret Bailey

COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting;

We command you that you summon Cuthbert Bailey, Margaret Bailey, W. W. Bailey, Lelia Bailey, Ada Carr, Tom Carr, Lillie S. Bailey and Lula C. Bailey

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said Court on the third Monday in December, , 1915, to answer a bill in chancery exhibited against them in our said Court by Hugh S. Bailey

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Court-house, this 15th. day of November, , 1915, and in the 136th. year of the Commonwealth.

A. S. Johnson Clerk.

Due, legal, and sufficient service of the within summons is hereby accepted and William M. Crumpler authorized as my counsel to act for me.

Cuthbert Bailey

COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY--Greeting;

We command you that you summon Cuthbert Bailey, Margaret Bailey, W. W. Bailey, Lelia Bailey, Ada Carr, Tom Carr, Lillie S. Bailey, and Lula C. Bailey,

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said Court on the Third Monday in December, 1913, to answer a bill in chancery exhibited against in our said Court by Hugh S. Bailey

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Court-house, this 15th. day of November, 1913., and in the 138th. year of the Commonwealth.

A. S. Johnson Clerk.

Due, legal, and sufficient service of the within summons is hereby accepted and William M. Crumpler authorized as my counsel to act for me.

Ada. Carr.

COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting;

We command you that you summon **Cuthbert Bailey, Margaret Bailey, W. W. Bailey, Lelia Bailey, Ada Carr, Tom Carr, Lillie S. Bailey, and Lula C. Bailey,**

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said Court on the **Third** Monday in **December,** , 191**3** , to answer a bill in chancery exhibited against **them** in our said Court by **Hugh S. Bailey**

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Court-house, this **15th.** day of **November, 1913,** , 191 , and in the **138th.** year of the Commonwealth.

A. S. Johnson Clerk.

Due, legal, and sufficient service of the within summons is hereby accepted and William M. Crumpler authorized as my counsel to act for me.

Tommie Cox

37-Apl. 21. 1916

5

Bailey

vs

157

Bailey et als

Commissioners'
report

Filed September
20th 1915

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

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

Hugh S. Bailey

vs) Chancery.

Cuthbert Bailey, Margaret Bailey, W. W. Bailey, Lelia Bailey, Ada Carr, Tom Carr, Lillie S. Bailey and Lula C. Bailey.

To the parties in the above suit:

You are hereby notified that I shall, at the office of the Clerk of the Circuit Court of the County of Isle of Wight, at the Courthouse of said County, on Tuesday the 22nd. day of December, 1914, at eleven o'clock A.M. proceed to execute the decree entered in said cause on the 9th. day of November, 1914, which requires one of the Commissioners of said court to inquire and report to Court as follows:

1. Whether the real property in the bill mentioned, can be conveniently divided between the several partiesentitled to share therein.

2. If the same cannot be comveniently divided whether any party will take the entire property and pay therefor to the other parties such sums of money as their interests will entitle them to.

3. And if the same cannot be conveniently divided, and if no party will take the entire property and pay the others for their shares, whether the interest of those entitled to the said property, or the proceeds, will be promoted by a sale of the entire property, or by allotment of a part and sale of the residue.

4. Whether there are any delinquent taxes for the current year.

5. Whether there are any other liens by way of deed of trust, judgment, or otherwise, against the said property, or against the decedent, or any party entitled to share in a division of the said property.

6. Whether or not all the proper parties to this cause are before the Court.

7. The interests of the several parties in said property and how acquired.

8. A full and complete description of said property, together with its annual and fee simple value.

Which several inquiries, together with the evidence taken by him, the said Commissioner shall make and to the Court report; together with any matters especially stated or brought to his attention by any party in interest, and by the commissioner deemed pertinent to be reported to court.

Given under my hand this 11th. day of December, 1914.

O. Johnson

Commissioner.

I accept due legal & sufficient service of within notice.

Ada S. Carr.
Tom Carr.
Lillie S. Bailey.
Hugh S. Bailey
By Counsel,
William McLemmyhr.
H. H. Bailey
Lelia M. Bailey
Albert Bailey
Margaret Bailey
By Counsel
Wm. M. Lemmyhr.

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

HUGH S. BAILEY

vs) Chancery 157.

CUTHBERT BAILEY, ET ALS.

The depositions of M. W. Carr and others, taken before me, A. S. Johnson, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, to be read as evidence in the execution of a decree entered in the above entitled cause on the 9th. day of November, 1914, pursuant to notice, which is hereto attached, showing service thereupon.

Present, Wm. M. Crumpler, fc.

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

Q. Please state your name, age, residence and occupation? A. C. H. Johnson, I am forty three years old, live in Isle of Wight County and am a farmer.

Q. You knew Quincy Richard Bailey? A. Yer sir.

Q. Do you know the farm which he owned at the time of his death. A. Yes sir, I know it very well, I live in about a mile and a half of it.

Q. How much arable land and how much wood land, approximately. A. Well, I dont know exactly how much wood land thereis. I suppose there is about thirty acres cleared land.

Q. In your judgment can this land be conveniently divided in five different parts? A. I dont see how it could.

Q. What, in your judgment, is the actual value of this farm? A. Twelve hundred and fifty dollars.

Q. What, in your judgment, will this farm rent for per year? A. About a hundred and twenty dollars.

By the Commissioner:

Q. You state that you do not know just how much woodland there is- can you approximate it? A. About seventy acres or such matter.

Q. What is the character of the timber upon the land? A. Well it was cut off about four years ago and it is very poor.

Q. What is the character of the soil on the arable land, and what its condition as to fertility? A. It is fairly good little farm. Some light and some stiff, about like the average.

And further this deponent saith not.

his
C. H. Johnson
mark

M. W. Carr being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? M. W. Carr, I am fifty six years of age, live in Isle of Wight County, and am a farmer.

Q. How far do you live from the farm formerly belonging to Q. R. Bailey, and how long have you lived there? I have lived in about two mile of it twenty eight years this Christmas.

Q. What do you think is a fair valuation for this farm? A. About twelve hundred and fifty dollars.

Q. How much cleared land is there? A. I couldnt say. It is a good one horse crop.

Q. You can approximate the cleared land? A. I suppose there is somewhere about thirty or thirty five acres of cleared land.

Q. The remainder being woodland, can you tell us whether it has been recently cut? A. About six or eight years ago, I think.

Q. What is the present condition of the growth of trees? A. The gum, oak and ash is on it but there is not much pine.

Q. Do you think this land can be conveniently divided into five parts? A. I do not think that it could.

Q. What do you think is the annual rental value of the place? A. The farm ought to rent for a hundred or a hundred and twenty dollars a year.

Q. Who occupies this farm at the present time? A. The widow.

Q. Has she occupied it since the death of Mr. Bailey? A. Yes sir, she has been there ever since he died?

Q. How long has Mr. Bailey been dead? A. He died last February a year ago.

Q. What is the condition of the place now, is it increasing in value? A. It is about like it was when Mr. Bailey died. I dont think it is increasing in value a cent.

Q. Has any rent been derived by the heirs from the widow since the death of Mr. Bailey, or do you know? A. Not as I knows of.

And further this deponent saith not.

Jno. A. Johnson M W Carr

Hugh S. Bailey being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. Hugh S. Bailey, I am thirty years old, I am owner of a moving picture show, and live in Suffolk.

Q. Who survived your father, Q. R. Bailey? A. Widor, Lula C. Bailey, Ada Lee Carr, daughter, C. E. Bailey, son, W. W. Bailey, and myself.

Q. C. E. Bailey, I presume, is Cuthbert Bailey? A. Yes sir.

Q. Is there any one else entitled to share in the distribution of his estate? A. No sir.

Q. Do you know what debts are due and owing by your father's estate? A. I paid his hospital bill in Suffolk, and loaned him twenty five dollars about two months before he died. The vouchers are in your hands (meaning Mr. Crumpler) for these items.

Q. Since your father's death, have you, or either of your brothers, or your sister Ada derived any revenue from the farm? A. I did get fifty six pounds of meat in part payment of the debt of my father owing to me.

Q. You know this farm, in your judgment can it be profitably or conveniently divided in four or five equal parts? I do not think

so.

Q. Do xx know of any party in interest who is willing to take the farm at its actual value, paying theother parties for the rights to which they are entitled? A. My sister, Ada Lee Carr, will take the place and pay the others for their shares, at twelve hundred and fifty dollars.

Q. You think, then, the property worth as much as twelve hundred and fifty dollars? A. Yes sir.

And further this deponent saith not.

Hugh L. Bailey

Ada Lee Carr being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. Ada Lee Carr, I amnineteen years of age, am the wife of Thomas Carr and live in Isle of Wight County.

Q. You are one of the children of Q. R. Bailey, deceased? A. I am the only daughter.

Q. Doyou know of any one of the parties, the widow, or either of the children, who would be willing to take this farm at twelve hundred and fifty dollars? A. Yes sir, I will take it at twelve hundred and fifty dollars.

And further this deponent saith not.

Ada Lee Carr

Lula C. Bailey being duly sworn, deposes and says:

Please state your name, age, residence and occupation? A. My name is Lula C. Bailey, I am thirty seven years old, was thirty seven years old the twenty first of last april.

Q? Are you the widow of Q. R. Bailey? A. Yes sir.

Q. When did Mr. Bailey die? A. 2nd. day of February, 1913.

Q. Did any one administer on the estate? A. They did not.

Q. What property did he have, personal property, I mean, when he died? A. Mr. Bailey was sick for two years before he died. For one year before he died he was practicallyx an invalid for the whole time. There was no money left, as it all had to be taken to pay the expense attendant upon his sickness. There was a horse, cart and wheels, a buggy, one cow and a calf, the calf, he gave to his daughter Ada, before he died, and she took it away after he died, 3 stock hogs and six small pigs less than a month old, some farming implements--2 plows, 2 cultivators, peanut weeder,, peanut planter and a guano sower, all worth not over fifty dollars. We had just killed thirteen small hogs, and had about a thousand pounds of gree pork in the smokehose when he died, not over that I am sure.

Q. What real estate did he own? A. a small farm of about a hundred acres, near Zuni, whdah he bought of J. M. Darden.

Q. What do you consider the value of that farm? A. A thousand, or twelve hundred or twelve hundred and fifty dollars.

Q. Who has been living on the farm since the death of Mr. Bailey? A. I have.

Q. Have you been cultivating it? A. Yes sir.

Q. Have you any account of what you have made on the land since the death of Mr. Bailey? A. Yes sir, in 1913, I had a man named Lewis farming the land for me and he made five barrels of corn and thirty two bags of peas--that was the farm's share. This year, has been a very dry year but I have done better. I have received twenty bags of peas, of only fair quality, and have sold them, and for my share have received twenty barrels of corn, or about

Is there any indebtedness against the estate that you know of? A. Yes sir, the burial expenses, which I have paid, the receipts being now turned over to you. Out of my own money which I received from my mother's estate I have paid for labor on the farm before Mr. Bailey's deat $2.65, I also paid doctor's bills for him to Dr. E. R. Hart $10.00, to Dr. Doles $2.50 and I now owe Dr. R. Lee Seward $5.00. I have also paid the taxes on the farm and have paid fifteen dollars for cleaning ditches.

Q. Mr. Hugh S. Bailey says that the estate owes him for hospital bill and also twenty five dollars loaned him, Mr. Bailey. Do you know anything of this? I know that he loaned my husband twenty, so he told me, and it has been my impression that he paid it back. But as to this I am not certain. I also thought all the hospital bill was paid as I have receipt for that which I give you now. Ho was in the hospital ten days.

Q. Mr. Hugh Bailey states that he has received as part payment of accounts he has against the estate fifty six pounds of meat. Do you know anything about this? A. Yes sir, he was sent a box of meat in 1911 and a box in 1912, and I have sent him fifty six pounds of meat in June, 1913, being mixed hams, shoulders and sides. This was the fifty six pound box. The other boxes were about fifty pounds each, as well as I remember.

Q. Can the real estate be conveniently divided among the parties entitled to share therein? A. No sir.

Q. Do you own any of the shares of any of the interested parties, or the children of Mr. Bailey? A. Yes sir. I have purchased the interest of Cuthbert and Wilbur, and am half owner in the land and also, as widow am entitled to dower. It might be to advantage to have my half set aside and then assign to me my dower. This is what I would like, but I am willing to take the whole and pay to the others for their interest at the rate of twelve hundred and fifty dollars, or I wish my part set aside and my dower assigned to me.

Q. In your farming operations have you made sufficient to cover

your expenses. A. I have had to buy corn to feed the horse this year. I have let the farm out for half, the laborer to furnish all labor and half of everything and I did the same, furnishing team and implements, each one taking half of the crop. I am giving you a statement of what I have received from sale of xxx crops and fertilizer I have paid for, my share of both.
Q. How about the household goods in the house? A. Well, some part of that was mine which I bought of my own money. Of Mr. Bailey's there is an old parlor suit, three bedsteads and three feather beds a bolster and pair of pillows for each of the setads, but all the covering that is there now is mine. There are also two bureaus and two washstands and an old desk there which belonged to him. All of it is worth probably thirty dollars. I would not like to give more than that for it, and if it was mine I would be willing to take that for it.

And further this deponent saith not.

Luke C Bailey

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

Hugh S. Bailey

vs) Chancery--No. 157.

Cuthbert Bailey et als.

REPORT OF COMMISSIONER

TO HONORABLE B. D. WHITE,

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

The undersigned, one of the Commissioners in Chancery of Your Honor's Court, to whom has been referred the papers in this cause, for the execution of a decree entered therein on the 9th. day of November, 1914, respectfully reports to the court that after issuing notices, directed to all the parties in said suit, upon whom it was proper to serve notice, on the 22nd. day of December, at the time and place mentioned in said notice, namely: at the office of the Clerk of the Circuit Court of the County of Isle of Wight, at eleven o'clock A.M., he attended, pursuant to said notice, and took the testimony of C. H. Johnson and others, reduced the same to writing, and has returned the same, herewith, as a part of this report.

At the taking of the testimony aforesaid, it appears that Ada Lee Carr, one of the defendants, and a child of Q. R. Bailey, was not of the age of twenty one years, and there has been no guardian ad litem appointed for her, which should have been done. One can now be appointed, your Commissioner believes, and file an answer for her, and the cause be proceeded with.

Your Commissioner gathers, from the testimony taken that Q. R. Bailey died siezed and possessed of a tract of land

situate in the County of Isle of Wight, on Blackwater River, containing, according to the deed of conveyance to him, one hundred and ten acres, be the same more or less, conveyed to him by J. M. Darden and wife, by their deed bearing date February 4th. 1904, and of record in the Clerk's Office of said County in Deed Book No. 69, page 199, and which is assessed at $800, the fee simple value of which is twelve hundred and fifty dollars a year, and the annual value is not over a hundred and twenty dollars a year.

It appears from the testimony that the land cannot be conveniently divided among the parties entitled to share therein.

It also appears from the testimony that two parties in interest are willing to take the land and pay the others for their shares, one of them being Ada Lee Carr, the infant defendand mentioned, and the other Lula C. Bailey, the widow.

It does not appear that an allotment of a part and a sale of the residue would be practical.

C. E. Bailey, one of the defendants, by his deed bearing date the 11th. day of March, 1914, and of record in Deed Book No. 83, page 87, in the said Clerk's Office, conveyed his interest in this land to said Lula C. Bailey. Later, by her deed bearing date May 4th. 1914, and of record in said Clerk's Office in D.B. No. 83, page 167, Margaret Bailey, wife of said C. E. Bailey, conveyed her contingent dower interest in the share of said C. E. Bailey, to said Lula C. Bailey.

W. W. Bailey, another of the defendants, by his deed bearing date April 14th. 1914, in which his wife joined, and which is of record in said Clerk's Office in D.B. No. 83, page 140, conveyed his interest in said land to said Lula C. Bailey.

This makes said Lula C. Bailey the owner of a dower interest in said land, and an undivided one half interest in fee in the whole tract.

Said Lula C. Bailey states, in her testimony, filed

herewith, she wishes her dower to be assigned to her in the land in the event it is sold for a division. As she has offered to take the land at its estimated value, it looks to your commissioner like that the proper and practical thing to do is to sell the land to her, collecting from her the amount due and owing thereupon to the other heirs, and pay them for their shares, and make her a deed for the land.

Your Commissioner finds no liens for taxes, or otherwise upon said land, or any interest therein, except a deed of trust against the interest of said Lula V. Bailey, dated May 22nd. 1914, to J. R. Horne, trustee, securing to Horne & Snipes the payment of the sum of two hundred and seventy dollars, evidenced by a bond of even date with said deed of trust, bearing interest from date at the rate of six per centum per annum.

All of the proper and necessary parties to this cause appear to be Lula C. Bailey, Ada Lee Carr and her husband, Thomas Carr, and Hugh S. Bailey, and all are properly before the Court except Ada Lee Carr, who is an infant and shouldmbe represented by a guardian ad litem.

Your Commissioner has been requested by counsel for H. S. Bailey and Ada Lee Carr to inquire into and report, specially upon the personal property of which said Q. R. Bailey died siezed and possessed.

From the testimony taken and filed herewith, it appears that he left:

3 stock hogs and 6 pigs, probable value			$ 35.00
Farming Implements,	"		50.00
1 horse,	"		100.00
Cart and wheels,	"		10.00
Buggy,	"		20.00
About 1000 pounds green pork	"	12¢	120.00
aggregating----------			$335.00

Mrs. Bailey has been occupying the land since her husband's death, and has collected, for the farm's share, for the year 1913, 46.75

1915.
$78.80

and for the year 1914, $ 78.80

which, together with the other assets, amounts to 460.55

Mrs. Bailey has paid out for:

Taxes,	11.55
To Dr. Doles,	2.00
To G. Lipman	15.00
To R. W. Baker,	105.00
To H S. Bailey,	8.30
To Dr. Hart,	25.00

$166.85

She states, in her testimony that she has paid and owes:

To Dr. Hart	10.00
To Dr. Doles,	2.50
To Dr. Seward,	5.00
For ditching on farm	2.65.

$20.15

Vouchers have been shown for the items in the former list, but none have been presented for the items in the latter list.

Mr. H. S. Bailey states, in his testimony, that he paid his father's hospital bill, in Suffolk, and loaned him twenty five dollars before he died. Mr. H. S. Bailey presents unreceipted vouchers for the following items:

Dr. Hart	25.00
Lakeview Sanatorium	14.50
Lakeview Sanatorium, Inc.,	14.50
which, with the $25.00 mentioned in his testimony as a loan, aggregates	$79.00

A letter of Mr. H. S. Bailey is filed herewith, and with the vouchers presented by him, which states that he let his father have $25.00, and paid hospital bills amounting to $45.00, making a total of $70.00. This statement does not agree with the vouchers.

Mrs. Bailey has kept the taxes paid up since the death of her husband, and those are, of course, owing by the estate.

The difference between the assets and liabilities is dis-

tributal among the heirs of said Q. R. Bailey and his widow, the widow taking one third as widow, and then taking one half of the balance for the year 1914, as purchaser from two of the heirs.

Mr. H. S. Bailey is properly chargeable with 56 pounds of meat, according to his letter, which would amount to probably $6.72, as about 14¢ a pound for hog round, as stated by him, was, at the time of the purchase, a fair price; certainly is it true that it was worth that much.

Part of the values herein mentioned are fixed by your Commissinner, as a matter of convenience, and without any evidence, other than general information, not appearing in the testimony, which, of course, is in no wise binding upon any party. It is done merely for convenience. As a further hearing before the Commissioner would be expensive, he suggests that the Attorney in this cause be directed to take whatever evidence he has which negatives any item in the Commissioner's report before the Court without further reference to the Commissioner, if that course meets with the approval of the Court.

Respectfully submitted,

E. D. Johnson Commissioner.

Commissioner's fee, $20.00

"THE REPUTABLE HOUSE"

W.D. BOYETT CO.

FINE WHISKEYS

LARGE AND SELECT STOCK OF THE BEST LIQUOR ON THE MARKET
MAIL ORDERS FILLED PROMPTLY
LONG DISTANCE PHONE 137 CHURCH ST.

NORFOLK, VA.

June 4 14

Mr Crumpler

Suffock Va

Dear Sir

Enclosed the lics that I told you about. I wanted you to look after for me I let my father have $45.00 for his Hayules Bill and I let him have $25.00 more in Dec 1912 and he died in Feb 1913, total $70.00. I owe the estate for 56# of meat hog round at market price. I wish you would take this matter up & let settle it as soon as posible and to your judgement the best & easiest way as you are in position to no more about it than me will go any day you say Trusting you will attend to this right away

Yours truly
Hugh L S Boyett

ST. ANDREW'S HOSPITAL

SUFFOLK, VA., March 1911

Mr. E. R. Bailey
City

IN ACCOUNT WITH

DRS. HART & MORRISON

TO PROFESSIONAL SERVICES

To Operation	25.00
By Cash	25.00
	25.00
	14.50

BELL PHONE [redacted] SOUTHERN STATES PHONE 257

SUFFOLK, VA., Mar. 10 1911

Mr Bailey

To LAKEVIEW SANATORIUM, DR.
(INCORPORATED)

PRIVATE HOSPITAL.

BILLS PAYABLE WEEKLY

Mar 2-10		
To Board 1 wk & 1 day		8 00
" Op. room fee		5 00
" Dressings		1 50
		14 50

Paid
L. M. Finney Dayt.
Mar. 11-11

14.00
.50
14.00

SUFFOLK, VA., Mar 14 -11

Mr L. R. Bailey

Town

IN ACCOUNT WITH

DR. E. R. HART

To Professional Services

From Services rendered

To

$ 20.00

Received Payment

Mar 14 1911

E. R Hart

Many thanks - Hope Jim and family may [illegible]

E. R Hart

BELL PHONE 56

Suffolk, Va., *191*

Mr. R. R. Bailey

To LAKEVIEW SANITORIUM, INC., DR.

DRS. J. E. RAWLS', D. L. HARRELL'S AND DAVID L. RAWLS'

PRIVATE HOSPITAL

BILLS PAYABLE WEEKLY

1911		Dr.	Cr.
Nov. 29	To Board 1 Week	$7 00	
Dec. 6	" " 1 Day	1 00	
Nov. 30	To Operating Room Fee	5 00	
Nov 30-Dec 6	Dressings	1 50	
1911			
Nov. 11	By ~~Cash~~ Check		14 50
		$14 50	$14 50

MERCHANT TAILORING
A SPECIALTY

ESTABLISHED 1889

MERCHANT TAILORING
A SPECIALTY

ECONOMY CLOTHING HOUSE,

G. LIPMAN

WILLIAMS & BRADSHAW, Managers

CLOTHING AND GENT'S FURNISHING GOODS

Suffolk, Va., Feb 5 1913.

Sold to Mrs. C. R. Baily
for C R. Baily deceased

Feb 3	1 Suit	$ 15.00

June 11/13.

Rec. payment
G. Lipman

$15 00/100.

Thanks.

All Available Text Successfully Captured

Zuni Va June 23/13.

Mr Hugh Bailey

Durham Va

Dear Hugh.

I herewith enclose you check for as follows.

Organs of Grove	200
Hack Hire	300
Wagon.	50
Ticket for my self & Mr Bailey	280
	$8.30

The above is all I owe you to day. You can send me a receipt for same

7/1/13

Yours truly

Mrs Lula Bailey

Rec of L.C. Bailey The atom Eight Dollars & thirty cent. $8.30 in part payment on acct. Dear Lula I had not asked you for this & I trust you did not inconvenient you all to pay it. Yours truly H S Bailey,

Iver, Va.

Received of Mrs Q, R, Bailey, two dollars ($2-00)
in full of account for husband Capt , Q, R, Bailey
to date.
March 29-th 1913.

J T Dolis

All Available Text Successfully Captured

Suffolk, Va., Feby 3rd 191

Mr. W. R. Baley Est.

To R. W. BAKER & CO. Dr.

Furniture Dealers and Undertakers

SMITH BLOCK, CORNER WASHINGTON AND MAIN STREETS

To 1 Casket & Service		75 00	
" Embalming Body		10 00	
" L. O. Baley Hearse & Service		10 00	
" Wanley Furniture Co, Hearse		10 00	105 00

Received Payment in full of Mrs L. O. Baley
R W Baker & Co

Aug. 2nd/18

All Available Text Successfully Captured

Mr. Lucy R Bailey's Est. Dr.

HARDY DISTRICT No. 64

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

Form 1

1913

	State Taxes	County Levies	District Levies	TOTAL TAXES AND LEVIES
	35c. on $100. Support Government, Schools and Pensions and Income, 1%	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.	Dis. Schools 30c. on$100 Dis. Roads 20c. on$100 Total 50c.	
110 Acres, valued 800	280	420	400	
..... Acres valued				
..... Acres, valued				
..... Acres, valued				
Per. Prop., Sched. B, val.				
Per. Prop. Sched. C, val.				
Stock Merchandise, val.				
Income, Sched. D, 1%				
Total valuation				
Capitation				1 50
Total				11 00
5% Penalty added Dec. 1, 1913				55
Total Taxes and Penalty				11 55

W. E. LAINE'S Treas.
MAY 25 1914
PAID

Received payment ..... day of ..... 191... ..... Treasurer, per .....

EVERETT WADDEY CO. RICHMOND, VA

Statement of Peanut crop grown on farm of the late Q.R.Bailey in the years of 1913-14.

1913	32 bgs Peanuts 2980 lbs @ 3¢	89.40	
	Less Guano Picking & Bags	42.75	
			46.75
1914	47 bgs Peanuts 4700 lbs @ 3¢	141.00	
	Less Guano Picking & Bags	62.20	78.80
			$125.55

Statement of amount paid by Mrs L.C.Bailey account burial & other expenses of the late Q.R.Bailey.

To paid	Taxes	11.55
"	" J.T.Doles	2.00
"	" G.lipman	15.00
"	" R.W.Baker	105.00
"	" H.S.Bailey	8.30
		$141.85

Receipts herewith attached for the above

Received of Wm. M. Crumpler, Special Commissioner, the sum of $56.75 representing my share of rent of farm of Q. R. Bailey, deceased, for the respective years of 1913, 1914, and 1915.

Lula C Bailey
Per Ralford

Received of Wm. M. Crumpler, Special Commissioner, $305.98 representing commuted dower right in real estate of which Q. R. Bailey, my deceased hisband, died siezed and possessed.

Lula C Bailey
Per Rastoon

December 2nd,1916.

Received of William M.Crumpler,my attorney and special commissionor in the chancery cause of Bailey versus Bailey et als,the sum of Two hundred and ten dollars and twenty-six cents ($210.26),in full settlement of all sums due me in said cause.

Signed in duplicate,a copy to be filed with the papers in said cause and the original to be retained by the said William M.Crumpler,this receipt being also signed by T.M.Carr releasing any possible interest which he might have in the event of the death of the said Ada Lee Carr,his wife,the check being also endorsed by him.

Ada Lee Carr

Thomas M Carr

Received of Wm. M. Crumpler, Special Commissioner, the sum of $11.00, reimbursement for 1914 taxes on property of A. R. Bailey.

Linda C Bailey

2 -

Received of Wm. M. Crumpler, Special Commissioner, the sum of $11.55, taxes due by estate of A. R. Bailey for the year 1915.

W E Davis.
County Treasurer

Mr. Bailey Quincy R's Est. Dr.

HARDY DISTRICT

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

No. 58

1915	State Taxes 10c. on $100, Support of Public Schools Intangibles, 65c. Income, 1%	County Levies Gen'l Co. 35 c. on $100 Co. Schools 15 c. on $100 Poor - - 7½c. on $100 Co. Roads 5 c. on $100 TOTAL 62½c.	District Levies Dis. Schools 35c. on $100 Dis. Roads 30c. on $100 TOTAL 65c. *Intang. for Dis. Roads, 30c*	TOTAL TAXES AND LEVIES
110 Acres, valued 800	80	5 —	5 20	
..... Acres, valued				
..... Acres, valued				
..... Acres, valued				
Per. Prop.—Sched. B., val.				
Int. Per. Prop.—Classes 1,2,3,4, & 7				
Int. Per. Prop.—Fiduciaries, Class 5				
Stock Merchandise, val.				
Money on Dep., 20c. on $100				
Income—Sched. D, 1%				
Total valuation -				
Capitation -				1 50
TOTAL - - - - - -				11
5% Penalty added Dec. 1, 1915 - - - - - - - - - -				55
PER TOTAL TAXES AND PENALTY - - - - - - - -				11 55

Statement Rendered
W. E. LAINE, Treas.
OCT 31 1916

Received payment.....day of....., 191.... .....Treasurer, per.....

EVERETT WADDEY CO. RICHMOND, VA.

3.

Received of Wm. M. Crumpler, Special Commissioner, the sum of $72.28 indebtedness due me by estate of [illegible]. R. Bailey, $79.00, less amount due the estate by me, $6.72.

Hugh S Bailey

By Wm M Crumpler

Atty

4

Received of Wm. M. Crumpler, Special Commissioner, the sum of $10.00, in full settlement of account due me by the estate of W. R. Bailey.

E R Stuart

J-

Received of Wm. M. Crumpler, Special Commissioner, the sum of $2.50, in full settlement of account due me by the estate of J. R. Bailey.

J. T. Soles. M.D.

6

Received of Wm. M. Crumpler, Special Commissioner, the sum of $5.00, in full settlement of account due me by the estate of Q. R. Bailey.

R. Lee Seward

7

Received of Wm. M. Crumpler, Special Commissioner, the sum of $2.65 reimbursement for amount paid out for ditching on farm of C. R. Bailey.

Lula C Bailey

8

Received of Wm. M. Crumpler, Special Commissioner, the sum of $20.00 for my services as Commissioner in Chancery in cause of Hugh S. Bailey vs. Cuthbert Bailey et als.

R. F. Johnson Comr

1

Received of Wm. M. Crumpler, Special Commissioner, the sum of $7.50, reimbursement for indemnity advanced to Clerk covering cost in case of Hugh S. Bailey vs. Cuthbert Bailey et als.

Thos. The. Bonner Cler

10

Received of Wm. M. Crumpler, Special Commissioner, the sum of $7.50, covering balance due on cost in case of Hugh S. Bailey vs. Cuthbert Bailey et als.

R. J. Johnson, Clerk

11

Received of Wm. M. Crumpler, Special Commissioner, Fifteen ($15.00) Dollars in settlement of attorney's writ tax in the Chancery cause of Hugh S. Bailey vs. Cuthbert Bailey et als.

Thurlow Lamar

17

Received of Wm. M. Crumpler, Special Commissioner, the sum of Seventy-five ($75.00) Dollars, in settlement of fee for conducting Chancery cause of Hugh S. Bailey vs. Cuthbert Bailey et als.

12

Received of Wm. M. Crumpler, Special Commissioner, the sum of $10.00, for drawing deed to purchaser of property of .. R. Bailey sold by him as said Commissioner.

Wm. M. Crumpler

14

Received of Wm. M. Crumpler, Special Commissioner, the sum of $32.26, in settlement of commissions as Special Commissioner in Chancery suit of Hugh S. Bailey vs. Cuthbert Bailey et als.

Wm. M. Crumpler

N-

Received of Wm. M. Crumpler, Special Commissioner, for bond as Special Commissioner in suit of Hugh S. Bailey vs. Cuthbert Bailey et als,- $10.00.

W M Crumpler

16

Received of Wm. M. Crumpler, Special Commissioner, the sum of $166.85 reimbursement for sums disbursed by me as widow of W. R. Bailey and allowed in Commissioner's report in the cause of Hugh S. Bailey vs. Cuthbert Bailey et als.

Lula C Bailey

17

Received of Wm. M. Crumpler, Special Commissioner $141.50 in full settlement of Poor Debtor's Exemption allowed me, in pursuance to decree of the Circuit Court of Isle of Wight County in the Chancery cause of Hugh S. Bailey vs. Cuthbert Bailey et als, said decree being dated _____ day of _____, 1916.

Lula C. Bailey

20

Received of Wm. M. Crumpler, Special Commissioner, in the Chancery cause of Hugh S. Bailey vs. Cuthbert Bailey et als, the sum of $370.50, same covering the shares due me as assignee of C. E. and W. W. Bailey, less $50.00 paid S. E. Everett, my attorney, pursuant to decree dated the _____ day of _____, 1916.

Louise C Bailey

21

Rec'd of Thos. H. McInnes Jun. Three. Dollars in the chancery cause of Hugh S. Bailey vs Bertha Bailey et als the sum of Fifty Dollars ($50.00) fee allowed me by the Court as counsel for Lula C. Bailey.

W. A. Corbin

22

Received of Wm. M. Crumpler, Special Commissioner the sum of Two Hundred Ten Dollars and Twenty-six Cents ($210.26), one-fourth of remainder due me as my share from the estate of Q. R. Bailey, through the Chancery cause of Bailey vs. Bailey et als, pending in Isle of Wight County.

Ida Lee Sears

By Rumble Crumpler her atty.

23

Received of Wm. M. Crumpler, Special Commissioner, the sum of Two Hundred Ten and 27/100 ($210.27) Dollars one-fourth of remainder due me as my share from the estate of Q. R. Bailey, through the Chancery cause of Bailey vs. Bailey et als, pending in Isle of Wight County.

Hugh S. Bailey

By Wm. M. Crumpler his Atty.

VIRGINIA

In the Circuit Court of Isle of Wight County.

Hugh S. Bailey

vs.

Cuthbert Bailey, Margaret Bailey,
W. W. Bailey, Lelia Bailey, Ada Carr,
Tom Carr, Lillie S. Bailey, and Lula
C. Bailey.

To A. S. Johnson, Clerk:

You will please issue summons for the complainant against the defendants to the first Monday (First rules) in December, 1913, to answer a bill in Chancery.

Hugh H. Crumpler Hugh S. Bailey.

p. q. By counsel.

Hugh S. Bailey et als.

vs) Chancery 157

Cuthbert Bailey et als.

Attorney's memorandum.

Filed

In the CLERK'S OFFICE of the
CIRCUIT COURT,
OF THE
COUNTY OF ISLE OF WIGHT
this 15 day of Nov 1913
Test R. Johnson Ca

VIRGINIA:

In the Circuit Court of Isle of Wight County.

Hugh S. Bailey,

vs.

Cuthbert Bailey et als.

This cause ~~having~~ came on this day to be again heard upon the papers formerly read and ~~especially~~ upon the report of William M. Crumpler, Special Commissioner, ~~disclos-~~ ~~ing~~ showing a full settlement of ~~his account as such commissioner~~ all funds in his hands, to which report is annexed vouchers in support thereof, and it appearing to the court that, in accordance with the decrees heretofore entered herein, that the said commissioner has discharged the duties of his office and has fully and effectually paid and disbursed the fund collected from Lula C. Bailey, and no exceptions having been filed to his report, it is ordered that the same be and it is hereby ~~approved~~ confirmed (*1), and nothing further remaining to be done in this cause, it is ordered that the same be ~~and it is hereby~~ removed from the docket.

* 1 the clerk of this court is directed to record in the chancery order book ~~of~~ with this decree a copy of the statements ~~filed~~ in said report of said special Commissioner.

set out

Bailey
" 3 Drawings
Bailey.

Drawer
1916
Ch. 28.
Enter this.
B. D. W.

C. O. B. #7, f. 382

VIRGINIA

In the Circuit Court of Isle of Wight County.

Hugh S. Bailey,

vs.

Cuthbert Bailey et als.

On motion of the complainant, leave is granted Hugh L. Holland, who has been heretofore appointed guardian ad litem to the infant defendant, Ada Lee Carr, this day to file his answer in this case, which is accordingly done, and to which answer the complainant replies generally, and thereupon this cause came on this day again to be heard upon the papers formerly read, upon said answer, and upon the report of A. S. Johnson, Commissioner in Chancery, filed herein on the 20th day of September, 1915, to which report no exception has been filed, and it appearing to the court from said report that Q. R. Bailey died seized and possessed of the following real-estate, to-wit: "All that certain tract or parcel of land lying and situated in the County of Isle of Wight, and State of Virginia, and the Magisterial District of Hardy and bounded by Black Water River, the lands of J. R. Horne, J. G. Pierce, and others, and said to contain one hundred and ten (110) acres, more or less, sale in gross and not by the acre": That the said property now belongs, by reason of intermediate conveyance, as well as by descent, to Lula C. Bailey, Ada Lee Carr, and Hugh S. Bailey; and that said parties are now the owners of the said land; that the said land cannot be conveniently divided among the parties to this cause; that the said Lula C. Bailey is willing to take the entire property and

pay therefor to the others, such sums of money as they shall be entitled to, and that she having offered the sum of $1250.00 payable in cash, which amount the court is of the opinion is ~~which sum is much more than~~ the value of said land as ascertained by said Commissioner ~~a good offer for said land;~~ and it appearing further to the court that there cannot be an allotment of a part and a sale of the residue, and it also appearing that there is a lien upon the interest of the said Lula C. Bailey securing the sum of $270.00 with interest from May 22, 1914, to Horne and Snipes, and that there are no other liens upon said land; and it further appearing that all the necessary and proper parties are properly before the court; that said Lula C. Bailey, widow of Q. R. Bailey, has now in hand, or is indebted to the estate of the said Q. R. Bailey in the sum of $539.35, 348.40 ~~in consideration~~ for the personal estate of the said Q. R. Bailey which she has appropriated to her use and for the rent of the farm to date since the death of the said Q. R. Bailey, as against which amount she is entitled to a credit of $166.85 expended by her on account of the liabilities of the estate, leaving a balance due on account of the personal estate of $372.50, 181.65 which together with the purchase price of the real estate above described, aggregates $1622.50: ~~Now, therefore,~~ 1431.65 it is ordered, adjudged, and decreed that William M. Crumpler be and he is hereby appointed a Special Commissioner ~~of this court~~ for the purpose of executing a deed of conveyance of the said land to the said Lula C. Bailey as well as for the purpose of collecting from the said Lula C. Bailey the sum of $1622.50 1431.65 and after collecting the same, he is directed to treat the fund of $372.50 181.65 derived from the personal estate and the fund of $1250.00 derived from the real estate separately, especially to the end that the personal estate of the decedent shall be charged with the entire indebtedness set forth in the report of the commissioner and

On consideration wherof the Court doth confirm the said report and

hereinafter specifically directed to be paid, as well as the entire cost of this suit, the said commissioner being directed to disburse the fund so collected by him as follows;

out of the personalty ~~PERSONALTY~~.

To ~~Mrs~~. Lula C. Bailey reimbursement for 1914 taxes	1		$11.00
To W. E. Laine, Treasurer, for 1915 taxes	2	+	11.00
To Hugh S. Bailey, indebtedness due by the estate, $79,00, less amount due the estate by him of $6.72	3	+	72.28
To Dr. E. R. Hart account due by the estate.	4	+	10.00
To Dr. J. T. Doles account due by the estate. out	5	+	2.50
To Dr. R. L. Seward, account due by the estate.	6	+	5.00
To Lula C. Bailey reimbursement for ditching on farm	7		2.65
To A. S. Johnson, Commissioner in Chancery, for services in this cause.	8	+	20.00
To Wm. M. Crumpler, reimbursement for indemnity for cost paid Clerk.	9	+	7.50
To A. S. Johnson, Clerk, balance due on cost.	10	+	7.50
To Wm. M. Crumpler, attorney's writ tax.	11		15.00
To Wm. M. Crumpler, fee allowed him for conducting this cause.	12		75.00
To Wm. M. Crumpler for drawing deed of conveyance.	13	+	10.00
To Wm. M. Crumpler, 2 % commission as Commissioner of this court by virtue of this decree.	14		32.26
To Woodward & Elam for bond of commissioner.	15	+	10.00
Amount carried forward.			$291.69

Amount brought forward.	$291.69
To Lula C. Bailey 1/3 of the remainder ($80.81) as her distributive share.	26.93
To C. E. Bailey ¼ of the remainder,- $53.88,-	13.47
To W. W. Bailey ¼ of the remainder,- $53.88,-	13.47
To Hugh S. Bailey ¼ of the remainder,- $53.88,-	13.47
To Ada Lee Carr ¼ of the remainder,- $53.88,-	13.47
Total.	$372.50

and out of the proceeds of the real estate as follows: ~~REALTY.~~

To Lula C. Bailey, commuted right of dower.	$305.98
Lula C. Bailey, ½ of remainder,- $944.02,- representing the shares of C. E. Bailey and W. W. Bailey, which she purchased.	472.01
Hugh S. Bailey ¼ of remainder,- $944.02,-	236.00
Ada Lee Carr, ¼ of remainder,- $944.02,-	236.01
Total.	$1250.00

And said commissioner, William M. Crumpler, is authorized to either pay, or allow, the sums of money above indicated to the said Lula C. Bailey in settling with her, but he is directed that, in either event, he shall first cause to be paid, or released, the deed of trust hereinbefore alluded to in favor of Horne and Snipes, if necessary charging the widow's dower with the amount necessary to pay that encumbrance.

The said commissioner, however, shall perform no part of his duties pursuant to this decree until he has first entered into a bond before the Clerk of this court with ~~security~~ surety deemed sufficient by the Clerk, conditioned on his faithful discharge of ~~the trust herein created in~~ his duties hereunder in the penalty of $1500.00.

And ~~after executing the provisions of this decree~~, said commissioner, ~~William H. Crumpler~~, shall make ~~due~~ report to this court of his proceedings.

Bailey
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Bailey

Decree.

1915.
Nov. 16
Entered.
R.D.C.

60/37 ℔ 309

VIRGINIA

In the Circuit Court of Isle of Wight County.

Hugh S. Bailey,

Vs.

Cuthbert Bailey, Margaret Bailey, W. W. Bailey, Lelia Bailey, Ada Carr, Tom Carr, Lillie S. Bailey, and Lula C. Bailey.

This cause came on this day to be heard upon the bill praying for partition taken for confessed after due service of process upon each person an interest and the exhibits therewith, and was argued by counsel:

On consideration whereof, the court doth adjudge, order, and decree that the papers herein be referred to one of the commissioners of this court, who is directed to inquire into and report to the court as follows:

1. Whether the real property in the bill mentioned, can be conveniently divided between the several parties entitled to share therein;

2. If the same cannot be conveniently divided whether any party will take the entire property and pay therefor to the other parties such sums of money as their interests therein will entitle them to;

3. And, if the same cannot be conveniently divided, and if no party will take the entire property and pay the others for their shares, whether the interest of those who are entitled to the said property, or the proceeds, will be promoted by the sale of the entire property or by allotment of a part and sale of the residue;

4. Whether there are any delinquent taxes and

the taxes for the current year.

5. Whether there are any other liens by way of deed of trust, judgment, or otherwise against the said property, or against the decedent, or any party entitled to share in a division of the said property.

6. Whether or not all proper parties to this cause are before the court.

7. The interests of the several parties in said property and how acquired.

8. A full and complete description of said property, together with its annual and fee simple value.

Which several inquiries, together with the evidence taken by him, the said commissioner shall make and to the court report together with any matters especially stated or brought to his attention by any party in interest and by the commissioner deemed pertinent to be reported to court.

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Bailey Estate

Decree.

1914
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VIRGINIA

In the Circuit Court of Isle of Wight County.

Hugh S. Bailey,

vs.

Cuthbert Bailey et als.

To the Honorable B. D. White, Judge of the Circuit Court of Isle of Wight County:

The undersigned Special Commissioner in the above cause respectfully reports to the court as follows:

On the 21st. day of October, 1916, he conveyed the real estate in the proceedings mentioned and described to Lula C. Bailey, pursuant to the two decrees in this cause dated respectively November 16, 1915, and the _____ day of _____, 1916; that the said property was conveyed subject to the Deed of Trust to J. R. Horne, securing Horne and Snipes, the sum of $270.00; that pursuant to said decrees, in settling with the widow, he has allowed her the sum of $166.85, previously expended by her on account of the estate, the sum of $141.50, Poor Debtor's Exemption, the sum of $305.98 commuted dower, the sum of $56.75, widow's share in the rent of the farm for the years, 1913, 1914, and 1915 and the sum of $370.50 covering the shares of C. E. and W. W. Bailey acquired by the widow previous to the sale, less $50.00 deducted therefrom and paid to S. E. Everett, for his services as attorney to the widow, all of which will more fully appear by express reference to the decrees in this cause and to the vouchers hereto attached.

And the undersigned further reports disbursements

of the sum of $292.24, provided for in said last mentioned decree as per vouchers hereyo attached as follows:

To Lula C. Bailey reimbursement for 1914 taxes.	$11.00
To W. E. Laine, Treasurer, for 1915 taxes.	11.55
To Hugh S. Bailey, indebtedness due by the estate, $79.00, less amount due the estate by him of $6.72.	72.28
To Dr. E. R. Hart, account due by the estate.	10.00
To Dr. J. T. Doles account due by the estate.	2.50
To Dr. R. L. Seward, account due by the estate.	5.00
To Lula C. Bailey, reimbursement for ditching on farm.	2.65
To A. S. Johnson, Commissioner in Chancery, for services in this cause.	20.00
To Wm. M. Crumpler, reimbursement for indemnity for cost paid Clerk.	7.50
To A. S. Johnson, Clerk, balance due on cost.	7.50
To Wm. M. Crumpler, attorney's writ tax.	15.00
To Wm. M. Crumpler, fee allowed him for conducting this cause.	75.00
To Wm. M. Crumpler for drawing deed of conveyance.	10.00
To Wm. M. Crumpler, 2 % commission as Commissioner of this court by virtue of this decree.	32.26
To Woodward & Elam for bond of Commissioner.	10.00
	$292.24

Of the remainder, the undersigned, as per vouchers hereto attached, has disbursed the same, $210.26, to Ada Lee Carr and $210.27 to Hugh S. Bailey.

RECAPITULATION.

Allowed widow by reason of disbursements.		$166.85
Allowed widow in lieu of Poor Debtor's Exemption.		141.50
Allowed widow, commuted dower		305.98
Allowed widow share in rent of farm for years 1913, '14, and '15.		56.75
Allowed widow covering shares of C. E. and W. W. Bailey, less next succeeding item of $50.00 to S. E. Everett.		370.50
Paid S. E. Everett, fee as counsel for widow.		50.00
Sundry disbursements especially authorized by decree.		292.24
Paid Hugh S. Bailey		210.27
Paid Ada Lee Carr		210.26
Total disbursements.-		$1804.35
Total receipts.-	$1804.35	

Respectfully submitted,

Special Commissioner.

Bailey 3 Inches
" "
Bailey

Report . . .
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"Exhibit A"

THIS DEED, made this 4th. day of February 1904, between J. M. Darden and Viola C. Darden his wife, of the County of Isle of Wight, State of Virginia, parties of the first part, and Q. R. Bailey of Suffolk, Nansemond County, Virginia, party of the second part.

WITNESSETH: That in consideration of the sum of One Thousand ($1000.00) Dollars, cash paid in hand, receipt of which is hereby acknowledged, the said parties of the first part do grant unto the said party of the second part, with General Warranty, all the following property, to-wit: All of that certain tract or parcel of land lying and situated in the County of Isle of Wight, and State of Virginia, and the Magisterial District of Hardy, and bounded by Black Water River, the lands of J. R. Horne, J. G. Pierce, and others, and said to contain one hundred and ten (110) acres, more or less, sale in gross and not by the acre, it being the same land conveyed to L. H. Whitley and J. M. Darden by G. L. Johnson and wife by deed bearing date of May 13, 1896, and recorded at the Clerk's Office of the County Court of the County of Isle of Wight May the 15th, 1896, in deed book No. 60, and on page 489, and the same being the land conveyed to J. M. Darden by L. H. Whitley and wife by deed bearing date July 29th. 1901, and recorded in the Clerk's Office of the County Court of the County of Isle of Wight, August 3rd. 1901 in deed book No. 66, on page 478, and by this deed J. M. Darden has a clear right and title, to which reference is hereby made for better description, boundaries, etc.

The said parties of the first part covenant that they have the right to convey the said land to the grantee; that they have done no act to encumber the said land; that the grantee shall have quite possession of the said land free

from all encumbrances, and that they, the said parties of the first part, will execute such further assurances as may be requisite.

Witness the following signatures and seals:

J. M. Darden, (SEAL)

Viola G. Darden, (SEAL)

State of Virginia,

County of Isle of Wight, to-wit:

I, Peyton R. Turner, a Notary Public for the aforesaid County, in the State of Virginia, do certify that J. M. Darden and Viola G. Darden, his wife, whose names are signed to the writing hereto annexed, bearing date of February 4, 1904, have acknowledged the same before me in my County aforesaid.

Given under my hand this 9th. day of February 1904.

Peyton R. Turner, Notary Public.

My commission expires Dec. 9, 1905.

In the Clerk's Office of the Circuit Court of the County of Isle of Wight this 12th day of February 1904, at 1:50 o'clock P. M. this deed was received and with the certificate annexed, admitted to record.

Teste: N. F. Young, Clerk.

A copy,

Teste, N F Young, Clerk.

VIRGINIA

In the Circuit Court of Isle of Wight County.

Hugh S. Bailey

vs. } 157

Cuthbert Bailey et als.

On motion of counsel for the complainant, Hugh L. Holland, a discreet and competent attorney at law, practicing in this court, is appointed guardian ad litem for Ada Lee Carr, in said infant's behalf to do and perform all necessary things in this cause protective of the infant's interest and welfare.

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1915.

Oct. 11th - 1915

Entered in

B.D.W.

~~C D B #1~~

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VIRGINIA

In the Circuit Court of Isle of Wight County.

Hugh S. Bailey

vs.

Cuthbert Bailey et als.

On motion of counsel for the complainant, Hugh L. Holland, a discreet and competent attorney at law, practicing in this court, is appointed guardian ad litem for Ada Lee Carr, in said infant's behalf to do and perform all necessary things in this cause protective of the infant's interest and welfare.