

1922-001 Chancery Causes; D.

H. Delk vs Maggie U. Barnett & al

Isle of Wight County

Petition of

T. Poles, gdm of John D. Delk & Julian E. Delk

Petition of

John D. Delk

Folder 1

273

Other SURNAMES: Hutton,
Gwaltney, Folk, Withers, West
[Home Telephone Company],
[G. E. Delk & Company], Bell
[E. L. Folk & Company], Kello
[Evermilling Company], Bryant
[West & Withers], Ramsey

August 30, 1918.

Received of John K. Hutton, Special Commissioner in the suit of S. H. Delk against Maggie Barrett and others, pending in the Circuit Court of Isle of Wight County, the sum of FIFTEEN HUNDRED EIGHTY-FOUR and 68/100 (\$1584.68) DOLLARS to be applied ~~(as follows)~~ on a certain note of TWO THOUSAND (\$2,000.00) DOLLARS, dated July 27, 1908, payable twelve (12) months after date to W. J. Gwaltney at the Bank of Sussex and Surry, and endorsed without recourse by W. J. Gwaltney, June 10, 1910, to J. G. Kello; the said note being secured by deed of trust executed by S. H. Delk, dated July 27, 1908, and recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, in deed book 176, page 161, on the 28th day of July, 1908, and conveying a one-fourth (1/4) undivided interest in certain real estate in Isle of Wight County, Virginia, for the partition of which ^{real estate} said suit was brought. It is understood that the above amount, which is the one-fourth (1/4) ~~undivided~~ interest of S. H. Delk in the funds derived from the sale of said property, is to be credited on the said note and deed of trust.

J. G. Kello Jr.
Thomas S. Kello

Executors of John G. Kello, dec.

Receipt

Took \$13.00

TH 2

J. A. SAUNDERS
Attorney at Law
FINCHER BUILDING
Suffolk, Va.

Smithfield, Va.

Feb. 1st 1918

M. N. J. H. Hunter & Son

IN ACCOUNT WITH

R. AUGUSTUS EDWARDS
SHERIFF OF ISLE OF WIGHT COUNTY

10% Commissions charged on all collections unless otherwise agreed upon.

Nov 16 To Auctioneers fee in
Sale of Sam Deek property. 15.00

Paid
Nov 18
R. Aug
Edwards

The above property was offered
in separate sales. Land
timber & then together.

\$4.00

February 16, 1918.

Received of John W. Hutton, Special
Commissioner. this 16th day of February, 1918,
in the chancery suit of Bell against Barrett
and others, pending in the circuit court of
Isle of Wight County. the sum of FOUR
Dollars for hand bills advertising the sale
of real estate.

Herald Ptg Corp

Per J. M. Oliver

February 18, 1918.

\$30.00

Received of John K. Hutton, Special
Commissioner, the sum of Thirty & 00/100
Dollars, premium on bond of said commissioner
in the chancery suit of S. H. Delk v. Maggie
Barrett and others.

Wm W. H. Hutton

\$157.00

February 18, 1918

Received of John V. Hutton, Special Commissioner,
for commissions in chancery suit styled S. E. Delk
vs. Maggie Barrett and others in the Circuit Court of
Isle of Wight County, the sum of One Hundred and Fifty-
seven (\$157.00) Dollars.

John V. Hutton

\$10.00

February 18, 1918.

Received of John V. Hutton, Special Commissioner,
for writing deed of bargain and sale in chancery suit
styled S. E. Delk vs. Maggie Barrett and others in the
Circuit Court of Isle of Wight County the sum of Ten. Dol-
lars.

Samuels & Hutton

Mr. Jerry Delks Est
 To W. E. LAINE, Treasurer of Isle of Wight County, Va.

Dr.

HARDY DISTRICT

No. 1027

1917	State Taxes		County Levies		District Levies		TOTAL TAXES AND LEVIES
	10c on \$100. Support of Public Schools	Intangibles, 65c and 70c Income, 1%	Gen'l Co. 35 c. on \$100 Co. Schools 15 c. on \$100 Poor 7 1/2 c. on \$100 Co. Roads 5 c. on \$100 TOTAL, 62 1/2 c.		Dis. Schools 35c. on \$100 Dis. Roads 30c. on \$100 TOTAL 65c.	Intang. for Dist. Roads, 30c	
149 Acres, valued <u>900</u>		<u>90</u>	<u>563</u>		<u>585</u>		
Acres, valued							
Acres, valued							
Acres, valued							
Per. Prop.—Sched. B., val.							
Int. Per. Prop.—Classes 1, 5 and 2							
Int. Per. Prop.—Fiduciaries Classes 3 and 4							
Stock Merchandise, val.							
Money on Dep., 20c. on \$100							
Income, Sched. D, 1%							
Total valuation							
Capitation							
TOTAL							<u>1238</u>

5% Penalty added Dec. 1, 1917

TOTAL TAXES AND PENALTY

1 50
1238
62
1300

Received payment.....day of....., 191.....

EVERETT WADDEY CO. RICHMOND, VA

Treasurer, per.....

Mr. *Jerry Selks Est.*

Dr.

HARDY DISTRICT

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

No. *922*

	State Taxes	County Levies	District Levies	TOTAL TAXES AND LEVIES
1917	10c on \$100. Support of Public Schools Intangibles, 65c and 70c Income, 1%	Gen'l Co. 35 c. on \$100 Co. Schools 15 c. on \$100 Poor - - 7½c. on \$100 Co. Roads 5 c. on \$100 TOTAL, 62½c.	Dis. Schools 35c. on \$100 Dis. Roads 30c. on \$100 TOTAL 65c. Intang. for Dist. Roads, 30c	
1.55 Acres, valued.....	<i>935</i>	<i>94</i>	<i>584</i>	<i>607</i>
..... Acres, valued.....				
..... Acres, valued.....				
..... Acres, valued.....				
Per. Prop.—Sched. B., val. <i>Omitted assessment authorized by</i>				
Int. Per. Prop.—Classes 1, 5 and 2 <i>Court</i>				
Int. Per. Prop.—Fiduciaries Classes 3 and 4				
Stock Merchandise, val. <i>Delinquent</i>				
Money on Dep., 20c. on \$100. <i>Page</i>				
Income, Sched. D, 1% <i>Line</i>				
Total valuation -				
Capitation -				
TOTAL - - -				<i>1285</i>

5% Penalty added Dec. 1, 1917 - - -

TOTAL TAXES AND PENALTY - - -

1 50
1285
64
1349

Received payment.....day of....., 191.....

Treasurer, per.....

EVERETT WADDEY CO. RICHMOND, VA

Mr. *Jerry Delks Est*
To W. E. LAINE, Treasurer of Isle of Wight County, Va.

Dr.

HARDY DISTRICT

No. *932*

	State Taxes	County Levies	District Levies	TOTAL TAXES AND LEVIES
	10c on \$100. Support of Public Schools Intangibles, 65c and 70c Income, 1%	Gen'l Co. 35 c. on \$100 Co. Schools 15 c. on \$100 Poor - - 7½c. on \$100 Co. Roads 5 c. on \$100 TOTAL, 62½c.	Dis. Schools 35c. on \$100 Dis. Roads 30c. on \$100 TOTAL 65c. Inlang. for Dist. Roads, 30c.	
<i>1888 to 1916 Inclusive</i> <i>Average valuation</i> <i>each year \$730.86</i>	<i>138.30</i>	<i>194.11</i>	<i>62.71</i>	
Acres, valued				
Acres, valued				
Per. Prop.—Sched. B., val.				
Int. Per. Prop.— ^{Classes 1,} 5 and 2				
Int. Per. Prop.— ^{Fiduciaries} Classes 3 and 4				
Stock Merchandise, val.				
Money on Dep., 20c. on \$100				
Income, Sched. D, 1%				
Total valuation -				
Capitation -				
TOTAL -				<i>395.12</i>

5% Penalty added Dec. 1, 1917 - - - - -

TOTAL TAXES AND PENALTY

Received payment *76* day of *Aug*, 191*8*

EVERETT WADDEY CO. RICHMOND, VA

W E Laine Treasurer, per

Aug. 26th. 1918.

Received from John K. Hutton special commissioner in the suit of Delk vs. Barrett et als the sum of Four hundred and fourteen 88/100 (414.88) being in full of the taxes on a deficiency of 155 acres in the estate of Jerry Delk for the years 1888 to 1916 inclusive.

W E Lane
County Treasurer

Mr. W. E. Laine & C. O. Deak vs Deak Dr.

HARDY DISTRICT

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

No. 439

1918	State Taxes	County Levies	District Levies	TOTAL TAXES AND LEVIES
	18c on \$100. Support of Public Schools. Roads and Tuberculosis; Intangibles, 73c and 73c Income, 1%	Gen'l Co. 35 c. on \$100 Co. Schools 15 c. on \$100 Poor - - 74c. on \$100 Co. Roads 5 c. on \$100 Total, 62c.	Dis. Schools 35c. on \$100 Dis. Roads 30c. on \$100 TOTAL 65c. Interest for Dist. Roads, 30c	
Acres, valued				
Acres, valued				
Acres, valued				
Acres, valued				
Per. Prop.—Sched. B, val.				
Int. Per. Prop.—Classes 1, 5 and 2				
Int. Per. Prop.—Fiduciaries Classes 3 and 4	6300	4599	1890	
Stock Merchandise, val.				
Money on Dep., 20c. on \$100	1100	220		
Income, Sched. D, 1%				
Total valuation -				
Capitation -				
TOTAL - - - - -	4819			1 50 6709
5% Penalty added Dec. 1, 1918 - - - - -				
TOTAL TAXES AND PENALTY - - - - -				

Received payment.....day of....., 191.....

EVERETT WADDEY CO. RICHMOND, VA.

Treasurer, per.....

\$1584.68

Suffolk, Va., August 30th 1918 ^{9/5}

At Sight-

Pay to the order of John G. Kello Jr

Fifteen hundred eighty-four ⁶⁸/₁₀₀ Dollars

Value received, and charge same to yours truly.

We, the drawer, endorsers, and acceptor, hereby waive our Homestead Exemption as to this debt.

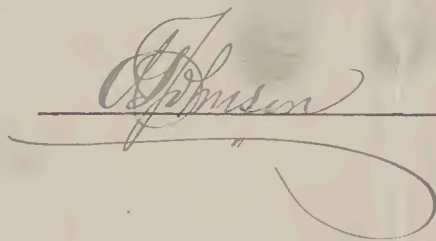
To Chas K. Sutton,
Special Commissioner,
Suffolk, Va.J G Kello Jr
J G Kello

Robt. Bank Officer

J. E. Kee, Jr

November 4th, 1918.

Received of John W. Hutton, Special Commissioner in
the suit of S. H. Delk against Maggie U. Barrett and others,
for clerk's cost, including taxed attorney's fee, the sum of
\$39.19.

A handwritten signature in cursive script, appearing to read "J. H. Hutton", is written over a horizontal line. A large, decorative flourish extends from the bottom of the signature line.

Clerk.

Received this 4th day of November, 1918, of John
K. Hutton, Special Commissioner in the suit of S. H.
Delk vs Maggie Barrett et als., the sum of \$46.22 in
full settlement of judgment, interest and cost, which
judgment was obtained against G. W. Delk and was duly docketed
in the Clerk's Office of the Circuit Court of Isle of Wight
County.

F. L. Folk Company, Inc.,

By Saunders & Hutton

Its Attorneys.

Received this ~~X~~4th day of November, 1918, of John F. Hutton,
Special Commissioner in the suit of Delk vs. Barrett and others,
the sum of twenty-three Dollars and thirtythree cents (\$23.33)
in full settlement of judgment against G. E. Delk duly docketed
in the Clerk's Office of the Circuit Court of Isle of Wight
County, Virginia.

Wm. M. Weeks

November 4 1918.

\$2,089.72.

Received of John F. Hutton, Special Commissioner in the suit of S. H. Delk against Maggie Barrett et als, the sum of TWO THOUSAND EIGHTY-NINE and 72/100 (\$2,089.72) DOLLARS, it being my interest in the proceeds of the sale of the Delk Property in Isle of Wight County, Virginia.

Maggie Barrett

November 4th __, 1918.

\$394.44

Received of John K. Hutton, Special Commissioner
in the suit of S. H. Delk against Maggie Barrett et als,
the sum of THREE HUNDRED NINETY-FOUR and 44/100 (\$394.44)
DOLLARS, that being the amount due me out of the proceeds
of the sale of the Delk farm.

S. H. Delk

November 7th, 1918.

\$250.00

Received of John K. Hutton, Special Commissioner in the suit of S. H. Delk against Maggie Barrett et als, the sum of TWO HUNDRED AND FIFTY (\$250.00) DOLLARS, it being the fee allowed by Court.

Saunders & Hutton

November 12, 1918.

\$44.41

Received of John K. Hutton, Attorney, the
sum of FORTY-FOUR and 41/100 (\$44.41) DOLLARS in full
payment of judgment against S. H. Delk, duly docketed
in the Clerk's Office of the Circuit Court of Isle of
Wight County, Virginia.

S. H. Delk

November 12, 1918.

\$66.19

Received of John K. Hutton, Special Commissioner, in the suit of Delk against Barrett and others, the sum of SIXTY SIX and 19/100 (\$66.19) DOLLARS in full payment of judgment of Home Telephone Company against S. H. Delk, duly docketed in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia.

R. A. Edwards, Supt.
& Agt for Home Tel. Co.

S. H. Delk.....Complainant.

vs. IN CHANCERY

Maggie Barrett and J. T. Doles,
adults, and John D. Delk and
Julien F. Delk, infants under
the age of twenty-one years.....Defendants.

TO THE HONORABLE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

John W. Hutton, Special Commissioner in the
above styled cause, respectfully submits to the Court
the following report:

In accordance with the decree entered in
this cause on the 18th day of December, 1917, your
commissioner executed and delivered to the Surry Lum-
ber Company, Incorporated, a deed with Special Warranty
conveying to the said Surry Lumber Company, Incorporated,
the property fully described in the decree above men-
tioned after having collected from the said Surry Lum-
ber Company, Incorporated, the sum of SEVEN THOUSAND
FOUR HUNDRED (\$7,400.00) DOLLARS, the purchase price
of the said property.

Your commissioner, in accordance with the
said decree, has paid the cost of the said suit as
follows:

Clerk of the Circuit Court of Isle of Wight County	
R. Augustus Edwards, Auctioneer	15.00 ✓
Woodward & Elam, premium on bond	30.00 ✓
A. S. Johnson, Commissioner in Chancery	20.00
John W. Hutton, commissions as Special Commissioner	157.00 ✓
Saunders & Hutton, Attorneys, for writing fees	10.00 ✓
For plat of property sold in these proceedings	0.00

Revenue stamps for Special
Commissioner's deed

7.50

Herald Printing Corporation
for handbills advertising sale

4.00 ✓

Total

Vouchers for above items of cost are
herewith filed.

Respectfully submitted,

John K. Shurtz
Special Commissioner.

S. F. Bell

vs
Raguid Barrett and others

Report of Special Com-
missioner

TO THE HONORABLE CIRCUIT COURT OF ISLE OF WIGHT
COUNTY, VIRGINIA.

S. H. Delk.....Complainant

vs. IN CHANCERY

Maggie Barrett and J. T. Doles,
adults, and John D. Delk and
Julian E. Delk, infants under
the age of twenty-one years.....Defendants.

John K. Hutton, Special Commissioner, ap-
pointed by the Circuit Court of Isle of Wight County
in the above entitled cause by decree entered in
said cause on the 23rd day of October, 1917, for the
purpose of making sale of certain property mentioned
in the bill *and* proceedings in said cause, respect-
fully submits the following report:

The said Commissioner, having executed bond
for the sum of SEVEN THOUSAND FIVE HUNDRED (\$7,500.00)
DOLLARS, as required by court, advertised the said
property for sale on the 16th day of November, 1917,
at two o'clock P. M., in front of J. C. Ramsey's store,
at McClellan's, Isle of Wight County, Virginia, giv-
ing fifteen (15) days' notice of said sale, as re-
quired by the said decree, and at the said time and
place, the said property was put up at public auction
and struck off to the Surry Lumber Company, Incorporated,
it being the highest bidder at said sale, for
the sum of SEVEN THOUSAND FOUR HUNDRED (\$7,400.00)
DOLLARS. The said purchaser paid to the said Com-
missioner the sum of ELEVEN HUNDRED AND TEN (\$1110.00)
DOLLARS as part payment, that being fifteen (15%)
per cent of the purchase price and the amount required
to be paid as a deposit by the said decree.

In the opinion of the Special Commissioner,
this is a very good sale. The Court is, therefore,
requested to confirm the said sale, as reported herein,
and to direct the Commissioner to make a proper deed
conveying the said property to the said purchaser.

Respectfully submitted:


Special Commissioner

S. H. Delk
vs. In chancery
Maggie Barrett et als.

Report of Special
Commissioner.

1917
Dec 18.
Filed B.W.

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

S. H. Delk

vs) Chancery. No. 273

Maggie Barrett, J. T. Doles and
S. H. Delk, adults, and John D.
Delk and Julian E. Delk, infants,
under the age of twenty one years.

TO HONORABLE B. D. WHITE,

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

The undersigned, one of the Commissioners in Chancery
of your Honor's court, to whom has been referred the papers
in the above entitled cause, for the execution of a decree
entered therein, on the 1st. day of October, 1917, a copy
of which is hereto annexed, respectfully reports to the
Court, that in the presence of all of the adult parties,
or their attorneys, at the office of Saunders & Hutton,
Attorneys at Law, in the City of Suffolk, on the 5th. day
of ~~September~~ ^{October}, 1917, and, also, in the presence of the
guardian of the infant defendants, he took the testimony
of S. H. Delk, J. F. Bell, J. A. Ramsey, G.A. Bryant, and
J. T. Doles, all competent witnesses, reduced the same to
writing, and which is returned herewith, as a part of this
report, the hearing being by agreement of all adult parties.

From such testimony so taken, and by reference
to the records in the Clerk's Office of this Court, your
Commissioner is informed, and reports:

First: That the real property in the bill mention-
ed is not susceptible of division among the several parties

entitled to share therein, without material decrease in the full value thereof.

Second: It does not appear that any party wishes to take the property and pay the others in interest for their respective shares.

Third: It does not appear that an allotment of a part and sale of the residue will be to the interest of the respective, but that a sale of the whole, and a division of the proceeds, to be made as by the statute in such cases is made and provided, is the only practical method to employ in the proper disposition thereof.

Fourth: There are delinquent taxes due upon said property, for the year 1916, amounting to \$13.00 and some other costs of a small amount.

Your commissioner does not believe that the taxes for the year 1917 have been paid up to this time. In fact they are not collectable yet.

There are some other liens against some interests in said property, to be hereafter reported.

Fifth: That annual value of the land appears to be nothing, and the fee simple value \$6000.00.

Sixth: The property came to T. G. B. Delk by the will of Jeremiah Delk, deceased, bearing date September 28th., 1860, and which was admitted to probate in the County Court of the County of Isle of Wight on the 1st. day of February, 1864, and is described in the 3rd. clause of said will as follows, to-wit:

"A tract of land whereon I now live, containing about four hundred acres, be the same more or less, and bounded as follows: by the Blackwater Swamp at a pine in Burwell Brock's line, and along a gum adjoining Elphinston Betts line in a slash, down said slash to Robert Binford's line, and thence along said Robert Binford's line to the Rattlesnake Road, and down said road to a bottom to join with the line intended to be Samuel D. Delk's line, and adjoining the land formerly Benjamin D. Cofer's estate, thence to Wm. Cofer's and to Blackwater, and up Blackwater swamp to the beginning at the said Burwell

Brock's line, to him the said Thomas D. Delk, and his heirs forever".

This is the tract of land mentioned in the bill, and, it appears from the allegations of the bill, and the testimony filed herewith, that at the time of the death of said T. G.B. Delk, he left him surviving a son, S. H. Delk, a son G. E. Delk, a daughter, Maggie U. Barrett, and two grand children, sons of his deceased son, J. T. Delk. G. E. Delk has, since the death of his father, died, apparently intestate, who was never married.

S. H. Delk, therefore, is possessed of an undivided one fourth interest in said land, the same being the interest inherited from his father, and a one third undivided interest in the one fourth undivided interest in the whole, which was owned by his brother, G. E. Delk, deceased, at the time of his death. Maggie U. Barrett is the fee simple owner of exactly the same interest in said land as the said S. H. Delk. The children of said J. T. Delk are joint owners in a like share in said estate, or shares; that is to say, the said S. H. Delk is possessed of of an undivided one third interest in the whole; the said Maggie U. Barrett is possessed of an undivided one third in the whole; and the two sons of the said J. T. Delk, deceased, are possessed of an undivided one third of the whole, jointly.

Eighth. All of the necessary and proper parties to this suit appear to be properly before the Court.

Ninth. Your Commissioner finds liens against some of the parties in interest, as follows:

(1) A deed of trust against S. H. Delk, dated July 27th., 1908, and of record in said Clerk's Office in D.B. No. 76, page 161, as of the 28th. of July, 1908, conveying a one fourth undivided interest in said real estate to J. K. Delk, in trust to secure to W. J. Gwaltney the payment of the sum of \$2000, evidenced by a negotiable note of even date with

said deed, payable twelve months after date.

(2) A judgment against S. H. Delk, in favor of G. W. Delk, rendered on the 22nd. day of July, 1908, for \$26.45, with interest thereon from May 2nd. 1908 till paid, and \$1.80 costs. Docketed August 6th. 1908, in Docket No. 3, page 87.

(3) A judgment against S. H. Delk, in favor of Home Telephone Company, rendered on the 27th. day of August, 1908, for \$39.61, with interest thereon from the 30th. day of June, 1908, till paid, and \$2.75 costs. Docketed July 29th. 1908, in Docket No. 3, page 88.

(4) A judgment against G. E. Delk & Co., (name or names of parties composing the company not stated), in favor of E. L. Folk & Company, rendered on the 28th. day of September, 1908, for \$27.93, with interest thereon from September 1st., 1908, till paid, and \$2.00 costs. Docketed December 9th. 1908, in Docket No. 3, page 94.

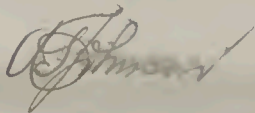
(5) A judgment against G. E. Delk and S. E. Delk, trading as Ivor Milling Company, rendered on the 28th. day of November, 1908, in favor of West & Withers, for \$12.83, with interest thereon from September 7th. 1907, till paid, and \$2.00 costs. Docketed December 14th. 1908, in Docket No. 3, page 95.

Your Commissioner calls the attention of the Court to the fact that this whole piece of land is on the land book, and has been since division of the estate of Jeremiah Delk was made, at 149 acres, and is now assessed the sum of \$900, there being no buildings assessed. On the Land Book of 1888, there were 749 acres charged to the estate of said Jeremiah Delk, and six hundred acres taken off, that year, and transferred to S. D. Delk, as a result of a conveyance from R. S. Thomas, Special Commissioner, to said S. D. Delk.

The will plainly states that the part of said land devised to said T. G. B. Delk ^{and} is about four hundred acres. The testimony, in this suit, states that there are

about four hundred acres, in said piece of land si devised to said T. G. B. Delk, and that its present value is about \$6000.00. If this be true, then it is very apparent that this piece of land has been, on account of the misrepresentation made by the acreage charged on the land book, which is clearly an error, assessed for a value much out of proportion to the assessment put upon other lands in the neighborhood, and it has not been bearing its proper burden of taxation. It is true that an assessment made upon a piece of land cannot be changed after a certain period of time; but the inference is that such cannot be done when it is plain that the Land Assessor intended and did -----, with a fair amount of knowledge of what he was doing, put a fair assessment upon said land. It is suggested by your Commissioner that the land assessor who made the last, and former assessments, because this piece of land had no buildings upon it, and for the most part is wood land, did not and could not make a fair estimate of the acreage, and did take the erroneous acreage given on the land book or books he had reference to, as a guide; but that in doing so he grossly erred to the detriment of the Commonwealth and the County; and, that if such can be done, a proper assessment should now be placed upon said property, and the resultant tax collected thereupon, thus giving to the Commonwealth and the County its due, and to the purchaser a clean title thereto.

Respectfully submitted,



Commissioner.

Commissioner's fee, \$ 20.00

S. H. Delk, being duly sworn deposes as follows:

Q. State your name, age, residence and occupation.

A. S. H. Delk, fifty-two years of age, residence Ivor, Southampton County, Virginia, occupation grist milling.

Q. Mr. Delk, you are the plaintiff in this suit, are you not?

A. Yes.

Q. State who owned the property involved in this partition suit and what relation he was to you.

A. T. G. B. Delk. He was my father.

Q. State when your father died?

A. In October, 1907.

Q. State what heirs your father left at his death?

A. Mrs. Maggie U. Barrett, G. E. Delk, the children of J. T. Delk, who was a son of the deceased and who died before the deceased, and myself. The names of the children are John Doles Delk and Julian E. Delk, both of these children are under twenty-one years of age.

Q. Is G. E. Delk dead or living?

A. Dead. He died the 10th of October, 1916.

Q. Did he leave any children?

A. No, he was never married.

Q. Mr. Delk, about how much land is there in this tract in question?

A. Four hundred acres by estimation.

Q. How much of that is timber land?

A. About three hundred acres, running from good saw mill timber down to small pine, and about fifty acres open land and about fifty acres young growth.

- Q. What would you consider a fair valuation for the property as a whole?
- A. About \$6,000.00.
- Q. What for the timber?
- A. I think \$4,000.00 a fair valuation, although it seems to me that it ought to bring more money.
- Q. Can the property be conveniently divided in kind among the parties entitled?
- A. I don't think it could be divided to do justice to all heirs because it is so situated. I believe it would be to the best interest to sell it as a whole. In the first place, you can get a better price for the timber if you sell it as a whole. In the second place, the timber consists of various growths, from small pine to large timber. In the third place, the little parcels of open land are sort of scattered about.
- Q. Do you want to take the property as one of the heirs and pay the others according to a fair valuation what they would be entitled to, or do you want the land sold and the proceeds divided?
- A. I want the land sold and the proceeds divided.
- Q. Is there any opposition on the part of any of the parties interested to a sale of the land and the division of the proceeds so far as you know?
- A. No. None whatever.

And further this deponent saith not.

S. H. DUK

J. F. Bell, being duly sworn deposes as follows:

Q. State your name, age, residence and occupation.

A. J. F. Bell, sixty-six years of age, residence Ivor, Virginia, occupation farmer.

Q. Mr. Bell, do you know the land in question and the parties to this suit?

A. Yes, I know the land fairly well and all the parties from little fellows up.

Q. Who are the living heirs of T. G. B. Delk?

A. S. H. Delk, Maggie U. Barrett. I haven't seen as much of the grandchildren of T. G. B. Delk as I have of the children, but I know their names are John D. Delk and Julian E. Delk.

Q. State the relationship of the heirs to the deceased.

A. S. H. Delk is a son of T. G. B. Delk and Maggie U. Barrett is a daughter. The two younger ones are grandchildren.

Q. Whose children are the two infants?

A. John T. Delk's.

Q. Did John T. Delk die before or after T. G. B. Delk?

A. He died before.

Q. Who was G. E. Delk?

A. He was a son of T. G. B. Delk.

Q. Did he die after or before?

A. He died after his father.

Q. What do you consider a fair valuation of the land in question.

A. As a whole \$6,000.00 would be a fair valuation of it.

Q. And what would be a fair valuation of the timber?

A. I would think about \$4,000.00 for the timber.

Q. Could the property be conveniently divided in kind?

A. I don't think so.

Q. Why don't you think so?

A. From its situation, the tillable land is in small fields and the timber land is of various growths. Some timber is older than others, and it would be so hard to make divisonal lines to divide equally, and I think it is to the best interest of all concerned to sell it as a whole. The timber can be sold in the near future for its value and after which it would be possible to sell the land.

And further this deponent saith not.

J. J. Bell

J. A. Ramsey, being duly sworn deposes as follows:

Q. State your name, age, residence and occupation.

A. J. A. Ramsey, forty years of age, residence Ivor, Virginia, occupation farmer and merchant.

Q. Mr. Ramsey, do you know the property involved in this case?

A. Pretty well.

Q. How far do you live from the property?

A. About three miles.

Q. About what do you think the property is worth?

A. I would say about \$6,000.00.

Q. About what do you think the timber is worth?

A. \$4,000.00.

Q. Do you think it would be to the best interest of the parties to have the property sold, or to have the property divided up in shares?

A. I think it would be better to sell it and divide the proceeds.

Q. Do you know the parties to this suit?

A. Yes, sir.

Q. Are the parties named here as heirs, so far as you know, the heirs of T. G. B. Delk, deceased?

A. Yes, sir.

And further this deponent saith not.

J A Ramsey

G. A. Bryant, being duly sworn, deposes as follows:

Q. State your name, age, residence and occupation.

A. G. A. Bryant, age 71, residence Ivor, Va.,
occupation farmer.

Q. Mr. Bryant, you know the land in question?

A. Yes. I live not far from it.

Q. What is a fair valuation of the land and timber?

A. Well, what I know about it, we have decided
that it is worth about \$6,000.00.

Q. What do you think the timber is worth?

A. About \$4,000.00.

Q. Do you think the property could be conveniently
divided in kind among the parties?

A. I do not.

Q. You think it would be the best for the parties
to sell the property and divide the proceeds?

A. I think so.

And further this deponent saith not.

G. A. Bryant

Dr. J. T. Doles, being duly sworn, deposes as follows:

- Q. ~~Are~~ you related in any way to the children, Julian E. Delk and John D. Delk?
- A. Yes, sir. I am their uncle. J. T. Delk married my sister, and they are his children.
- Q. Have you qualified as the guardian of these children.
- A. Yes, sir.
- Q. Where did you qualify?
- A. In the Circuit Court of Southampton County.
- Q. You know the land well, do you, Dr. Doles?
- A. Yes, sir.
- Q. You have heard the testimoney here about its valuation and about the feasibility of dividing it in kind and whether or not it is to the best interest of the parties involved to sell it and divide the proceeds?
- A. Yes.
- Q. State whether or not you fully agree, in your opinion, with the testimoney as you have heard it.
- A. I do. The reason I think it better to sell it and divide the proceeds is on account of the two little children, who are arriving at the age where they can be sent to school and educated, and if it is sold they will be able to get an education, whereby, otherwise, they would not.
- Q. Have we made all the heirs parties to this suit, Doctor?
- A. Yes, sir.
- Q. Is there any opposition whatever to the sale

of this property, that you know of?

A. None at all.

And further this deponent saith not.

J. P. Jones, M.D.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT OCTOBER
1ST. 1917.

S. H. Delk.....Complainant

vs

IN CHANCERY

Maggie Barrett and J. T. Doles,
adults, and John D. Delk and
Julian E. Delk, infants under
the age of twenty-one years.....Defendants.

This day came the complainant and filed his bill
of complaint, and S. E. Everett is assigned as guardian ad litem
of the infant defendants, John D. Delk and Julian E. Delk, to
defend their interest in this suit, and the said S. E. Everett
as such guardian ad litem filed the answer of the said infant
defendants and his own answer to the bill of complaint, and the
said Maggie Barrett and J. T. Doles filed their answers, to
which several answers, the complainant, by counsel, replied gene-
rally, and this cause is docketed by consent, and, coming on to
be heard by like consent on the bill, answers and replications,
was argued by counsel.

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

FIRST: Whether the real property in the bill mentioned
can be conveniently divided between the several parties entitled
to share therein.

SECOND: If the same cannot be conveniently divided,
whether one party will take the entire property and pay therefor
to the other parties such sum of money as their interest therein
may entitle them to.

THIRD: If the same cannot be conveniently divided and
if no party will take the entire property and pay the others
for their shares, whether the interest of those who are entitled

to the said property, or its proceeds, would be promoted by a sale of the entire property, or by the allotment of a part and sale of the residue.

FOURTH: Whether there are any delinquent taxes due on said property or other liens on same.

FIFTH: The fee simple and annual values of said property. Which said inquiries the said Commissioner shall make and to the Court report, together with any matter specially deemed pertinent by himself, or required by any party interested to be so stated.

SIXTH: What are the respective interest of the parties hereto in said property, and how the same were acquired.

SEVENTH: The location and description of the said land.

EIGHTH: Whether all the necessary and proper parties are properly before the Court.

Nineth: Whether there are any heirs against said property, or against the interest of any of the parties.

A Copy,

Johnson, Clerk.

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Report of Corn

Dues Oct 10/1927
Pat. At. Johnson (Ces)

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

S. H. Delk.....Complainant.

vs. IN CHANCERY

Maggie Barrett, J. T. Doles, adults,
and John D. Delk and Julian E.
Delk, infants under the age of
twenty-one years.....Defendants..

The answer of John D. Delk and Julian E.

Delk, infants under the age of twenty-one years, by S.
E. Everett (a discreet and competent attorney at law),
their guardian ad litem assigned to defend them in this
suit, and the answer of the said S. E. Everett, guardian
ad litem of the said infant defendants, to a bill of
complainant exhibited against the said infants and
others by S. H. Delk, in the Circuit Court of the County
of Isle of Wight, Virginia.

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

John D. Delk
Julian E. Delk,

By

S. E. Everett
Guardian ad litem.

S. E. Everett Guardian ad litem of the said infants.

⁴
Sister
is
Maggie Barnett
et al

Curran &
Guardian ad Litem.

1917
W.T.
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IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

S. H. Delk,.....Complainant.

vs. IN CHANCERY

Maggie Barrett, J. T. Doles, adults,
and John D. Delk and Julian E. Delk,
infants under the age of twenty-one
years.....Respondents.

The answer of J. T. Doles to a bill of
complaint filed against him and others in the
Circuit Court of Isle of Wight County by S. H.
Delk, Complainant.

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

That he is the duly qualified guardian
of the infant children, John D. Delk and Julian E.
Delk; that as such guardian, he believes it to be
to the interest of the infant children, as well as
to the other parties concerned, to have the land
sold and the proceeds divided among those entitled
thereto. And now having fully answered the com-
plainant's bill, this respondent prays to be hence
dismissed with his cost by him in this behalf ex-
pended.

J. T. Doles
Respondent.

Guardian of infants,
John D. Delk and Julian
E. Delk.

Samuel R. Blumenthal
Counsel.

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1917

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Filed B.D.W.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

S. H. Delk.....Complainant.

vs. IN CHANCERY.

Maggie Barrett, J. T. Doles, adults,
and John D. Delk and Julian E. Delk,
infants under the age of twenty-one
years.....Respondents.

The answer of Maggie Barrett to a bill
of complaint filed against her and others in the
Circuit Court of Isle of Wight County by S. H.
Delk, Complainant.

This respondent, reserving to herself the
benefit of all just exceptions to said bill of com-
plaint, for answer thereto, answers and says:

That she is a sister of George Delk, who
departed this life in 1908, leaving the real estate
described in the bill of complaint, and, therefore,
is a proper party to this suit; that she is very
desirous of having the land sold and the proceeds
divided among the parties entitled thereto, and that
she believes it to be to the interest of all parties
concerned to have the said land sold and the proceeds
divided as aforesaid. And now having fully answered
the complainant's bill, this respondent prays to be
hence dismissed with her cost by her in this behalf
expended.

Maggie Barrett
Respondent.

Saunders Whitman
Counsel.

Sept 2nd

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Maggie Barker et al

Summer 7

Maggie Barker

1917

Oct 1.

Filed B.W.

S. H. Delk.....Complainant

v. { 273

Margie Parrett et als.....Defendants.

TO THE HONORABLE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

Your petitioner, John D. Delk, respectfully represents to the court that he arrived at the age of twenty-one years on the 28th day of March, 1920, which fact is verified by Dr. J. T. Doles, who has known your petitioner all of his life, as is evidenced by the signature of Dr. J. T. Doles to this petition, and your petitioner prays that he be paid the amount belonging to him now on deposit in the National Bank of Suffolk, to the credit of the court in the chancery cause of Delk against Parrett and others.

John D. Delk
Petitioner

J. T. Doles

STATE OF VIRGINIA

Southampton
County of ~~Isle of Wight~~, to-wit:

This day personally appeared before me, J. D. Pulley, a Notary Public in and for the said County and State, J. T. Doles and John D. Delk, whose names are signed to the foregoing writing, and made oath before me in my County aforesaid that the statements therein contained are true.

Given under my hand this 5th day of June, 1920.

My commission expires June 28th 1920

J. D. Pulley
Notary Public.

S. H. Delk

v. PETITION OF JOHN 223
D. DELK.

Maggie Barrett et als.

Fred July 6, 1920

S. H. Delk.....Complainant.

v. Petition

Maggie Barrett et als.....Defendants.

To the Honorable Circuit Court of Isle of Wight County:

Your petitioner, J. T. Doles, guardian of the infants, John D. Delk and Julian E. Delk, respectfully represents the following facts:

Your petitioner is the duly qualified guardian of John D. Delk and Julian E. Delk, who are the infant parties to the above-styled suit, which is now pending in the Circuit Court of Isle of Wight County, Virginia.

The said John D. Delk is twenty years of age and desires to attend one of the business colleges in the City of Norfolk for a term of six or eight months, and desires to begin his course at the earliest opportunity. Your petitioner has been informed that the tuition will amount to One Hundred and Fifteen Dollars and your petitioner estimates that the necessary expenses including tuition, board, clothes, books and incidentals will require at least the sum of \$325.00

The said John D. Delk signs this petition as evidence of his approval of same.

In consideration whereof, your petitioner prays that he be allowed out of the funds above mentioned for the aforesaid purpose the sum of Three Hundred Twenty-five Dollars, and that the court may enter such decree as may be necessary to carry into effect the prayer of this petition.

And your petitioner will ever pray,

J. T. Doles
Guardian of John D. Delk
and Julian E. Delk.

John D. Delk

17

S. H. Delk

v.

Petition

by No 173

Maggie Barrett et als.

Filed Sep 5, 1920

S. H. Delk.....Complainant.
v. Petition of J. T. Doles, Guardian.
Maggie Barrett et als.....Defendants.

To the Honorable Circuit Court of Isle of Wight County:
Your petitioner, J. T. Doles, guardian of the infants,
John D. Delk and Julian E. Delk, respectfully represents the
following facts:

Your petitioner is the duly qualified guardian of John D.
Delk and Julian E. Delk, who are the infant parties to the above-
styled suit, which is now pending in the Circuit Court of Isle
of Wight County, Virginia.

The said Julian E. Delk is now fourteen years of age and de-
sires to attend the Maury High School, Norfolk, Virginia, during
the school session of 1919-1920. Your petitioner estimates that
the expense incident to board, clothes, books and incidentals will
require at least the sum of \$ 325⁰⁰

Your petitioner is informed that there is now on deposit on
savings account in the National Bank of Suffolk, Suffolk, Virginia,
belonging to the infants, John D. Delk and Julian E. Delk, the
sum of \$1590.61, which represents a portion of the funds derived
from the sale of the real estate mentioned in these proceedings and
which constitutes all the property owned by said infants.

In consideration whereof, your petitioner prays that he be
allowed, out of the funds above mentioned, for the education of
the said Julian E. Delk as above outlined the sum of \$ 325⁰⁰ and
that the Court may enter such decree as may be necessary to carry
into effect the prayer of this petition.

And your petitioner will ever pray.

*affirmed me:
Julian E. Delk*

J. T. Doles

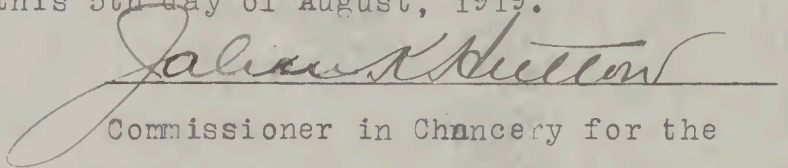
Guardian of John D. Delk and Julian E.
Delk.

State of Virginia,

County of Nansemond, to-wit:

This day personally appeared before me John K. Hutton, a commissioner in chancery for the Circuit Court of Nansemond County, Virginia, in my county aforesaid, J. T. Doles, guardian of John D. Delk and Julian E. Delk, and made oath before me in my county aforesaid that he believes the statements made in the foregoing petition to be true.

Given under my hand this 5th day of August, 1919.

A handwritten signature in cursive script, reading "John K. Hutton", written over a horizontal line.

Commissioner in Chancery for the
Circuit Court of Nansemond County.

S. H. Delk

v.

Maggie Barrett et als.

Petition of J. T. Doles,
guardian.

SAUNDERS & HUTTON

Attorneys at Law

Suffolk, Va.

Petition

S. H. Delk.....Complainant.

vs.

IN CHANCERY

Maggie Barrett and J. T. Doles.
adults, and John D. Delk and
Julian E. Delk, infants under
the age of twenty-one years.....Defendants.

TO THE HONORABLE CIRCUIT COURT OF ISLE OF WIGHT COUNTY;

Your petitioner, J. T. Doles, guardian of the infants, John D. Delk and Julian E. Delk, respectfully represent to the Court the following facts:

Your petitioner qualified as guardian of said infants about three years ago. Since the death of the father of said infants, which occurred in August, 1904, your petitioner has supported and maintained said infants without remuneration just as if they were his own children, sending them to school and furnishing them with the necessities of life. John D. Delk is now nineteen years of age and Julian E. Delk is thirteen years of age.

John D. Delk, although nineteen years of age, is incapable of supporting himself, while Julian E. Delk, being only thirteen years of age, must be supported and educated by your petitioner. The said Julian E. Delk is now attending high school. His clothes and incidental expenses will cost for the coming year approximately \$125.00, and your petitioner believes that the sum of \$25.00 per month for board is very reasonable. Your petitioner understands that there is now in the hands of John V. Hutton, Special Commissioner, in this cause, belonging to said infants, the sum of \$2090.61, that being the interest of said infants in the proceeds of the sale of the real estate mentioned in these proceedings. Your petitioner believes that he should be allowed, for the maintenance and education of said infants, some portion of said funds, as they have no personal estate or income except that which shall be provided by the investment of the abovementioned funds.

In consideration whereof, your peitioner prays
that he be allowed, out of the above mentioned funds, for
the maintenance and education of said infants, the sum of
\$ _____, and that the Court may enter such decree as
may be necessary to carry into effect the prayer of this
petition.

And your petitioner will ever pray,

J. T. Doles
Guardian of John D. Delk
and Julian E. Delk

STATE OF VIRGINIA,

County of Isle of Wight, to-wit:

This day personally appeared before me,
J. T. Doles, a Notary Public, in and for the
said county and state, J. T. Doles, guardian of John D.
Delk and Julian E. Delk, and made oath before me in my
county aforesaid that he believes that the statements
made in the foregoing petition are true. //

Given under my hand this 20 day of Nov-
ember, 1918.

My commission expires June 30, 1920

J. T. Doles
Notary Public.

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S. H. Deik

vs.

Maggie Barrett et als.

Petition.

1918

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Filed

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

S. H. Delk.....Complainant.

vs. IN CHANCERY

Maggie Barrett, J. T. Doles and
S. H. Delk, adults, and John D.
Delk and Julian E. Delk, infants
under the age of twenty-one years.....Defendants..

TO THE HONORABLE CIRCUIT COURT OF ISLE OF WIGHT COUNTY,
VIRGINIA:

Your complainant, S. H. Delk, respectfully represents:

FIRST: That sometime about the year 1908,
George Delk departed this life, leaving certain real
estate in the County of Isle of Wight, Virginia, des-
cribed as follows:

All that certain farm in Isle of Wight
County, Virginia, known as the George Delk farm, and
bounded on the North by the lands of the Surry Lumber
Company, James Ramsey, deceased, and James Betts; on
the East by the land of Webb and what is known as the
Rattle Snake Road; on the South by the land of Coffey
and the lands of Hobdy Mumford; and on the West by
the Black Water River.

See Exhibit 408
Said land is estimated to contain about
~~TWO HUNDRED (200)~~ acres.

The said George Delk was seized and possessed
of the said tract of land during his lifetime, and de-
parted this life owning same, and leaving Maggie
Barrett, S. H. Delk, T. G. B. Delk, John D. Delk and
Julian E. Delk his only heirs at law; and that since
the death of the said George Delk, the said T. G. B.
Delk has departed this life, leaving the said defend-
ants as his only heirs at law.

SECOND: That the said John D. Delk and

Julian E. Delk are infants under the age of twenty-one years, and;

THIRD: That the said real estate is, as your complainant verily believes, susceptible to partition among the parties entitled thereto; but should the property ^{not} be divisible in kind, your complainant believes, and here states, that the interest of those who are entitled to the said real estate, or its proceeds, if sold, will be promoted by a sale of the whole of same, or by a sale of the residue.

In consideration whereof, and forasmuch as your complainant is remediless in the premises save by the aid of a court of equity, your complainant prays that Maggie Barrett, S. H. Delk, J. T. Doles, adults, John D. Delk and Julian E. Delk, infants, may be made parties defendants to this bill, and required, but not on their oath, to answer the same, the oaths being hereby waived; the said adults in their own proper person, and the infants by guardian ad litem; that a proper guardian ad litem be appointed in this cause for said infants, who shall also answer this bill; that proper process may issue, that the said estate be divided among the parties entitled thereto, or else, if it can not be so divided, that it may be sold and the proceeds be divided among the adults and infant parties according to their respective rights, the shares of the infants to be held as directed by the statute for such cases made and provided; that all proper orders and decrees may be made, accounts taken, and inquiries directed; that the papers in this cause be referred to one of the Commissioners in Chancery of this court, who shall be required to ascertain if all parties interested are before the court, and the respective rights of all parties interested in said property,

and to report any and all things deemed pertinent in this suit, and that your complainant may have all such further, other and general relief in the premises as the nature of his case may require, or to equity shall seem meet.

SA Seek

Complainant.

Samuel H. Heston

Counsel.

No 273

S. H. Delk

vs. Bill In Equity

Maggie Barrett et als.

1917

Oct. 1

Wm. B. D. W.

Cause set down for
hearing on bill and
answers ~~and~~ filed
October 1917, without
requiring rules thereon
and upon consent
of adult defendants

J. R. SAUNDERS
Attorney at Law
PINNERS BUILDING
Suffolk, Va.

No.

Know all Men by These Presents: That we John K. Hutton

principal

and The United States Fidelity and

Guaranty Company

surety

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Seven thousand and five hundred dollars to the payment whereof well and truly to be made we bind ourselves and each of us, our and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

And as to this bond we hereby severally waive the benefit of our Homestead Exemption, and also any right, claim or privilege to discharge any liability arising hereunder to the said Commonwealth, or by virtue of the said office or trust for which this bond is given, with coupons detached from the bonds of this State.

IN TESTIMONY WHEREOF, the said John K. Hutton

principal

has hereto set his hand and seal,
and the said The United States Fidelity and Guaranty Company

surety

by W. G. Elam

, 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 W. G. Elam

, its said agent and attorney

in fact, this, the 25th. day of October, A. D. 1918.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound John K. Hutton, who has been appointed a special commissioner in the chancery suit of Delk's guardian vs. Delk et als, Docket No. 273

shall faithfully discharge the duties of his office or trust as such special commissioner

, then the above obligation to be void, or else to remain in full force and virtue.

John K. Hutton [SEAL]

The United States Fidelity and Guaranty Co.

(SEAL)

By Wm. G. Elam

Its duly authorized agent and attorney in fact.

Attest: W. G. Elam

Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 25th.

day of October, 1918, this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

Teste, A. S. Johnson Clerk.

A copy, Teste, [Signature] Clerk.

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n 3 Cy 273

Barrett et al

Copy of the Court
bond

Filed Oct 25. 1918

S. H. Delk.....Complainant

v.

Maggie Barrett et als.....Defendants.

This cause came on again this day to be heard on the papers formerly read, the report of John K. Hutton, Special Commissioner, this day filed, to which report there is no exception, and was argued by counsel.

On consideration whereof, it appearing to the Court from said report and exhibits therewith filed that the said Special Commissioner has disbursed the sum of Nine Hundred Forty and 61/100 (\$940.61) Dollars, together with accrued interest amounting to Seven and 21/100 (\$7.21) Dollars, which was on deposit in the National Bank of Suffolk, belonging to the infants, John D. Delk and Julian E. Delk, in accordance with the last decree in this cause, as follows:

Amount in National Bank of Suffolk	\$947.82	
R. A. Edwards, Clerk, cost to final decree	\$ 2.60	
Woodward and Elam, premium on bond	20.00	
Dr. J. T. Doles, guardian of Julian E. Delk	462.61	
John D. Delk	462.61	
	\$947.82	\$947.82

the Court doth approve and confirm said report, and there remaining nothing further to be done in this cause, doth adjudge, order and decree that the same be stricken from the docket.

S. H. Delk

v. DECREE

Maggie Barrett et als.

1922
Dec 11.
Entered
P.M.

Order Book 8
Page 132

E. J.

S. E. Delk.....Complainant

v.

DECREES

Maggie Barrett et als.....Defendants.

This cause came on this day to be again heard on the papers formerly read, the report of John W. Hutton, Special Commissioner, and the petition of John D. Delk, this day filed, and was argued by counsel.

On consideration whereof, it appearing from said report and the voucher therewith exhibited that the said John W. Hutton, Special Commissioner, in accordance with the last decree entered in this cause, paid to J. T. Doles, guardian of John D. Delk and Julian E. Delk, the sum of Three Hundred and Twenty-Five Dollars, to be expended by said guardian for the purpose of defraying the expenses of John D. Delk in attending one of the business colleges in the City of Suffolk, Virginia, and also the sum of Thirty-two and 23/100 Dollars on account of the accrued interest on the sum of Twelve Hundred Sixty-Five and 61/100 Dollars, the amount belonging to said John D. Delk and Julian E. Delk on deposit in the National Bank of Suffolk, Suffolk, Virginia, and it also appearing from said report that there is now on deposit in said bank to the credit of the court in this cause the sum of Nine Hundred Forty and 61/100 Dollars, bearing interest from the 22nd day of April, 1920, of which sum, after deducting the cost which has accumulated in this suit since the decree of disbursement entered on the 12th day of December, 1918, the said John D. Delk and Julian E. Delk are each entitled to one-half, the court both approve and confirm said report; and it appearing from said petition verified by affidavit that John D. Delk became twenty-one years of age on the 28th day of March, 1920, it is adjudged, ordered and decreed that said Special Commissioner, after paying the cost, as aforesaid, pay to John D. Delk and J. T. Doles,

guardian of Julian E. Delk, respectively, one-half of the remainder, taking their receipts therefor. And it is further ordered that J. T. Doles, guardian of John D. Delk and Julian E. Delk, render his account of the expenditures of the funds received by him as such guardian in this suit to the proper commissioner of accounts.

And said Special Commissioner shall report his proceedings hereunder to the court.

S. H. Delk

v. DECREE

Maggie Barrett et als

1920
July 6.
Entered
at
Ft. Worth

60137 page 1

S. H. Delk.....Complainant.

v. 279

DECREE

Maggie Barrett et als.....Defendants.

This cause came on this day to be again heard on the papers formerly read, the report of John K. Hutton, Special Commissioner, ~~filed in the~~ _____ day of _____ 1920, and the petition of J. T. Doles, guardian of John D. Delk and Julian E. Delk, this day filed, and was argued by counsel.

On consideration whereof, it appearing from said report that said Special Commissioner, in accordance with the decree entered in this cause on the 16 day of August, 1919, paid to J. T. Doles, guardian as aforesaid, the sum of Three Hundred and Twenty-five Dollars out of the funds on deposit in the National Bank of Suffolk, Suffolk, Virginia, belonging to the said infants, John D. Delk and Julian E. Delk, and forthwith deposited the remainder of said funds, to-wit; the sum of Twelve Hundred Sixty-five Dollars and Sixty-one Cents, in said bank on savings account, and that said Special Commissioner also paid to the said J. T. Doles, guardian as aforesaid, the sum of Forty-two Dollars and Forty Cents, that being the accrued interest due by the National Bank of Suffolk as of September 2, 1919.

And it appearing from the petition of J. T. Doles, guardian as aforesaid, that John D. Delk, who is now twenty years of age, desires to attend one of the business colleges in Norfolk, Virginia, for a term of six or eight months, as may be necessary, which desire is evidenced by his signature to said petition; and that it will be necessary to expend at least the sum of three hundred and twenty-five Dollars of the principal of said infant's share of the funds above mentioned, the court doth direct that the said Special Commissioner, John K. Hutton, to pay to J. T. Doles, guardian as aforesaid, out of the said funds the said sum of three hundred and twenty-five Dollars, the same to be expended by said

guardian for the purpose aforesaid, and the said guardian is directed to file in this cause his account of the expenditure of said sum; and the court further directs that the accrued interest on the said sum of Twelve Hundred Sixty-five Dollars and Sixty-one Cents be paid to the said Guardian.

And said Special Commissioner is directed to make report of his proceedings hereunder to the court.

And this cause is continued.

19

S. H. Delk

v. Decree

Maggie Barrett et als.

1920

April 5,

Enter this.

B.D.W.

60137 page 537

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

S. H. Delk.....Complainant.

v. *473*

Maggie Barrett et als.....Defendants.

This cause came on this day to be again heard on the papers
and as
formerly read, the report of John K. Hutton, Special Commissioner,
to which report no exception has been taken,
filed on the *16* day of July, 1919, and the petition of J. T. Doles,
Guardian of John D. Delk and Julian E. Delk, this day filed, and
was argued by counsel.

On consideration whereof, it appearing from said report that
said special commissioner, in accordance with the decree entered in
this cause on the 12th day of December, 1918, paid to J. T. Doles,
guardian as aforesaid, the sum of five hundred dollars *out of* ~~of~~ the funds
in the hands of said special commissioner, belonging to said infants,
John D. Delk and Julian E. Delk, and forthwith deposited the re-
mainder of said funds, to-wit, the sum of \$1590.61, in the National
Bank of Suffolk, Suffolk, Virginia, on savings account, the Court
doth approve and confirm said report.

also
And it appearing from the petition of J. T. Doles, guardian
as aforesaid, that Julian E. Delk, who is now 14 years of age, de-
sires to attend Maury High School, Norfolk, Virginia, during the
school session of 1919-1920, as is evidenced by his signature to
said petition, *and* that it will be necessary for this purpose to ex-
pend at least the sum of \$325.00 of the principal of said infant's
share of the funds above mentioned, the Court doth direct the said
special commissioner, John K. Hutton, to pay to J. T. Doles, guardian
as aforesaid, out of said funds, the said sum of \$325.00, the same to
be expended by said guardian for the purpose aforesaid, and the said
guardian is directed to file in this cause his account of the ex-
penditure with the vouchers therefor
penditure of said sum; and the Court further directs that the accrued
interest on the said sum of \$1590.61 be paid to J. T. Doles, guardian

as aforesaid.

And said special commissioner is directed to make report of his proceedings hereunder to the court.

And this cause is continued.

16

S. H. Delk

v. Decree. 213

Maggie Barrett et als

1919

Aug 16

Enter this.

B. D. W.

10037 p 509

S. H. Delk.....Complainant

vs.

IN CHANCERY

Maggie Barrett and J. T. Doles,
adults, and John D. Delk and
Julian E. Delk, infants under
the age of twenty-one years.....Defendants.

This cause came on this day to be again heard on the pa-
pers formerly read, the report of John K. Hutton, Special Commis-
sioner, filed on the ____ day of November, 1918, and the petition
of J. T. Doles, guardian of John D. Delk and Julian E. Delk, and
was argued by counsel:

~~On consideration whereof, the Court doth confirm said re-
port, and it appearing from said report, as follows:~~
that the amount of money for which the taxes mentioned in these

Amount in Commissioner's hands for
disbursement.....\$7150.50

Paid Saunders & Hutton, fee allowed
by Court.....\$250.00

A. S. Johnson, Clerk's cost..... 39.19

W. E. Laine, Treasurer of Isle of
Wight County, taxes as follows:

149 acres for 1916.....\$13.25

149 acres for 1917..... 13.00

155 acres for 1917..... 13.49

155 acres from 1888

to 1916, inclusive.....414.88

454.62

Reserved by Commissioner for
fiduciary taxes assessed for
the year 1918.....

67.97

811.78

\$6338.72

One-fourth interest of G. E. Delk,
now deceased.....\$1584.68

E. L. Folk & Company (lien against
the one-fourth interest of G. E.

Delk.....\$ 46.22

West & Withers..... 23.33 69.55

Remainder of one-fourth interest of G. E.
Delk, deceased, to be distributed equally
among Maggie U. Barrett, S. H. Delk and
the infant defendants.....

\$1515.13

proceedings, is accounted for as follows

One-fourth interest of S. H. Delk.....	\$1584.68	
One-third share of S. H. Delk in the one-fourth interest of G. E. Delk.....		<u>505.04</u>
Total interest of S. H. Delk.....	\$2089.72	
Paid J. G. Kello, Jr., and S. T. Kello, executors, on deed of trust constituting a lien on said one-fourth interest of S. H. Delk.....	\$1584.68	
Paid G. W. Delk judgment, interest and cost.....	44.41	
Paid Home Telephone Com- pany, judgment, interest and cost.....	66.19	
Paid S. H. Delk.....	<u>394.44</u>	
Total.....	\$2089.72	\$2089.72

One-fourth interest of Maggie U. Barrett.....	\$1584.68	
One-third share of Maggie U. Barrett in the one-fourth interest of G. E. Delk.....		<u>505.04</u>
Total interest of Maggie U. Barrett.....	\$2089.72	
Paid Maggie U. Barrett.....	\$2089.72	

R E C A P I T U L A T I O N.

Total amount received by Special Commissioner as proceeds from the sale of the Delk property.....	\$7400.00	
Total cost.....	\$ 538.69	
Total taxes, including fidu- ciary taxes.....	<u>522.59</u>	
Total of cost and taxes.....	<u>1061.28</u>	
Remainder.....	\$6338.72	
Interest of S. H. Delk properly disbursed	2089.72	
Interest of Maggie U. Barrett.....	2089.72	
Interest of the infant defendants in the hands of Special Commissioner.....	2089.73	
Liens paid against the interest of G. E. Delk, deceased,.....	<u>69.55</u>	
	\$6338.72	\$6338.72

*On Consideration Whereof, the Court doth confirm
said report.*

And it also appearing that said Special Commissioner now has in his hands the sum of TWO THOUSAND NINETY and 61/100 (\$2090.61) DOLLARS belonging to ^{the infant defendants} John D. Delk and Julian E.

Delk; And it also appearing from the petition of J. P. Dales, guardian of said infants that said sum is all of the property belonging to said infants, and that the income arising therefrom is not sufficient to maintain said infants, and that John D. Delk, who is nineteen years of age, is capable of maintaining himself, and that Julian E. Delk, who is thirteen years of age, is now attending school; and that in order to maintain ^{and educate} said infants, it will be necessary to expend a portion of the principal of said sum; on consideration whereof, the Court doth direct the said special Commissioner, John K. Hutton to pay to J. P. Dales, guardian for said infants the sum of Five Hundred Dollars, the same to be expended by said guardian for the education and maintenance of said infants; And said guardian is directed to file in this cause, his account of the expenditure of said sum, and the remainder in the hands of said special Commissioner, he shall deposit in some bank, filing a certificate of deposit therefor, and said special Commissioner shall report his proceedings hereunder.

S. H. Deek 13

vs. Deenee

Maggie Barratt et als

1918
Dec 12.

Enter this
B.D.W.

C. O. B. 7

Page 483

N

S. H. Delk.....Complainant.

vs.

DECREE.

Maggie Barrett, et als.....Defendants.

This cause came on this day to be again heard on the papers formerly read and on the report of John K. Hutton, Special Commissioner, duly filed on the 4th day of February, 1918, to which report there is no exception, and was argued by counsel.

On consideration whereof, it appearing from said report that the said special commissioner has executed and delivered a deed of bargain and sale conveying the property described in these proceedings to the Surry Lumber Company, Incorporated, and has collected from said company the sum of \$7,400.00, the purchase price of said property, and that said special commissioner has paid the cost of this suit, except the Clerk's costs, the Court doth approve and confirm said report and doth adjudge, order and decree that said special commissioner, after paying to Saunders ^{and} Hutton, the attorneys who instituted this suit, a fee of \$250.00, pay the following liens on said property, to-wit:

FIRST: Liens against the entire property, *including* ~~all current taxes~~ *for all years up to the year 1918, as the same have been assessed, and any fiduciary taxes that may be assessed against the funds in the hands of said Special Commissioner*

SECOND: Liens against the one-fourth interest owned by G. E. Delk at the time of his death.

(1) Judgment against G. E. Delk & Company for \$27.93 with interest

September 1, 1908, and \$2.00 costs.

- (2) Judgment against G. E. Delk and S. E. Delk, trading as Ivor Milling Company, for \$12.83, with interest from September 7, 1907, and \$2.00 costs.

THIRD: Liens against the interest of S. H. Delk as follows:

- (1) Liens against the one-fourth undivided interest in form of a deed of trust to secure a negotiable note dated July 27, 1908, and payable twelve months after date for the sum of \$2000.00.
- (2) Judgment for \$26.45 with interest from May 2, 1908, and \$1.80 costs.
- (3) Judgment for \$39.61 with interest from June 30, 1908, with \$2.75 costs.

*After the payment of said liens, the
said attorneys fees, said special
Commissioner shall pay to the
said parties entitled to the same.
Their respective interests in the pro-
ceeds of the sale.*

10
S. H. Delk,

vs. Decree.

Maggie Barrett et als.

Enter the ~~4~~ day of
February, 1918.

S. H. Delk

Entered in Chancery

Order Book 7,

page 450-a

S. H. Delk.....Complainant

vs. IN CHANCERY

Maggie Barrett and J. T. Doles,
adults, and John D. Delk and
Julian E. Delk, ^{to which this} infants under
the age of twenty-one years.....Defendants.

This cause came on this day to be again heard
on the papers formerly read and on the report of John
K. Hutton, Special Commissioner, filed on the ^{18th} day of
showing the sale of the property heretofore directed to be sold,
December, 1917, ^{to which this} to which report there is no exception,
and was argued by counsel.

On consideration whereof, the court doth ap-
prove and confirm the said report, and doth adjudge,
order and decree that, upon the payment of the sum of
SIX THOUSAND TWO HUNDRED AND NINETY (^{*the remainder of the purchase money,*} \$6,290.00) DOLLARS,
to John K. Hutton, Special Commissioner, by ^{to} Surry Lum-
ber Company, Incorporated, purchaser of the land herein-
after described at the sale reported by said commissioner
~~in his report filed on the ___ day of December, 1917,~~
(the full purchase price being SEVEN THOUSAND FOUR HUNDRED
(\$7,400.00) DOLLARS, and the sum of ELEVEN HUNDRED AND
TEN (\$1110.00) DOLLARS having been heretofore paid to
the said Commissioner by the said purchaser, ^{that} the said
John K. Hutton, Special Commissioner, convey, with spec-
ial warranty, to the said purchaser, ^{to} Surry Lumber Com-
pany, Incorporated, the following described property:

All that certain tract of land situated in
Isle of Wight County Virginia, containing three hundred
and four (304) acres by actual survey, bounded on the
North by the land of Surry Lumber Company, Incorporated,
on the East by the land of J. W. Webb and the Public
Road, on the South by the land of Edgar Delk and others
and on the West by the Black Water River, and further

for Surry Lumber Company for the sum of \$7,400.00

described in courses and distances as follows:

Beginning at a gum at the run of Black Water River thence N. 87 degrees and 30 minutes E. two hundred feet to an oak; thence N. 87 degrees and 30 minutes E. two hundred and thirty-two feet to an oak; thence S. 89 degrees and 30 minutes E. two hundred and eighty feet to an oak; thence N. 87 degrees and 15 minutes E. four hundred and thirteen feet to a pine; thence S. 89 degrees and 30 minutes E. one hundred and fifty-one feet to an oak; thence N. 87 degrees and 15 minutes E. four hundred and six feet to a pine; thence N. 87 degrees and 15 minutes E. two hundred and forty-six feet to a pine; thence N. 87 degrees E. two hundred and sixty-eight feet to a hickory; thence N. 86 degrees and 15 minutes E. one hundred and twenty-seven feet to a hickory; thence N. 87 degrees E. three hundred and thirty-six feet to a gum; thence N. 86 degrees E. three hundred and ninety-five feet to a oak; thence N. 88 degrees and 45 minutes E. one hundred and ninety-five feet to a poplar; thence 82 degrees E. forty-onw feet to a gum; thence 89 degrees E. two hundred and eighty feet to an oak; thence S. 70 degrees and 30 minutes E. one hundred and thirty-three feet to a poplar stump; thence S. 33 degrees and 30 minutes E. eighty-five feet to a poplar stump; thence S. 48 degrees E. two hundred feet to _____ thence S. 55 degrees E. two hundred and seventy-five feet to a gum; thence S. 56 degrees E. four hundred and forty feet to a cart road; thence S. 9 degrees and 30 minutes E. five hundred and forty-two feet to a gum; thence S. 30 minutes W. ninety-one feet to a gum; thence S. 1 degree E. five hundred and fifteen feet to an oak; thence S. 30 minutes W. three hundred and forty-seven feet to a pine stump; thence S. 3 degrees E. four hundred feet to an oak; thence S. 1 degree E. three hundred and thirty-six feet to a dead oak; thence S. 87 degrees and 15 minutes E. one thousand and fifteen feet to a _____ thence S. 61 degrees and 30 minutes E. eight hundred and twenty-five feet to the Public Road; thence N. 2 degrees W. ninety-four feet with road; thence N. 15 degrees W. six hundred and twelve feet with road; thence N. 6 degrees and 15 minutes W. four hundred and sixty-eight feet with road; thence N. 31 degrees and 30 minutes W. eight hundred and seventy-seven feet with road; thence N. 9 degrees and 30 minutes W. two hundred and forty-five feet with the road; thence N. 10 degrees and 15 minutes W. four hundred and seventy-five feet to a pine; thence S. 83 degrees W. two hundred and six feet to a gum; thence S. 83 degrees W. six hundred and seventy-nine feet to an oak; thence N. 65 degrees and 30 minutes E. three hundred and two feet to an oak; thence N. 59 degrees E. four hundred and forty-eight feet to a gum; thence N. 21 degrees and thirty minutes W. three hundred and fifty feet to a gum; thence N. 22 degrees W. one hundred and fifty-two feet to a gum; thence N. 23 degrees W. two hundred feet to a gum; thence N. 23 degrees W. two hundred and fourteen feet to an old ditch; thence N. 38 degrees W. one hundred and four and five tenths feet to a gum; thence N. 21 degrees and 30 minutes W. one hundred and eighty-eight feet to a dead gum; thence N. 15 degrees W. one hundred and twenty-four feet to a gum; thence N. 26 degrees W. one hundred and eighty-five feet to a gum; thence N. 25 degrees W. two hundred and three feet to a gum; thence N. 31 degrees W. two hundred and six feet to a gum; thence N. 35 degrees W. one hundred and sixty-five feet to a fallen gum; thence N. 27 degrees W. one hundred and sixty-eight feet to a dead pine; thence N. 37 degrees and 45 minutes W. four hundred and eighty feet to a gum; thence N. 39 degrees W. one hundred and eighty-two feet to a gum; thence N. 49 degrees W. two hundred and sixty feet to a gum; thence

S. 89 degrees and 15 minutes W. five hundred feet to a gum; thence S. 78 degrees and 30 minutes W. three hundred and seventy-seven feet to a gum; thence S. 78 degrees and fifteen minutes W. one hundred and forty feet to a pine; thence S. 80 degrees and 15 minutes W. four hundred and ten feet to a pine post; thence S. 82 degrees and 30 minutes W. six hundred and ninety-one feet to a gum; thence S. 82 degrees W. two hundred and sixty-one feet to a post; thence S. 78 degrees W. six hundred and seventy feet to a post; thence S. 78 degrees W. two hundred and three and five tenths feet to a gum; thence N. 65 degrees and 30 minutes W. one hundred and seventeen feet to a gum; thence S. seventy-two degrees W. three hundred and twenty-one and five tenths feet to an oak; thence S. 73 degrees W. one hundred and fifty-three feet to an oak; thence S. 74 degrees W. three hundred and fifty feet to Edge Swamp; thence 74 degrees W. six hundred feet to the run of Black Water River, down the run of said river to point of beginning; it being the same land of which T. G. B. Delk died seized and possessed.

And it is further ordered that the said Special Commissioner, ^{and} after paying the costs of this suit, ~~including a fee of \$_____ to the attorney instituting the same; pay all ^{the} liens on the said property in accordance with the report of A. S. Johnson, Commissioner in Chancery, and retain the remainder of the purchase money on deposit in the National Bank of Suffolk, Suffolk, Virginia, until the further order of the court.~~

~~It is ordered that the said Special Commissioner~~ make report of his proceedings hereunder to the Court.

Decree

S. H. Delk

vs. In Chancery 173

Maggie Barrett et als.

1917
Dec. 18. v
Entered
B.W.W.

C. O. B. # 7
page 442

J. R. SAUNDERS
Attorney at Law
PINNER BUILDING
Suffolk, Va.

DECREE.

S. H. Delk.....Complainant.

vs. IN CHANCERY.

Maggie Barrett and J. T. Doles,
adults, and John D. Delk and
Julian E. Delk, infants under
the age of twenty-one years.....Defendants.

This cause came on this day to be again heard on the papers formerly read, and on the report of the Commissioner, A. S. Johnson, filed on the 10th day of October, 1917, and it appearing ~~to the court~~ from said report that the real estate described in the bill can not be conveniently divided among the parties entitled to the same; that no party in interest will take the entire property and pay to the others such sums as their interest will entitle them to receive; that there can not be an allotment of a part and a sale of the residue, but that it would be to the interest of all parties that the said real estate be sold and the proceeds divided; that there are delinquent taxes for the year 1916 due upon said real estate; that the said real estate has no annual value, that its fee simple value is \$6,000.00; that S. H. Delk is entitled to one fourth of said real estate and also to an additional one twelfth, as heir of his brother, G. E. Delk, deceased, or one third of the whole; that Maggie A. Barrett is entitled to the same interest; that John D. and Julian E. Delk (infants), the children of J. T. Delk, are entitled to the same interest; that all the necessary and proper parties are properly before the court; that there is a lien by deed of trust ^{the interest of} against S. H. Delk, that there are judgments ^{intended of said} against said S. H. Delk, and judgments against the interest of G. E. Delk; ^{that} all of which liens are duly

that there are taxes delinquent against said property for the year 1916;

recorded and docketed: On consideration whereof, the court doth confirm the said report, and doth adjudge, order and decree that the said real estate be sold, and for that purpose doth appoint John E. Hutton, as Special Commission^{er}, who, after advertising said sale for fifteen days ^{by} ~~in~~ advertisements published in some newspaper published in the County of Isle of Wight, or by notices posted at ten or more public places in said County, upon the terms of one third of the purchase money in cash, and the remainder upon a credit of six and twelve months, with interest from the day of sale, the deferred payments to be evidenced by notes of the purchaser, payable to the order of the court in this cause, and the title to the property to be retained until the whole purchase money is paid, and a conveyance directed or the purchaser may pay the whole purchase money in cash. If the commissioner shall deem it best, he may sell the said land in parcels, or as a whole, offering first the timber as a whole ten inches across the stump, outside to outside, at the time of cutting, twelve inches from the level of the ground, second, the land without the timber; and third, the entire property as a whole, the sale, whether in parcels or as a whole, bringing the better price to be reported to the court for confirmation. The said commissioner in selling the timber on the said property, in case of a separate sale, shall offer the same with the privilege of two years in which to cut and remove the same, with the further privilege of one additional year with the understanding that the purchaser shall have such additional time as he may consume in cutting and removing same timber by paying ^{in advance} to the purchaser of the land at the rate of six per cent (6%) per annum, on

the purchase price thereof, and shall sell the said timber with the right of a mill site, railways and bogy tracks, erections of buildings with the privilege of removal thereof within thirty days after said timber shall be cut, and when the purchaser of said timber shall begin cutting the said timber, he shall continue cutting and removing the same until the whole shall have been cut and removed, and no buildings, saw dust piles or lumber racks shall be erected upon any of the cleared land. The said commissioner shall, before executing this decree, enter into bond before the clerk of this court with surety deemed sufficient by said clerk, payable to the Commonwealth of Virginia, in the penalty of \$7,500.00, conditioned for the faithful discharge of his duties hereunder, or under any other decree entered herein. The said Commissioner shall report his proceedings hereunder to the court. The highest bidder at said sale shall, at the time the property is sold to him, deposit at least fifteen per cent of the amount of his bid, with said Special Commissioner, and should he fail so to do, then said Commissioner shall forthwith, at the same time and place, proceed to again sell said property, and should said purchaser fail to fully comply with the said terms of sale, then, in addition to any other remedies, the said deposit so made shall be forfeited to the parties to this cause.

S. H. Delk.
vs. J. Delk. 279
Maggie Barrett et al

1917. ^v
Pl. 23.
Enter this.
B. L. W.

We Consent:

S. H. Delk, Maggie

Barrett and J. T.

Doles by John H. Delk, Atty

John D. Delk and
Julian E. Delk, infants,
by H. E. Everett
Guardian ad Litem

C. O. B. 7

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DECREE

S. H. Delk.....Complainant

vs. IN CHANCERY

Maggie Barrett and J. T. Doles,
adults, and John D. Delk and
Julian E. Delk, infants under
the age of twenty-one years.....Defendants.

This day came the complainant and filed his bill of complaint, and S. E. Everett is assigned as guardian ad litem of the infant defendants, John D. Delk and Julian E. Delk, to defend their interest in this suit, and the said S. E. Everett as such guardian ad litem filed the answer of the said infant defendants and his own answer to the bill of complaint, and the said Maggie Barrett and J. T. Doles filed their answers, to which several answers, the complainant, by counsel, replied generally, and this cause is docketed by consent, and, coming on to be heard by like consent on the bill, answers and replications, was argued by counsel.

On consideration whereof the court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this Court, who is directed to inquire and report to the Court as follows:

FIRST: Whether the real property in the bill mentioned can be conveniently divided ~~in kind~~ between the several parties entitled to share therein.

SECOND: If the same can ^{not} be conveniently divided ~~in kind~~, whether one party will take the entire property and pay therefor to the other parties such sum of money as their interest therein may entitle them to.

THIRD: If the same can not be conveniently divided ~~in kind~~ and if no party will take the entire property and pay the others for their shares, whether the interest of those who are entitled to the said

property, or its proceeds, would be promoted by a sale of the entire property, or by the allotment of a part and sale of the residue.

FOURTH: Whether there are any delinquent taxes due on said property or other liens on same.

FIFTH: The fee simple ^{and annual} value of said property.

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

Sixth:- What are the respective interests of the parties hereto in said property, and how the same were acquired.

Seventh:- The location and description of the said land.

Eighth:- Whether all the necessary and proper parties are properly before the Court.

Ninth:- Whether there are any liens against said property. Or against the interest of any of the parties.

DECREE.

S. H. Delk

vs. IN CHANCERY

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Maggie Barrett et als.

Enter the 18 day of
October, 1917.

B.D.W.

Entered in Chancery Order

Book No. 7, page 426-a

We consent:

Maggie Barrett and J. H. Davis
by Saunders & Whitman, Attys.
John S. Delk and Julian E. Delk,
Infants, by ~~*Robert*~~

J. R. SAUNDERS
 Attorney at Law
 PINNER BUILDING
 Suffolk, Va.

Guardian
ad Litem

S. H. Delk.....Complainant

v.

Maggie Barrett et als.....Defendants.

TO THE HONORABLE CIRCUIT COURT OF ISLE OF WIGHT COUNTY;

The undersigned, Special Commissioner, John K. Hutton, respectfully reports to the Court that under the authority of the last decree entered in this cause he disbursed the remainder of the funds in the National Bank of Suffolk in accordance with said decree as follows:

Amount in National Bank of Suffolk		\$947.82
R. A. Edwards, Clerk, cost to final decree	\$2.60	
Woodward and Elam, premium on bond	20.00	
Dr. J. T. Doles, guardian, of Julian E. Delk	462.61	
John D. Delk	<u>462.61</u>	
	\$947.82	\$947.82

Respectfully submitted,

John K. Hutton

Dated This September 5th, 1922

ISLE OF WIGHT, VA.

1/20

1922

M

Samuel E. Hutton

In Re Deeds vs Deed et al.

TO R. A. EDWARDS,

CLERK OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, DR

To Clerk's fees Continuances,
Oct-1920, to Jan 1922,
Fines, decrees (when entered)
Filing papers
Filing additional cost

1.50
75
25
10

\$2.60

Paid
1/21/22
R. A. Edwards
clerk

WOODWARD & ELAM
INSURANCE OF ALL KINDS

Suffolk, Va., Sept 23 1920

Received of J. K. Fulton Spl Cmr -
Twenty No/100. Dollars

Prem on bond to oct 29-1920

\$20⁰⁰

Woodward & Elam

Per

W. G. Elam

\$ 462 ⁶¹

Received of John K. Hutton, Special Commissioner in the
chancery suit of Delk v. Delk and others, the sum of \$ 462 ⁶¹
that being the amount to which I am entitled under the last decree
entered in this cause.

x John D. Seck

July 15, 1920.

Received of John E. Hutton, Special Commissioner in the
chancery suit of Delk v. Delk and others the sum of 462⁰⁰
Dollars

J. P. Dole
Guardian of Julian E. Delk.

Received of John K. Hutton, Special Commissioner in
the chancery cause of Delk against Barrett and others the sum of
\$ 357³³ of which \$ 325⁰⁰ was directed by the Circuit
Court of Isle of Wight County to be paid me for the benefit of my
ward, John Delk, and the remaining \$ 32³³ represents the in-
terest at four percent on the sum of \$1265.61

J. J. Jones
Guardian of John D. Delk
and Julian E. Delk.

Apr 22, 1920

\$ 342 ⁴⁰

Suffolk, Va. Sept 4

1919

at sight

Pay to the order of

J. T. Dales

Three hundred Forty-two & 40/100 Dollars

Value received, and charge same to yours truly.

We, the drawer, endorsers, and acceptor, hereby waive our Homestead Exemption as to this debt.

To Samuels & Stinson
Attorneys
Suffolk, Va

J. Dales

J. Pooler

PAY TO THE ORDER OF SEP 06 1919
ANY BANK, BANKER OR CASHIER
68-3791

SEP 06 1919

THE BANK OF SUSSEX & SURREY

68-3791

PAY TO THE ORDER OF
ANY BANK OR BANKER
Prior Endorsements Guaranteed

SEP 5 1919

BANK OF SUSSEX & SURREY
WAKEFIELD, VA.
W. H. SEVEDGE, Cashier

68-449

1000 000 00

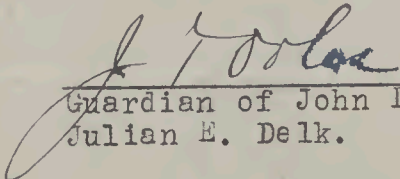
1000 000 00

1000 000 00

1000 000 00

September 3, 1919.

Received of John K. Hutton, Special Commissioner in the chancery cause of Delk against Barrett and others, the sum of Three Hundred Sixty-Seven and 40/100 (\$367.40) Dollars, of which Three Hundred and Twenty-Five (\$325.00) Dollars was directed by the Circuit Court of Isle of Wight County to be paid to me for the benefit of my ward, Julian E. Delk, and the remaining Forty-Two and 40/100 (\$42.40) Dollars, ~~which~~ represents the interest at 4% on the sum of Fifteen Hundred Ninety and 61/100 (\$1590.61) Dollars, which was deposited in the National Bank of Suffolk in the said chancery cause on January 2, 1919.


Guardian of John D. Delk and
Julian E. Delk.

PAY TO THE ORDER OF
ANY BANK OR BANKER OR CASH CO.

SEP 4 1913

IF CASHED

1913

PAY TO THE ORDER OF
ANY BANK OR BANKER OR CASH CO.
SEP 4 1913
IF CASHED

S. H. Delk.....Complainant

v. { 273

Maggie Barrett, et als.....Defendants.

TO THE HONORABLE CIRCUIT COURT OF ISLE OF WIGHT COUNTY;

John K. Hutton, Special Commissioner in the above styled matter respectfully submits to the court the following report:

By the decree entered in the above cause on the _____ day of April, 1920, your commissioner was instructed to pay to J. T. Doles, guardian of John D. Delk and Julian E. Delk, the sum of Three Hundred and Twenty-Five Dollars out of the funds on deposit in the National Bank of Suffolk, Suffolk, Virginia, belonging to the said John D. Delk, the same to be expended by the said guardian for the purpose of defraying the expenses of the said John D. Delk in attending one of the business colleges in the City of Norfolk, Virginia, and your commissioner was further instructed by said decree to pay to the said J. T. Doles, guardian as aforesaid, the accrued interest on the sum of Twelve Hundred Sixty-Five and 61/100 Dollars, that being the amount on deposit in said bank, the amount of said interest being Thirty-Two and 33/100 Dollars.

Your commissioner, in pursuance of the above instructions, paid to the said J. T. Doles, guardian of John D. Delk and Julian E. Delk, the said sum of Three Hundred and Twenty-Five Dollars and also the accrued interest as aforesaid, taking therefor the receipt of the said J. T. Doles, guardian, which is herewith exhibited.

The amount of the remainder of the funds belonging to the said infants in the National Bank of Suffolk is Nine Hundred Forty and 61/100 Dollars, which amount bears interest from the 22nd day of April, 1920. Your commissioner further reports that of this amount, after deducting the costs, which has accumulated in this suit since the decree of disbursement entered in this cause

on the 12th day of December, 1918, John D. Delk, who is twenty-one years of age, is entitled to one-half and Julian E. Delk, who is 15 years of age, is entitled to one-half.

Respectfully submitted.

John K. Hutton
Special Commissioner

June 7th, 1920

S. H. Delk

v. Report of Special 273
Commissioner

Haggie Barrett, et als.

Filed July 6, 1920

U U

S. H. Delk.....Complainant.

v.

Maggie Barrett et als.....Defendants.

To the Honorable Circuit Court of Isle of Wight County:

John K. Hutton, Special Commissioner in the above styled matter, respectfully submits to the court the following report:

The court, by decree entered in the above cause on the _____ day of August, 1919, instructed your commissioner to pay to J. T. Doles, guardian of Julian E. Delk/ ^{and John D. Delk,} the sum of Three Hundred and Twenty-Five Dollars out of the funds on deposit in the National Bank of Suffolk, Suffolk, Virginia, belonging to the infants, John D. Delk and Julian E. Delk, the same to be expended by said guardian for the purpose of defraying the expenses of Julian E. Delk in attending Maury High School, Norfolk, Virginia, during the school session of 1919-1920, and the court further instructed your commissioner by said decree to pay to the said J. T. Doles, guardian as aforesaid, the accrued interest on the sum of Fifteen Hundred Ninety Dollars and sixty-one Cents; that being the amount on deposit in said bank as aforesaid.

Your commissioner, in pursuance of the above instructions, paid to the said J. T. Doles, guardian of John D. Delk and Julian E. Delk, the said sum of Three Hundred and Twenty-five Dollars, and also the accrued interest amounting to Forty-two Dollars and Forty Cents, taking therefor the receipt of said J. T. Doles, which is herewith exhibited. The amount of the remainder of the funds belonging to said infants in the National Bank of Suffolk is Twelve Hundred Sixty-five Dollars and Sixty-one Cents, which amount bears interest from the second day of September, 1919.

Respectfully submitted:

March 12, 1920.


Special Commissioner.

S. H. Delk

Q 273
v. Report of John K. Hutton,
Special Commissioner

Maggie Barrett et als.

Filed Apr 5/1920

Received of John E. Hutton, Special Commissioner in the
suit of F. E. Delk against Maggie U. Barrett and others the sum
of Five Hundred (\$500.00) Dollars.

J. E. Hutton
Guardian of John D. Delk and Julian
W. Delk.

S. H. Delk.....Complainant

vs.

IN CHANCERY

Maggie Barrett and J. T. Doles,
adults, and John D. Delk and
Julian E. Delk, infants under
the age of twenty-one years.....Defendants.

TO THE HONORABLE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

The undersigned Special Commissioner in the above
styled cause respectfully submits the following report:

The said Special Commissioner, pursuant to the
decree of the Circuit Court of Isle of Wight County, entered
in this cause on the 12th day of December, 1918, paid to
Doctor J. T. Doles, guardian of John D. Delk and Julian E.
Delk, infants, the sum of Five Hundred (\$500.00) Dollars of
the funds in the hands of said Special Commissioner belong-
ing to said infants, and forthwith deposited the remainder
of said funds, to-wit: the sum of Fifteen Hundred Ninety
and 61/100 (\$1590.61) Dollars, in the National Bank of
Suffolk, Suffolk, Virginia, on savings account, all of
which is shown by vouchers herewith exhibited.

Respectfully submitted,

July 16, 1919


Special Commissioner

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S. H. Delk

vs. Report 1893

Maggie Barrett et als.

Filed August 16
1919

Filed 16 1919

S. H. Delk.....Complainant.

vs.

IN CHANCERY

Maggie Barrett and J. T. Doles,
adults, and John D. Delk and
Julian E. Delk, infants under
the age of twenty-one years.....Defendants.

TO THE HONORABLE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

John K. Hutton, Special Commissioner in the above styled
matter, respectfully submits to the Court the following report:

Your commissioner, after payment of the costs of this
suit, except the Clerk's cost, had in his hands for disbursement
the sum of SEVEN THOUSAND ONE HUNDRED AND FIFTY and 50/100
(\$7150.50) DOLLARS, which said sum, in accordance with the Court's
decree, entered in this cause on the ____ day of _____, 1918,
your Commissioner has disbursed as follows:

✓ Amount in Commissioner's hands for
disbursement.....\$7150.50

Paid Saunders & Hutton, fee allowed
by Court.....\$250.00 ✓

A. S. Johnson, Clerk's cost..... 39.19 ✓

W. E. Laine, Treasurer of Isle of
Wight County, taxes as follows:

149 acres for 1916.....\$13.25

149 acres for 1917..... 13.00

155 acres for 1917..... 13.49

155 acres from 1888

to 1916, inclusive.....414.88

454.62 ✓

Reserved by Commissioner for
fiduciary taxes assessed for
the year 1918,.....

67.97 ✓ 811.78

Remainder

\$6338.72

One-fourth interest of G. E. Delk,
now deceased,.....\$1584.68

E. L. Folk & Company (lien against
the one-fourth interest of G. E.
Delk.....

\$ 46.22

West & Withers..... 23.33 69.55

Remainder of one-fourth interest of G. E.
Delk, deceased, to be distributed equally
among Maggie U. Barrett, S. H. Delk and
the infant defendants.....

\$1515.13

One-fourth interest of S. H. Delk.....	\$1584.68	
One-third share of S. H. Delk in the one-fourth interest of G. E. Delk.....		<u>505.04</u>
Total interest of S. H. Delk.....	\$2089.72	
Paid J. G. Kello, Jr., and S. T. Kello, executors, on deed of trust constituting a lien on said one-fourth interest of S. H. Delk.....	\$1584.68✓	
Paid G. W. Delk judgment, interest and cost.....	44.41✓	
Paid Home Telephone Com- pany, judgment, interest and cost.....	66.19✓	
Paid S. H. Delk.....	394.44✓	
Total.....	\$2089.72	\$2089.72

One-fourth interest of Maggie U. Barrett.....	\$1584.68	
One-third share of Maggie U. Barrett in the one-fourth interest of G. E. Delk.....		<u>505.04</u>
Total interest of Maggie U. Barrett.....	\$2089.72	
Paid Maggie U. Barrett.....	\$2089.72	

R E C A P I T U L A T I O N .

Total amount received by Special Commissioner as proceeds from the sale of the Delk property.....	\$7400.00	
Total cost.....	\$ 538.69	
Total taxes, including fidu- ciary taxes.....	<u>522.59</u>	
Total of cost and taxes.....	<u>1061.28</u>	
Remainder.....	\$6338.72	
Interest of S. H. Delk properly disbursed	2089.72	
Interest of Maggie U. Barrett.....	2089.72	
Interest of the infant defendants in the hands of Special Commissioner.....	2089.73	
Liens paid against the interest of G. E. Delk, deceased,	<u>69.55</u>	
	\$6338.72	\$6338.72

Your commissioner reports that since the preparation of the above account, W. E. Laine, Treasurer of Isle of Wight County, presented statement for \$67.09 on account of fiduciary taxes, which amount your commissioner has paid as shown by proper voucher exhibited herewith. Your commissioner had reserved for fiduciary taxes as shown above the sum of \$67.97. This leaves a difference of 88 cents between the amount reserved and the amount paid, which, being extremely small, your commissioner desires to add to the amount due the infant parties in order properly to balance his account, making the amount now in your commissioner's hands for said infants the sum of \$2090. 61.

Respectfully submitted,

John K. Stutrow
Special Commissioner.

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S. H. Delk

vs.

Maggie Barrett et als.

Report of John K. Hutton,
Special Commissioner.

Filed Dec 17, 1918

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.