1918-009 Chancery Causes : John R. Ward & wf & Sallie P. Ward vs Adelle B. Ward, 283
Isle of Wight County widow of William S. Ward & al
Nannie Delk & h S. Delk vs John R. Ward & wf & al

other SURNAMES: Whitley

To John R. Ward, Mary J. Ward, Sallie P. Ward, Adelle B. Ward, E. H. Williams, Guardian Ad Litem for Rose C. Ward and William L. Ward, Monnie Delk and W. L. Delk: Pursuant to a decree entered in the suit of Ward, et als, vs Ward, et als, on the 3rd day of June, 1918, the undersigned commissioners appointed by said decree for the purpose, will on the 17th day of June, 1918, at 10:00 o'clock A. M., meet on the farm of which Lucy A. C. Ward, diëd, siezed and possessed to view and partition the same among the parties entitled thereto.

SIGNED: J. L. Norsworthy,

W. B. Jones,

B. B. Carroll,

Thomas Batton,

Chester Hundley.

We, hereby, accept legal service of the within notice.

Per te
X Nonie Dell.

By her
X W Le Dell.

To John R. Ward, Mary J. Ward, Sallie P. Ward, Adelle B. Ward, E. M. Williams, Guardian Ad Litem for Rose C. Ward and William L. Ward, Nonnie Delk and W. L. Delk; Pursuant to a decree entered in the suit of Ward, et als, vs Ward, et als, on the 3rd day of June, 1918, the undersigned commissioners appointed by said decree for the purpose, will on the 17th day of June, 1918, at 10:00 o'clock A. M., meet on the farm of which Lucy A. C. Ward, died, siezed and possessed to view and partition the same among the parties entitled thereto.

SIGNED: J. L. Norsworthy,
W. B. Jones,
B. B. Carroll,
Thomas Batten,
Chester Hundley.

We, hereby, accept legal service of the within notice.

x Adele B. Ward.

_____.

To John R. Ward, Mary J. Ward, Sallie P. Ward, Adelle B. Ward, E. H. Williams, Guardian Ad Litem for Rose C. Ward and William L. Ward, Nonnie Delk and W. L. Delk: Pursuant to a decree entered in the suit of Ward, et als, vs Ward, et als, on the 3rd day of June, 1918, the undersigned commissioners appointed by said decree for the purpose, will on the 17th day of June, 1918, at 10:00 o'clock A. M., meet on the farm of which Lucy A. C. Ward, diéd, siezed and possessed to view and partition the same among the parties entitled thereto.

SIGNED: J. F. Norsworthy,
W. B. Jones,
B. B. Carroll,
Thomas Batten,
Chester Hundley.

We, hereby, accept legal service of the within notice.

Sig for X Sallie P. Houck.

_____.

To John R. Ward, Mary J. Ward, Sallie P. Ward, Adelle B. Ward, E. H. Williams, Guardian Ad Litem for Rose C. Ward and William L. Ward, Nonnie Delk and W. L. Delk: Pursuant to a decree entered in the suit of Ward, et als, vs Ward, et als, on the 3rd day of June, 1918, the undersigned commissioners appointed by said decree for the purpose, will, on the 17th day of June, 1918, at 10:00 o'clock A. M., meet on the farm of which Lucy A. C. Ward, died, siezed and possessed to view and partition the same among the parties entitled thereto.

SIGNED: J. J. Norsworthy,
W. B. Jones,
B. B. Carroll,
Thomas Batten,
Chester Hundley.

We, hereby, accept legal service of the within notice.

x John [illegible]

x Mary J. Ward

THIS DEED, Made this 9th day of April, 1918, by and between Donald B. Ward, of the _____, State of Texas, party of the first part; and, Adelle B. Ward, of the Town of Smithfield, Virginia, party of the second part;

WITNESSETH: That for and in consideration of the sum of Five Dollars, and love and affection, the said party of the first part, doth grant, with general warranty, unto the said party of the second part, all of his right, title and interest, both at law and in equity, and both vested and in expectancy, in and to the following property, to-wit:

"All that certain piece or parcel of land, situate in Hardy Magisterial District, County of Isle of Wight, Virginia, adjoining the lands of Cordelia M. C. Gale, B. B. Carroll, the lands formerly belonging to the estate of W. H. Little; the lands belonging to Wiley J. Delk, the lands formerly belonging to the estate of R. T. Jones, and other. It being the same land of which John Wyatt Ward, the grandfather of the said Donald B. Ward, died seized and possessed.

The said Donald B. Ward covenants that he is seized in fee simple of the said interest in the said land; that he has done no act to encumber the said interest; that the said party of the second part shall have quiet possession of the said interest in the said land, free from all encumbrances; and, that he, the said Donald B. Ward, will execute such further assurances of the said interest in the said land as may be requisite.

CLERK'S CERTIFICATE OF OFFICIAL CHARACTER

HILL PRINTING AND STATIONERY CO., WACO

THE STATE OF TEXAS
COUNTY OF McLENNAN

I, J. W. BAKER, Clerk of the County Court of McLennan County, Texas, a Court of Record, having a Seal, do hereby certify that Cora Johnston whose genuine signature appears to the instrument of writing hereto attached, is now and was at the time of signing the same, a Notary Public in and for the aforesaid State and County, duly qualified and commissioned as such: That she is authorized by the Laws of the State of Texas to administer oaths and take acknowledgments to all instruments required to be recorded, and that her acts as such Notary Public are entitled to full faith and credit.

That her Commission is dated the first day of June 1917, and will expire on the 31st day of May 1919

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said County Court, at my office in Waco, Texas, this 9th day of April 1918

J. W. Baker
Clerk County Court, McLennan County, Texas.

By _____ Deputy

Witness the following signature and seal:

Donald B. Ward (SEAL)

STATE OF TEXAS,
County of McLennan, TO WIT:

I, Cora Johnston, a Notary Public, in and for the County, aforesaid, State of Texas, whose notarial commission expires on the 1st day of June, in the year, 1919, do hereby certify that Donald B. Ward, whose name is signed to the above deed, bearing date of April 9th, 1918, has acknowledged the same before me in my said capacity.

Given under my hand this 9th day of April, in the year, 1918.

Cora Johnston.
NOTARY PUNLIC.

Cora Johnston has been appointed Notary in & for McLennan County Texas for term June 1st 1919 and has duly filed before me as County Clerk McLennan County Texas

County Clerk
McLennan County Tex

All Available Text Successfully Captured

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight, June 3rd. 1918, at nine o'clock A.M., this deed was received and with the certificate annexed, admitted to record.

Teste,

Clerk.

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DONALD B. WARD,

TO) DEED OF BARGAIN
AND SALE-

ADELLE B. WARD-

admitted to record
June 3, 1918. 9 A. M.

D. B. 87 page 454

Tax. 1.00
Clerk. 1.25
2.25

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

THIS DEED, Made this 19th day of June, 1916, between W. L. Ward , and Adelle B. Ward, his wife, of the County of Isle of Wight, State of Virginia, parties of the first part, and George F. Whitley, Trustee, of the County and State aforesaid, party of the second part.

W I T N E S S E T H

That the said parties of the first part do grant, with General Warranty, unto the said party of the second part, the following real estate to-wit: All that certain piece or parcel of land, situate, lying and being in the County of Isle of Wight, State of Virginia, containing, by estimation, one hundred and seventy-five (175) acres, be the same more or less, and bounded on the North by the lands of Miss S. P. Ward; on the East by the County Road leading from Smithfield to Mill Swamp Church; on the South by the lands belonging to B. G. Carroll and Bros., and on the West by the lands belonging to M. A. Delk and J. S. Gale. It being the same land which was inherited by the said W. L. Ward from his father, J. W. Ward.

IN TRUST to secure to the Merchants & Farmers Bank, Incorporated, of Smithfield, Virginia, or assigns, the payment of the sum of $1500.00, evidenced by one negotiable note of even date herewith, payable ninety days after date to the Merchants & Farmers Bank, Inc., of Smithfield, Virginia, at the Merchants & Farmers Bank, Smithfield, Virginia, and signed by W. L. Ward; said note waiving the benefit of the homestead exemption.

It is covenanted by the parties hereto that this deed of trust shall cover and secure any and all notes given in renewal, curtail or extenuation of the above described note.

And upon the further trust that the said grantors or their assigns shall remain in quiet and peaceable posession of the above granted and described premises, and take the profits thereof to their own use, until default be made in the payment of the debt aforesaid, in whole or in part, or in the observance of any covenant in this

contained; upon such default being made, the said Trustee shall, so soon thereafter as he shall be requested by the said creditor herein secured or its assigns so to do, sell the above granted property at public auction, at such time and place, and upon such terms and conditions, as he may deem expedient, having first given notice of the time, place and terms of sale for at least ten days, by advertisements in one or more places in Isle of Wight County, Virginia, and out of the proceeds of such sale, after paying all expenses attending the execution of this trust, including commissions on said proceeds of sale to the said Trustee, at the rate of five per cent, shall pay to the said creditor herein secured or its assigns, the debt aforesaid with interest thereon, or so much thereof as may then remain unpaid, and the balance, if any, to the said grantors or their assigns.

The said grantors covenant that they will warrant generally the property hereby conveyed, and will pay all taxes, levies and assessments upon said property so long as they or their assigns, shall hold the same. And the said grantors hereby waive the benefit of the homestead exemption as to this obligation; and agree that upon payment of the debt herein secure, a release deed shall be executed and recorded at their cost and expense.

Witness the following signatures and seals:

William L. Ward (Seal)

Addie B. Ward (Seal)

State of Virginia,

County of Isle of Wight, to-vit:

I, J. R. Rawls Jr, a Notary Public, in and for the County aforesaid, in the State of Virginia, whose commission as such expires on the 11 day of Dec, 1917, do hereby certify that W. L. Ward ~~and Addie T. Ward,~~ whose names are signed to the foregoing writing, bearing date on the 19th day of June, 1916, have acknowledged the same before me in my County aforesaid.

Given under my hand, this 11th day of July —, 1916.

J. R. Rawls Jr
Notary Public.

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight July 15th. 1916 at one o'clock P.M. this deed was received and with the certificate annexed, admitted to record.

Teste, R. S. Johnson Clerk.

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W. L. Ward et ux

To) Deed of Trust

George F. Whitley, Trustee.

Virginia: Clerk's Office of the Circuit court of
the County of Isle of Wight

July 17th 1916

Recorded in D. B. No. 86 page 159

State Tax, - - - $ 1.50

Clerk, - - - - $ 1.25

Copies Returned, - - $

Total, - - $ 2.75

22

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

I, John Wyatt Ward of the County of Isle of Wight, State of Virginia, do make this my last will and testament as follows.

1st. I direct my executrix hereinafter to be named to pay all my debts, out of my property.

2nd. I give and bequeath unto each of my children, viz: John R. Ward, W. L. Ward, and Sarah P. Ward the sum of One Hundred Dollars ($100.00)

3rd. I give all of my personal estate of every description to my wife Lucy A. C. Ward in fee simple.

4th. I give and bequeath to my wife Lucy A. C. Ward all of my land estate consisting only of the farm on which I now reside containing 455 acres or thereabout in fee simple.

5th. I request that my wife Lucy A. C. Ward shall at her death give to each of my children, John R. Ward, W. L. Ward, and Sarah P. Ward, certain parts of the farm, of the farm which I have given to her in fee simple as I now shall proceed to describe, viz: I desire that she shall give to my daughter Sarah P. Ward that part on which I reside adjoining John S. Gale on the North to the Burwells Bay road and running along said road to the upper part of the field on the West side of said road, to the corner of field where there is a ditch running West to the middle or principal run in the swamp which divides my tract of land from John S. Gale. Also that portion of Woodland lying on the East side of the said Burwells Bay road, beginning at the center of the field on the East side of said road running parallel with the Smithfield road East to where my land is b ounded by the land of George J. Barlow and also from the said road where I described boundary at the ditch at the end of the field the line shall run East to the point where it shall intersect with the land of said Geo. J. Barlow, W. B. Jones on the East.

6th. I request that my wife shall give to my son John R. Ward all the land lying between the Burwell's Bay road and East of said road up to the end of the field where the land given to my daughter Sarah

P. Ward as described above runs East to the land of George J. Barlow the line as boundary shall run parallel to the Smithfield road. This land joins the lands of John S. Gale and land formerly owned by R. R. Turner on the North and on the East b y land formerly owned by R. R. Turner and on the East to Smithfield road and also on the East by George J. Barlow land to where the line on the South side of that portion which is to be given to Sarah P. Ward with the land of Geo. J. Barlow.

7th. I request that the balance of the farm shall be given to my son W. L. Ward, viz: That portion which lies South of the portion that my wife shall give to my daughter Sarag P. Ward which will be bounded on the East by W. B. Jones and W. H. Little, on the West by N. E. Delk and J. S. Gale on the South by W. H. Little and R. W. Stallings and on the North by Sarah P. Ward from the swamp running eastward to the lin e of Geo. J. Barlow and W. B. Jones

I, hereby appoint, nominate and constitute my wife Lucy A. C. Ward whole and sole executrix of this my last will and testament, and do most respectfully request the Honorable Court before whom she may qualify not to require her to give any security on her bond as executrix.

Given under my hand and seal this 16th, day of September, A. D. (1904) Nineteen Hundred and Four.

John Wyatt Ward. (SEAL)

Witness A. S. Holleman.

In the Circuit Court for the Coun ty of Isle of Wight, October 2nd. 1905.

A writing purporting to be the last will and testament of John Wyatt Ward, deceased, was produced in Court, and there being no subscribing witnesses thereto, A. S. Holleman and A. H. White, were dult sworn and severally deposed that they were well acquainted with the said John Wyatt Ward's hand writing, and verily believe

Exhibit "A"

Will

Jno R. Ward Estate

to 3 Inches.

Adelle Blalock Estate

1918

June 3.

Filed [illegible]

VIRGINIA:

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

John R. Ward, et als,----------,-Plaintiffs,

Vs. In Chancery

Adelle B. Ward, et als.----------Defendants.

This cause came on this day to be again heard on the papers formerly read, and on the report of J. S. Norsworthy, W. B. Jones, and B. G. Carroll, three of the commissioners appointed by the decree entered in this cause, on the 3rd, day of June 1918, which report was filed on the 29th, day of June and 1918, to which there are no exceptions and was argued by counsel.

On consideration whereof, it appearing to the court that in the partition made by the said commissioners, Tract they allotted to Sallie P. Ward,
Number One (1), subdivided and designated in said report as "a" and"b", and being described as follows: (a) Beginning at a point on the road leading from Mill Swamp Church, to Burwell's Bay and at the center of a ditch which partly crosses the field lying South of the dwelling house; running thence in a Westerly direction down the center of said ditch to where the said ditch empties into a branch; running thence in a more Westerly direction down said branch and along a line of marked trees to a Black Gum, in the center of a swamp, a corner on the lands of C. M. C. Gale; running thence in a Northerly direction up the meanderings of the said swamp, it being the dividing line between the lands herein described and the lands belonging to C. M. C. Gale, to the head of a branch, a corner on the lands of C. M. C. Gale, and the lands herein described; running thence in an Easterly direction along the lands of the said C. M. C. Gale, to the lands of W. H. Gale, a corner on what is known as the Surry road; running thence along the lands of the said W. H. Gale, and down the said Surry road to a corner on the said Burwell's Bay road; running thence down the said

Burwell's Bay road, towards Mill Swamp Church, to the center of said ditch, the point of beginning.

(b) Beginning at a Red Oak, on the East side of the county road leading from Mill Swamp Church to Burwell's Bay, and opposit the point at the center of the said ditch above mentioned; running thence in an Easterly direction and paralell with the county road leading from the said Burwell's Bay road to Smithfield, to the line dividing the lands herein described from the land formerly belonging to Geo. J. Barlow, and now owned by M.H.Delk; running thence in a Southerly direction and along the said boundary line of the said lands now owned by M. H. Delk; to the lands now owned by W. B. Jones; running thence along the boundzry line of the lands of W. B. Jones, and the lands herein described to a marked Pine Tree, a corner on the lands of W. B. Jones, and the lands formerly belonging to W. H. Little; running thence in a Northerly direction and in a straight line to a marked Pine Tree, a corner on the said county road leading from Mill Swamp Church, to Burwell's Bay, and at a point opposite a ditch at a corner of the field lying South of the dwelling house; running thence in a North-easterly direction down the said Burwell's Bay road to a Red Oak, the point of beginning, fell to the share of plaintiff Sallie P. Ward; that they allotted to the said W. L. Ward tract Number Two (2) described as followes: Beginning at a point on the road leading from Mill Swamp Church, to Burwell's Bay, and at the center of a ditch which partly crosses the field lying South of the dwelling house, the said ditch partly dividing the lands herein described from lands allotted as above to Sallie P. Ward; running thence in a Westerly direction and down the center of said ditch to where the said ditch empties into a branch; running thence in a more Westerly direction down the said branch and along a line of marked trees to a Black Gum in the center of a Swamp, a corner

on the lands allotted to Sallie P. Ward, and the lands of C. M. C. Gale; running thence in a Southerly direction and down said Swamp, dividing the lands herein described from the lands of C. M. C. Gale, and M. A. Delk, to a marked Black Gum tree, a corner on the lands of M. A. Delk, and the lands formerly belonging to R. W. Stallings, and now being owned by B. B. Carroll and brother; running thence in an Easterly direction and along the line of the lands belonging to the said B. B. Carroll, and brother to the county road leading from Mill Swamp Church, to Burwell's Bay, thence across the said road to a corner on the said road and the lands of the said B. B. Carroll and brother, and the lands formerly belonging to the estate of W. H. Little; running thence in a North-easterly direction down the said road and along the lands formerly belonging to the estate of W. H. Little, to a corner on the said county road and the lands formerly belonging to the estate of the said W. H. Little; running thence in an Easterly direction along the lands formerly belonging to the estate of W. H. Little, to a marked Pine tree, a corner on the lands formerly belonging to the estate of W. H. Little, and the lands of W. B. Jones, and the lands allotted to Sallie P. Ward; running thence in a straight line and in a Northerly direction to a marked pine tree on the Burwell's Bay County road, opposite the center of a ditch at the corner of the field South of the dwelling house; running thence across the said Burwell's Bay county road to the center of the said ditch at the corner of the said field; running thence down the said Burwell's Bay county road to the center of a ditch the point of beginning, a corner on the said county road and the lands allotted to Sallie P. Ward, fell to the share of the ~~Estate~~ heirs of W. L. Ward; and that tract Number Three (3), described as follows: Beginning at a Red Oak, on the East side of the said county road leading from Mill Swamp Chouch to Burwell's Bay, at a point opposite the

they allotted to John R. Ward

centre of a ditch running partly across the field on the West side of the said Burwell's Bay road, and lying South of the dwelling house, the said ditch being about the centre of said field, the said Red Oak being a corner on said county road and the land described in sub-section (b) of tract one allotted to Sallie P. Ward; running thence in an Easterly direction and parallell with the the county road leading from the Mill Swamp-Burwell's Bay county road, to Smithfield, Virginia, to the boundary line dividing the lands herein described from the lands formerly belonging to the estate of Geo. J. Barlow, and now owned by M. H. Delk; running thence in a Northerly direction and along the lands of the said M. H. Delk, to the said county road leading to Smithfield; running thence across the said road to a Gum stump, a corner on the said County road leading to Smithfield, and the lands belonging to the Shaw-Land and Timber Company; running thence in a Northeasterly direction along the lands of the Shaw-Land and Timber Company, to an Iron Post a corner on the lands of the Shaw-Land Timber Company; running thence in a Westerly direction along the lands of the Shaw-Land and Timber Company, and the lands of W. H. Gale, to the county road leading from Mill Swamp Church, to Burwell's Bay; running thence in a Southerly direction down the said Mill Swamp-Burwell's Bay , county road to a Red Oak, the point of beginning, fell to the share of John R. Ward, it is adjudged, ordered and decreed that the said report of the said commissioners be confermed, and that the partition, in manner and form aforesaid made, be held firm and stable.

And it further appearing to the court, from the answer of Nonie Delk, and W. L. Delk, filed in this cause on the 3rd, day of June 1918, which said answer is treated as a cross-bill, that W. L. Ward, deceased, one of the children of Lucy A. C. Ward, deceased, in his life time , did, together with his wife, execute

a deed of trust, dated on the 19th day of June, 1916, and recorded in the Clerk's Office for the County of Isle of Wight in D. B. 86, P. 159, conveying to Geo. F. Whitley, Trustee, a certain portion of the land of which Lucy A. C. Ward, died, (it being a portion of the land herein allotted to the heirs of said W. L. Ward, seized and possessed, which said portion of said land is described in the said deed of trust as follows: " All that certain piece or parcel of land, situate, lying and being in the County of Isle of Wight, State of Virginia, containing, by estimation, one-hundred and seventy-five (175) acres, be the same more or less, and bounded on the North by the lands of Miss S. P. Ward; on the East by the County Road, leading from Smithfield to Mill Swamp Church; on the South by the lands belonging to D. G. Carroll and Bros., and on the West by the lands belonging to M. A. Delk and J. S. Gale: It being the same land which was inherited by the said W. L. Ward from his father, J. W. Ward:" that the said deed of trust was executed for the purpose of securing to the Merchants and Farmers Bank, Inc., of Smithfield, Virginia, the payment of the sum of FIFTEEN HUNDRED (1,500) DOLLARS; that default ~~having been~~ was made in the payment of the said sum so secured, and the said Trustee, being requested so to do, did offer for sale at public auction the said property above described; that at said sale Geo. W. Delk became the purchaser thereof; that the said Trustee by deed dated on the 17th day of November, 1917, and recorded in the Clerk's Office for the County of Isle of Wight in D. B. 87, P. 265, conveyed the said property to the said Geo. W. Delk; that the said Geo. W. Delk and wife, by their deed dated on the 7th day of December, 1917, and recorded in the Clerk's Office for the County of Isle of Wight, in D. B. 87, P. 267, conveyed the said property to the said Nonnie Delk; that that said Nonnie Delk is in possession of the said property and holds title to the same by virture of the deed last above mentioned; that the last will and testament of John Wyatt Ward, by which will the lands of John Wyatt

Ward was devised to Lucy A. C. Ward, and requested the said Lucy A. C. Ward, at her death, to give to each of her children, namely: John R. Ward, W. L. Ward and Sarah E. Ward, certain parts of the said land so devised to her as described in the said will of the said John Wyatt Ward; that the said property included in the description as mentioned in the said deed of trust, was a part of the land within the description as mentioned in the said will of the said John Wyatt Ward, and requested to be given to the said W. L. Ward, by his mother, Lucy A. C. Ward; ~~and it appearing from the answers of Sarah E. Ward, Adelle P. Ward, John R. Ward and wife, to the said cross-bill that they believe the statement made in the cross-bill to be true and that they concur in the pray of the said cross-bill;~~ and it appearing from the description of the land as mentioned in the said deed of trust, and the description of the land allotted to the estate of W. L. Ward by the said Commissioners, that the said land as described by the said deed of trust is a portion of the land allotted to the ~~estate~~ heirs of the said W. L. Ward, it is adjudged, ordered and decreed that the sale of the said property mentioned and described in the said deed of trust and as made by the said Trustee, and the deed of conveyance of the said property by the Trustee to the said Geo. W. Delk, and the conveyance of the said Geo. W. Delk and wife of the said property to the said Nonnie Delk, be confirmed; and that the title to the said property described in the said deed of trust be vested in the said Nonnie Delk.

And it is further adjudged, ordered and decreed that the cost of this suit be proportionally borne by the parties thereto, and that the parties to this suit, plaintiffs and defendants, pay to J. S. Norsworthy, W. B. Jones and B. B. Carroll, the Commissioners aforesaid, each, the sum of FIVE (5) DOLLARS, for their services in making the partition aforesaid ~~and to Geo. F. Whitley the sum of $____ for his services in this cause.~~ Auditor directed that same be recorded in the current deed book and that the Clerk note on the margin of the deed book and the deed book in which the said deed from Sarah E. Ward and W. L. Ward and wife to Nonnie Delk, a reference

to the page of the order book, in which this
decree is recorded.

And there remaining nothing further to be done in this cause, the same if ordered to be stricken from the docket.

11

JOHN R. WARD , ET ALS,

VS) IN CHANCERY No 275

ADELLE B. WARD, ET ALS,

D E C R EE.

1918
Filed &
entered this.
B. D. W.

C. o. B. 7
Page 472

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

VIRGINIA:

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

John R. Ward, and Mary J. Ward,
his wife, and Sallie P. Ward,.....Plaintiffs,

VS) In Chancery,

Adelle B. Ward, widow of W. L. Ward,
deceased, Nonnie Delk and W. L. Delk,
Rose C. Ward, and William L. Ward, the
last named two being infants under the
agoe of 21 years,.....Defendants.

..***.***.***.***.***.***.***.***.***.***.***.***.***

This day, came the complainants, John R. Ward, and Mary J. Ward, his wife, and Sallie P. Ward, and by leave of Court filed their bill, and on motion of the said complainants, E. H. Williams, a discreet and competent attorney at law, practicing in this court, is assigned as guardian ad litem to defend the interest of the infant defendants, Rose C. Ward and William L. Ward, and on motion of the defendants Nonnie Delk and W. L. Delk leave is granted them to file their joint and separate answers to said bill, which said joint and separate answers are asked to be treated as a cross-bill in this cause, and the same being so treated as a cross-bill is accordinly filed, and on motion of defendant Adelle B. Ward leave is granted her to file her separate answers to both the said bill and the said cross-bill, and the same are accordingly filed, and on motion of the complainants, leave is granted the said guardian ad litem to file his own and the answers of said infant defendants to the said bill and to the said cross-bill, and the same are accordingly filed, and on motion of Rose C. Ward, an infant over the age of fourteen, leave is granted her to file her separate answers to both, the said bill and the said cross-bill, and the same are accordingly

filed, and on motion of John R. Ward, and Mary J. Ward, leave is granted them to file their join and separate answers to the said cross-bill and the same are accordingly filed, and on motion of Sallie P. Ward, leave is granted to her to file her separate answer to the said cross-bill and the same is accordingly filed, and on motion of the complainants this cause is placed on the docket of this court, and, thereupon, this cause, by consent of all parties, came on this day to be heard upon the bill of complaint, and upon the said joint and separate answers of the defendants, Nonnie Delk and W. L. Delk, which said answers are treated as a cross-bill, to said bill of complaint, and upon the said answers of Rose C. Ward, Adelle B. Ward and upon the said answers of the infant defendants, by their guardian ad litem, and upon the said answer of the said guardian ad litem, and upon the said joint and separate answers of John R. Ward and Mary J. Ward, and upon the answer of Sallie P. Ward, and upon the general replications to said answers, and was argued by counsel:

On consideration whereof, the Court doth adjudge, order and decree that John L. Norsworthy, W. B. Jones, B. B. Carroll, Thomas Batten and Chester Humbley, who are hereby appointed commissioners for the purpose, any three or more of whom may act, after having been first duly sworn, to proceed to lay off and divide the real estate of which Lucy A. C. Ward, died, siezed and possessed, in the bill mentioned, into three equal parts, having regard to quality and quantity, and assign one of the said three parts to each of the heirs of the said Lucy A. C. Ward, deceased, namely; to John R. Ward one third part, to Sallie P. Ward one third part, and to the estate of W. L. Ward one third part. But if the said commissioners should find it impracticable to divide the said land among the aforesaid parties, or should be of the opinion that the interest of the said parties would be promoted by a sale of the same, in such case, they are required to so report to the facts upon which

their opinion is based, ~~to the court,~~ and also what, in their opinion, is the fee simple value of the whole of the real estate of which Lucy A. C. Ward, died, siezed and possessed; and in either case they are required to report their proceedings under this order to the court. ~~And this cause is continued.~~ The said Commissioners shall meet on said lands on the Seventeenth day of June 1918, at ten o'clock A. M. of that day, and should said day be not fair, then at the same place and hour, on the first fair day thereafter. And said Commissioners shall cause notice of the time and place of their meeting to be served upon the parties to this cause.

9

JOHN R. WARD, ET ALS,

VS) DECREE OF REFERENCE

ADELLE B. WARD.

1918
June 3.
Enter this.
B.D.W.

We consent to
the decree.
Geo F Whitley atty
for plaintiffs and
adult defendants.

E. H. Williams
Guardian ad litem.

C. C. B. 7
page 464

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

VIRGINIA:

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

JOHN R. WARD, ET ALS ----------PLAINTIFFS.

VS)

ADELLE B. WARD, ET ALS ----------DEFENDANTS.

TO THE HONORABLE B. D. WHITE, Judge of the said Court:

The undersigned John S. Norsworthy, W. B. Jones and B. B. Carroll, three of the five, commissioners appointed by a decree entered in the above style cause on June 3rd, 1918, to lay off and divide the real estate, of which Lucy A. C. Ward, died, seized and possessed, into three equal parts, beg leave to make the following report:

That pursuant to said decree, after having been duly sworn, and after having caused notice of the time and place of their meeting to be served upon the parties to this cause, did on the 17th day of June, 1918, at 10 o'clock A. M. meet upon the said land, of which Lucy A. C. Ward, died, seized and possessed, and did proceed to lay off and divide the real estate, of which the said Lucy A. C. Ward, died, seized and possessed, into three equal parts, having regard to quality and quantity, and did assign one of the said three parts of the said land to John R. Ward, one third part to Sallie P. Ward and one third part to the estate of W. L. Ward; that the following is a description of the parts of the land assigned to each of said parties respectively:

Tract number 1 assigned to Sallie P. Ward, and described as follows:

(a) Beginning at a point on the road leading from Mill Swamp church to Burwell's Bay and at the center of a ditch

which partly crosses the field lying South of the dwelling house; running thence in a Westerly direction down center of said ditch to where the said ditch empties into a branch; running thence in a more Westerly direction down said branch and along a line of marked trees to a Blackgum in the center of a swamp, a corner on the lands of C. M. C. Gale [redacted]; running thence in a Northerly direction up the meandering of the said swamp, it being the dividing line between the lands herein described and the lands belonging to [redacted] C. M. C. Gale to the head of a branch, a corner on the lands of C. M. C. Gale and the lands herein described; running thence in an Easterly direction along the lands of the said C. M. C. Gale to the lands of W. H. Gale, a corner on what is known as the Surry road; running thence along the lands of the said W. H. Gale and down the said Surry road to a corner on the said Burwell's Bay road; running thence down the said Burwell's Bay road towards Mill Swamp church to thecenter of the said ditch, the point of beginning.

(b) Beginning at a red oak on the East side of the County road leading from Mill Swamp church to Burwell's Bay and opposite the point at the center of the said ditch above mentioned; running thence in an Easterly direction and parallel with the county road leading from said Burwell's Bay road to Smithfield to the line dividing the lands herein described from the lands formerly belonging to Geo. J. Barlow and now owned by M.H. Delk; running thence ina Southerly direction and along the said boundary line of the said lands now owned by M. H. Delk to the lands now owned by W. B. Jones; running thence along the boundary line of the lands of W. B. Jones and the lands herein described to a marked Pine tree, a corner on the lands of W. B. Jones and the lands formerly belonging to W. H. Little; running thence in a Northerly direction and in a straight line to a marked Pine three, a corner on the said county road leading from Mill Swamp

church to Burwell's Bay and at a point opposite a ditch at the corner of the field lying South of the dwelling house; running thence in a Northeasterly direction down the said Burwell's Bay road to a red oak, the point of beginning.

Tract Number 2 assigned to the estate of W. L. Ward, and described as follows:

Beginning at a point on the road leading from Mill Swamp church to Burwell's Bay and at the center of a ditch which partly crosses the field lying South of the dwelling house, the said ditch partly dividing the lands herein described from the lands allotted as above to ~~of~~ Sallie P. Ward; running thence in a Westerly direction and down the center of the said ditch to where the said ditch empties into a branch; running thence in a more Westerly direction down the said branch and along a line of marked trees to a Blackgum in the center of ~~a~~ swamp, a corner on the lands assigned to Sallie P. Ward and the lands of C. M. C. Gale, running thence in a Southerly direction and down said swamp dividing the lands herein described from the lands of C. M. C. Gale and M. A. Delk to a marked Black Gum tree, a corner on the lands of M. A. Delk and the lands formerly belonging to R. W. Stalling and now being owned by B. B. Carroll and Brother; running thence in a Easterly direction and along the line of the lands belinging to the said B. B. Carroll and Brother to the county road leading from Mill Swamp church to Burwell's Bay, thence across the said road to a corner on the said county road and the lands of B. B. Carroll and Brother and the lands formerly belonging to the estate of W. H. Little; running thence in a Northeasterly direction down the said County road and along the lands formerly belonging to the estate of W. H. Little to a corner on the said County road and the lands formerly belonging to the estate

of W. H. Little; running thence in an Easterly direction along the line of the land formerly belonging to W. H. Little to a marked Pine tree, a corner on the lands formerly belonging to the estate of W. H. Little and the lands of W. B. Jones, and the land assigned to Sallie P. Ward; running thence in a straight line and in a Northerly direction to a marked Pine tree on the Burwell's Bay county road opposite the center of a ditch at the corner of the field South of the dwelling house; running thence across the said Burwell's Bay county road to the center of the said ditch at the corner of the said field; running thence down the said Burwell's Bay road to the center of a ditch, the point of beginning, a corner on the county road and the land assigned to Sallie P. Ward.

Tract Number 3 assigned to John R. Ward, and described as follows:

Beginning at a Red Oak on the East side of the said county road, leading from Mill Swamp church to Burwell's Bay at a point opposite the center of a ditch running partly across the field on the West side of the said Burwell's Bay road and lying South of the dwelling house, the said ditch being about the center of said field, the said Red Oak being a corner on said county road and the land in sub-section (b) of this one assigned to Sallie P. Ward; running thence in an Easterly direction and parallel to the county road leading from the Mill Swamp ~~church to~~ County road Burwell's Bay to Smithfield, Virginia, to the boundary line dividing the land herein described from the lands formerly belonging to the estate of George J. Barlow and now owned by M. H. Delk; running thence in a Northerly direction and along the lands of the said M. H. Delk to the county road leading to Smithfield; running thence across the said county road to a Gum stump, a corner on the said county road leading to Smithfield and the lands belonging to the Shaw Land and Timber Company; running thence in a Northeasterly direction along

the lands of the Shaw Land and Timber Company to an iron Post, a corner on the lands of the Shaw Land and Timber Company; running thence in a Westerly direction along the lands of the Shaw Land and Timber Company and the land of W. H. Gale to the county road leading from Mill Swamp/church to Burwell's Bay; running thence in a Southerly direction down the said Burwell's Bay county road to a Red Oak, point of beginning.

Respectively submitted.

J. S. Norsworthy.
Commissioner.

W. B. Jones.
Commissioner.

B. G. Carroll.
Commissioner.

Commissioner.

10

JOHN R. WARD, ET ALS,

VS) Cy No 78

ADELLE B. WARD, ET ALS.

REPORT
of the
COMMISSIONERS

Filed June 25 1918

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

VIRGINIA:

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

John R. Ward, et als)

vs,

Adelle B. Ward, et als)

THE JOINT AND SEPARATE answers of John R. Ward and wife, to the Cross Bill of Nonnie Delk and W. L. Delk filed in this cause.

These respondents, saving unto themselves and each of them the benefits of all exceptions which may be had or taken to the many errors, uncertainties and insufficiences in the said Cross Bill contained , for answer to the said Cross Bill, or to so much thereof as it is material they should answer, answer and say:

1- That they believe the statements made in the said Cross Bill to be true, that they believe that if the land of which Lucy A. C. Ward, died siezed and possessed is partitioned according to the division as made by the last will and testament of John Wyatt Ward, that all parties in interest will receive their just and proportionate share of the said land and that they are willing to receive and accept as their proportionate share of the said land, that part of same as is described in the 6th clause of the last will and testament of John Wyatt Ward, deceased, which land so described in said clause was requested by the said will to be given to the said John R. Ward.

Your respondents state that they concurr in the prayer of the said Cross Bill.

And now having fully answered the said Cross Bill, your respondents pray to be hence dismissed, etc.

John R. Ward.

Mary J. Ward.

8

JOHN R. WARD, ET ALS,

Vs)

Adelle B. Ward, Et Als,

Answer of John R. Ward
and wife to Cross Bill.

1918
June 3.
Filed

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

VIRGINIA:

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

John R. Ward, and Mary J. Ward,
his wife, and Sallie P. Ward,.....Plaintiffs,

VS) In Chancery,

Adelle B. Ward, widow of W. L. Ward,
deceased, Nonnie Delk and W. L. Delk,
Rose C. Ward, and William L. Ward, the
last named two being infants under the
age of 21 years, ...Defendants.

::***:***:***:***:***:***:***:***:***:***:***:***

The answer of Rose C. Ward, and William L. Ward, infants, under the age of twenty-one years, by E. H. Williams, guardian ad litem, a discreet and competent attorney at law, assigned to defend them in this suit, and the answer of the said E. H. Williams, guardian ad litem of the said infant defendants, to the cross-bill of Nonnie Delk and W. L. Delk filed in this case.

For answer to the said cross-bill, the said infant defendants, by their said guardian ad litem, answer and say that being of tender years, they do not know what their true interests are in relation to the subject-matter of the said cross-bill, nor do they know whether the statements therein contained are true or not. They confide the protection of their interests therein to the care of the Court.

And now, the said guardian ad litem of the said infant defendants for answer to the said bill answers and says that he knows nothing as to the truth or falsity of the statement in the cross bill contained. He prays full protection for the infant defendants. And,now, having fully answered, these defendants

pray to be hence dismissed with their costs, etc.

E. H. Williams.
Guardian ad Litem.

Rose C. Ward and William L. Ward,

E. H. Williams, guardian ad litem of the said infants.

STATE OF VIRGINIA,

COUNTY OF ISLE OF WIGHT, TO-WIT:

Subscribed and sworn to before me in my County and State aforesaid, by E. H. Williams, guardian ad litem as aforesaid, this 3rd day of June, 1918.

Given under may hand this 8th day of June, 1918.

Lewis A. Evans
NOTARY PUBLIC.

My commission expires,

Aug. 6, 1919.

7

JOHN R. WARD, ET ALS,

VS) ANSWER OF GUARDIAN AD LITEM.

ADELLE B. WARD.

1918
June 3.
Filed W.D.W.

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

VIRGINIA:

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

JOHN R. WARD, ET ALS)

VS)

ADELLE B. WARD, ET ALS)

The answer of Adelle B. Ward to the cross-bill of Nonnie Delk and W. L. Delk in this cause.

This respondent, saving unto herself the benefit of all exceptions which may be had or taken to the many errors, uncertainties and insufficiences in the said cross-bill contained, for answer to the said cross-bill, or to so much thereof as it is material she should answer, answers and says:

That she believes the statements in the said cross-bill to be true, that she believes that if the land of which Lucy A. C. Ward, died, siezed and possessed is partitioned according to the division as made by the last will and testament of John Wyatt Ward, that all parties in interest will receive their just and proportionate share of the said land.

Your respondent here states that she concurrs in the prayer of the said cross-bill.

And now having fully answered the said cross-bill your respondent prays to be hence dismissed, etc.

Adelle B. Ward

John D. Ward etal.

vs

Answer

Adelle B. Ward et al

Answer To
Cross-bill of
Adelle B. Ward

1918
June 3.
Fleet B.D.W.

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

VIRGINIA:

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

JOHN R. WARD, ET ALS)

VS)

ADELLE B. WARD,ET ALS)

The answer of Sarah P. Ward to the cross-bill of Nonnie Delk and W. L. Delk filed in this cause.

This respondent, saving unto herself the benefit of all exceptions which may be had or taken to the many errors, uncertainties and insufficiences in the said cross-bill contained, for answer to the said cross-bill, or to so much thereof as it is material she should answer, answers and says:

That she believes the statements made in the said cross-bill to be ture, that she believes that if the land of which Lucy A. C. Ward, died, siezed and possessed is partitioned according to the division as made by the last will and testament of John Wyatt Ward, that all parties in interest will receive their just and proportionate share of the said land and that she is willing to receive and accept as her proportionate share of the said land, that part of same as is described in the 5th clause of the last will and testament of John Wyatt Ward, deceased, which land so described in said clause was requested by the said will to be given to the said Sarah P. Ward.

Your respondent states that she concurrs in the prayer of the said cross-bill.

And now having fully answered the said cross-bill your respondent prays to be hence dismissed, etc.

Sarah P. Ward

5

JOHN R. WARD, ET ALS,

VS)

ADELLE B. WARD, ET ALS.

The answer of Sarah P. Ward to Cross-Bill.

1918
June 3,
Filed D. Dw.

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

VIRGINIA:

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

John R. Ward, and Mary J. Ward,
his wife, and Sallie P. Ward,.....Plaintiffs,

Vs) In Chancery,

Adelle B. Ward, widow of W. L. Ward,
Deceased, Rose C. Ward, and William
L. Ward, the last named two being
infants under the age of 21 years,.....Defendants.

*** : *** : *** : *** : *** : *** : *** : *** : *** : ***

The answer of Rose C. Ward, and William L. Ward, infants, under the age of twenty-one years, by E. H. Williams, guardian ad litem, a discreet and competent attorney at law, assigned to defend them in this suit, and the answer of the said E. H. Williams, guardian ad litem of the said infant defendants, to a bill of complaint exhibited against the said infants and others by John R. Ward, Mary J. Ward, and Sallie P. Ward, in the Circuit Court of the County of Isle of Wight, Virginia.

For answer to the said bill, the said infant defendants, by their said guardian ad litem, answer and say that being of tender years, they do not know what their true interests are in relation to the subject-matter of the said bill, nor do they know whether the statements therein contained are true or not. They confide the protection of their interests therein to the care of the Court.

And now, the said guardian ad litem of the said infant defendants for answer to the said bill answers and says that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the infant defendants. And, now, having fully answered, these defendants pray to be hence dismissed with their costs, etc.

E.H.Williams,

Guardian ad Litem.

Rose C. Ward and William L. Ward,

E.H.Williams, guardian ad litem of the said infants.

STATE OF VIRGINIA,
~~City of Norfolk~~ County of Isle of Wight
~~COUNTY OF ISLE OF WIGHT~~, TO WIT:

Subscribed and sworn to before me in my County and State aforesaid by E.H.Williams, guardian ad litem as aforesaid, this ~~24~~ 3rd day of ~~April~~ June, 1918.

Given under my hand this ~~24~~ 3rd day of ~~April~~ June, 1918.

~~Notary Public~~

~~NOTARY PUBLIC.~~

~~My commission expires~~
~~April 8th 1922.~~

3

WARD, ET ALS.,

VS) IN CHANCERY,

WARD, ET ALS.

Answer of guardian ad litem.

1918

~~Ch. 24~~ John 3

Heb 3 Div.

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

VIRGINIA:

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

John R. Ward, and Mary J. Ward,
his wife, and Sallie P. Ward,.....Plaintiffs,

Vs) In Chancery,

Adelle B. Ward, widow of W. L. Ward, Rose C. Ward and W. L. Ward.
Rose C. Ward, and William L. Ward,
the last named two being infants
under the age of 21 years,.....Defendants.

*** : *** : *** : *** : *** : *** : *** : *** : *** : *** : ***

The answer of Adelle B. Ward, widow of W. L. Ward, deceased, to a bill in equity, exhibited against her and Rose C. Ward, and William L. Ward, by John R. Ward, Mary J. Ward, and Sallie P. Ward.

The respondent, saving and reserving, etc., for answer to the said bill says that she believes the statements therein made are true, and that she concurs in the prayer of the said bill.

And, now having fully answered, she prays to be hence dismissed with her costs, etc.

Adelle B. Ward -

2

WARD, ET ALS.,

VS) IN CHANCERY,

WARD, ET ALS.

Answer of Adelle B. Ward.

1/18
~~Ch. Ct. Jan. 2~~
Filed 1/22/18

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

VIRGINIA:

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

JOHN R. WARD, ET ALS)

VS)

ADELLE B. WARD, ET ALS)

THE JOINT AND SEPARATE answers of Nonnie Delk and W. L. Delk, to a bill in Chancery, filed in the said Court by John R. Ward and others against them.

These respondents, saving unto themselves and each of them the benefit of all exceptions which may be had or taken to the many errors, uncertainties and insufficiences in the said bill contained, for answer to the said bill or to so much thereof as it is material they should answer, answer and say:

1- That the respondents Nonnie Delk and W. L. Delk believe the land of which Lucy A. C. Ward, died, siezed and possessed is susceptible of partition among the parties entitled thereto.

2- Your respondents here state that W. L. Ward, deceased, who was one of the children of Lucy A. C. Ward, and that during his life time, did, together with his wife, execute a deed of trust dated on the 19th day of June, 1916, conveying to Geo. F. Whitley, Trustee, a certain portion of the land of which Lucy A. C. Ward, died, siezed and possessed, which said portion of said land is described in said deed of trust as follows:

" All that certain piece or parcel of land, situate, lying and being in the County of Isle of Wight, State of Virginia, containing, by estimation, one-hundred and seventy-five (175) acres, be the same more or less, and bounded on the North by the lands of Miss S. P. Ward; on the East by the County Road, leading from Smithfield to Mill Swamp Church; on the

South by the lands belonging to B. G. Carroll and Bros., and on the West by the lands belonging to M. A. Delk and J. S. Gale. It being the same land which was inherited by the said W. L. Ward from his father, J. W. Ward.

3- That the said deed of trust was executed for the purpose of securing to the Merchants and Farmers Bank, Inc., of Smithfield, Virginia, the payment of the sum of FIFTEEN HUNDRED DOLLARS ($1500.00), a copy of the said deed of trust is herewith filed and marked exhibit "A" and prayed to be read as a part of this answer.

4- That default having been made in the payment of the debt secured by the said deed of trust, the said Trustee was requested by the creditors secured therein, to sell the property mentioned and described in the said deed of trust; that in pursuance of the request of the said creditors, the said Trustee, in the said deed of trust did offer for sale at public auction the property above described; that at said sale, Geo. W. Delk being the highest bidder, therefore, became the purchaser thereof; that by deed executed by said Trustee, and dated on the 17th day of November, 1917, and recorded in the Clerk's Office of the County of Isle of Wight in D. B. 87, page 265, the property described in the said deed of trust was conveyed to the said Geo. W. Delk; that the said Geo. W. Delk and wife by their deed dated on the 21st day of December 1917, and recorded in the Clerk's Office of the County of Isle of Wight in D. B. 87, page 267, conveyed the said property to your respondent, Nonnie Delk; that your respondent, Nonnie Delk is now in possession of the said property and holds title to same by virture of the deed last above mentioned.

5- Your respondents here state that the land of which Lucy A. C. Ward. died, siezed and possessed, was devised to her by the last will and testament of John Wyatt Ward, a copy of

which will is herewith filed, marked exhibit "B" and prayed to be read as a part of this answer; that by the said will the said Lucy A. C. Ward was requested at her death to give to each of her children, namely; John R. Ward, W. L. Ward and Sarah P. Ward, certain parts of the said land so devised to her as described in the said will of the said John Wyatt Ward.

6- Your respondents believe that the division of the said land of which Lucy A. C. Ward, died siezed and possessed, as suggested and requested by the last will and testament of the said John Wyatt Ward would be an equal division between the said three children, and that they believe the purpose of the request of such a division was that each of the said children should receive an equal portion of the said land.

7- That the land as described in the said deed of trust executed by the said W. L. Ward and wife, is a portion of the land requested by the 7th section of the last will and testament of the said John Wyatt Ward to be given to W. L. Ward.

IN TENDER CONSIDERATION whereof, your respondents pray that this answer may be treated as a cross-bill; that the land of which the said Lucy A. C. Ward, died, siezed and possessed may be partitioned according to the description as mentioned in the last will and testament of the said John Wyatt Ward and that the portion of the said land is described in the 7th section of the last will and testament of the said John Wyatt Ward, and requested by the said will to be given to the said W. L. Ward, to be alloted as his portion of the said property; that the deed of conveyance made by Geo. W. Delk and wife, conveying the said property described in the said deed of trust to the said Nonnie Delk, be confirmed or that a good and sufficient deed conveying the same to the said Nonnie Delk be ordered to be made; that everything necessary be done in order to make the title to said property/conveyed by the said deed from Geo. W. Delk and wife to Nonnie

Delk, good, clear and complete in the said Nonnie Delk; and that all such other relief, both special and general may be given your respondents as the nature of their case requires and to equity shall seem meet.

And these respondents will/ever pray, etc.,

x Nonie Delk.

x W L Delk.

4

JOHN R. WARD, ET ALS

VS)

ADELLE B. WARD, ET ALS.

Joint and separate answers
of
Nonnie Delk and W. L. Delk.

1918
June 3.
Fled & D.C.

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

VIRGINIA:

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

John R. Ward, and Mary J. Ward,
his wife; and, Sallie P. Ward,.....Plaintiffs,

VS) In Chancery,

Adelle B. Ward, widow of W. L. Ward
W. L. Delk, and Nonnie Delk,
Rose C. Ward, and William L. Ward.
the last named two being infants
under the age of 21 years.....Defendants.

..***.***.***.***.***.***.**.***.***.***.***.***.***.

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

Your complainants, John R. Ward, Mary J. Ward, and Sallie P. Ward, humbly complain and showeth unto your honor, the following case:

1-- That during the year, 1916 Lucy A. C. Ward departed this life intestate, seized and possessed of certain lands located in Hardy Magisteral District, in the County of Isle of Wight, near Mill Swamp Church, adjoining the lands of Cordelia M. C. Gale, the lands belonging to the estate of W. H. Little, et als., and being the same land devised to her by the last will and testament of John Wyatt Ward, a copy of which will is herewith filed, marked exhibit "A", and prayed to be read as a part of this bill;

2-- That the said Lucy A. C. Ward, left surviving her the following children, John R. Ward, Sallie P. Ward, and William L. Ward;

3-- That John R. Ward is now married, whose wife's name is Mary Jane Ward; that Sallie P. Ward has nevermarried;

4-- That W. L. Ward has departed this life since the death of his mother, leaving surviving him, a widow, Adelle B. Ward, and the following children, Donald B. Ward, Rose C. Ward, William L. Ward, the last two named being infants under the age of 21 years;

5-- That Donald B. Ward, by his deed dated on the 9th day of April, 1918, and recorded in the Clerk's Office for the County of Isle of Wight, Virginia, a copy of which deed is herewith filed, conveyed to his mother, Adelle B. Ward, all of his interest in and to the said property;

6-- That your complainants believe that the real estate of which Lucy A. C. Ward died seized and possessed, is susceptible of partition among the parties entitled thereto, but, if not, your complainants desire the same to be sold, and the proceeds divided among the complainants and the respondents, according to their respective rights, the shares of the infants to be disposed of according to law. Should the said real estate be not divisible, then your complainants believe and here state that the interest of those who are entitled to the said real estate, or its proceeds, will be promoted by sale of the entire real estate, or by an allotment of part and sale of the residue.

In consideration whereof, and for as much as your complainants are remediless, save in a Court of equity, where alone such matters are cognizable, ~~they believe~~ Nannie Delk and W. L. Delk and that Adelle B. Ward, Rose C. Ward, and W. L. Ward, the last two named being infants under the age of twenty-one years, may be made parties defendant to this suit; that a proper guardian ad litem be appointed to defend the rights of the said infant defendants; that the said adult defendants be required to answer this bill, though answer under oath is hereby waived; that the said guardian ad litem of the said infant defendants be required to answer

this bill; that the said real be partitioned among the several parties entitled thereto and your complainants' portions thereof be alloted to them, and, in case the said real estate to be partitioned, cannot be partitioned and divided among the parties entitled thereto, that the whole of same be exposed to sale, and the proceeds derived from said sale be divided among the parties in interest, or that a part of the real estate be alloted and sale be made of the residue, and the proceeds derived from the sale of such residue be divided among the parties entitled thereto; that all proper orders and decrees may be made, and proper inquiries be directed, and that all such other, further and general relief may be afforded your complainants as the nature of their case may require, or to equity shall seem meet.

And, notice is hereby given that proper counsel fees will be asked for during the progress of this suit.

And, your complainants will ever pray, etc.

John R. Ward, Complainant,

Mary J. Ward, Complainant,

Sallie P. Ward, Complainant.

By Geo F. Whitley,

Counsel.

Geo. F. Whitley, p.q.

JOHN R. WARD, ET ALS.,

VS) IN CHANCERY-

ADELLE B. WARD, ET ALS.

BILL

1918

~~John R.~~ James B.
Files Bill.

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