

1921-005 Chancery Causes : Mattie V. Russell vs Emmet W. Little & al
Isle of Wight County Petition of Mattie Viola Russell

Folder 1

101

other surnames: Gwaltney
Crocker, Stallings, Carroll

'B'

MATTIE V. RUSSELL

VS.) BILL:

A. J. LITTLE, et als.

2nd. March rules 1911.
Bill filed. Process returned
executed upon J. C. Little,
B. F. Russell, Ada V. Gwalt-
ney, E. N. Little, A. J. Lit-
tle and H. Vernon Little, and
E. M. Williams, guardian ad
litem for the infant defend-
ants. ~~and Ed Lee & P. J. Little~~
~~J. Little on motion of plain-
tiff's attorney. Decree nisi as
to defendants on whom service
had.~~

3rd. March rules, 1911.
Case set down for hearing at
J. C. Little, B. F. Russell,
Ada V. Gwaltney, E. N. Little,
A. J. Little and H. Vernon Lit-
tle. ~~Continued as to Bill & T.~~
~~Little's motion for reinstatement~~
~~of service.~~

GEO. F. WHITLEY

ATTORNEY-AT-LAW
SMITHFIELD, VA.

My copy of Bill

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

VIRGINIA:

Mattie V. Russell.....Plaintiff.

Vs.) In Chancery,

A. J. Little, J. C. Little, E. W. Little, Eddie J.
Little, L. Vernon Little, Ada V.
Gwaltney, B. F. Russell, Mattie
Viola Russell, Frank H. Little
and Joseph Linwood Little; the
last named three being infants
under the age of Twenty-one years,
by E. H. Williams, Guardian Ad
Litem.....Defendants.

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

Complaining, sheweth unto the Court your complainant,
Mattie V. Russell, of the County of Elizabeth City, Virginia, the
following case:

Edwin Little, the father of your complainant, departed
this life in the year 1879, leaving surviving him his wife, Mary R.
Little, who has since died, Mary E. Little, Joseph C. Little, A. J.
Little, James C. Little, E. W. Little, + Ada V. Gwaltney.

Mary E. Little has since died, unmarried and without issue.

Joseph C. Little has departed this life, leaving surviving him
his wife, who has since died, and the following children:

Eddie J. Little, L. Vernon Little, Frank H. Little and Joseph
Linwood Little.

Your complainant's father died, seized and possessed
of valuable real estate situate in the County of Isle of Wight,
State of Virginia, and that by the last will and testament of
the said Edwin Little, which was duly admitted to probate in

the County Court of the County of Isle of Wight, Virginia, on the 5th. day of January, 1880, he divided the said real estate into two tracts or parcels, the said division line running as follows:

"Commencing a line at a marked gum in branch on Mallory Jones' line; then up branch in field to a marked hickory near head of branch; then to a marked black gum on farm line of Burwell Green tract; then along the said Green line to a cedar post on George W. Barlow line; then to a marked tree on Benjamin Bailey line; then to line of Nancy Tynes; then said line to main run of Delk's Swamp."

An authenticated copy of said will is herewith filed, marked "Exhibit A" and prayed to be taken and read as a part of this bill; that the said Edwin Little devised unto his wife, Mary R. Little, all of his said real estate, during her life or until her marriage, and at the death or marriage of his said wife, Mary R. Little, directed and provided that all of the said land East and South of the line drawn in said will, should go to your complainant for and during her life and at her death to the legal heirs of her body, if any, and if not, then to Joseph C. Little and in the case of the death of Joseph C. Little, the son of the said Edwin Little, and Mattie V. Little, now Russell, without a legal heir of the body of either, then to Mary E. Little.

That your complainant, since the death of Mary R. Little, the wife of the said Edwin Little, has been the owner of the life estate in all of the real estate situate East and South of the dividing line mentioned in said will and which was devised to the said Mary R. Little for and during her life or widowhood.

That your complainant, the daughter of the said Edwin Little, has intermarried with one, B. F. Russell, and has had born to her one child, Mattie Viola Russell, now aged fifteen (15) years; that should your complainant and her said child also die, the children of the said Joseph C. Little, hereinafter named, would be entitled to the said lands under the said will; that the said Joseph C. Little has departed this life, leaving surviving him the following children: Eddie J. Little, and L. Vernon Little, who are over the age of twenty-one years, Frank H. and Joseph Linwood Little, who are under the age of twenty-one years.

Your complainant believes now is an advantageous time to sell the said land, and that a higher price can doubtless be obtained for same at this time than at any other in the near future; that a sale of the said land and a re-investment of the proceeds, according to law, in some good dividend paying investment, would very much promote the interest of your complainant and all parties directly or contingently interested. And your complainant sets forth the following facts and reasons; which in her opinion would justify a sale of the said land: That while a part of the land is well set in pine and other timber, there is about 60 acres of the land which is open and which was under cultivation up until ~~about~~ 5 years ago, and which up until that time was rented out but now the fence around the open land has gone down and the same cannot be rented out unless it is re-fenced and cleared up, as the same is now growing up in small bushes and shrubby. Therefore, the rental value of the land is practically nothing and your complainant does not receive the benefits therefrom that was intended by her father. Indeed your complainant states that instead of deriving any benefit from this property, she is required year after year to pay taxes thereon, making the owning of her inter-

est a real loss to her. That with a small amount of money expended at the present time, the area of the land, which was once under cultivation could be cleared up and re-fenced, and in the course of a year or so it would be in a tillable condition, while if allowed to remain untouched for several years it would cost a great deal more to put the land in a proper state for cultivation; for this reason, the open land would bring more at the present time than in the future. That there are now several saw-mills in the vicinity which has created a demand for the lumber, and by reason of this fact a larger price could doubtless be obtained for the land at the present time than at some future date. That these mills are liable to be removed at any time, which removal would lessen the demand for the timber and depreciate the value of the land very largely.

Your complainant would further represent that the said infant defendant, Mattie Viola Russell, has no other estate, real or personal, than that here-in above mentioned; that she believes the only estate that the children of the said Joseph C. Little have, is set forth in the said Will.

In tender consideration whereof and forasmuch as your complainant is without remedy save in a court of equity where matters of this kind are alone and properly cognizable, and to the end that justice may be done, she prays that E. W. Little, B. F. Russell, J. C. Little, Ada V. Gwaltney, A. J. Little, Eddie J. Little, L. Vernon Little, Frank H. Little, Joseph Linwood Little and Mattie Viola Russell, the last named three being infants under the age of twenty-one years, may be made parties defendant to this suit; that a proper Guardian Ad Litem may be appointed to defend the rights of the said infants and that the said adult defendants and infant defendants, over the age of fourteen years, as well as their Guardian Ad Litem, and the said Guardian Ad Litem of the other said infants, r

be required to answer this bill, but answer under oath is hereby waived; that the said tract or parcel of land mentioned and described in the aforesaid will and testament of Edwin Little, Deceased, as being located East and South of the line mentioned in the said will and which was by the sixth clause thereof devised to his wife, the said Mary R. Little, for and during her life and widowhood, with remainder to your complainant and the heirs of her body, may be sold and the proceeds thereof invested for the benefit of your said complainant and the said infant defendants entitled to the remainder in the said estate, as this honorable court may direct, and that all proper orders and decrees may be made and all proper accounts and inquiries directed, that proper process may issue, and for all such other, further and general relief as the nature of the case may require and to a court of equity shall seem meet; and notice is hereby given that proper counsel fees will be asked for in the progress of this suit.

And your Complainant will ever pray &c.

Chattie B. Russell.

Gen. B. Whitley. , p.q.

STATE OF VIRGINIA,

County of Isle of Wight, to-wit:

I, Granley Thomas, a Notary Public
in and for the County aforesaid, in the State of Virginia, whose
commission as such expires on the 17 day of August
1913, do hereby certify that Mattie V. Russell, the com-
plainant in the above suit, this day personally came before me
in my county aforesaid, and made oath that she believes the
several statements made in the foregoing bill to be true.

GIVEN under my hand this 22nd. day of March, 1911.

Granley Thomas
Notary Public.

RUSSELL,

VS) IN CHANCERY, 101

LITTLE, ET ALS.

P E T I T I O N

1918
Mar. 12.
Filed B.L.W.

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

Your petitioner further states that her mother, Mattie V. Russell, departed this life, during the month of November, 1916; that since she is the only child and legal heir of the body of the said Mattie V. Russell, she is entitled to the principal sum and interest as above mentioned, after, however, the costs, charges and taxes have been paid.

Therefore, your petitioner prays that the said George F. Whitley, Special Commissioner in the said suit, be ordered to pay out of the amount in hand, all legal costs, charges and taxes, which have accrued in this suit, and the remainder to your petitioner.

M. Viola Russell

Petitioner.

STATE OF VIRGINIA,

County of ELIZABETH CITY

TO WIT:

W. H. Kelley, a Notary Public, in and for the said aforsaid, State of Virginia, do hereby certify that the above writing was subscribed and sworn to by Mattie Viola Russell, before me in my said County.

Given under my hand this 28th day of July, 1918.

W. H. Kelley

Notary Public.

My commission expires .

My Commission Expires Apl. 20, 1919

_____.

VIRGINIA:

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

Mattie V. Russell, Complainant,

vs)

A. J. Little, et als.,..... Defendants.

Your petitioner, Mattie Viola Russell, respectfully represents that she is the daughter and only child of Mattie V. Russell, nee Little; that her grand-father, Edwin Little, died testate; that by the last will and testament of the said Edwin Little, certain real estate, described in the said will, was devised to your petitioner's mother, Mattie V. Russell, for life, the remainder to the legal heirs of her body; that a chancery suit was brought by the said Mattie V. Russell for the purpose of subjecting the said real estate, to sale, and re-investing the proceeds. Your petitioner is informed that the sum of Two Thousand, Eighteen Dollars, and Ten Cents, represents the total amount received from the sale of the said property, after the payment of the cost and expenses of the suit.

Your petitioner has been informed, by Geo. F. Whitley, Special Commissioner in the said suit, that he now has in hand, \$2018.10, principal amount; and, \$242.17, accrued interest on the said principal amount.

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MATTIE V. RUSSELL.

ANSWER OF

VS.) GUARDIAN AD LITEM:

A. J. LITTLE, et als.

GEO. F. WHITLEY

ATTORNEY-AT-LAW

SMITHFIELD, VA.

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

VIRGINIA:

* * * * *
Mattie V. Russell,
VS.
A. J. Little, et als.
* * * * *

-----oOo-----

The answer of Frank H. Little, Joseph Linwood Little and Mattie Viola Russell, infants under the age of twenty-one years, by E. H. Williams (a discreet and competent attorney at law), their guardian ad litem 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 Mattie V. Russell, in the Circuit Court for the County of Isle of Wight.

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

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

Frank H. Little
Joseph Linwood Little
Matthe Viola Russell)
By E. H. Williams
Guardian ad Litem.

E. H. Williams, Guardian ad Litem of Said Infants.

STATE OF VIRGINIA,

County of Isle of Wight, to-wit:

Sworn to before me in my county aforesaid by E. H. Williams,
guardian ad litem as aforesaid, this the 27th day of
March, 1911.

L. C. McCalland, N. P.
my comm. expires May 17-1912

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MATTIE V. RUSSELL,

VS.) ANSWER OF
ADA V. GWALTNEY.

A. J. LITTLE, et als.

GEO. F. WHITLEY

ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

VIRGINIA:

* * * * *
Mattie V. Russoll,
VS.
A. J. Little, et als.
* * * * *

-----oOo-----

The answer of Ada V. Gwaltney to a bill in equity exhibited against her and others in the Circuit Court for the County of Isle of Wight by Mattie V. Russell.

This respondent saving and reserving, etc., for answer to the said bill says that she believes the statements therein made are true. This respondent does not object to the sale of the land as prayed for in the said bill; she concurs in the prayer of the said bill.

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

Ada V. Gwaltney
5

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MATTIE V. RUSSELL,

ANSWER OF
VS.) MATTIE V. RUSSELL

A. J. LITTLE, et als.

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

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

VIRGINIA:

* * * * *
Mattie V. Russell,
VS.
A. J. Little, et als.
* * * * *

-----oOo-----

The answer, under oath, of Mattie Viola Russell, an infant under the age of twenty-one but over the age of fourteen, to a bill of complaint exhibited against her and others by Mattie V. Russell, in the Circuit Court for the County of Isle of Wight.

For answer to the said bill this defendant says that she is fifteen (15) years of age; that she, by reason of her tender years, knows but little of the allegations of the said bill; so far as she does know she believes the same to be true, and that she sees no reason why the prayer of the bill should not be granted, and accordingly she concurs therein, but she relies upon the court to protect her interest. And now, having fully answered, she prays to be hence dismissed without costs. And she will ever pray &c.

Mattie Viola Russell

STATE OF VIRGINIA,

County of Elizabeth City, to-wit:

Sworn to before me in my County aforesaid, by Mattie Viola Russell, this 27th day of March, 1911.

Nelson S. Groome, N/P.

MATTIE V. RUSSELL,

VS.) ANSWER:

A J. LITTLE, et als.

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MATTIE V. RUSSELL,

ANSWER OF

VS.) JOS. LINWOOD LITTLE:

A. J. LITTLE, et als.

Filed Apr 21 1911

GEO. F. WHITLEY

ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

VIRGINIA:

* * * * *
Mattie V. Russell,
VS.
A. J. Little, et als.
* * * * *

-----oOo-----

The answer, under oath, of Joseph Linwood Little, an infant under the age of twenty-one, but over the age of fourteen, to a bill of complaint exhibited against him and others by Mattie V. Russell, in the Circuit Court for the County of Isle of Wight.

For answer to the said bill this defendant says that he is fifteen (15) years of age; that he, by reason of his tender years, knows but little of the allegations of the said bill; so far as he does know he believes the same to be true, and that he sees no reason why the prayer of the bill should not be granted, and accordingly he concurs therein, but he relies upon the court to protect his interest. And now, having fully answered, he prays to be hence dismissed, with his costs. And he will ever pray &c.

STATE OF VIRGINIA,

Joseph Linwood Little

County of Isle of Wight, to-wit:

Sworn to before me in my county aforesaid, by Joseph Linwood

Little, this 11 day of April, 1911.

*My commission expires on
January 3, 1914.*

Geo. R. Lawrence

N. P.

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MATTIE V. RUSSELL.

ANSWER OF
VS.) B. F. RUSSELL:

A. J. LITTLE, et als.

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

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

VIRGINIA:

* * * * *
Mattie V. Russell,
VS.
A. J. Little, et als.
* * * * *

-----oOo-----

The answer of B. F. Russell to a bill in equity exhibited against him and others in the Circuit Court for the County of Isle of Wight by Mattie V. Russell.

This respondent saving and reserving and so forth, for answer to the said bill says that he believes the statements therein made are true. This respondent does not object to the sale of the land as prayed for in the said bill; he concurs in the prayer of the said bill.

And now, having fully answered, he prays to be hence dismissed with his costs, &c.

B. F. Russell

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MATTIE V. RUSSELL,

ANSWER OF

VS.) E. W. LITTLE:

A. J. LITTLE, et als.

GEO. F. WHITLEY

ATTORNEY-AT-LAW

SMITHFIELD, VA.

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

VIRGINIA:

* * * * *
Mattie V. Russell,
VS.
A. J. Little, et als.
* * * * *

-----oOo-----

The answer of E. W. Little to a bill in equity exhibited against him and others in the Circuit Court for the County of Isle of Wight by Mattie V. Russell.

This respondent saving and reserving, etc., for answer to the said bill says that he believes the statements therein made are true. This respondent does not object to the sale of the land as prayed for in the said bill; he concurs in the prayer of the said bill.

And now, having fully answered, he prays to be hence dismissed with his costs, &c.

E. W. Little

We hereby accept legal
service of the within summons.

James L. Litten

E. J. Litten

COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting;

We command you that you summon

~~Mattie~~ A. J. Little, J. C. Little,
E. W. Little, ~~Eddie~~ J. Little, L. Vernon Little, Ada V. Gwaltney,
B. F. Russell, Mattie Viola Russell, Frank H. Little, Joseph Lin-
wood Little; the last named three being infants under the age
of twenty one years,

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 **March, 1911,** 191, to answer a bill in
chancery exhibited against **them** in our said Court by **Mattie V.**

Russell,

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Court-
house, this **6th.** day of **March, 1911,** 191, and in the
year of the Commonwealth.

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A. S. Johnson
Teste,

Clerk..

Mattie V. Russell

vs) Subpoena in Chy.

A. J. Little et als.

I hereby accept legal
service of the within summons.

William
Guardian Ad Litem.

COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting;

We command you that you summon ~~Mattie~~ A. J. Little, J. C. Little, E. W. Little, Edie J. Little, L. Vernon Little, Ada V. Gwaltney, B. F. Russell, Mattie Viola Russell, Frank A. Little, Joseph Linwood Little; the last named three being infants under the age of twenty one years,

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 March, 1911, , 191 , to answer a bill in chancery exhibited against them in our said Court by Mattie V. Russell,

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Court-house, this 6th. day of March, 1911, , 191 , and in the 135 year of the Commonwealth.

Teste, *A. S. Johnson* Clerk.

Russell

vs) Subpoena in Chancery

Little et als.

Executed the with-in summons this the 17th day of March 1911, by
serving true copies of the same on L. Vernon Little, and on A. J.
Little-both in person in the County of Isle Of Wight.

R. Augustus Edwards Sheriff.

COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting;

We command you that you summon A. J. Little, J. C. Little, E. W. Little, Eddie J. Little, L. Vernon Little, Ada V. Gwaltney, B. W. Russell, Mattie Viola Russell, Frank H. Little, Joseph Linwood Little; the last named three being infants under the age of twenty one years,

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 March, 1911, 1911, to answer a bill in chancery exhibited against them in our said Court by Mattie V. Russell

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Court-house, this 16th. day of March, 1911, and in the year of the Commonwealth.

Teste,

A. S. Johnson Clerk.

I hereby accept legal service of the within summons.

E. W. Little

COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting;

We command you that you summon

~~Mattie~~ A. J. Little, J. C. Little,
E. W. Little, Eddie J. Little, L. Vernon Little, Ada V. Gwaltney,
B. F. Russell, Mattie Viola Russell, Frank H. Little, Joseph Lin-
wood Little; the last named three being infants under the age
of twenty one years,

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
Monday in _____, 191____, to answer a bill in ^{2nd.}
chancery exhibited against ~~them~~ ^{March, 1911.} in our said Court by
~~them~~ Mattie V.

Russell,

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Court-
house, this _____ day of _____, 191____, and in the
_____ ^{6th.} year of the Commonwealth. ^{March, 1911.}

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A. S. Johnson
Teste,

Clerk.

I hereby accept legal
service of the within summons.

Ada V Gwaltney

COMMONWEALTH OF VIRGINIA.

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

We command you that you summon

~~Mattie~~ A. J. Little, J. C. Little,
E. W. Little, Eddie J. Little, L. Vernon Little, Ada V. Gwaltney,
B. F. Russell, Mattie Viola Russell, Frank H. Little, Joseph Lin-
wood Little; the last named three being infants under the age
of twenty one years.

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 March, 1911,, 1911, to answer a bill in
chancery exhibited against ~~them~~ in our said Court by Mattie V.

Russell,

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Court-
house, this 6th. day of March, 1911,, 1911, and in the
year of the Commonwealth.

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Teste,

Clerk.

Russell

2 { Subpoena in Chy
Little et al

Executed at 12 M.
Mch the 20th 1911
by delivering a true
Copy of the within
Subs. Chy to J. C. Little
in person in my Co-
of Smy Va in
which he resides.

B D Edwards
Sheriff of Smy Co.

COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ^{Swamy} ~~ISLE OF WIGHT~~ COUNTY--Greeting;

We command you that you summon A. J. Little, J. C. Little, L. W. Little, L. Vernon Little, Ada V. Cwaltney, B. H. Russell, Nettie Viola Russell, Frank H. Little, Joseph Linwood Little, the last named three being infants under the age of twenty one years,

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 March, 1911, 191, to answer a bill in chancery exhibited against them in our said Court by Nettie V. Russell

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Court-house, this 16th. day of March 1911, 191, and in the 135 year of the Commonwealth.

Teste,

 Clerk.

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MATTIE V. RUSSELL, Guardian

VS.) AFFIDAVIT:

A. J. LITTLE, et als.

GEO. F. WHITLEY

ATTORNEY-AT-LAW

SMITHFIELD, VA.

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

VIRGINIA:

* * * * *
Mattie V. Russell,
VS.
A. J. Little, et als.
* * * * *

STATE OF VIRGINIA,

County of Isle of Wight, to-wit:

This day personally appeared Loris Little, before me,
Maverly Thomas, a Notary Public in and for
the County aforesaid, in the State of Virginia, and made oath
that she is a relative of Frank H. Little, an infant under the
age of twenty-one years and over the age of fourteen years,
that the said Frank H. Little is not now in the State of Vir-
ginia.

Loris Little

Subscribed and sworn to before me in my county aforesaid, this
6th day of April, 1911.

Maverly Thomas, N. P.

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MATTIE V. RUSSELL

REPORT OF

VS)

COMMISSIONER IN CHANCERY

A. J. LITTLE, et als.

*Filed Sept 27
1911*

GEO. F. WHITLEY

ATTORNEY-AT-LAW

SMITHFIELD, VA.

U. S. Registered Mails go to every post office in the world.

Letters and parcels may be registered at any post office or at any post-office station, and by rural carriers throughout their routes. Letters will be registered by letter carriers in the residential districts of cities.

For registered mail delivered through a U. S. post office, the sender receives, without request or extra charge, a return receipt signed by the addressee or his agent. For registered mail delivered in a foreign country the sender receives without extra charge a form of return receipt if the words "Return Receipt Demanded" appear on the envelope or wrapper.

Letter }
Parcel }

No. 127

P. O.,

Received for registration

9/20, 1911, from

G. F. Whittier

addressed to

Eddie J. Little

Wilmington Del

1

class postage prepaid.

Postmaster, per

Wm

I hereby accept legal
service of the within notice.

X _____

This notice was registered
to Eddie J. Little on the
20th day of September 1911.
and same was returned
without being signed.
Registration receipt is hereto attached.
Geo. R. Whitley
Sept 29th 1911 atty

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

Ettie V. Russell

vs) Chancery.

A. J. Little: J. O. Little: H. S. Little: Ettie J. Little: H. Vernon Little: Ada V. Gaultney: H. F. Russell: Ettie Viola Russell: Frank H. Little, and Joseph Linwood Little, the last named three being infants under the age of twenty one years: and E. H. Williams, guardian ad litem:

To the parties in the above-entitled suit: Take notice that I shall, at the office of George W. Whitley, Esq. Attorney at Law, in the Town of Smithfield, in the County of Isle of Wight and State of Virginia, on the 27th. day of September, 1911, at eleven o'clock A. M. proceed to execute the decree entered in the said suit on the 3rd. day of April, 1911, of which the following is an extract:

On consideration whereof the Court hath adjudge, order and decree that the papers in this cause be referred to one of the commissioners of this Court, who is directed to inquire into and report to the Court:

1. The annual and fee simple values of the real estate in the bill and proceedings mentioned, and whether or not there are any ~~liens or delinquent taxes~~ ^{liens or delinquent taxes} on the real estate in the bill and proceedings mentioned.

2. Whether the interest of the ^{infant} Defendants and all others directly or contingently interested, will be promoted by a sale of the property in the bill mentioned, or any part thereof, and the investment of the proceeds of such sale under the decree of this Court.

3. Whether the rights of any person interested will be violated by the sale of the said land.

4. Whether or not all the parties, proper or necessary to this cause, are properly before the Court; their names, places of residence, and respective interests in said property.

Which inquiries the said Commissioner shall make and report to the said Court, together with any matters specially stated, deemed pertinent by himself, or required to be stated by any of the parties in interest.

Given under my hand this 6th. day of September, 1911.

Commissioner in Chancery.

I here-by accept legal service on the with-in
notice-this the 12th, day of Sept., 1911.

Signed. J. C. Little

Executed the with-in summons September -12th, 1911 by delivering
true copies in person to L. Vernon, and A. J. Little in the County
of Isle Of Wight-and by delivering a true copy of same to J. C.
Little in person in Surry County, he having accepted service on
same as shown here-on in writing.

R. Augustus Edwards Sheriff.

By J. B. Bost

D. S.

J. C. Little

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

Mattie V. Russell

vs) Chancery.

A. J. Little: J. O. Little: H. W. Little: Eddie J. Little: E. Vernon Little: Ada V. Gwaltney: B. F. Russell: Mattie Viola Russell:

Frank H. Little, and Joseph Linwood Little, the last named three be-

ing infants under the age of twenty one years: and E. H. Williams,

guardian ad litem: 1911. Case is vs. 1911 and 1911-1912

To the parties in the above entitled suit: Take notice that I shall, at the office of George F. Whitley, Esq., Attorney at Law, in the Town of Smithfield, in the County of Isle of Wight and State of Virginia, on the 27th. day of September, 1911, at eleven o'clock A. M. proceed to execute the decree entered in the said suit on the 3rd. day of April, 1911, of which the following is an extract: -

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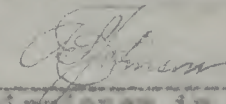
2. Whether the interest of the ^{infant} defendants and all others directly or contingently interested, will be promoted by a sale of the property in the bill mentioned, or any part thereof, and the investment of the proceeds of such sale under the decree of this Court.

3. Whether the rights of any person interested will be violated by the sale of the said land.

4. Whether or not all the parties, proper or necessary to this cause, are properly before the Court; their names, places of residence, and respective interests in said property.

Which inquiries the said Commissioner shall make and report to the said Court, together with any matters specially stated, deemed pertinent by himself, or required to be stated by any of the parties in interest.

Given under my hand this 8th. day of September, 1911.


Commissioner in Chancery.

Virginia: Circuit Court of the County of Isle of

I hereby accept legal
service of the within notice.

Elizabeth
Guardian ad Litem.

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

Mattie V. Russell

vs) Chancery.

A. J. Little: J. C. Little: W. B. Little: Maria J. Little: L. Vernon Little: Ada V. Gaultney: E. F. Russell: Mattie Viola Russell: Frank M. Little, and Joseph Lincoln Little, the last named three being infants under the age of twenty one years: and R. E. Williams, guardian ad litem:

To the parties in the above entitled suit: Take notice that I shall, at the office of George W. Whitley, Esq. Attorney at Law, in the town of Smithfield, in the County of Isle of Wight and State of Virginia, on the 27th. day of September, 1911, at eleven o'clock A. M. proceed to execute the decree entered in the said suit on the 3rd. day of April, 1911, of which the following is an extract:

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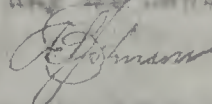
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Which inquiries the said Commissioner shall make and report to the said Court, together with any matters specially stated, deemed pertinent by himself, or required to be stated by any of the parties is interest.

Given under my hand this 8th. day of September, 1911.



Commissioner in Chancery.

APPROVED: GEORGE W. WHITLEY, Esq. Attorney at Law.

I hereby accept legal
service of the within notice.

E W Little

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

Mattie V. Russell

vs) Chancery.

A. J. Little: J. C. Little: E. W. Little: Eddie J. Little: L. Vernon Little: Ada V. Gwaltney: B. F. Russell: Mattie Viola Russell: Frank H. Little, and Joseph Linwood Little, the last named three being infants under the age of twenty one years: and W. H. Williams, guardian ad litem:

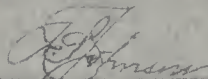
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3. Whether the rights of any person interested will be violated by the sale of the said land.
4. Whether or not all the parties, proper or necessary to this cause, are properly before the Court; their names, places of residence, and respective interests in said property.

Which inquiries the said Commissioner shall make and report to the said Court, together with any matters specially stated, deemed pertinent by himself, or required to be stated by any of the parties in interest.

Given under my hand this 8th. day of September, 1911.


Commissioner in Chancery.

I hereby accept legal
service of the within notice.

B. F. Russell

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

Mattie V. Russell

vs) Chancery.

A. J. Little: J. C. Little: E. W. Little: Eddie J. Little: L. Vernon Little: Ada V. Gwaltney: B. F. Russell: Mattie Viola Russell: Frank H. Little, and Joseph Linwood Little, the last named three being infants under the age of twenty one years: and E. H. Williams, guardian ad litem:

To the parties in the above entitled suit: Take notice that I shall, at the office of George F. Whitley, Esq. Attorney at Law, in the Town of Smithfield, in the County of Isle of Wight and State of Virginia, on the 27th. day of September, 1911, at eleven o'clock A. M. proceed to execute the decree entered in the said suit on the 3rd. day of April, 1911, of which the following is an extract:

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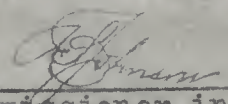
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3. Whether the rights of any person interested will be violated by the sale of the said land.

4. Whether or not all the parties, proper or necessary to this cause, are properly before the Court; their names, places of residence, and respective interests in said property.

Which inquiries the said Commissioner shall make and report to the said Court, together with any matters specially stated, deemed pertinent by himself, or required to be stated by any of the parties in interest.

Given under my hand this 8th. day of September, 1911.


Commissioner in Chancery.

I hereby accept legal
service of the within notice.

X Mrs. Ada V. Gwaltney

Ada V. Gwaltney

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

Mattie V. Russell

vs) Chancery.

A. J. Little: J. C. Little: E. W. Little: Eddie J. Little: L. Vernon Little: Ada V. Gwaltney: B. F. Russell: Mattie Viola Russell:

Frank H. Little, and Joseph Linwood Little, the last named three being infants under the age of twenty one years: and E. H. Williams, guardian ad litem:

To the parties in the above entitled suit: Take notice that I shall, at the office of George F. Whitley, Esq. Attorney at Law, in the Town of Smithfield, in the County of Isle of Wight and State of Virginia, on the 27th. day of September, 1911, at eleven o'clock A. M. proceed to execute the decree entered in the said suit on the 3rd. day of April, 1911, of which the following is an extract:

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3. Whether the rights of any person interested will be violated by the sale of the said land.

4. Whether or not all the parties, proper or necessary to this cause, are properly before the Court; their names, places of residence, and respective interests in said property.

Which inquiries the said Commissioner shall make and report to the said Court, together with any matters specially stated, deemed pertinent by himself, or required to be stated by any of the parties in interest.

Given under my hand this 8th. day of September, 1911.

Johnson

Commissioner in Chancery.

Q-12. Do you know whether or not Mary E. Little is dead and, if so, whether or not she left any children?

A. Yes, sir; she died about eighteen (18) years ago. She was not married.

And further this deponent saith not.

E. W. Little

off the place at different times. Of course, property left like this is left without anybody protecting it -- it will decrease in value. I think the lumber on the place is worth as much now as it will ever be worth, because the majority of the timber land is set in original growth and that is grown; and, too, the trees decaying and gradually dying out will, of course, cause the timber to depreciate in value. I think, too, that on account of saw-mills being nearby the demand at the present time is greater than it will be at some future time when they move away.

Q-8. Do you think those contingently interested, I mean the infant Mattie Viola Russell and the children of Joe Little, will be promoted by a sale of this property at this time?

A. I do; because I think the land will bring as much or more now than it will at any future time, for the reasons I have stated above, and for the further reason that the open land which is there can be easily cleared up at the present time and put into use, while if left there to grow up it will cost a great deal more to get it in condition to cultivate.

Q-9. What do you think a fair cash value for this property?

A. I think it ought to bring between \$1800.00 and \$2200.00.

Q-10. Mr. Little, if you were contingently interested in this property as the heirs of Mr. Joseph C. Little are, would you advise a sale of this property at this time and, if so, why?

A. I would. Because the money from this property could be invested in property which would not depreciate in value and might increase in value, and this property, in my opinion, certainly will not increase in value and there is all probability it will decrease in value.

Q-11. Do you know whether or not Mary R. Little is dead and, if so, when did she die?

A. Yes, sir; she died during the year 1907.

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

EXAMINATION BY MR. WHITLEY.

Q-1. Please state your name, age, residence and occupation?

A. E. W. Little, sixty years, Isle of Wight County, Virginia, and a farmer.

Q-2. Do you know the parties to the suit?

A. I do.

Q-3. Are you related to them?

A. I am.

Q-4. What relation are you?

A. Brother to all except the infants and L. Vernon Little and Eddie J. Little, who are my nephews.

Q-5. Are you familiar with the piece of land in the bill and proceedings mentioned?

A. Yes, sir;

Q-6. I presume you were raised on the farm of which this was a part, were you not?

A. Yes, sir;

Q-7. Mr. Little, the purpose of this suit is to make sale of the land and to re-invest the money derived from the sale in other property or according to the direction of the Court. Will you please state whether you think the interests of all parties, whether direct or contingent, will be promoted by such sale and re-investment?

A. I think the interests of all parties will be furthered by a sale of the property and investment, because, for the simple fact that the property is laying there idle and doing nobody any good at the present time; the people going on it and taking off whatever they want to. I understand that timber has been cut

Q-18. Do you think the rights of any person interested will be violated by the sale of the land?

A. No, sir; I do not.

Q-19. Why?

A. Because I think that it will be to the interest of everybody to sell the property at the present time and invest in other property, as I have stated before this property will doubtless bring more now than it will at some future time.

And further this deponent saith not.

x B. G. Carroll

Q-11. Do you think this land would bring more at the present time than it would five years hence if a man wanted to purchase it and make a home?

A. Yes, sir; I think it would.

Q-12. Why?

A. Because it would make it more expensive to get it in a condition for a home five years from now than it would at the present time.

Q-13. How many acres would you estimate now standing in timber?

A. About seventy or seventy-five acres. Of course, this is simply an estimate.

Q-14. State whether or not this land is set mostly in original growth or second growth?

A. Mostly in original growth.

Q-15. State whether or not you think the original growth will grow very much more?

A. No, I do not; I think it is about grown - the majority of it.

Q-16. State whether or not you think the interest of the infant defendants and all others directly or contingently interested, will be promoted by a sale of all of the property or any part thereof and the investment of the proceeds of such sale made under a decree of the Court, and give your reasons?

A. I think that everybody would be benefited. One reason I give that the timber land is worth more now than it would be in five years from now or any future time; the land that was in cultivation will be easier to get up now than it would be in one or two years or any future time.

Q-17. Why do you think the timber will bring more now?

A. Well, for one reason I think the principle part of it has pretty well gotten its growth, and some of it is dying; and, too, there are small mills now located in the vicinity which, of course, makes the demand greater.

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

EXAMINATION BY MR. WHITLEY.

Q-1. Please state your name, age, residence and occupation?

A. B. G. Carroll, forty-two years, Isle of Wight County, Virginia, and a farmer.

Q-2. You heard me read the description of the property, mentioned in the bill and proceedings, to Mr. Stallings did you not?

A. Yes, sir;

Q-3. Are you familiar with this property?

A. Yes, sir;

Q-4. How long have you known this property?

A. Have known it all my life ever since I was large enough to know anything. I live right by it - that is, our land adjoins it.

Q-5. What do you think a fair cash value of this property?

A. I suppose \$1800.00 or \$1900.00.

Q-6. What do you think a fair rental value per year?

A. Well, it is not in a rental condition now at all.

Q-7. Is there any fence around this property?

A. No, sir; none to amount to anything.

Q-8. Has any of this land been under cultivation for the past three (3) years?

A. No, sir; this land has not been under cultivation, certainly, in five years.

Q-9. How much was under cultivation at the time it was being cultivated?

A. I should judge thirty-five or forty acres.

Q-10. Would it be very much trouble to clear up this land now?

A. It would not be so much for the next year or so as it would be if it stood longer.

* * * * *
 MATTIE V. RUSSELL.....Plaintiff.
 --VS--
 A. J. LITTLE et als.....Defendants.
 * * * * *

-----oOo-----

DEPOSITIONS of R. D. Crocker and others, witnesses,
 taken before me, A. S. Johnson, a Commissioner in Chancery for
 the Circuit Court for the County of Isle of Wight, in the State
 of Virginia, on the 27th. day of September, 1911, in pursuance
 of the annexed notice, at the office of George F. Whitley, At-
 torney at Law, in the town of Smithfield, Virginia, between the
 hours of 11:00 A. M. and 6:00 P. M., to be read in evidence in
 a suit in which Mattie V. Russell is plaintiff, and A. J. Little
 and others, are defendants, pending in the Circuit Court for the
 County of Isle of Wight, State of Virginia.

PRESENT: Geo. F. WHITLEY, Counsel for Plaintiff,
 and E. H. Williams, Guardian ad Litem.

R. D. Crocker, being first duly sworn, deposeth and saith in ans-
 wer to interrogatories as follows:

EXAMINATION BY MR. WHITLEY.

Q-1. Please state your name, age, residence and occupation?

A. R. D. Crocker, forty-six years, Isle of Wight County,
 Virginia, and a farmer.

Q-2. Mr. Crocker, I have just read to you a description of the piece of property mentioned in the bill and proceedings. Are you acquainted with this property and, if so, how long have you known this property?

A. I have been acquainted with it all of my life.

Q-3. Have you been over this property lately?

A. Yes, I have been acrossed it lately -- was over it less than a month ago hunting.

Q-4. Mr. Crocker, what do you think a fair cash value for this property?

A. Between \$1800.00 and \$2,000.00.

Q-5. What do you think a fair annual value for this property?

A. In its present condition it would not rent for anything, the land that was once in cultivation a few years ago is now grown up in large pine bushes.

Q-6. How much land was in cultivation a few years ago?

A. Something like twenty (20) acres.

Q-7. Is there any fence around this property now?

A. No fence there with the exception of a line fence which is kept up for the benefit of the other part of the farm.

Q-8. Is there any of this land set in timber and, if so, how much?

A. Sixty or seventy acres.

Q-9. What is the nature of this timber -- I mean by that would you say it was original growth?

A. Largely so.

Q-10. Mr. Crocker, this property was devised to Mrs. Russell and if she should die without leaving any children living the property would go to the children of Mr. Joe Little. Do you think that the interests of the infant defendants, and all others directly or contingently interested, would be promoted by a sale of the property or any part thereof and the proceeds of such sale invested under a decree of the Court?

A. I do think so because the property as it stands is increasing very little in value and paying nothing which certainly makes it a burden on Mrs. Russell to pay the taxes, she receiving nothing from the land. Further, if the property was sold it could be invested in property which would probably increase in value and, too, I think now is a good time for the sale of the property because there are saw-mills near which would make the timber more valuable, and the open land that has grown up would be much more easily cleared up now than it would five years from now. And I would like to say that some of the old growth of trees are dying and, of course, the longer the old growth stays there more trees will die.

Q-11. Do you think that the rights of any person interested will be violated by a sale of the said land and a re-investment of the money under the direction of the Court?

A. I don't think that anybody's rights will be hurt - in fact, I think it would be to their interest.

Q-12. Why do you think so?

A. Because I said in the beginning that the property as it stands is not increasing in value but very little, it is not paying Mrs. Russell anything, and if it was sold and the money invested in other property then it would pay her something, and it would be of interest to those who might get it should she die without leaving a child, because most of the timber is old growth and will not continue to grow in value as young timber would. In fact, as I have stated before, some of the old growth is dying and will continue to die and, too, I think the property will sell for more now than it will five (5) years to come if a man wanted to buy it for a home, because it would be much easier to put it in cultivation now than it would five years to come. For these reasons I think it would be to the interest of all parties to sell this property now and re-invest it.

And further this deponent saith not.

R. D. Cooper

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

EXAMINATION BY MR. WHITLEY.

Q-1. Please state your name, age, residence and occupation?

A. R. W. Stallings, forty-one years, Isle of Wight County, Virginia, and a farmer.

Q-2. Mr. Stallings I read to you a description of the property mentioned in the bill and proceedings -- are you familiar with this property and, if so, how long have you known it?

A. Yes, sir; I have known it twenty (20) years - my land almost adjoins it.

Q-3. Have you been over this property lately?

A. Yes sir, was over it yesterday; I went through one part of it and came back through the other.

Q-4. How many acres would you estimate that there was in this piece of property?

A. I think there is fully one hundred (100) acres.

Q-5. About how many acres of this land is set in timber?

A. I think fully seventy (70) acres.

Q-6. In what condition is the remainder of this property?

A. The open land that was once under cultivation is now grown up in bushes.

Q-7. Then the rental value of this property is practically nothing?

A. No sir, it is not worth anything - nothing there to rent.

Q-8. What do you think would be a fair cash value for the property as it now stands?

A. I think it would bring about \$1800.00.

Q-9. Are you thinking about purchasing this property?

A. No, sir;

Q-10. Mr. Stallings, this property was devised to Mrs. Russell, and if she died without leaving children living, then the property to go to the children of Mr. Joe Little. I want you to state, and give your reasons for so stating, whether or not you think the interest of the infant defendants and all others directly or contingently interested will be promoted by a sale of this property and the proceeds invested under a decree of the Court?

A. I think it is worth more now than it will be five years from now if anybody should want to cultivate it, because it would be much more easily cleared up now than it would five years from now or ten years from now. The timber I don't think will increase in the next ten years as much as the decrease would be, because its original growth is practically not growing any at all and some of the trees are dying.

Q-11. Do you think that the rights of any person interested will be violated by a sale of the land?

A. No, I do not; I think it would be of an advantage to them.

Q-12. Do you think that it would be of advantage to those who are contingently interested; that is, would it be of advantage to the children of Joe Little, who are contingently interested, to sell the property now?

A. Yes, I think so because it is more probable that the land will decrease in value than increase, for the reasons that I have stated before. I would like to say that now is especially a good time to sell the timber as it is not going to increase in value and just right to be cut. The old original lumber there now is worth as much as it will ever be and the majority of the timber land is set in old original lumber. And, too, I would like to state that on account of there being at the present time ground-mills or small mills scattered about in the community, I am satisfied the timber would sell for more now than it would after these mills had moved away; in fact, I am satisfied that the timber will

bring more now than it ever will unless there is a great advance in price.

Q-13. Do you know Mrs. Mattie V. Russell?

A. Have been knowing her about thirty years.

Q-14. Where does she live?

A. In Hampton, Virginia.

Q-15. How many children has she?

A. One.

Q-16. Do you know her name?

A. Mattie V. Russell.

Q-17. I have just read to you the names of all of the defendants, including the infants, to this suit -- are you acquainted with them?

A. Yes, sir;

Q-18. Will you please state, so far as you can, their places of residence?

A. A. J. Little, E. W. Little, L. Vernon Little, Ada V. Gwaltney and Joseph Linwood Little, live in Isle of Wight County; B. F. Russell lives in Hampton, Virginia. I don't know where Frank H. Little lives, and Eddie J. Little I understand lives in Washington, and J. C. Little lives in Surry County.

And further this deponent saith not.

x R. H. Stallings

5. It further appears that all the parties, proper or necessary to this cause, are properly before the Court, that their names and residences are as follows:

"A. J. Little, E. W. Little, L. Vernon Little, Ada V. Gwaltney and Joseph Linwood Little, Isle of Wight County, Virginia, J. C. Little, Surry, Virginia, B. F. Russell and Mattie Viola Russell, Hampton, Virginia, and Eddie J. Little, Washington, D. C."

It appears from an affidavit filed in this cause that Frank H. Little is not a resident of the State of Virginia. It further appears from sections six and seven of a certified copy of the will of Edwin Little filed in this cause, marked "Exhibit A", that Mattie V. Russell owns a life interest in the property, with remainder to the legal heirs of her body if she should leave any, and that if she should die without legal heirs of her body then to Joseph C. Little, and if both, Joseph C. Little and Mattie V. Russell, should die without leaving legal heirs of the body, then to Mary E. Little. That Mary E. Little is dead, that she left no heirs save her brothers and sisters who are "A. J. Little, J. C. Little, E. W. Little and Ada V. Gwaltney; that Mattie V. Russell has one daughter, Mattie Viola Russell, who has a remainder interest in the property; that Eddie J. Little, L. Vernon Little, Frank H. Little and Joseph Linwood Little, who are the children of Joseph C. Little, deceased, would heir the property should Mattie V. Russell die without heirs of the body.

Respectfully submitted,

Cour fee 15.00
Stacy's fees 2.00

Johnson
Commissioner in Chancery.

returned herewith; that from the evidence so taken as aforesaid, and from the records lodged in the Clerk's Office of this Court, your commissioner is informed and so reports:

1. That it appears from a certified copy of the will of Edwin Little filed with the papers in this cause, marked "Exhibit A" and the evidence which has been submitted that Mattie V. Russell, is the owner of a life interest in the piece of property described in the bill in these proceedings as follows:

"Commencing a line at a marked gum in branch on Mallory Jones' line; then up branch in field to a marked hickory near head of branch; then to a marked black gum on farm line of Burwell Green tract; then along the said Green line to a cedar post on George W. Barlow line; then to a marked tree on Benjamin Bailey line; then to line of Nancy Tynes; then said line to main run of Delk's Swamp."

2. That the annual value of the property in the bill and proceedings mentioned is practically nothing at the present time, as none of the land is under cultivation; that the fee-simple value is from \$1800.00 to \$2200.00; that the tax records show delinquent taxes as follows: For the year 1906=\$5.08, and for the year 1907=\$4.58. There does not appear to be any liens upon the said property other than the above delinquent taxes.

3. That it appears from the evidence submitted that the interest of the infant defendants, and all others directly or contingently interested, will be promoted by a sale of the property and an investment of the proceeds of such sale under the decree of this Court; that it will be an advantage to sell the whole property.

4. It appears that a sale of the land will not violate the interests of any person who has a right therein.

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

Mattie V. Russell.....Plaintiff.

Vs.) In Chancery

A. J. Little, J. C. Little, E. W. Little, Eddie J.
Little, L. Vernon Little, Ada V.
Gwaltney, B. F. Russell, Mattie
Viola Russell, Frank H. Little and
Joseph Linwood Little; the last
named three being infants under the
age of Twenty-one years, by E. H.
Williams, Guardian ad Litem.....Defendants.

-----oOo-----

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

The undersigned, one of the Commissioners in Chancery
of the Circuit Court for the County of Isle of Wight, to whom has
been referred the papers in the above styled cause for the execu-
tion of a decree entered therein on the 3rd. day of April, 1911,
makes report as follows:

That on the 8th. day of September, 1911, he notified
the several parties to the said suit that he would, on the 27th.
day of September, 1911, at the Office of George F. Whitley, Esq.,
Attorney at Law in the town of Smithfield, County of Isle of
Wight and State of Virginia, proceed with the execution of the
said decree; that said notice has been properly served upon the
parties upon whom notice should be served and is properly re-
turned and attached hereto as a part of this report; that at the
time and place mentioned in the said notice he attended and pro-
ceeded with the execution of the said decree and then and there
took the evidence of R. D. Crocker and others, which evidence has
been reduced to writing, signed by the several deponents and is

16

MATTIE V. RUSSELL

REPORT OF
VS.) SPECIAL COMMISSIONER:

A. J. LITTLE, et als.

1912
Feb 5.
Filed. B.W.

GEO. F. WHITLEY

ATTORNEY-AT-LAW

SMITHFIELD, VA.

TO Geo. F. WHITLEY, Special Commissioner in the suit of
Mattie V. Russell -VS- A. J. Little et als.

-----oOo-----

I hereby make a cash offer of \$2200.00 for the piece
of property in the bill and proceedings mentioned and described
as follows:

"Commencing a line at a marked gum in branch on
Mallory Jones' line; then up branch in field to a
marked hickory near head of branch; then to a
marked black gum on farm line of Burwell Green
tract; then along the said Green line to a cedar
post on George W. Barkow line; then to a marked
tree on Benjamin Bailey line; then to line of
Nancy Tynes; then said line to main run of Delk's
Swamp."

GIVEN under my hand this 30th. day of January, 1912.

B. P. Gay

Witness:

T. M. Baird

Gay represents its full value and, therefore, would recommend that the bid of said B. P. Gay be accepted.

Respectfully submitted,

Geo. F. Whitley,
Special Commissioner.

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

FEBRUARY TERM, 1912.

* * * * *
MATTIE V. RUSSELL
--VS--
A. J. LITTLE, et als.
* * * * *

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

-----oOo-----

The undersigned Commissioner, George F. Whitley, appointed by a decree entered in the above styled cause on the 16th. day of November, 1911, to offer for sale the real estate in the bill and proceedings mentioned publicly, or to report private bids for the said real estate, said bids to be in writing, respectfully reports that he has received from B. P. Gay a private bid of \$2200.00 in cash for the real estate in the bill and proceedings mentioned and described as follows:

"Commencing a line at a marked gum in branch on Mallory Jones' line; then up branch in field to a marked hickory near head of branch; then to a marked black gum on farm line of Burwell Green tract; then along the said Green line to a cedar post on George W. Barlow line; then to a marked tree on Benjamin Bailey line; then to line of Nancy Tynes; then said line to main run of Delk's Swamp."

which bid is in writing, properly signed by the said B. P. Gay and returned herewith.

Your commissioner would state that he has investigated the value of this property outside of the evidence which has been filed in this cause, and that he believes the bid of the said B. P.

18

Mattie V. Russell.

Vs) Special Commissioner's
Report.

A. J. Little, et als.

*filed
9/19/12*

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

\$10.11

April 18th. 1912.

Received of George F. Whitley, the sum of ten dollars and eleven cents, Clerk fees in the suit of Russell et als. vs. Little et als,

Johnson Clerk.

\$1.50

April 18th. 1912.

Received of George F. Whitley the sum of one dollar and fifty cents, writ tax in the suit of Russell et als. vs. Little et als.

Johnson Clerk.

\$15.00

April 18th. 1912.

Received of George F. Whitley the sum of fifteen dollars, Commissioner's fee for making report in the suit of Russell vs. Little et als.

Johnson Commissioner.

Received of George F. Whitley, Special Commissioner
in the suit of Russell vs Little SEVENTY FIVE (\$75.00) Dollars,
counsel fee.

Geo F. Whitley
Counsel.

Received of George F. Whitley, Special Commissioner
in the suit of Russell vs Little, FIFTY THREE (\$53.00) Dollars,
commissions of Special Commissioner.

Geo F. Whitley
Special Commissioner.

Received of George F. Whitley, Special Commissioner
in the suit of Russell vs Little, TEN (\$10.00) Dollars, for
drawing commissioner's deed.

Geo F. Whitley

Received of George F. Whitley, Special Commissioner
in the suit of Russell vs Little, FIFTY (50¢) Cents for taking
acknowledgment to commissioner's deed.

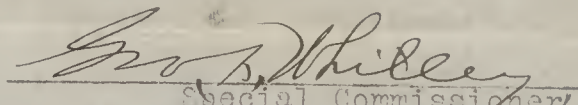
J. E. Pilman
Notary Public.

Received of George F. Whitley, Special Commissioner
in the suit of Russell vs Little, FIFTEEN (\$15.00) Dollars
taxed attorney fee.

Geo F. Whitley

To amounts brought forward,	\$ 2,200.00	\$ 138.00
By cash paid I. E. Pitman, Notary Public, for taking acknowledgment to commissioner's deed: per voucher,		.50
By cash paid Geo. F. Whiteley, taxed attorney fee: per voucher,		15.00
By cash paid Clerk: per voucher,		10.11
By cash paid Commissioner's fee: per voucher,		15.00
By cash paid R. Augustus Edwards, Sheriff: per voucher		2.50
By cash paid B. D. Edwards, Sheriff, per voucher,		.50
By balance,		2,018.39
	<u>\$ 2,200.00</u>	<u>\$ 2,200.00</u>
To balance deposited to credit of Commissioner in the Merchants & Farmers Bank, Inc.,	\$ 2,018.39	

Respectfully submitted,


 Special Commissioner.

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

APRIL TERM, 1912:

* * * * *
Mattie V. Russell,.....Plaintiff.
--VS--
A. J. Little, et als,.....Defendants.
* * * * *

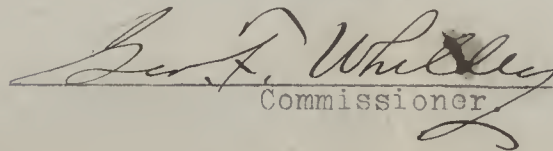
-----oOo-----

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

The undersigned Commissioner in the above cause re-
ports that, as directed by the decree entered in this cause, on
the 5th day of February, 1912, he has collected from B. P. Gay,
the sum of TWENTY-TWO HUNDRED (\$2,200.) Dollars, and has executed
to the said B. P. Gay a good and sufficient deed, with SPECIAL
WARRANTY, for the property in the said decree described; that he
has deposited the said amount of \$2,200. to the credit of the
said commissioner in the Merchants & Farmers Bank, Inc., at
Smithfield, Virginia; and that out of said amount, and in accor-
dance with said decree, has paid the expenses of sale, costs of
the suit, and attorney's fee, as follows:

To amount received from sale of land:	\$ 2,200.00	
By cash paid George F. Whitley, counsel fee: per voucher,	\$ 75.00	
By cash paid commissions of Special Commissioner: per voucher,	53.00	
By cash paid Geo. F. Whitley for drawing commissioner's deed: per voucher,	10.00	
To amounts carried forward,	\$ 2,200.00	\$ 138.00

Received of George F. Whitley, Special Commissioner
in the suit of Russell vs Little, FIFTEEN (\$15.00) Dollars,
Commissioner's fee.


Commissioner

W. E LAINE. Treas.

PAID
FEB 9 1912

PER _____

HARDY DISTRICT

Mr. *Mattie H. Russell*

Dr.

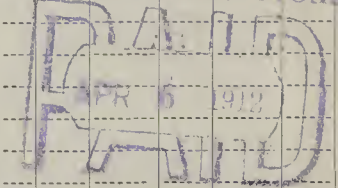
No. *702*

1911

To B. L. ROBERTS, Treasurer of Isle of Wight County, Va.

No. _____	STATE TAXES.					County Levy	General County School Tax	Poor Tax	General County Road Tax	District School Tax	District Road Tax	TOTAL TAX
	State Tax Support Gov. 20c on \$100 R. E. and P. P. Schedule B.	State Tax Support Gov. 25c on \$100 P. P. Sched C	State School Tax 10c on \$100 R. E. & P. P. Sched. B. & C	State Tax for Pensions 5c. on \$100 R. E. & P. P. Schedule B								
To <i>110</i> acres, value \$ <i>6.00</i>	<i>1.20</i>		<i>60</i>	<i>30</i>	<i>165</i>	<i>90</i>	<i>45</i>	<i>15</i>	<i>120</i>	<i>60</i>		
To _____ acres, value \$ _____												
To _____ acres, value \$ _____												
To _____ acres, value \$ _____												
Personal property, sched. B. val. \$ _____												
Personal property, sched. C. val. \$ _____												
Value, - - - \$ _____												
Income, 1 per cent. _____												
Capitation. <i>1.50</i>												<i>1.50</i>
Total _____												<i>7.05</i>
5 per cent. penalty added Dec. 1, 1911 _____												<i>33</i>
Total _____												<i>7.40</i>

W. E. LAINE, Treas.



Paid by Geo. F. Whitley

Received payment _____ day of _____ 191____ Treasurer. Per _____

SMITHFIELD, VA. 11-7th-11. 191

Mr. Geo. F. Whitley,

City.

IN ACCOUNT WITH

R. AUGUSTUS EDWARDS
SHERIFF OF ISLE OF WIGHT COUNTY
SPECIAL ATTENTION PAID TO COLLECTING ACCOUNTS

1911. Russell etls Vs. Little etls.

Mar. 17 To executing notice in chancery-2 copies-

1 00

Sept 12 " " " " " 3 "

1 50

2.50

Apr 16-12
Paid R. Augustus Edwards
Shiff



COMPANY'S OFFICE BUILDING
100 BROADWAY, N. Y.

191

STAMP OF OFFICE ADDRESS

The American Surety Company of New York, Dr.

For Premium on Bonds as follows: Smithfield, Va. *Sept*

PERIOD	NAME OR TITLE	BOND No.	PREMIUM	TOTAL
Dec. 6, 1914	George F. Whitley	15611/952670	12 00	
to	Recvr in the matter of Mattie v. Russell			
Dec. 6, 1915	VS A. J. Little, etal			

If this bill should not be paid please return, stating the reason therefor.
It is understood when this bill is receipted that the premium is paid for the period stated, unless otherwise specified

GEORGE F. WHITLEY

ATTORNEY AT LAW

MERCHANTS AND FARMERS BANK BUILDING

SMITHFIELD, VIRGINIA

February 9, 1916.

Received of George F. Whitley, Special Commissioner in the suit of
Russell vs Russell, all interest due on money in hand of said
Commissioner, for the year, 1915.

Ans B. A. Russell.

Signed- February 18, 1916.

20

MATTIE V. RUSSELL,

VS)

CHANCERY NO.101,

A.J. LITTLE, ET ALS.

REPORT OF
SPECIAL COMMISSIONER.

Filed Jan 4, 1917

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

VIRGINIA;

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

MATTIE V. RUSSELL,.....PLAINTIFF,

VS) CHANCERY NO.101,

A. J. LITTLE, ET ALS.,.....DEFENDANTS.

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

The under signed Special Commissioner begs leave to make the following report:

That the total amount of the principal in the hands of your Commissioner as shown by a former decree entered herein is \$2018.39; that the said amount is now loaned out to C. L. Brock, and is secured by a deed of trust on a farm owned by the said C. L. Brock, which is estimated to be worth \$4500.00; your Commissioner further reports that he has paid to Mattie V. Russell, who has a life interest in the said amount, all interest now due her as will be shown by a receipt from the said Mattie V. Russell, hereto attached, said receipt, however, being signed by Mrs. B. F. Russell, the one and the same person.

Respectfully submitted.

Geo. F. Whitely,
SPECIAL COMMISSIONER.

Mattie V. Russell,

Vs) In Chancery, 101

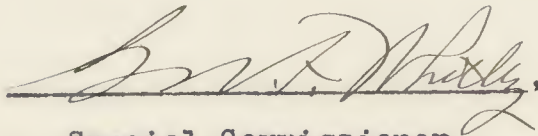
A. J. Little, et als.

REPORT
OF SPECIAL COMMISSIONER.

1918
Mar. 12.
Filed J. H. W.

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

Respectfully submitted,


Special Commissioner.

VIRGINIA:

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

Mattie V. Russell, Complainant,

vs)

A. J. Little, et als., Defendants.

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

The undersigned Special Commissioner, begs leave to report that he has collected from C. L. Brock, the principal amount and interest due on the loan made him in this cause; and, that he has deposited in The Merchants and Farmers Bank, Incorporated, of the town of Smithfield, Virginia, to his credit, as Special Commissioner, the sum of Two Thousand, Two Hundred, Sixty Dollars, and Twenty-seven Cents; Two Thousand, Eighteen Dollars, and Ten Cents of which represents the principal amount in hand, and Two Hundred, Forty-two Dollars, and Seventeen Cents represents the interest on said principal amount.

Your Commission here states the following amounts represent the Court Cost and taxes to be paid:

Clerk's fee,.....	8.50
Taxes, 1917,.....	19.00
Taxes, 1918,.....	19.00
Premium on bond,	12.00
Amt. due Geo. F. Whitley, for drawing report and decree entered June 4th, 1917, <u>5.00</u>	
Total,	63.50

MATTIE V. RUSSELL,

VS) IN CHANCERY,

A. J. LITTLE, ET ALS.

REPORT OF SPECIAL COM-
MISSIONER.

1918
Apr 1.
Filed B.W.
1921
Aug 10
Filed B.W.

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

VIRGINIA:

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

MATTIE V. RUSSELL, Complainant,

Vs) In Chancery,

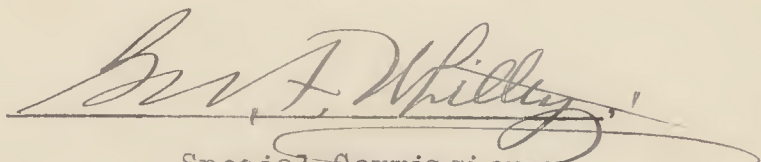
A. J. Little, et als.

** ** ** ** **

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

The undersigned Special Commissioner begs leave to report that he has paid the cost of this suit, amounting to \$63.50, as directed by a former decree entered in this cause, and has paid to Mattie V. Russell, the sum of \$2196.77, as will be shown by receipt signed by her, and filed herewith.

Respectfully submitted.


Special Commissioner.

RECEIVED OF Geo. F. Whitley, Special Commissioner, in
the suit of Russell, vs. Little, et als., the sum of
\$2196.77, settlement in full for the money in hands of
the said Special Commissioner in said suit.

Given under my hand this 18 day of March, 1918.

M. Viola Russell.

12

MATTIE V. RUSSELL, Guardian,

VS.) D E C R E E:

A. J. LITTLE, et als.

1911,

Apr. 3.

Entered this.

B.D.W.

C.O.B. 7 Page 69

GEO. F. WHITLEY

ATTORNEY-AT-LAW

SMITHFIELD, VA.

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

VIRGINIA:

* * * * *
MATTIE V. RUSSELL,
VS.)
A. J. LITTLE, et als.
* * * * *

-----oOo-----

This cause, which has regularly matured at rules, came on this day to be heard on the bill of the complainant, which is verified by her oath thereto, and exhibits filed therewith, which bill is taken for confessed as to the defendants, A. J. Little, J. C. Little, Eddie J. Little and L. Vernon Little, ^{on} all of whom process has been duly served, with the exception of Eddie J. Little, who accepted legal service of the process, they still failing to appear and plead, answer or demur to the said bill, and on the separate answers of the adult defendants, B. F. Russell, E. W. Little and Ada V. Gwaltney, this day filed, on the answer of the infant defendants by E. H. Williams, an attorney at law practicing in this Court, their guardian ad litem, duly sworn to, appointed as such guardian ad litem at rules; on the answer of E. H. Williams, Guardian ad Litem of the said infant defendants, duly sworn to, on the answers of Mattie Viola Russell and Joseph Linwood Little, infants under the age of twenty-one years but over the age of fourteen years, which answers are duly sworn to, and upon the general replication to all of said answers, and was argued by counsel. And it appearing to the court from an affidavit filed in this cause, that Frank H. Little, an infant under

the age of twenty-one years but over the age of fourteen years, is beyond the limits of the Commonwealth of Virginia.

On consideration whereof, the Court doth adjudge, order and decree that Frank H. Little, infant defendant, shall not be required to answer the bill filed in this cause, and that the papers in this cause be referred to one of the commissioners of this court, who is directed to inquire into and report to the Court.

1. The annual and fee-simple values of the real estate in the bill and proceedings mentioned, and whether or not there are any liens or delinquent taxes on the real estate in the bill and proceedings mentioned;

2. Whether the interests of the infant defendants and all others directly or contingently interested, will be promoted by a sale of the property in the bill mentioned, or any part thereof, and the investment of the proceeds of such sale under the decree of this court;

3. Whether the rights of any person interested will be violated by the sale of the said land;

4. Whether or not all the parties, proper or necessary to this cause, are properly before the Court; their names, places of residence, and respective interests in said property.

Which inquiries the said Commissioner shall make and report to the said court, together with any matters specially stated, deemed pertinent by himself, or required to be stated by any of the parties in interest.

14
MATTIE V. RUSSELL.

VS.) D E C R E E:

MATTIE V. RUSSELL, et als.

1911
Nov. 16
Entered this.
B.D.W.

C.O. B. #7 - Page 91

GEO. F. WHITLEY

ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

~~OCTOBER TERM, 1911.~~

* * * * *
MATTIE V. RUSSELL.....Plaintiff.
--VS--
A. J. LITTLE, et als.....Defendants.
* * * * *

-----oOo-----

This cause came on this day to be again heard on the papers formerly read, and on the report of A. S. Johnson, one of the Commissioners of this Court, ^{which} ~~this day~~ ^{in the clerk's office of this Court on the} filed, to which report there are no exceptions and was argued by counsel.

On consideration whereof it being clearly shown by the report and the evidence returned therewith, ^{and taken in the presence of the grand jury and citizens} independently of any admission in the answers filed in this cause, that the interest of the infant defendants and all others directly or contingently interested will be promoted by a sale of the property in the bill and proceedings mentioned and an investment of the proceeds of such sale in other property; that there will be no violation of the rights of any person interested by a sale of the said land; that there are delinquent taxes for the years 1906 and 1907; that the annual value of the property is practically nothing at the present time; that the fee-simple value is from \$1800.00. to \$2200.00; that all the parties, proper or necessary to this cause, are properly before the Court, the Court doth approve and confirm said report, and doth adjudge, order and decree that ^{Geo. F. Whitley} ~~Mattie V. Russell~~, who is hereby appointed Special Commissioner for that purpose, after having advertised the time, place and terms of

sale for a period of fifteen (15) days by hand bills conspicuously posted ^{at ten} ~~in five~~ or more public places in the County of Isle of Wight, State of Virginia, or by advertising the same in some newspaper having general circulation in the county aforesaid, ^{do} proceed to sell at public auction, on the premises, or in front of the United States Post-office in the town of Smithfield, Virginia, the following piece or parcel of land in the bill and proceedings mentioned, bounded and described as follows, to-wit:

"Commencing a line at a marked gum in branch on Mallory Jones' line; then up branch in field to a marked hickory near head of branch; then to a marked black gum on farm line of Burwell Green tract; then along the said Green line to a cedar post on George W. Barlow line; then to a marked tree on Benjamin Bailey line; then to line of Nancy Tynes; then said line to main run of Delk's Swamp."

It being the same land devised to Mattie V. Russell for life by the last will and testament of Edwin Little, deceased.

The same to be sold on the following terms: One-third cash and the residue on a credit of twelve and ^{twenty four} ~~eighteen~~ months from the date of sale, ^{the} ~~the~~ credit installments to bear interest from the date of sale, ^{and} taking from the purchaser bonds for the deferred payments, ^{the} ~~the~~ title to the property to be retained until the entire purchase money is paid and a conveyance directed by the Court. But the purchaser shall have the option, if so desired, of paying the entire purchase price in cash. No bid shall be accepted until the bidder shall deposit with the said Special Commissioner at least ten per cent. of the total amount of said bid. The said Special Commissioner may report private bids for the said property; said bids to be in writing.

The said Special Commissioner is directed to report ^{his} ~~her~~ proceedings hereunder to Court. But the said Special Commissioner shall do no act under this decree until ^{he} ~~she~~ shall have entered into a bond with ^{sufficient} ~~sufficient~~ surety in the Clerk's Office of this Court, to be approved by the clerk, payable to the Common-

wealth of Virginia, in the penalty of \$ 3000⁰⁰, conditioned
~~upon~~ ^{for} the faithful discharge of ~~her~~ ^{his} duties under this or any other
decree entered in this cause.

17
MATTIE V. RUSSELL,

VS.) D E C R E E:

A. J. LITTLE, et als.

1912
Feb 5.
Entered his
B.D.W.

C.D.#7 Page 104

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

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

FEBRUARY TERM, 1912.

* * * * *
MATTIE V. RUSSELL
--VS--
A. J. LITTLE, et als.
* * * * *

-----oOo-----

This cause came on this day to be heard again on the papers formerly read, and ^{upon} the report of George F. Whitley, Special Commissioner appointed by a decree entered in this cause on the 16th. day of November, 1911, directing said commissioner to make sale of the real estate in the bill and proceedings mentioned, which report is this day filed and to which no exception has been taken, and was argued by counsel.

On consideration whereof it appearing from said report that the said Special Commissioner has received from B. P. Gay a written bid of \$2200.00 in cash for the piece of property in the

bill and proceedings mentioned, and described as follows: *a tract of land in Hardy Magisterial District, near Smith's Post Office, the same containing about one hundred acres, adjoining the lands of - Canoe and*

"Commencing a line at a marked gum in branch on Mallory Jones' line; then up branch in field to a marked hickory near head of branch; then to a marked black gum on farm line of Burwell Green tract; then along the said Green line to a cedar post on George W. Barlow line; then to a marked tree on Benjamin Bailey line; then to line of Nancy Tynes; then said line to main run of Delk's Swamp."

the court doth adjudge, order and decree that the bid of \$2200.00 in cash as made by the said B. P. Gay be accepted, and doth direct the said Special Commissioner to collect from the said B. P. Gay the sum of TWENTY-TWO HUNDRED (\$2200.00) DOLLARS, and to convey

by a good and sufficient deed, with SPECIAL WARRANTY, the property above mentioned and described to the said B. P. Gay.

The Court doth further adjudge, order and decree that the said Special Commissioner pay out of the said purchase money all of the costs of this suit and expenses of sale, including an attorney's fee of \$75⁰⁰/₁₀₀ to the said George F. Whitley.

And the said Special Commissioner is directed to report to Court all of his proceedings under this decree.

- 14 -
Mattie V. Russell.

Vs.) Decree confirming Special
Commissioner's Report.

A. J. Little, et als.

1912
Apr 9
Entered
B.D.W.
C.B. # 7 Page 112

GEO. F. WHITLEY

ATTORNEY-AT-LAW

SMITHFIELD, VA.

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

APRIL TERM, 1912:

* * * * *
Mattie V. Russell,.....Plaintiff,
--VS--
A. J. Little, et als,.....Defendants.
* * * * *

-----oOo-----

This cause came on this day to be again heard on the papers formerly read and on the report of George F. Whitley, Special Commissioner, this day filed, to which no exception has been taken, and was argued by counsel. On consideration whereof it appearing from the said report that the said Special Commissioner has collected from B. P. Gay the sum of TWENTY TWO HUNDRED (\$2,200.) Dollars, being the full amount of the bid as made by the said B. P. Gay for the real estate in the bill and proceedings mentioned; that he has conveyed unto the said B.P. Gay the land in the bill and proceedings mentioned; that he has deposited the said sum of \$2,200.00 to the credit of the said Special Commissioner in the Merchants ^{and} Farmers Bank, Inc., at Smithfield, Virginia; that he has ^{received and} paid the ~~costs~~ of the suit in accordance with the decree heretofore entered, as follows:

To amount received from sale of land:	\$ 2,200.00	\$
By cash paid George F. Whitley, counsel fee: per voucher ,	75.00	
By cash paid commissions of Special Commissioner: per voucher ,	53.00	
By cash paid Geo. F. Whitley for drawing commissioner's deed: per voucher ,	10.00	
To amounts carried forward,	\$ 2,200.00	\$ 138.00

~~Accounts brought forward,~~ ~~\$ 2,200.00~~ (138.06)

By cash paid I. E. Pitman, Notary Public, for taking acknowledgment to commissioner's deed: per voucher,	.50
By cash paid Geo. F. Whitley, taxed attorney fee: per voucher,	15.00
By cash paid Clerk: per voucher,	10.11
By cash paid Commissioner's fee: per voucher,	15.00
By cash paid R. Augustus Edwards, Sheriff: per voucher,	2.50
By cash paid B. D. Edwards, Sheriff: per voucher,	.50
By balance,	2,018.39
	<u>\$ 2,200.00</u> <u>\$ 2,200.00</u>

And that there is now a balance of TWO THOUSAND AND EIGHTEEN and 39/100 (\$2,018.39) Dollars to the credit of the said Special

Commissioner in the said Merchants ^{and} Farmers Bank, Inc., at Smithfield, Virginia, ^{the receipts for said payments being filed with said report,} the Court doth confirm the said report.

And it further appearing to the Court from statement of counsel that he has received an application from B. P. Gay for a loan of FIFTEEN HUNDRED (\$1,500.00) Dollars on the real estate in the bill and proceedings mentioned, the Court doth direct the said Special Commissioner ^{forthwith} to make the said loan, taking from the borrower a bond payable to the said Special Commissioner, or his successors, Twelve (12) months ^{payable semi-annually} from date, said bond to bear interest from date of same, and to be secured by a deed of trust on the said land; and out of the interest collected, the said Special Commissioner shall pay all taxes charged against said fund, and the remainder he shall pay to Mattie V. Russell. And the said Special Commissioner is directed to report to Court all of his proceedings under this decree.

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MATTIE V. RUSSELL,

VS) CHANCERY NO.101,

A. J. LITTLE, ET ALS.

DECREE

1917
Jan 4
Entered this
B.D.W.

COB 7 p 396

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

VIRGINIA:

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

MATTIE V. RUSSELL,PLAINTIFF,

VS) CHANCERY NO.101,

A. L. LITTLE, ET ALS,.....DEFENDANTS.

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

And
~~On consideration whereof,~~ it appearing from the said report, together with the receipt returned therewith, that the said Special Commissioner has loaned out the sum of \$2018.39, it being the entire amount in the hands of the said Special Commissioner, to C. L. Brock, that said amount is secured by a deed of trust on a farm owned by the said C. L. Brock, estimated to be worth \$4500.00; that the said Special Commissioner has paid to Mattie V. Russell, who owns a life interest in the said amount, all interest now due to the said Mattie V. Russell; the Court doth confirm the said report, and, doth adjudge, order and decree that the said Special Commissioner shall report to this court at ^{its} ~~the~~ *June and December* ^{each year} terms thereof, ~~1917~~, all his proceedings hereunder.

And, this cause is continued.

Mattie V. Russell,

Vs) In Chancery, 101

A. J. Little, et als.

2

DECREE

1918.
Mar. 12.
Enter this.
B.D.W.

C.O.B. 7

page 452

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

VIRGINIA:

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

Mattie V. Russell, Complainant,

Vs)

A. J. Little, et als., Defendants.

This cause came on this day to be again heard on the papers formerly read, on the report of Geo.F.Whitley, Special Commissioner, this day by leave of Court filed, and to which there are no exceptions, and on the petition of Mattie Viola Russell, this day by leave of Court filed, and was argued by counsel:

And it appearing from the said report that the said Geo. F. Whitley, Special Commissioner, now has deposited to his credit, in The Merchants and Farmers Bank, Incorporated, of Smithfield, Virginia, the sum of Two Thousand, Two Hundred, Sixty Dollars, and Twenty-seven Cents, Two Thousand, Eighteen Dollars, and Ten Cents of said sum representing the principal amount in hand, and Two Hundred, Forty-two Dollars and Seventeen Cents of said sum representing the interest on said principal amount; and, it further appearing from said report, that there is now due to the Clerk of Court, \$8.50; to the Treasurer of the County, \$19.00 for 1917 taxes; and to the said Treasurer, \$19.00 for 1918 taxes; that the premium on Special Commissioner's bond, amounting to \$12.00, is now due, and to Geo. F. Whitley, \$5.00 for drawing report and decree entered in this cause on June 4th, 1917; and, it further appearing to the Court, from the petition of the said Mattie Viola Russell, that she is twenty-one years of age, and that she is

the only child and heir at law of the body of her mother, Mattie V. Russell; on consideration whereof, the Court doth confirm the said report, and doth adjudge, order and decree that the said Special Commissioner pay the taxes, Clerk's fee, and costs as abovementioned, and the remainder of Two Thousand, One Hundred, Ninety-six Dollars, and Seventy-seven Cents, to the said Mattie Viola Russell.

And the said Special Commissioner is ordered to report to Court all of his transactions hereunder.

And this cause is continued.

MATTIE V. RUSSELL,

VS) IN CHANCERY,

A. J. LITTLE, ET ALS.

DECREE

1921
~~1918~~ Dec. 25
~~Apr. 6~~
Entered.
B. D.W.

Chancery Order B. #8

Page 43.

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

VIRGINIA:

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

MATTIVE V. RUSSELL,Complainant,
VS) IN CHANCERY,
A. J. LITTLE, ET ALS.,.....Defendants.

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

On consideration whereof, it appearing from said report that the said Special Commissioner has paid the cost as directed by a former decree entered herein, and to Mattive V. Russell, the sum of \$2196.77, the Court doth confirm the said report.

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

EXHIBIT A.

Russell
Little ¹³ Hals.

remainder of my chattel estate after paying the money will to my children in this will, I devide equally between my son Joseph C. Little and daughter Mattie B. Little.

9th. I leave my son Emmet W. Little my executor.

Given under my hand and seal this 31st. of March 1879.

Teste. Edwin Little, (SEAL)

J. C. Cofer

G. C. H. Lancaster

John A. Jones.

In the County Court of Isle of Wight County the 5th day of January 1880. The last will & testament of Edwin Little decd. was proved in Court by the oaths of J. C. Cofer and John A. Jones two of the subscribing witnesses thereto & ordered to be recorded. And on the motion of Emmet W. Little Exor. therein named, who made oath & together with A. J. Little and E. R. Turner his securities who justified, entered into and acknowledged a bond in the penalty of \$2000.00 with condition according to law, certificate of probate is granted him on said will in due form of law.

Teste, W. P. Young, ck.

A Copy,

Teste, W. P. Young Clerk.

In the name of God Amen, I, Edwin Little of the County of Isle of Wight and State of Virginia, doe make this to be my last will & testament in manner and form as hereafter mentioned.

1st. I give to my daughter Mary E. Little One Hundred Dollars in money, one bed and Soine Merhy.

2nd. I loan to my wife Mary R. Little the remainder of my estate during her life or widowhood.

3rd. If my wife Mary R. Little shall get married & if not married at her death, then I give Adnioram J. Little Ten Dollars, James C. Little Ten Dollars, Emmet W. Little Ten Dollars, Ada V. Gwaltney Ten Dollars to be theirs forever.

4th. My land at the deth, or marriage of my wife Mary R. Little, I divide in two parts commencing a line at a mak gun tree in branch on ~~Mary~~ Jones line, thence up branch in field to a mark hickory near head of branch, thence to a mark black gum on former line of Burwell Green tract, ~~thence~~ ^{thence} along the said green line to a cedar post on Geo. W. Barlow's line, thence to a mark tree on Benj. Bailey line, thence to line of Nancy tines, thence said line to main run of Deep Swamp.

5th. At the deth or marriage of my wife Mary R. Little, I loan to my son Joseph C. Little all of the land West and North of the line drawn in my will during his life, & at his death to his legal heirs of his boddy if he shall have any, and if not then to my daughter Mattie B. Little with the condition that my daughter, ^{Mary} E. Little is to have youce of one run of the dwelling house her life or get married.

6th. A the deth or marriage of my wife Mary R. Little, I loan to my daughter Mattie B. Little all of the land East and South of said line drawn in my will her life, and at her deth, to the legal heirs of her boddy if she shall have any, if not to my son Joseph C. Little.

7th. In case of deth of my son Joseph C. Little and Mattie B. Little, without a legal heir of the boddy of either them, I give to my daughter Mary E. Little all of my lands.

8th. I give to my son Joseph C. Little one bed, To Mattie B. Little one Bed at deth or marriage of my wife Mary R. Little my still, apple mill and fixtures to remain on the land, I will to Joseph C. Little the

Russell

vs. Chancery

Deeds of Eas.

Appointment of guardian ad
litem.

Filed March 6th. 1911.

VIRGINIA: CIRCUIT COURT OF WEST COUNTY OF 1ST JUDICIAL DISTRICT

MARCH 6TH. 1917.

Marrie V. Russell

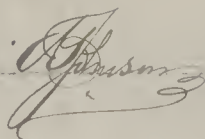
vs) Chancery.

M. J. Little et als.

APPOINTMENT OF GUARDIAN AD LITEM.

D. H. Williams, a discreet and competent attorney at law, practicing in this court, is hereby appointed as guardian ad litem of the infant defendants, Matilda Viola Russell, Frank W. Little and Joseph Linwood Little, the infant defendants in this cause, to do whatever may be necessary to defend their interests in this suit.

Teste



Clerk.

TO THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT,

VIRGINIA:

Mattie V. Russell.....Plaintiff.

Vs. In Chancery

A. J. Little, J. C. Little, E. W. Little, Eddie J. Little,
L. Vernon Little, Ada V. Gwaltney, B. F.
Russell, Mattie Viola Russell, Frank H.
Little, Joseph Linwood Little; the last
named three being infants under the age
of twenty-one years, by E. H. Williams,
Guardian Ad Litem.....Defendants.

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Appoint E. H. Williams, Guardian Ad Litem for the
infant derendants in the above style suit.

Geo. P. Whitley, p.q.

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Mattie V. Russell et

vs) Chancery

A. J. Little et als.

Copy of bond of Special
Commissioner. Taken and
filed Dec. 6th. 1911.

KNOW ALL MEN BY THESE PRESENTS, that we, George F. Whitley, principal, and American Surety Company of New York, surety, are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of Three Thousand 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 ~~in consequence of~~ to the said Commonwealth, or by virtue of the said office or trust for which this bond is given, with coupons detached from the bonds of this State. IN TESTIMONY WHEREOF, the said George F. Whitley, principal, has hereto set his hand and seal, and the said American Surety Company of New York, surety, by E. H. Williams, 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 E. H. Williams, its said agent and attorney in fact, this the 6th. day of December, A. D. 1911.

The condition of the above obligation is such, that if the above bound George F. Whitley, who was appointed a Special Commissioner in the Suit in Chancery in the Circuit Court of the County of Isle of Wight now depending, styled *Mattie V. Russell vs. A. J. Little et als*, by decree entered on the 16th. day of November, 1911, shall, according to law, discharge his duties as such special commissioner, required by said decree and any future decree entered in said cause, then the above obligation to be void, or else to remain in full force and virtue.

Geo. F. Whitley, (SEAL)

American Surety Company of New York

(SEAL)
Attest, E. H. Williams.

By E. H. Williams, its duly authorized
attorney in fact.

Countersigned, A. S. Barrett.

Executed December 6th. 1911.

Teste, A. S. Johnson, Clerk.

Russell

"

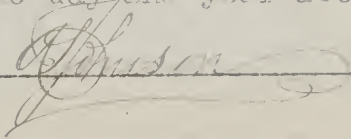
Little

Cost of bond
of Sps Cur

Virginia: Clerk's Office of the Circuit Court of the County of
Isle of Wight December 6th. 1911.

I, A. S. Johnson, Clerk of the Circuit Court of the County of
Isle of Wight, do hereby certify that George F. Whitley, who was
appointed a Special Commissioner by a decree entered in the cause
in chancery in the said court depending generally styled Mattie
V. Russell against A. J. Little et als, entered on the 16th. day
of November, 1911, has executed the bond required to be executed
by said decree, in the prescribed penalty and with sufficient
security.

Given under my hand the day and year above written.


Clerk.

I hereby accept legal
service of the within sum-
mons.

B. F. Russell

COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting;

We command you that you summon A. J. Little, J. C. Little, E. W. Little, Eddie J. Little, L. Vernon Little, Ada V. Gwaltney, B. F. Russell, Mattie Viola Russell, Frank H. Little, Joseph Linwood Little, the last named three being infants under the age of twenty one years,

Teste,

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 March 1911, 1911, to answer a bill in chancery exhibited against in our said Court by

Mattie V. Russell,

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Court-house, this 6th. day of March, 1911, and in the 135 year of the Commonwealth.

Teste,

Clerk.