

1918-004 Chancery Causes: Sallie B. Edwards vs S. Edwards
Isle of Wight County Petition of C. F. Whitley vs A. Whitley

146

Other SURNAMES: Mason,
Chapman Jones, Oliver,
Harris, [H. B. Chapman +
Brother], Carr Gale,
Horne, Pleasants

No.

Know all Men by These Presents: That we **E. H. Williams and Geo. F. Whitley**

principal s

and

American Surety Company of New York,

suret y

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

~~-----Nine 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 **E. H. Williams and Geo. F. Whitley**
have hereunto set their hands and seals,
and the said **American Surety Company of New York**

principal

suret y

by **A. S. Barrett** (countersigned by **C. E. Wilson**)

, its duly authorized

agent and attorney in fact, has caused its corporate name and seal to be hereunto affixed, the said seal to be attested

by the signature of the said **A. S. Barrett**

, its said agent and attorney

in fact, this, the **28th.** day of **December** A. D. 19 **14.**

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound **That if the above**
bound E. H. Williams and Geo. F. Whitley, appointed Special Commissioners by
decree pf the Circuit Court of the County of Isle of Wight entered on the 7th.
day of December, 1914, in the suit in chancery in said court depending in which
Sallie G. Edwards et al are complainants, and S. A. Whitley et als are defendants
shall faithfully discharge their duties as such special commissioners imposed by ex
said decree or any decree entered in said cause hereafter, then the above

~~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.

E. H. Williams [SEAL]

(Countersigned by **C. E. Wilson**)

Geo. F. Whitley (SEA
AMERICAN SURETY COMPANY OF NEW YORK
By **A. S. Barrett**

(SEAL)

Its duly authorized agent and attorney in fact.

Attest: **A. S. Barrett**

Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the **28**
day of **December** **1914**, this bond was duly executed and acknowledged by the obligors to the same
and ordered to be recorded.

A. S. Johnson Clerk.

A copy, Teste, *A. S. Johnson* Clerk.

11
Dated G. Edwards et al
n of Chy 146
D. A. Whitley et al

Filed
In the CLERK'S OFFICE of the
CIRCUIT COURT,
OF THE
COUNTY OF ISLE OF WIGHT
this *28* day of *dec* 191*8*
Prob. Return

"Dr"

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT

DECEMBER 16TH. 1912.

Sallie G. Edwards and S. L. Edwards,

vs) Issue out of chancery

George F. Whitley, Trustee, E. V. Whitley and H. B. Chapman.

This cause, which has been certified to the Law side of this Court for the trial of an issue as directed by decree entered on the Chancery side on the 16th. day of December, 1912 came on for the trial of said issue, and also came the parties by counsel, and also came a jury, to-wit: E. Tyler Smith, Elam T. Rhodes, C. D. Haverty, W. Judson Bailey, James W. Jordan, Charles H. Hayes and John I. Clarke, who being sworn to truly try the issue joined and a true verdict render according to the law and evidence; and after hearing the evidence and argument of counsel retired to their room; and after some time returned into court and presented the following verdict, to-wit: "We, the jury, find for the plaintiff and fix the boundary lines as follows: beginning at an old pine stump on the South side of the County Road leading from Smithfield to Long View, said stump being eighteen and a half feet from a white oak located on the said road; thence running in a Southerly direction in a straight line to a chopped gum in a swamp at a marl hole; thence up said swamp to a ground bridge on the said county road leading from Smithfield to Long View as aforesaid; and thence along the said county road a distance of about one hundred yards to the said pine stump, the point of beginning". Whereupon, motion was made by counsel for the defendant E. V. Whitley, to set aside the verdict as being contrary to the law and evidence and to grant the said defendant a new trial, and the Court not being advised

of its action doth take time to hear argument upon and to consider the said motion. And by agreement of counsellor for both plaintiff and defendant, this case is continued till such time as will be convenient for the Court to hear such argument.

A copy,

Teste, *John*, Clerk.

C. L. O. B. No. 5, page 406.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT

FEBRUARY 3RD. 1913.

Sallie G. Edwards et al.

vs) Issue out of chancery

E. V. Whitley, et als.

This day came the parties by their attorneys and the defendant, E. V. Whitley, renewed her motion for a new trial entered at the last term of this court and continued, upon which motion argument was made by counsel for both the defendant and the plaintiffs, and the court having maturely considered the matter doth refuse to set aside the verdict of the jury entered on the 16th. day of December, 1912, defining the lines of the tract of land in dispute, and to grant a new trial, and it is considered by the court that the true boundary lines of the land in dispute shall be in accordance with the said verdict, which is as follows, to-wit: Beginning at an old pine stump on the South side of the County road leading from Smithfield to Long View, said stump being situated a distance of eighteen and one half ($18\frac{1}{2}$) feet from a white oak located on the said road; thence running in a Southerly direction in a straight line to a chopped gum in a swamp at a marl hole; thence up said swamp to a ground bridge on the said county road leading from Smithfield to Long View as aforesaid, and thence along said road a distance of about 100 yards to the said pine stump, the point of beginning", whereupon, the said defendant, E. V. Whitley, by counsel, excepted to the ruling of the court in refusing to set aside the said verdict and to grant a new trial in this cause, and asked leave to file her bill of exceptions and time therefor, which leave is granted, And it is further ordered that the proceedings on the law side of this court be certified to the Chancery side thereof.

5-8

Salter J Edwards et al

vs Harvey 146

D. A. Whalley et al

Exhibit "E"

Filed with Bill

"D"

THIS DEED, made this 24th. day of August 1900, between Henry Oliver, Phenius Harris and Henderson Jones, heirs at law of Mahaly Mason, wife of Robert Mason, parties of the first part, and Grant Mason, the youngest son of the said Mahaly Mason, party of the second part, all of the County of Isle of Wight and State of Virginia,

WITNESSETH: that for and in consideration of the love we bear our brother, and the further consideration that it was our mother's wish and desire that our brother, Grant Mason should have the land she bought of one Herman Horne and wife, the said parties of the first part do grant with general warranty, unto the said Grant Mason all our right, title and interest, in and to that certain tract or parcel of land which was sold to Mahaly Mason by deed from Herman Horn and Fannie, his wife, by their deed dated July 10th. 1880, and recorded in the Clerk's Office of the County Court of Isle of Wight County in Deed Book 45, page 384, reference to which is here made for a more perfect description of the bounds of the said Land.

The said grantors do hereby covenant that they have the right to convey their said interest in said land to the grantee, that the grantee shall have quiet possession of their said interest, free from all incumbrances; and that they, the said parties of the first part will execute such other and further assurances of the said interest in said land as may be requisite, that we have done no act to encumber the said interest in said land.

Witness the following signatures and seals:

his
Henry x Oliver, (SEAL)
mark

his
Phenius x Harris, (SEAL)
mark

Henderson Jones, (SEAL)

Virginia,

County of Isle of Wight, to-wit:

I, Albert S. Johnson, a Notary Public, in and for the County of Isle of Wight and State of Virginia do certify that Henry Oliver, Phenius Harris and Henderson Jones, whose names are signed to the foregoing writing bearing date August 24th. 1900, have acknowledged the same before me in my county aforesaid.

Given under my hand this 24th day of August, 1900.

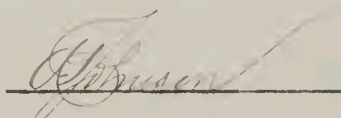
Albert S. Johnson,
Notary Public.

In the Clerk's Office of Isle of Wight County Court this 19th. day of September, 1900, this deed was received and with the certificate annexed, admitted to record.

Teste, N. F. Young, Clerk.

By Albert S. Johnson, D. C.

A copy,

Teste, , Clerk.

D. B. No. 66, page 26.

5-2

Dallas G. Edwards

77 Coy 142

J. W. Whetley et al.

Exhibit 'D'

Filed with Bill

"c"

THIS DEED, Made this 5, day of March 1910, between Isaac Jones and Fannie Jones his wife, of the County of Isle of Wight, State of Virginia, parties of the first part, and H. B. Chapman, of the town of Smithfield, Virginia, party of the second part:

WITNESSETH: That for and in consideration of the sum of FIFTEEN (\$15.00) DOLLARS, the receipt whereof is hereby acknowledged, the said parties of the first part doth grant unto the said party of the second part, with GENERAL WARRANTY, all of their right, title and interest in the following real estate to-wit:

That certain piece or parcel of land situate, lying and being in the County of Isle of Wight and State of Virginia, containing Ten acres, more or less, and bounded by the County road leading from Smithfield, to Longview, the lands of B. P. Chapman, Whitley and others; it being the same land of which Mahala Mason, died seized and possessed. The interest hereby conveyed being the interest as heir at law of Mahala Mason, the said Isaac Jones being a son of Mahala Mason.

The said Isaac Jones and Fannie Jones, covenant that they have the right to convey the said land to the grantee; that they have done no act to encumber their right, title or interest in the said land; that the grantee shall have their right title and interest in the said land free from all encumbrances, and that the said parties of the first part, will execute such further assurances of their right title or interest in the said land as may requisite.

Witness the following signatures and seals:

Witness to Mark
Geo. F. Whitley.

his
Isaac x Jones,
mark

(SEAL)

Witness
Clifford E. Saunders.

Fannie x Jones,

(SEAL)

STATE OF VIRGINIA,

County of Isle of Wight, to-wit:

I, Geo. F. Whitley, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, do certify that Isaac Jones whose name is signed to the foregoing writing bearing date on the 5th. day of March 1910, has acknowledged the same before me in county aforesaid.

Given under my hand this 5th, day of March, 1910.

Geo. F. Whitley,
Commissioner in Chancery.

State of Virginia,

County of Isle of Wight, to-wit:

I, Clifford E. Saunders, a Notary Public, in and for the county aforesaid State of Virginia, do certify that Fannie Jones whose name is signed to the foregoing writing bearing date on the 5th. day of March 1910, has acknowledged the same before me in my county aforesaid.

Given under my hand and seal this 8th day of March 1910.

Clifford E. Saunders.
Notary Public.

My Commission expires the 3rd day of August, 1912.

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight March 10th. 1910 at nine o'clock A. M. this deed was received and with the certificate annexed, admitted to record.

Teste, Al S. Johnson, Clerk.,

A copy,

Teste, Al S. Johnson, Clerk.

5- C

Sullivan G. Edwards et al

N of Cy 146

S. A. Whitney et al

Exhibit "C"

Filed with Bill

THIS DEED, Made this 12th, day of January 1910, between P. S. Chapman, Trustee, of the City of Norfolk, Virginia, party of the first part, and H. B. Chapman of the County of Isle of Wight, State of Virginia, party of the second part:

WITNESSETH: That whereas, a certain Grant Mason by a certain deed, bearing date on the 11th. day of September, 1905, and recorded in the Clerk's Office of the Circuit Court for the County of Isle of Wight, Virginia, did grant and convey unto the said P. S. Chapman, Trustee, his heirs and assigns, all of a certain tract or parcel of land lying, being and situate in the County of Isle of Wight, State of Virginia, containing 10 acres, be the same more or less, and being the same piece of land conveyed to the said Grant Mason by the heirs of Mahala Mason, deceased, by deed of record in the Clerk's Office of the Circuit Court for the County of Isle of Wight, reference to which is hereby made for more particular description of the said tract of 10 acres, in trust, to secure a certain debt, to be paid by the said Grant Mason to H. B. Chapman; and whereas by the said deed P. S. Chapman, Trustee, his heirs and assigns, were empowered, on the failure of the said Grant Mason, or his assigns, to pay the said debt to the said H. B. Chapman, or his assigns, on demand, to sell the said tract or parcel of land, to accomplish the purposes of the said trust therein contained; and whereas the said Grant Mason did fail to pay the said debt when demand was made and failed to perform the requirements contained in the said deed, the said P. S. Chapman in execution of the said trusts therein declared, did, on the 12th. day of January, 1910, after giving Twenty days' notice of the time and place of sale by advertising by printed posters, posted in five or more public places in the County of Isle of Wight, exposed to sale, the tract or parcel of land aforesaid, at Public Auction, to the highest bidder for cash, according to the terms

of the aforesaid deed of trust; at which sale the said H. B. Chapman became the purchaser thereof, being the highest bidder:

NOW, THEREFORE, for and in consideration of the premises, and for the further consideration of ONE HUNDRED (\$100.00) DOLLARS, to him in hand paid by the said H. B. Chapman, at and before the sealing and delivery of this deed, the receipt whereof is hereby acknowledged, which said sum is to be appropriated and applied as by the said deed of trust is directed, the said P. S. Chapman, Trustee, as aforesaid in the said deed of trust, doth grant, bargain, sell and convey, release and confirm unto the said H. B. Chapman, his heirs and assigns, forever, with SPECIAL WARRANTY, all the tract or parcel of land aforesaid, containing by estimation 10 acres, be the same more or less, it being the same piece of land conveyed by the deed first above mentioned, to the said P. S. Chapman, by the said Grant Mason, in trust as aforesaid.

Witness the following signature and seal.

P. S. Chapman, Trustee, (SEAL)

STATE OF VIRGINIA,

City of Norfolk, to-wit:

I, John A. Baecher, a Notary Public for the City aforesaid, in the State of Virginia, do hereby certify that P. S. Chapman, Trustee, whose name is signed to the foregoing writing, bearing date on the 12th, day of January, 1910, has acknowledged the same before me in my City aforesaid.

Given under my hand this 27th. day of January, 1910.

My term of office expires Jan. 11th, 1913.

John A. Baecher,
Notary Public.

Virginia: Clerk's Office of the Circuit Court of the County of
Isle of Wight February 3rd. 1910 at nine o'clock A. M. this
deed was received and with the certificate annexed, admitted
to record.

Teste, A. S. Johnson, Clerk.

A Copy,

Teste, *A. S. Johnson*, Clerk.

D. B. No. 77, Page 455.

5-B

Dallas G. Edwards et al

n { Cy 146

SA Whalley et al

Exhibit "B"

Filed with Bill

"a"

THIS DEED, Made this 16th. day of January, 1911, between H. B. Chapman, of the town of Smithfield, State of Virginia, party of the first part, and Sallie G. Edwards, of the County of Isle of Wight, State aforesaid, party of the second part:

WITNESSETH: That for and in consideration of the sum of FIVE HUNDRED (\$500.00) DOLLARS, \$100.00 of which is paid in cash, and the remaining \$400.00 being evidenced by four (4) negotiable notes secured by deed of trust, which is made contemporaneous with this deed and to ^{form} ~~from~~ a part of the same transaction, the said H. B. Chapman, party of the first part, doth grant, with SPECIAL WARRANTY, unto the said Sallie G. Edwards, party of the second part, all of his right, title and interest in the following real estate, to-wit: That certain piece or parcel of land situate, lying and being in the County of Isle of Wight, State of Virginia, containing by estimation ten (10) acres, more or less; said land being sold in gross and not by the acre, and bounded as follows: "By the County Road leading from Smithfield to Longview, and the lands of B. P. Chapman, Whitley and others." It being the same land conveyed to H. B. Chapman, Trustee, by deed dated on the 12th. day of January, 1910, and recorded in the Clerk's Office for the County of Isle of Wight in D. B. 77 Page 455-56, and being the same land described in a certain deed dated on the 5th. day of March, 1910, and recorded in the Clerk's Office for the County of Isle of Wight in D. B. 77, Page 492-93; which deed conveys the interest held by Isaac Jones and Fannie Jones, his wife, in the land therein described.

The said H. B. Chapman, party of the first part, covenants that he has done no act to encumber his right, title and interest in the said land; that the grantee shall have his right. title and interest in the said land, free from all encumbrances made through and by the said party of the first part;

that the said H. B. Chapman, party of the first part, will execute such further assurances of whatever right, title and interest he, the said party of the first part, may have in the said land as may be requisite, to transfer and convey whatever right, title and interest in the said land he may have; and that he, the said party of the first part will specially warrant his right, title and interest in the land, free from the claims of any person made through and by him.

WITNESS the following signature and seal:

H. B. Chapman, (SEAL)

STATE OF VIRGINIA,

COUNTY OF ISLE OF WIGHT, TO-WIT:

I, George F. Whitley, a Commissioner in Chancery for the Circuit Court of the County and State aforesaid, do hereby certify that H. B. Chapman, whose name is signed to the foregoing writing, bearing date on the 16th. day of January, 1911, has acknowledged the same before me in my county aforesaid.

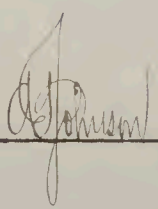
Given under my hand this 1st. day of February, 1911.

Geo. F. Whitley,
Commissioner in Chancery.

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight February 1st. 1911 at one o'clock P. M. this deed was received and with the certificate annexed, admitted to record.

Teste, A. S. Johnson, Clerk.

A copy,

Teste, , Clerk.

5- a

Sullivan J. Edwards et al
vs Chancery
S. A. Whalley exec

Exhibit "A"

Filed with Bill

TO THE CLERK OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT VA.

SALIS B. THORNTON & F. D. STANLEY.....PLAINTIFFS.

VS. IN CHANCERY.

C. A. WHITNEY, LITIA WHITNEY, *Ellen* HARRIS AND ANDREW HARRIS...DEFENDANTS.

Issue summonses in Chancery for said plaintiffs against the said defendants to second day sales, 1913 to answer the said plaintiffs a bill in Chancery.

Mississippi

Call me up at 1000

/

Sallie G. Edwards et al

vs)

S. A. Whitley et al.

Memorandum

VIRGINIA:

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

SALLIE C. EDWARDS, ET ALS.,..... Plaintiffs.

vs.) In Chancery-

S. A. WHITLEY, ET ALS., ... Defendants.

(88888888888888888888)

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

And it appearing from said report that the said Special Commissioners have collected from Sallie G. Edwards \$1205.00, the amount of the purchase price for the property in the bill and proceedings mentioned sold; that they have executed a good and sufficient deed with covenant of special warranty conveying the said property to the said Sallie G. Edwards; and, that they have paid out and disbursed the said amount, as follows:

A. S. Johnson, Commissioner,	\$25.00
A. S. Johnson, Clerk,	17.00
Taxed Attorney fee,	15.00
Crier's fee,	7.50
Sheriff's fee,	5.00
D.J.Mood, printing,	2 50
Writing deed to purchaser,	10.00
Attorney fee to E.H.Williams,	50.00
Attorney fee to G.F.Whitley,	50.00
Premium on bond	10.00

Special Commissioners 5% on \$300.00,	\$15.00
Special Commissioners, 2% on \$905.00,	18.10
E.V. Whitley, two-notes and interest,	239.00
S.A. Whitley, pro-rata share in proceeds of sale,	140.11
Fairfiled Whitley, pro- rata share in proceeds of sale,	140.11
Sallie G. Edwards, credit for her interest in the said land,	460.68

On consideration whereof the court doth confirm the
said report.

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

16
SALLIE G. EDWARDS, ET ALS.,

VS) IN CHANCERY - 146

S. A. WHITLEY, ET ALS.

DECREE

1918
Dec. 12..
Entered this.
B.H.W.

O. O. B. Y.
Page - 487

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

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

APRIL 5TH, 1915.

Sallie G. Edwards, et al.....Plaintiffs, *
*
-VS- *
*
S. A. Whitley, et als.....Defendants. *
*

This cause came on this day to be again heard on the papers formerly read and on the report of sale of Geo. F. Whitley and E. H. Williams, Special Commissioners, said report being filed this day, by leave of court, no exceptions being taken thereto, and was argued by counsel.

On consideration whereof, it appearing to the court from the said report that the land in this cause mentioned and described as follows: All that certain tract, piece or parcel of land lying, being and situate in the County of Isle of Wight, State of Virginia, containing, according to old deed, ten (10) acres, more or less, but estimated to contain seven and one-half (7 $\frac{1}{2}$) acres, more or less. It being the same land of which Mahala Mason died seized and possessed. Boundaries of said land being as follows: "Beginning at an old pine stump on the South side of the county road leading to Longview, said stump being a distance of eighteen and one-half (18- $\frac{1}{2}$) feet from a white oak located on said road; thence running in a southerly direction in a straight line to a chopped gum in a swamp at a marl hole; thence up said swamp to a ground bridge on the said county road leading from Smithfield to Longview, and thence up

said road to the point of beginning". Was offered for sale, at public auction, on Friday, January 15th, 1915, at 11:00 o'clock A. M., in front of the United States Post Office of the Town of Smithfield, Virginia, at which sale the said Sallie G. Edwards, being the highest bidder, became the purchaser of the said land at the price of TWELVE HUNDRED AND FIVE DOLLARS (\$1,205.00); and at further appearing to the court from the said report of the said Special Commissioners, Geo. F. Whitley and E. H. Williams, that the said land sold for its full value, and that the said purchaser has paid to the said Commissioners fifteen per cent (15%) of the purchase price, as directed by decree herein bearing date of December 7th, 1914, and of record in C. O. B., No. 7, P. 265; and it further appearing to the court from the said report of the said Special Commissioners, Geo. F. Whitley and E. H. Williams, that the said purchaser, Sallie G. Edwards, desires to pay the whole of the purchase price in cash and requests the court that the said Special Commissioners may be allowed to accept her receipt for her interest in the said land as cash.

NOW, THEREFORE, the court doth adjudge, order and decree that the said Geo. F. Whitley and E. H. Williams, ~~who are hereby appointed~~ Special Commissioners ~~for the purpose~~, do, upon the payment of the said sum of TWELVE HUNDRED AND FIVE DOLLARS (\$1,205.00) in cash, ~~on receipts~~, to the said Commissioners, execute and deliver to the said Sallie G. Edwards a good and sufficient deed, with

covenants/ of Special Warranty, for the land in the bill and proceedings in this cause mentioned and described as above, and the said Commissioners in accepting payment of the said sum are hereby authorized and empowered to accept the receipts of the said Sallie G. Edwards for her interest in the said land, after deducting ^{from} ~~for~~ her interest her proportion of the costs and charges of this suit and a sufficient amount to pay off the liens reported by Commissioner A. S. Johnson heretofore filed in this cause.

It is further adjudged, ordered and decreed that the said Geo. F. Whitley and E. H. Williams, Special Commissioners, as aforesaid, shall, out of the proceeds of sale of said land, pay first the cost of this suit up to and including a final decree, a fee of \$ 50.00 to Geo. F. Whitley and a fee of \$ 50.00 to E. H. Williams for their services in this cause, and then pay off the liens against the interest of the said Sallie G. Edwards, as reported by the said Commissioner A. S. Johnson, and then pay to the respective parties to this suit such share in the proceeds of sale as their respective interest may entitle them.

And the said Commissioners shall make report to court how they have executed this decree.

14

SALLIE G. EDWARDS, et al.,

VS) D E C R E E:

S. A. WHITLEY, et als.

1415
Ref. 5.
Enter this.
B.D.W.

C.B. 7- p 280

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

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

* * * * *
 SALLIE G. EDWARDS, et al,.....Plaintiffs, *
 *
 -VS-) In Chancery. *
 (*
 S. A. WHITLEY, et als.....Defendants. *
 * * * * *

-----oOo-----

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 29th day of October, 1914; and on the petition of C. F. Whitley, filed on the 28th day of October, 1914, and on the joint petition of E. V. Whitley, assignee of H. B. Chapman, and Geo. F. Whitley, Trustee, and was argued by counsel:

On consideration whereof, it appearing from the petition of C. F. Whitley, filed in this cause on the 28th day of October, 1914, that he has purchased the interest in ~~the~~ ^{in the proceedings mentioned,} ~~said~~ property owned by Andrew Mason; and it further appearing from said report that the deed conveying the said interest of Andrew Mason has been duly recorded in the Clerk's office for the County of Isle of Wight, and it further appearing from said petition of said C. F. Whitley that the said C. F. Whitley desires to be made a party defendant in this cause, the court doth adjudge, order and decree that the said C. F. Whitley be made a party defendant and that ~~this cause~~ ^{he} shall hereafter ~~be proceeded in~~ ^{he} against ~~the said C. F. Whitley~~ ^{herein} as such; and it further appearing from the joint petition of E. V. Whitley, Assignee of H. B. Chapman, and Geo. F. Whitley, Trustee, this day, ^{filed} by leave of court, ~~filed~~, that they are necessary parties to this suit, and that they desire to become

parties defendant, the court doth adjudge, order and decree that they be made parties defendant to this suit and that ~~they~~ ^{the same} be hereafter proceeded ~~in~~ against them as such; and it further appearing from said report ^{of Commissioners Johnson,} together with the depositions of witnesses returned therewith, that the property mentioned in the bill and proceedings cannot be conveniently divided among the several parties entitled to shares therein; that no party in interest will take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to; that it will be to the interest of the parties entitled to the said property that ~~the property~~ ^{it} be sold and the ~~money~~ ^{proceeds} divided among them; that the fee simple value of the property is FIVE HUNDRE DOLLARS (\$500.00) and the annual value is FORTY DOLLARS (\$40.00), ^{on consideration whereof} the court doth confirm the said report and doth adjudge, order and decree that E. H. Williams and Geo. F. Whitley, ^{who are} hereby appointed Special Commissioners for the purpose, do, after having advertised the time, place and terms of sale for fifteen (15) days by hand-bills posted in ten (10) or more public places in the County of Isle of Wight, offer for sale at public auction, to the highest bidder, in front of the United States Post Office ⁱⁿ ~~at~~ the Town of Smithfield, Virginia, the tract of land in the bill and proceedings ^{in this cause} ~~mentioned in this cause,~~ and upon the following terms, to-wit: One-third (1/3) cash, and the remainder in two (2) equal installments, payable twelve (12) and ^{thirty-four (34)} ~~eighteen (18)~~ months from the date of sale, each installment to be evidenced by the bond of the purchaser, bearing date with the day of sale, and carrying interest from said date, payable semi-annually, and the title to the said property to be retained until

the entire purchase money shall be paid, or purchaser may pay the entire purchase money in cash; the said commissioners shall accept no bid, unless the purchaser, at the time the property is bid in by him, shall deposit with the said commissioners fifteen percent (15%) of the total amount of his bid; and should he fail to do so, then said commissioners shall, forthwith, again sell the said property; and, in the event he shall not pay all the purchase money in cash, then the said purchaser shall have the improvements on the said land insured, in some good solvent insurance company, against loss by fire, for three-fourths (3/4) of their value, and assign the insurance policy to said commissioners as additional security for the deferred payments.

But the said Special Commissioners shall do no act under this decree until they have entered into a bond *Before the Clerk of this Court with Surety Issued by him* with sufficient security in the Clerk's office of this Court, payable to the Commonwealth of Virginia in the penalty of \$ *900⁰⁰*, and conditioned upon the faithful discharge of their duties under this, or any other decree *that may be* entered in this cause.

And the court doth order the said Special Commissioners ~~to~~ make report to court how they have executed this decree.

And this cause is continued.

SALLIE G. EDWARDS, et al.

VS) D E C R E E:

S. A. WHITLEY, et als.

1914

Dec. 7

Entered

B.D.W.

Entered 12/7/1914

Book 7 p 265

[Signature]

GEORGE F. WHITLEY

ATTORNEY-AT-LAW

SMITHFIELD, VA.

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

Sallie G. Edwards and S. I.
Edwards,.....Plaintiffs.

- VS -

S. A. Whitley, Lizzie Whitley,
Ellen Harris & Andrew Mason,....Defendants.

in which the complainants have proceeded against the non-resident
defendants, Ellen Harris and Andrew Mason, in the manner
This cause came on this day to be heard on the bill of the
complainants taken for confessed as to the defendants, S. A. Whitley,
and the defendants
Lizzie Whitley, Ellen Harris and Andrew Mason, upon whom process had
been duly served, they still failing to appear and plead, answer or
demur to the said bill, and was argued by counsel:

On consideration whereof the court doth adjudge, order and
decree that the papers in the cause be referred to A. S. Johnson, one
of the commissioners of this court, who is directed to enquire into and
report to court as follows:

1. Whether the real property in the bill mentioned and de-
scribed as follows,-

All that certain tract, piece or parcel of land
lying, being and situate in the County of Isle of
Wight, State of Virginia, containing, according to
old deed, ten (10) acres, more or less, but estimated
by your complainants to contain seven and one-half
acres, more or less, and being the same land of which
Mahala Mason died, seized and possessed, the bounds
of the said land having been determined in an issue
out of chancery in the suit of Sallie G. Edwards et al,
vs. Geo F. Whitley, Trustee, et als., as follows:
"Beginning at an old pine stump on the south side of
the County road leading from Smithfield to Long View,
said stump being a distance of 18-1/2 feet from a
white oak located on the said road; thence running in
a southerly direction in a straight line to a chopped
gum in a swamp at a marl hole; thence up said swamp
to a ground bridge on the said County road leading
from Smithfield to Long View as aforesaid; and, thence
up said road to the point of beginning."

non-resident by law the above mentioned defendants have been served with process and are failing to appear and plead, answer or demur to the said bill, and was argued by counsel.

can be conveniently divided ~~in kind~~ between the several parties entitled to share therein.

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

3. And, if the same cannot be conveniently divided, ~~in kind~~ and if no party will take the entire property and pay the others for their shares, whether the interests of those who are entitled to the said property or its proceeds will be promoted by a sale of the entire property or by the allotment of part and sale of the residue, *together with the fee simple and annual value of said property.*

4. Whether all the proper parties are properly before the Court.

5. Whether or not ~~the said~~ Andrew Mason is dead and, if dead, whether or not he died unmarried, without issue and intestate.

6. *Whether there are any liens against the interest of said said*
Which several inquiries the said commissioner shall make

and to the court report together with any matter specially stated deemed pertinent by himself or required by any party to be so stated,

And said Commissioner shall return with his said report the evidence taken before him.

Proposed: or any subsequent order, and the same in the court report.

27
1
Sallie G. Edwards, et al.

vs) D E C R E E:

S. At Whitley et als.

1913
Dec. 1.
Entered this
B.D.W.

COB 77202

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

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

-----oOo-----

SALLIE G. EDWARDS, et als.....Plaintiffs,

vs. (In chancery.
)

S. A. WHITLEY, et als.....Defendants.

-----oOo-----

TO THE HONORABLE B. D. WHITE,
JUDGE OF THE SAID COURT:

The undersigned, E. H. Williams and G. F. Whitley, Special Commissioners in said suit, beg leave to report that, in pursuance of the decree heretofore entered in this cause and after the payment by Sallie G. Edwards of the sum of \$1,205.00, as provided by decree entered in said cause on the 5th day of April, 1915, your said Commissioners executed and delivered to the said Sallie G. Edwards a good and sufficient deed, with covenants of Special Warranty, for the land in the bill and proceedings of this cause mentioned and described.

And your Commissioners beg leave to further report that they have disbursed the funds in this suit, as provided by the said decree, as will appear by a statement of said disbursement, with vouchers attached, annexed hereto and made a part of this report.

And nothing further remaining to be done in this suit, your Commissioners respectfully recommend that this cause be stricken from the docket.

E. H. Williams
Special Commissioners.

Geo. F. Whitley,
Special Commissioners.

E. H. WILLIAMS AND G. F. WHITLEY, SPECIAL
COMMISSIONERS, IN ACCOUNT WITH THE SUIT OF
SALLIE G. EDWARDS, et als. -vs- S. A. WHITLEY,
et als.

TO amount of purchase price of land sold in
the said suit.

\$1,205.00

By amount paid A. S. Johnson, Commissioner.	\$ 25.00
" amount paid Clerk's fees	17.00
" " " Taxed Attorney fee	15.00
" " " Crier's fee	7.50
" " " Sheriff's fee	5.00
" " " D. J. Mood, printing.	2.50
" " " writing deed to purchaser	10.00
" " " Attorney fee to E. H. Williams.	50.00
" " " Attorney fee to G. F. Whitley.	50.00
" " " Premium on bond	10.00
" " " Special Commissioners, 5% on \$300.00.	15.00
" " " Special Commissioners, 2% on \$905.00.	18.10
" " " E. V. Whitley, two-notes and interest.	239.00
" " " S. A. Whitley, pro-rata share in proceeds of sale	140.11
" " " Fairfield Whitley, pro- rata share in proceeds of sale	140.11
" " " Sallie G. Edwards, credit for her interest in the said land	460.68

\$1,205.00

\$1,205.00

Received of E. H. Williams and G. F. Whitley, Special Commissioners in the chancery suit of Sallie G. Edwards, et als. vs. S. A. Whitley, et als., the sum of \$239.00, in full settlement of two notes of Sallie G. Edwards, secured by deed of trust on her interest in the said land.

April 17, 1915.

E. V. Whitley
By Sec. R. H. Whitley, Atty.

Received of E. H. Williams and G. F. Whitley, Special Commissioners in the chancery suit of Sallie G. Edwards, et als. vs. S. A. Whitley, et als., the sum of \$140.11, in full settlement of my pro-rata share in the proceeds of sale of the land sold in the said suit.

April 17, 1915.

S. A. Whitley
By Sec. R. H. Whitley, Atty.

Received of E. H. Williams and G. F. Whitley, Special Commissioners in the chancery suit of Sallie G. Edwards, et als. vs. S. A. Whitley, et als., the sum of \$140.11, in full settlement of my pro-rata share in the proceeds of sale of the land sold in the said suit.

April 17, 1915.

Rosefuld Whitley
By Sec. R. H. Whitley, Atty.

Received of E. H. Williams and G. F. Whitley, Special Commissioners in the chancery suit of Sallie G. Edwards, et als. vs. S. A. Whitley, et als., the sum of \$460.68, as a credit for my interest on the purchase price of the land sold in the said suit.

April _____, 1915.

S. L. Edwards

Received of E. H. Williams and G. F. Whitley, Special Commissioners in the chancery suit of Sallie G. Edwards, et als. vs. S. A. Whitley, et als., the sum of \$25.00, Commissioner's fee, and the sum of \$17.00, Clerk's fees up to and including a final decree.

E. H. Williams

April 17, 1915.

Received of E. H. Williams and G. F. Whitley, Special Commissioners in the chancery suit of Sallie G. Edwards, et als. vs. S. A. Whitley, et als., the sum of \$15.00, taxed Attorney fee.

E. H. Williams
G. F. Whitley

April 17, 1915.

Received of E. H. Williams and G. F. Whitley, Special Commissioners in the chancery suit, of Sallie G. Edwards, et als. vs. S. A. Whitley, et als., the sum of \$7.50, Crier's fee, and the sum of \$5.00, Sheriff's fee.

R. Augustus Edwards & Co.

April 17th, 1915.

Received of E. H. Williams and G. F. Whitley, Special Commissioners in the chancery suit of Sallie G. Edwards, et als. vs. S. A. Whitley, et als., the sum of \$2.50 for printing posters.

April 17, 1915.

Received of E. H. Williams and G. F. Whitley, Special Commissioners in the chancery suit of Sallie G. Edwards, et als. vs. S. A. Whitley, et als., the sum of \$10.00, premium on bond.

April 17, 1915.

Received of E. H. Williams and G. F. Whitley, Special Commissioners in the chancery suit of Sallie G. Edwards, et als. vs. S. A. Whitley, et als., the sum of \$50.00, Attorney fee, \$5.00, half of fee for writing deed to purchaser, and \$16.55, half of Special Commissioners' fees.

April 17, 1915.

Received of E. H. Williams and G. F. Whitley, Special Commissioners in the chancery suit of Sallie G. Edwards, et als. vs. S. A. Whitley, et als., the sum of \$50.00, Attorney fee, \$5.00, half of fee for writing deed to purchaser, and \$16.55, half of Special Commissioners' fees.

April 17, 1915.

15

SALLIE G. EDWARDS, et als.

SPECIAL
VS) COMMISSIONERS' REPORT:

S. A. WHITLEY, et als.

1918
Dec. 12.
Filed B. W.

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

COMMISSIONERS SALE

Of Valuable Land Located Near Scotts Factory in Isle of Wight County, Virginia

By virtue of a decree of the Circuit Court of Isle of Wight County, Va., entered on the 7th day of December, 1914 in the suit of Sallie G. Edwards, et als, vs. S. A. Whitley, et als, pending therein, we shall offer for sale as commissioners appointed thereby, at public auction in front of the United States Postoffice of the town of Smithfield, Va., on

FRIDAY, JANUARY. 15, '15
AT 11.00 O'CLOCK A. M.

All that certain tract, piece or parcel of land lying, being and situate in the County of Isle of Wight, State of Virginia, containing, according to old deed, ten (10) acres, more or less, but estimated to contain seven and one-half (7½) acres, more or less. It being the same land of which Mahala Mason died seized and possessed. Boundaries of said land being as follows:

"Beginning at an old pine stump on the south side of the county road leading to Longview, said stump being a distance of eighteen and one-half (18½) feet from a white oak located on said road; thence running in a southerly direction in a straight line to a chopped gum in a swamp at a marl hole, thence up said swamp to a ground bridge on the said said county road leading from Smithfield to Longview, and thence up said road to the point of beginning."

There is a nice two-story dwelling house and a barn on this property and more than half of the land is cleared and ready for cultivation, with a good wire fence enclosing same.

TERMS: One-third cash and the remainder in two equal installments, payable in twelve and twenty-four months from the date of sale, each evidenced by the bonds of the purchaser, said bonds bearing interest from the date thereof payable semi-annually, the title to the said property to be retained until the purchase price is paid in full; or the purchaser pay the entire purchase price in cash. No bid will be accepted until the bidder shall deposit with the said Commissioners at least fifteen per cent of his bid. Should the purchaser not pay all the purchase price in cash the said purchaser shall have the improvements on the said land insured against loss by fire for three-fourths of their value, and assign the policy of insurance to said Commissioners as additional security for the deferred payments.

E. H. WILLIAMS,
G. F. WHITLEY,
Special Commissioners

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight, December 23th, 1914.

I, A. S. Johnson, Clerk of the Circuit Court of the County of Isle of Wight, do hereby certify that the bond required of E. H. Williams and George F. Whitley, special commissioners in the chancery suit now pending, in said court in which Sallie G. Edwards, et als are complainants, and S. A. Whitley et als are defendants, by decree entered therein on the 7th day of December, 1914, has been executed.

Given under my hand the day and date first above written.

Teste: A. S. JOHNSON, Clerk

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

Sallie G. Edwards, et al,.....Plaintiffs, *
*
-VS- *
*
S. A. Whitley, et als.....Defendants. *
*

TO THE HONORABLE B. D. WHITE,
JUDGE OF THE SAID COURT:

Your Commissioners, the undersigned Geo. F. Whitley and E. H. Williams, beg leave to report that in pursuance of a decree entered in this cause on December 7th, 1914, and recorded in the C. O. B. No. 7, page 265, and after having executed before the Clerk of the said court the bond required in the said decree, did offer for sale the tract of land in the bill and proceedings of this cause mentioned and described, as follows: All that certain tract, piece or parcel of land lying, being and situate in the County of Isle of Wight, State of Virginia, containing, according to old deed, ten (10) acres, more or less, but estimated to contain seven and one-half (7-1/2) acres, more or less. It being the same land of which Mahala Mason died seized and possessed. Boundaries of said land being as follows: "Beginning at an old pine stump on the South side of the county road leading to Longview, said stump being a distance of eighteen and one-half (18-1/2) feet from a white oak located on said road; thence running in a southerly direction in a straight line to a chopped gum in a swamp at a marl hole; thence up said swamp to a ground bridge on the said

county road leading from Smithfield to Longview,
and thence up said road to the point of beginning".
on Friday, January 15th, 1915, at 11:00 o'clock
A. M., in front of the United States Post Office
of the Town of Smithfield, Virginia, after having
advertised the time, place and terms of sale as
prescribed by the said decree, a copy of said
advertisement being hereto attached and being made
a part of this report, the said terms being as
follows: One-third cash and the reaminder in
two equal installments, payable in twelve and twenty-
four months from the date of sale, each evidenced
by the bonds of the purchaser, said bonds bearing
interest from the date thereof payable semi-
annually, the title to the said property to be re-
tained until the purchase price is paid in full;
or the purchaser pay the entire purchase price in
cash. No bid will be accepted until the
bidder shall deposit with the said Commissioners
at least fifteen per cent of his bid. Should the
purchaser not pay all the purchase price in cash
the said purchaser shall have the improvements on
the said land insured against loss by fire for
three-fourths of their value, and assign the policy
of insurance to said Commissioners as additional
security for the deferred payments; at which said
sale Sallie G. Edwards, being the highest bidder,
became the purchaser of the said land at the price
of TWELVE HUNDRED AND FIVE DOLLARS (\$1,205.00).

Your Commissioners further report that
they have collected the sum of ONE HUNDRED AND
EIGHTY AND 75/100 DOLLARS (\$180.75), the same being

fifteen (15) per cent of the purchase price from the said Sallie G. Edwards, and that the said sum of money is now deposited to the credit of the said Commissioners in the Bank of Smithfield, Smithfield, Virginia.

Your Commissioners further report that the said Sallie G. Edwards has elected to pay the purchase price in cash and requests the court that her receipt may be taken for her interest in the said land as so much cash.

Your Commissioners also beg to report that the said land sold for its full value and they recommend that the said sale be confirmed.

Bo. F. Whitley.
Special Commissioner.

William
Special Commissioner.

13

SALLIE G. EDWARDS, et al.,

VS) REPORT: 146

S. A. WHITLEY, et als.

1415
Apr. 5.
Filed B.D.W.

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

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

SALLIE G. EDWARDS ET AL

VS) IN CHANCERY

S. A. WHITLEY ET ALS.

I, A. S. Johnson, Clerk of the Circuit Court of the County of Isle of Wight, in the State of Virginia, do hereby certify that E. H. Williams and George F. Whitley, appointed special commissioners in the above entitled cause by decree entered therein on the 7th. day of December, 1914, have this day duly executed the bond required in said decree.

Given under my hand this 28th. day of December, 1914.

A. S. Johnson Clerk.



12

28 Dec 1914

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

SALLIE G. EDWARDS ET AL,
VS) CHANCERY. No. 146.
S. A. WHITLEY ET ALS.

REPORT OF COMMISSIONER IN CHANCERY.

TO HONORABLE B. D. WHITE,

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

The undersigned, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, respectfully reports to the Court, as follows, to-wit:

That by decree entered in the above entitled cause in chancery now pending in said court, your Commissioner is required to make certain inquiries and to report the result thereof to the Court.

That on the 5th. day of January, 1914, your Commissioner issued notice, directed to the resident parties in said suit, stating that he would, on the 21st. day of January, 1914, at the office of George F. Whitley, Esq., in the Town of Smithfield, County and State aforesaid, proceed with the execution of said decree, which notice is herewith returned showing legal service thereupon.

That on the date and at the time of day mentioned in said notice, your Commissioner attended at the place stated therein and proceeded with the execution of the said decree by taking the testimony of W. B. Gale, J. E. Horne and John H. Pleasants, compe-

tent witnesses, which was, then and there, reduced to writing and was signed by said deponents, and is returned herewith, having been used by your Commissioner in formulating this report.

That after taking of said testimony filed herewith, your Commissioner was unable to determine whether or not Andrew Mason was alive or dead, and if dead whether or not he left any widow him surviving and now living, or any heirs, and who they were or are. Your Commissioner being unable to make response to the inquiry mentioned in said decree in said suit of December 1st. 1913, which referred to the said Andrew Mason and his heirs, at the request of counsel for both complainants and defendants, your Commissioner continued the execution of said decree.

That it appears that said Andrew Mason has been located and has sold his interest in the subject matter of this suit to one C. F. Whitley who now comes and files a petition in said suit, asking to be made a party defendant in same, in the place and stead of said Andrew Mason, as his alienee. Said petition was filed on the 28th. day of October, 1914, and states that on the 5th. day of August, 1914, said Andrew Mason conveyed his interest in the subject matter of this suit to said petitioner, which appears to be true from the records filed in the Clerk's Office of this Court, which your Commissioner has had reference to, it appearing that said deed was, on the 11th. day of September, 1914, admitted to record by the Clerk of this Court and is spread in Deed Book No. 83, page 247.

Your Commissioner is now able to make final report in response to said decree, and from the testimony filed herewith, and from information gathered from the records filed in the Clerk's Office of this Court, your Commissioner is advised, and reports to the Court:

1: That the real estate mentioned and described herein, as a tract of land of some seven and a half acres, formerly belonging to Mahala Mason, deceased, cannot be conveniently divided among the several parties entitled to share therein.

2: That it does not appear to your Commissioner that any party will take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to.

3: That it being impracticable and inconvenient to make physical division of the said tract or parcel of land, it appears that the interests of the parties entitled to same will be promoted by a sale thereof and a division of the proceeds. An allotment of part and sale of residue is thoroughly impracticable if not totally impossible.

The fee simple value of said tract of land appears to be five hundred dollars, and the annual value thereof is forty or fifty dollars.

4: All of the proper and necessary parties are properly before the Court.

6: Mahala Mason, formerly the owner of the said lot of land, left her surviving the following heirs: Isaac Jones, Jim Harris, Henry Oliver, Phénias Harris, Henderson Jones, Grant Mason and Andrew Mason.

On the 24th. day of August, 1900, Henry Oliver, Phénias Harris and Henderson Jones conveyed their interests in said land to Grant Mason, a son of said Mahala Mason, and brother and half brother, apparently, to the grantors therein, which deed states the consideration as love and affection and knowing that it was the desire of their mother that such should be done, a most singular thing to do by a heterogenous bunch of negroes, of half blood, in this day and time; all of which is indicative that Mahala knew something of how to raise boys. This gave to Grant Mason four sevenths interest in the said tract of land, the balance of three sevenths being in Jim Harris, Andrew Mason and Isaac Jones, who owned a one seventh each.

Grant Mason, by his deed bearing date 22nd. June, 1905, and of record in the Clerk's Office of this Court in Deed Book No. 72, page 63, conveyed his interest in the said tract of land to

P. S. Chapman, in trust to secure to H. B. Chapman & Bro., the payment of the sum of thirteen hundred dollars.

Again, on the 11th. day of September, 1905, as will appear by reference to Deed Book No. 72, page 193, the said Grant Mason conveyed his interest in the said land to said P. S. Chapman, in trust to secure the said H. B. Chapman & Bro., the payment of the sum of four hundred and fifty dollars.

And again, on the 8th. day of June, 1907, the said Grant Mason conveyed his interest in the said tract of land to said P. S. Chapman, in trust to secure to H. B. Chapman & Bro. the payment of the sum of four hundred dollars, as appears by reference to Deed Book No. 74, at page 387, filed in said Clerk's Office.

Default having been made in the payment of the debts so secured the said P. S. Chapman, trustee as aforesaid, appears to have made sale of the said property which fact is evidenced by his deed bearing date Jan. 12th. 1910, of record in said Clerk's Office in Deed book No. 77, page 455, in which H. B. Chapman is alienee.

Isaac Jones, by his deed bearing date March 5th. 1910, of record in said Clerk's Office in D. B. No. 77, page 492, conveyed his interest in said land to said H. B. Chapman.

This conveyance appears to be subject to the lien of a judgment in favor of S. J. Carr, granted on the 27th. of November, 1886 by B. C. Roberts, J. P., and docketed in the said Clerk's Office in Judgment Docket No. 2, page 145, as of the 7th. day of March, 1887, for the sum of \$21.48 with interest thereon from the 15th. day of October, 1884 till paid, and \$1.48 costs; the said judgment having been kept alive by execution.

This puts title in H. B. Chapman to five sevenths interest in said tract of land.

H. B. Chapman, by his deed bearing date January 16th. 1911, and of record in the said Clerk's Office in Deed Book No.

79, page 83, conveyed his interests in said land to Sallie G. Edwards, one of the complainants herein.

This conveyance puts said Sallie G. Edwards in possession of five sevenths interest in said tract of land subject to the lien of said S. J. Carr against the interest formerly belonging to said Isaac Jones.

In this connection your Commissioner desires to report to the Court that there are several judgments against said Grant Mason, which are subsequent to the first deed of trust given by him to secure said H. B. Chapman the amount therein mentioned.

All of said judgments but one were, it appears, assigned to said H. B. Chapman after they were given.

None of said judgments are marked satisfied; but, it appears that the said trustee made and filed his account which shows that the purchase price paid for said land at the trust sale was insufficient to pay off and discharge, in full, the debt evidenced by the first deed of trust mentioned herein, given to secure said H. B. Chapman the sum of money mentioned therein. They do not appear to be liens upon said land.

Your commissioner is moved to make this statement more to show to the court the extent of the investigation necessary to make this report than for any other purpose.

Andrew Mason having, by his conveyance aforesaid, conveyed his interest in the said tract of land to said C. F. Whitley, this puts title to a one seventh interest in said C. F. Whitley.

It also appears, of record in said Clerk's Office, in Deed Book No. 81, page 397, that Jim Harris, on the 5th. day of May, 1913, conveyed his interest in the said tract of land to S. A. Whitley.

There is a lien for delinquent taxes for the year 1899, against the whole of said tract of land, for the sum of \$2.21, with interest thereon from December 1st. 1900.

Sallie G. Edwards, by her deed bearing date the 16th. day of January, 1911, and of record in the said Clerk's Office in Deed Book No. 78, page 477, conveyed her interest in this land to George F. Whitley, in trust to secure to H. B. Chapman the payment of the sum of \$400 evidenced by four negotiable notes, of even date with said deed of trust, bearing interest from date, payable annually on the 1st. day of January of each year. The deed of trust does not state the amount evidenced by each note, simply giving the aggregate of the whole of them.

Your Commissioner finds, by reference to the land book, that the property herein mentioned is assessed at seven hundred dollars, the land at \$300 and the buildings at \$400. The assessment, according to the testimony herein, is too high. Your Commissioner knows that it is unusual and hardly in conformity with the practice in vogue to make a statement of a personal opinion in matters of this kind, but the testimony of witnesses filed herewith and the record being so much at variance he believes it his duty to inform the Court that it is his personal opinion, gained from a personal knowledge of the property, and his acquaintance with the parties who have testified, that the property is assessed at too high a figure, and that five hundred dollars, as mentioned in the testimony, is nearer the true value of the land. Under peculiar and most favorable circumstances it would probably bring more than five hundred dollars; but if it did, then it would be more than a fair market value, so far as your commissioner is informed and believes.

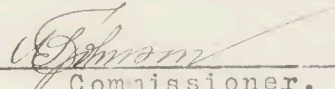
Summary:

Liens: Lien against the interest of Isaac Jones
 Lien against interests of Sallie G. Edwards
 Lien for delinquent taxes, 1899.
 Ownership: Sallie G. Edwards, five sevenths interest.
 S. A. Whitley, One seventh interest.
 C. F. Whitley, One seventh interest.
 Fee simple value: Five hundred dollars.
 Annual Value; Forty to fifty dollars.

Land cannot be divided among the parties: Should be sold and proceeds divided.

Parties: Sallie G. Edwards, S. A. Whitley and C. F. Whitley.
S. L. Edwards, Lizzie Whitley.
C. F. Whitley is not a married man. (personal information of Commissioner)

Respectfully submitted.



Commissioner.

Commissioner's fee,.....\$	25.00
Witnesses,.....	1.50
Sheriff,.....	.90

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

SALLIE G. EDWARDS ET ALS,.....COMPLAINANTS

VS) CHANCERY

S. A. WHITLEY, ET ALS, ...DEFENDANTS.

The depositions of John H. Pleasants and others, taken before me, A. B. Johnson, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, at the office of George F. Whitley, Attorney at Law, in the Town of Smithfield, County of Isle of Wight and State of Virginia, Wednesday the 21st. day of January, 1914, beginning at eleven o'clock A.M., pursuant to notice, upon which legal service has been had as will appear by a copy thereof, herewith filed, showing such service, to be read as evidence in the above entitled cause in the Circuit Court of the County of Isle of Wight now pending.

Present

E. H. Williams, counsel for complainants,

George F. Whitley, counsel for S. A. Whitley and Lizzie Whitley.

DIRECT EXAMINATION BY E. H. WILLIAMS.

W. B. Gale being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. W. B. Gale, I am fifty seven years of age, live in Isle of Wight County, and am a farmer.

Q. Are you acquainted with the land of which Mahala Mason, colored, died seized and possessed? A. I am.

Q. Can this property be conveniently divided between the several parties entitled to share therein? A. I do not think it could. The house is the most valuable part to the land. The land is not worth over forty or fifty dollars, and I think the land and house is worth about five hundred dollars. I do not think there is over seven or seven and a half acres of land there.

Q. If the same cannot be divided among the parties do you know whether or not any party will take the entire property and pay therefor to the other parties such sums of money as their interests therein may entitle them to? A. I do not.

Q. Will the interest of all parties be promoted by a sale of the entire property and a division of the proceeds of such sale, or will their interests be best promoted by an allotment of a part of said property and sale of the residue? A. I think it best to sell the entire property and divide the proceeds.

Q. What is the fee simple value of the property? A. Five hundred dollars.

Q. What is its annual value? A. about forty or fifty dollars.

Q. Did you ever know Andrew Mason? A. No sir.

And further this deponent saith not.

W B Gall

J. E. Horne being duly sworn deposes and says:

DIRECT EXAMINATION BY MR. WILLIAMS.

Q. Mr. Horne, please state your name, age, residence and occupation? A. J. E. Horne, I am forty seven years of age, live in Isle of Wight County and am a farmer.

Q. Are you acquainted with the land of which Mahala Mason died seized and possessed? A. Yes sir.

Q. How far do you live from it? A. about a quarter of a mile, I have lived right in that neighborhood all my life.

Q. How many acres in this tract of land? A. I do not really know, some six or seven.

Q. I read to you the description of the land in the Bill of **this** suit- can it be conveniently divided among the several parties entitled to share therein? A. I do not think so.

Q. Do you know to whom the land now belongs? A. Mahala Mason, had seven children, Isaac Jones, Jim Harris, Henry Oliver (now dead) Phenias Harris, Henderson Jones, Grant Mason and Andrew Mason. I understand that some of them have disposed of their interest in the land.

Q. You state that Henry Oliver is dead. Do you know if all the rest of them are alive? A I do not, I do not know whether Andrew is living or not. All but him are living except Henry. I have heard nothing of Andrew in about ten years, I am sure that long. He has not been in the neighborhood to my knowing and I have heard that some inquiry has been made for him and have heard nothing from him.

Q. Do you know whether or not he was ever married? A. I do not personally know. I have heard he was.

Q. Do you know whether or not any party will take the entire property and pay the others in interest for their shares? A. I do not.

Q. Will it be the the interest of all the parties to sell the entire property and divide the proceeds, or will it be to their interest to sell a part and allot the rest? A. I think the whole property should be sold and the proceeds divided.

Q. What is the fee simple value of this property? A. Five hundred dollars is my estimate.

Q. What is the character of the place, the value of the land and the value of the buildings? A. The value of the land, I do not think it would bring fifty dollars, take the buildings off.

Q. What is its annual value? A. I think it ought to rent for fifty dollars.

. And further this deponent saith not.

J. E. Horne

John H. Pleasants being duly sworn, deposes and says:

DIRECT EXAMINATION BY MR. WILLIAMS.

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

John H. Pleasants, I am sixty years of age, I live in Isle of Wight County and am a farmer.

Q. Are you acquainted with the land in the Bill and proceedings of this suit mentioned, of which Mahala Mason died seized and possessed? A. Yes sir, I have lived right in the neighborhood all my life. Mahala belonged to me before the War.

Q. Can the land be conveniently divided among the parties? A. I do not think so, there is only some six or seven acres, the land without the buildings, I think fifty dollars would be all it is worth, and the land with the buildings is worth about five hundred dollars, the house being so much more valuable than the land I don't think it can be divided.

Q. Do you know who are the heirs of Mahala Mason? A. Isaac Jones, Jim Harris, Henry Oliver, Phenias Harris, Henderson Jones, Grant Mason and Andrew Mason. Henry Oliver is dead, and I have heard nothing of Andrew in about ten years or more. I have asked Phenias about him several times and he has told me that he has heard nothing from him.

Q. Can any part of the property be sold and the balance allotted with profit to the owners? A. I do not see how it could be.

Q. What is the annual value of the property? A. I suppose it is worth fifty dollars.

And further this deponent saith not.

John H. Pleasants

VIRGINIA: To the Sheriff of the County of Isle of Wight, Greeting:
We command you that you summon J. E. Horne, W. B. Gale, and J. H. Pleasant,
to appear before the undersigned commissioner in chancery of the
Circuit Court of the County of Isle of Wight, at the office of
George F. Whitley, Attorney at law, in the Town of Smithfield,
County of Isle of Wight and State of Virginia, on the 21st. day
of January, 1914, at eleven o'clock A.M., to testify and the truth
to speak in a certain matter in controversy between Sallie G.
Edwards et al, and S. A. Whitley, et als., 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, on this 13th. day of Jan-
uary, 1914.

A. S. Johnson
Commissioner in Chancery.

Executed the within ^{Summons} ~~warrant~~ this the 16
day of June 1914 by serving a true copy
of same on J. N. Pleasant, H. B. Hall & E. Hume in person
Within the County of Isle of Wight.

R. A. Edwards Sheriff.

D. S.

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

Sallie G. Edwards and S. L. Edwards,.....Complainants.

vs) Chancery.

S. A. Whitley, Lizzie Whitley, Ellen Harris
and Andrew Mason,.....Defendants.

To S.A. Whitley and Lizzie Whitley:

Take notice that I shall, at the office of George F. Whitley, Attorney at Law, in the Town of Smithfield, County of Isle of Wight and State of Virginia, on the twenty first day of January, 1914, at eleven o'clock A.M., proceed to take evidence to be read in the execution of a decree entered in the above styled suit, now pending in the Circuit Court of the County of Isle of Wight, on the 1st. day of December, 1913, an extract of which is as follows:

1st. Whether the real property in the Bill mentioned and described as follows: "All that certain tract, piece or parcel of land lying, being and situate in the County of Isle of Wight, State of Virginia, containing, according to old deed, ten (10) acres, more or less, but estimated by your complainants to contain seven and one half acres, more or less, and being the same land of which Mahala Mason died seized and possessed, the bounds of the said land having been determined in an issue out of chancery in the suit of Sallie G. Edwards et als. vs. George F. Whitley, Trustee, et als., as follows: Beginning at an old pine stump on the South side of the County road leading from Smithfield to Long View said stump being a distance of 18-1/2 feet from a white oak located on the said road; thence running in a Southerly direction in a straight line to a chopped ~~xxxx~~ gum in a swamp at a marl hole; thence up said swamp to a ground bridge on the said County Road leading from Smithfield to Long View as aforesaid; and, thence up said road to the point of beginning," can be conveniently divided between the several parties entitled to share therein.

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

3rd. 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 interests of those who are entitled to the said property or its proceeds will be promoted by a sale of the entire property or by the allotment of part and sale of the residue, together with the fee simple and annual values of said property.

4th. Whether all the proper parties are properly before the Court.

5th. Whether or not Andrew Mason is dead, and if dead, whether or not he died unmarried, without issue and intestate.

6th. Whether there are any liens against the interest of said parties, or any delinquent taxes, and the taxes for the current year,

Which several inquiries the said commissioner shall make and to the court report, together with any matter specially stated, deemed pertinent by himself or required by any party to be so stated.

And the said commissioner shall return with his said report the evidence taken before him.

Respectfully,

January 5th 1914

Johnson Clerk in Chancery

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

Sallie G. Edwards,
S. L. Edwards,

By _____ Attorney.

S. A. Whitley
Lizzie Whitley,

By _____ Attorney.

9
Jas F. Edwards et al
vs of Chancery 146
J. G. Whitley et al

Commencer report

Filed
In the

CIRCUIT COURT,

DO NOT

COUNTY OF ISLE OF WIGHT

this 29 day of Oct 1914

Test J. Johnson, Clk

Office of SUFFOLK HERALD.

SUFFOLK, VA., *Nov 7* 190*3*.

I hereby certify that the order of which the annexed is a copy has been published in THE SUFFOLK HERALD in the manner prescribed by law---once a week for four successive weeks.

beginning October 17th and ending November 7th 1913

W. J. Kendrick
Editor Herald

37.20

6

Jesse G. Edwards et al
vs Chassey
D a Whaley et al

Prubis Est on D.P

In the CLERK'S OFFICE of the
CIRCUIT COURT,
OF THE
COUNTY OF ISLE OF WIGHT
this 3rd day of Nov 1913
J. E. Johnson, Clerk

VIRGINIA:

Clerk's Office of the Circuit Court of the County of Isle of Wight.

Sallie G. Edwards and S. L. Edwards,

Complainants,

(vs. Chancery

S. A. Whitley, Lizzie Whitley, Ellen

Harris and Andrew Mason,

Defendants.

The object of the above styled suit is to make partition of the lands of which Mahala Mason, (colored) died seized and possessed, situate in the County of Isle of Wight and State of Virginia. And an affidavit having been made and filed, according too law that the said Ellen Harris and Andrew Mason are non-residents of the State of Virginia, it is ordered that the said Ellen Harris and the said Andrew Mason do appear at the Clerk's Office of the said Circuit Court within fifteen days after due publication hereof and do what may be necessary to defend their interests in this suit.

Teste.

A. S. JOHNSON, Clerk.

E. H. Williams, p. q.

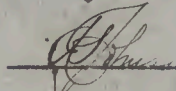
VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT, MAY 14th. 1913.

Sallie G. Edwards and S. L. Edwards,.....Complainants,
vs) Chancery

S. A. Whitley, Lizzie Whitley, Ellen
Harris and Andrew Mason,.....Defendants.

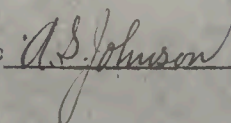
The object of the above styled suit is to make partition of
the lands of which Mahala Mason, (colored) died siezed and pos-
sessed, situate in the County of Isle of Wight and State of
Virginia. And an affidavit having been made and filed, accord-
ing to law, that the said Ellen Harris and Andrew Mason are
non residents of the State of Virginia, it is ordered that
the said Ellen Harris and the said Andrew Mason do appear
at the Clerk's Office of the said Circuit Court within fif-
teen days after due publication hereof, and do what may be
necessary to defend their interests in this suit.

Given under my hand the day and year above written,

 Clerk.

E. H. Williams, p.q.

Virginia: Clerk's Office of the Circuit Court of the County of
Isle of Wight, May 14th. 1913. A copy of the foregoing order was
was, on this day, sent to Suffolk Herald for publication, and a
copy posted at the front door of the courthouse of this county,
as required by law.

Teste, &  Clerk.

Sallie G. Edwards et al
vs) Chancery

S. A. Whitley and others.

Copy of order of publication.

RECEIVED: CLERK'S OFFICE OF THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA

ON JANUARY 11, 1911, AT 10:00 A.M.

Sallie G. Edwards and others, Plaintiffs, vs. S. A. Whitley and others, Defendants.

AND WHEREAS

the said Sallie G. Edwards and others, Plaintiffs, have filed in the said District Court of the District of Columbia a bill in equity against the said S. A. Whitley and others, Defendants, for the purpose of obtaining an order of publication of the said bill.

AND WHEREAS the said S. A. Whitley and others, Defendants, have failed to answer the said bill within the time allowed by the rules of the said District Court of the District of Columbia.

AND WHEREAS the said Sallie G. Edwards and others, Plaintiffs, have prayed that the said bill be published.

AND WHEREAS the said Sallie G. Edwards and others, Plaintiffs, have prayed that the said bill be published.

AND WHEREAS the said Sallie G. Edwards and others, Plaintiffs, have prayed that the said bill be published.

AND WHEREAS the said Sallie G. Edwards and others, Plaintiffs, have prayed that the said bill be published.

AND WHEREAS the said Sallie G. Edwards and others, Plaintiffs, have prayed that the said bill be published.

AND WHEREAS the said Sallie G. Edwards and others, Plaintiffs, have prayed that the said bill be published.

W. H. MILLER, JUDGE.

FILED

1911

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

S. L. EDWARDS, et al.....PLAINTIFF.

VS IN CHANCERY,

E. A. WHITLEY, et als.....DEFENDANT.

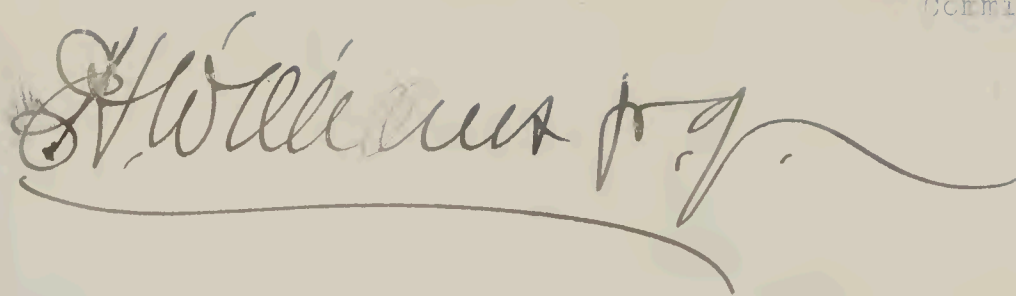
STATE OF VIRGINIA;

COUNTY OF ISLE OF WIGHT, to-wit:

This day personally appeared me, E. H. Williams, a Commissioner in Chancery of the Circuit of the County aforesaid, in the State of Virginia, S. L. Edwards, one of the said Plaintiffs, who made oath that Ellen Harris and Andrew Mason two of the Defendants in the above named suit are non-residents of the State of Virginia and further that the object of the above suit is to make partition of the lands of which Mahala Mason, died seized and possessed.

Given under my hand this 13th. day of May, 1913.


Commissioner in Chancery.



Sallie G. Edwards et al

vs) Chancery

S. A. Whitley et als.

Affidavit for order of publication.

COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting;

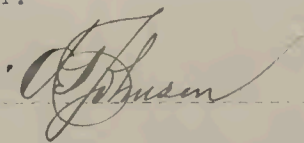
We command you that you summon S. A. Whitley, Lizzie Whitley,

Ellen Harris and Andrew Mason

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
3rd. Monday in May, 1913, to answer a bill in
chancery exhibited against them in our said Court by Sallie G.
Edwards and S. L. Edwards

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Court-
house, this 14th. day of May, 1913, and in the
137th. year of the Commonwealth.



Clerk.

12

Sallie G. Edwards et al

vs) Chancery

S. A. Whitley et als.

Subpoena.

Issued May 14th. 1913.
Return day. 2nd. May Rules, 1913

16 May 16

Wife

In

CHANCERY

COUNTY OF ISLE OF WIGHT

this 17th day of May 1913

Returned to

Geo. W. Johnson. Cn

Not finding S. A. Whitley at his usual place of abode I executed the x
within notice this the 16th, day of May 1913 in the County of Isle Of
Wight by serving a true copy of same on the wife of the said S. A.
Whitley for the said S. A. Whitley, and explained to her the purport
of same, and I served a true copy of same on Lizzie Whitley on the
above date, in person.

R. A. Edwards Sheriff.

By R. W. Jordan D. S.

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

SALLY G. EDWARDS, et als.....Plaintiffs,

VS. (In Chancery.
)

ARMSTRONG WHITLEY, et als.....Defendants.

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

-----oOo-----

Your petitioner, C. F. Whitley, respectfully showeth to
the Court:

That in the complainant's bill, heretofore filed in this
cause, it is alleged that Andrew Mason, one of the heirs to the
Mason
Mahala[^] land, is supposed to be dead. Your petitioner, however,
alleges that Andrew Mason is not dead, but is now living in the
County of Norfolk and that he, the said Andrew Mason, on the 5th
day of August, 1914, executed and delivered to your said
petitioner a deed in fee simple for his interest in the said land
of Mahala Mason, deceased, said deed being of record in the Clerk's
office of Isle of Wight County, Virginia.

Your petitioner, therefore, prays that he may be made a
party defendant to the said bill; and,

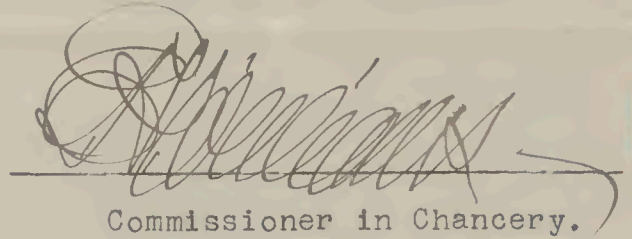
Further prays that the said property may be sold at public
auction for a division, for the reason that he believes it is im-
possible to equitably divide the said property among the parties
entitled to share therein, and your petitioner will ever pray.

C. F. Whitley

STATE OF VIRGINIA,

County of Isle of Wight, to-wit:

Subscribed and sworn to before me this 10th day of October,
1914.


Commissioner in Chancery.

8
SALLY G. EDWARDS, et als.,

VS) PETITION:

~~1914~~
ARMSTRONG WHITLEY, et als.

Filed
In the Clerk's Office of the
Circuit Court
of the
COUNTY OF ISLE OF WIGHT
this *28th* day of *Oct 1914*
J. B. Johnson, Clerk

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

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

Sallie G. Edwards,

and S. L. Edwards, ----- --Plaintiffs.

vs. In Chancery.

S. A. Whitley, Lizzie Whitley,

Ellen Harris and Andrew Mason

Defendants.

Humbly complaining, sheweth unto the Court, your orators,
Sallie G. Edwards and S. L. Edwards, that they own a five-sixth interest in and to the following described tract of land, to-wit; All that certain tract, piece or parcel of land lying, being and situated in the County of Isle of Wight, State of Virginia, Containing according to old deed ten acres, more or less, but estimated by your Complainants to contain seven and one-half acres, more or less, and being the same land of which Mahala Mason, died seized and possessed, the bounds of the said land having been determined in an issue out of chancery in the suit of Sallie G. Edwards et al. V. Geo F. Whitley, Trustee, et als as follows:

Beginning at an old pine stump on the south side of the County Road leading from Smithfield to Long-View, said stump being a distance of 18 1/2 feet from a white oak located on the said road; thence running in a Southerly direction in a straight line to a chopped gum in a swamp at a marl hole; thence up said swamp to a ground bridge on the said County Road leading from Smithfield to Long-View as afore-said; and thence up said road to the point of beginning, all of which will appear from certified copies of the following deed; to-wit; deed from H. B. Chapman to Sallie G. Edwards, dated Jan. 16th. 1911, Recorded in D. B. No 79, page 83; Deed from P. S. Chapman Trustee, to H. B. Chapman, deed from Isaac Jones et ux to H. B. Chapman, dated March 5th. 1910, Recorded in D. B. 77, page 492; deed Henry Oliver et als to Grant Mason, dated August 24th. 1900, Recorded in D. B. No 66, page 26; and, decree in the said suit of

Edwards et al, V. Whitley, Trustee, et als, the said copies of the said deed and decree, marked exhibits, "A", "B", "C", "D", and "E", respectively, herewith filed, and prayed to be read as apart of this bill;

That the said S. A. Whitley owns a one-sixth interest in the said land subject to the contingent dower interest of the said Ellen Harris as will appear by a certified copy of the deed from James Harris to the said S. A. Whitley, dated May 5th. 1913, recorded in D. B. No 81, page 397, marked exhibit "F", herewith filed and prayed to be made apart of this bill:

That the said Andrew Mason is believed to be dead, dying unmarried without issue and intestate; and your complainants further state that the said real estate can be advantageously partitioned in kind, but, if the same cannot be advantageously partitioned in kind, the interest of those who are entitled to share in the said land will be promoted by the sale of the whole of the said real estate.

In tender consideration whereof, and for as much as your complainants are remediless in the premises save by the aid of a court of equity, where matters of this kind are alone and properly cognizable, your complainants pray that the said S. A. Whitley, Lizzie Whitley, Ellen Harris and Andrew Mason, may be made parties defendant to this bill, and required to answer the same; an answer under oath being hereby expressly waived as by the statute in such cases made and provided; that proper process issue; that the said real estate be divided in kind, but, if such division cannot be advantageously made, that the whole of the said real estate be sold for a division; that a reasonable fee be allowed your complainants attorney for his services in this case; that all proper orders and decrees may be made, and proper inquiries directed, and that all such other further and general relief may be afforded your complainants as the nature of their case

(3)

may require, or to equity and good conscience may seem meet.

And your complainants will ever pray, etc.

Julia G. Edwards

J. G. Edwards

By Counsel

William J. G.

75

See in Holmes & Co

in Chancery

Whitley & Co

Recd

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

May 14th. 1913: Memo filed. Affidavit for order of publication as to Ellen Harris and Andrew Mason filed. Process issued for S. A. Whitley and Lizzie Whitley. Order Publication entered as to Andrew Mason and Ellen Harris: a copy posted, a copy sent to Suffolk Herald for publication, and a copy filed, with certificate thereon.

May 17th. 1913: Process returned executed on S. A. Whitley and Lizzie Whitley?

2nd. May rules, 1913: Decree nisi as to S. A. Whitley and Lizzie Whitley. Continued on order of publication.

3rd. May rules, 1913: Case set for hearing as to Lizzie Whitley and S. A. Whitley, they still failing to appear, etc. Continued on Order of Publication.

November 3rd. 1913: Certificate of printer as to completion of publication of O.P. received and filed.

2nd. November rules, 1913: Order of publication executed. Case set down for hearing.