

1925-001 Chancery Causes  
Isle of Wight County

Suey Day Martin + Thomas S. Martin, Junior vs Virginia Day  
Ralston + Julia Gould Ralston, by +C + d  
Petition of Henry Gould Ralston

Folder 1  
418

Other surnames. Moody,  
Hall, Cofer, Johnson, Warren,  
Ames, Morrison, Simpson,  
Briggs, [Christ Protestant  
Episcopal Church, Smithfield,  
Virginia] [Christ Church,  
Smithfield, Virginia], Wright,  
Chapman, Gay, Smith

No 1

Virginia: In the Circuit  
Court of Isle of Wight Co.

Lucy Day Martin et al

v) Chancery. No. 418

Virginia Day Ralston et als.

Bill of Complaint.

Filed 10/22, 1923.

R. U. Edwards  
clerk

*Bill filed in open court and  
Case set down for hearing  
upon Bill and answers.*

A. S. JOHNSON  
ATTORNEY AT LAW  
ISLE OF WIGHT, C. H., VA.

And your complainants will ever pray, etc.

Lucy Day Martin,

Thomas S. Martin, Jr.,

Complainants,

By counsel.

A handwritten signature in cursive script, possibly reading 'H. H. H. H.', is written over a horizontal line.

p. q.

lia Gould Ralston, infants under the age of twenty one years: Lettie Moody: Emma Hall: C. W. Warren, W. C. Ames, Edwin Morrison, W. P. Warren, W. F. Moody, F. B. Simpson and W. J. Briggs, Vestrymen of Christ Protestant Episcopal Church, Smithfield, Virginia: W. P. Warren and W. C. Ames, Trustees Christ Protestant Episcopal Church, Smithfield, Virginia: John I. Cofer and A. S. Johnson, Administrators, cum testamento annexo of the estate of Emily Virginia Day, deceased, be made parties defendant to this bill of complaint, and required to answer the same, though not under oath, answer under oath being hereby waived, the said infant defendants by their guardian ad litem; that a guardian ad litem for the said infant defendants be appointed by the Court, who shall, also, answer the said bill of complaint; that the administrators of the estate of the said Emily Virginia Day, deceased, be directed to apply the personal estate coming into their hands as such, to the payment of the debts of the said Emily Virginia Day, including the debt evidenced by the note for eighty five hundred dollars, secured by the mortgage aforesaid; that the said farm be divided between those entitled to share therein, under said will, or if it cannot be so divided, or any distinct or independent portion thereof cannot be divided or partitioned, that the entire farm be sold and the proceeds arising from such sale be distributed among the parties entitled to share therein, according to their respective rights; that the said administrators be required to make an accounting of their transactions of such to the Court; that the said administrators be directed as to how they shall distribute the personal estate of the said Emily Virginia Day, deceased; that all proper orders and decrees may be made and entered, accounts taken and inquiries directed; and that your complainants may have all such further, other and general relief in the premises as the nature of their case may require, or to equity shall seem meet.

by a promissory note, and which mortgage is unreleased, and now an outstanding and subsisting lien upon the said farm.

That the said Emily Virginia Day, at the time of her death, was seized of some personal estate not mentioned in her said last will and testament.

That the said Emily Virginia Day, when she died, as your complainants are informed, owed considerable sums of money in addition to the amount evidenced by and secured by the mortgage aforesaid, the amounts of which your complainants are not advised.

That your complainants believe that the personal estate not mentioned in the said last will and testament, is not sufficient to pay the debts of the said Emily Virginia Day, including the debt secured by the mortgage aforesaid.

That your complainants are informed, and believe, that they are entitled to have the debts of the said Emily Virginia Day, including the debt of eighty five hundred dollars, secured by the aforesaid mortgage, paid out of the personal estate, and if need be, that the legacies specifically mentioned in said will, before any part of the real estate of the said Emily Virginia Day be taken therefor.

That the said farm, as your complainants believe, is susceptible of partition among the parties entitled thereto; but should it not be susceptible of partition, conveniently, either in its entirety, or of any distinct or independent portion thereof, that a sale may be ordered of the entire farm, or of such distinct or independent part thereof as cannot be partitioned, and the proceeds arising from such sale be distributed among the parties entitled thereto according to their respective rights.

In tender consideration whereof, and forasmuch as your complainants are without remedy in the premises, save by the aid of a court of equity, where matters of this kind are alone and properly cognizable, they pray that Virginia Day Ralston and Ju-

her to her husband, Henry Gould Ralston, which he has deeded to me, back to her children, Virginia Day Ralston and Julia Gould Ralston.

I wish all my debts paid and the \$1000 my husband asked me to give to Christ Church, Smithfield, paid to the vestrymen of that church.

To Lettie Moody, should she be living when I die, \$200, and to Emma Hall \$100. To Virginia Day Ralston the stock I have in the Bank of Smithfield, and to Julia Gould Ralston the money I have on deposit in the Bank of Smithfield for their education. Then I wish the farm sold and the money equally divided between my four grandchildren, Lucy Day Martin, Thomas S. Martin, and Virginia Day Ralston and Julia Gould Ralston, also my stock in the telephone company and bonds, if I leave any, share and share alike.

My diamond ring to Lucy Day Martin, my pearl pin (bow knot) to Virginia Day Ralston.

May the Blessed Lord have them in His keeping is the wish of their grandmother".

That on the 26th. day of February, 1923, John I. Cofer and A. S. Johnson duly qualified as administrators, cum testamento annexo, of the estate of the said Emily Virginia Day, deceased.

That on the 23rd. day of October, 1922, the said Emily Virginia Day, by deed of that date, entered of record in the said Clerk's Office in Deed Book No. 92, page 434, conveyed the tract of land, in the County of Isle of Wight, State of Virginia, adjoining the lands of Giant Portland Cement Company, and others, designated in the said will as "the farm" to Federal Land Bank of Baltimore, Maryland, to secure the payment of the sum of eighty five hundred dollars (\$8500), the debt being evidenced

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

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Lucy Day Martin and Thomas S. Martin, Jr.,.....Complainants.

v) Chancery. No. 418

Virginia Day Ralston, Julia Gould Ralston,  
Infants under the age of twenty one years;  
Lettie Moody: Emma Hall: C. W. Warren, W.  
C. Ames, Edwin Morrison, W. P. Warren, W.  
F. Moody, F. B. Simpson and W. J. Briggs,  
Vestrymen of Christ Protestand Episcopal  
Church, Smithfield, Virginia: W. P. War-  
ren and W. C. Ames, Trustees of Christ  
Protestand Episcopal Church, Smithfield,  
Virginia: John I. Cofer and A. S. Johnson,  
administrators cum testamento annexo of the  
estate of Emily Virginia Day, deceased,.....Defendants.

BILL OF COMPLAINT.  
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TO HONORABLE B. D. WHITE,

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

Your complainants, Lucy Day Martin and Thomas S. Mar-  
tin, Jr., respectfully show unto the Court the following case:

That on the 18th. day of February, 1923, Emily Virginia  
Day, their grandmother, died, a resident of the town of Smithfield,  
County of Isle of Wight and State of Virginia, seized and possess-  
ed of certain personal and real estate.

That by her last will and testament, bearing date the  
22nd. day of December, 1919, duly admitted to probate in the of-  
fice of the Clerk of the Circuit Court of the said County of Isle  
of Wight, Virginia, on the 26th: day of February, 1923, provided  
for the distribution of her said estate, the said will being in  
words and figures following, to-wit:

" December 22nd. 1919.

Being in my right mind I think it best to make  
my will.

First: I give the house and lot, in Smith-  
field, left to Grace Day by her father and given by

Virginia: Circuit Court  
of Isle of Wight County.

Lucy Day Martin et al;

v) Chancery. 418

Virginia Day Ralston et als.

Petition of H. G. Ralston,  
foreign guardian of Virginia  
Day Ralston and Julia Gould  
Ralston.

Filed March 16th. 1925.

JOHNSON AND STEPHENS  
ATTORNEYS AT LAW  
ISLE OF WIGHT C. H., VA.



1919; that this petition may be heard by this Honorable Court; and that it may be adjudged, ordered and decreed that the said sums of money, due to the said infant defendants, Virginia Day Ralston and Julia Gould Ralston, infant defendants in this cause, be paid to the petitioner, H. G. Ralston, in conformity with the provisions <sup>of</sup> ~~with~~ the statute <sup>s</sup> in such cases is made and provided.

Your petitioner files herewith a certificate of the publisher of the Smithfield Times, showing notice of this application as having been published as is required by Section 5352 of the Code of Virginia, 1919.

And your petitioner will ever pray, etc.

H. G. Ralston

State of Florida,

County of Dade, to-wit:

I, Clem. R. Clements, a Notary Public  
State of Florida at Large for the County of Dade,  
in the State of Florida, do hereby certify that H. G. Ralston, whose  
name is signed to the foregoing petition, has personally appeared  
before me, in my said County, and has made oath that the state-  
ments made in said petition, so far as made of his own knowledge,  
are true, and so far as made upon information obtained from others  
he believes them to be true.

Clem. R. Clements

Notary Public for the State of Florida at Large.  
My Commission Expires Nov. 16, 1928.

in this suit.

That he has been appointed and has duly qualified, as guardian for the said Virginia Day Ralston and Julia Gould Ralston, in the County of Dade, State of Florida, in the court of the county judge of said county, as will appear by duly authenticated letters of guardianship attached to and made a part of this petition.

That he is informed and believes that he may be entitled, as such guardian, to receive from the administrators of Emily Virginia Day, deceased, and the special commissioner, in this suit, the said sums of money due to be paid to the said infants, as aforesaid,

That the said infants have no mother, no brothers or sisters, and if they were dead he, your petitioner, their said father, would be entitled to such money.

That he has executed, as a part of his qualification as such guardian, a bond, in the penalty of \$ 8500, with R. W. Ralston and Lorraine G. Smith, as surety, such surety being approved by the county court of the said county of Dade, in the State of Florida.

That John I. Cofer and A. S. Johnson, as administrators of the estate of Emily Virginia Day, deceased, have in their hands a part of said money, and that A. S. Johnson, as special commissioner in this cause, holds the balance thereof.

That A. E. S. Stephens, a discreet and competent attorney at law, practicing in this court, has heretofore, in this cause, been appointed as guardian ad litem for said infant defendants.

Your petitioner, therefore, prays that the said John I. Cofer and A. S. Johnson, administrators of the estate of said Emily Virginia Day, deceased; the said A. S. Johnson, special commissioner, as aforesaid, and the said A. E. S. Stephens, guardian ad litem of the said infant defendants, be required to answer this petition, as provided in Section 5350 of the Code of Virginia,

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

Lucy Day Martin et al.,.....Complainant.

v) Chancery. 418.

Virginia Day Ralston, Julia Gould Ralston, infants, and others,.....Defendants.

To Honorable Benjamin Dey White,

Judge of the Circuit Court of the County of Isle of Wight.

Your petitioner, H. G. Ralston, represents to the court that he is a resident of the city of Miami, in Dade County, State of Florida.

That he is the father of Virginia Day Ralston and Julia Gould Ralston, the infant defendants in this suit.

That the said Virginia Day Ralston and Julia Gould Ralston reside with him, at his home, in the city of Miami, county and state aforesaid.

That he is informed and believes that the said infants are entitled to a sum of money, arising from the sale of chattel estate, and the farm mentioned in the bill filed in this suit, the sum of money to which the said Virginia Day Ralston is entitled being approximately, the sum of \$5593.01, and that the sum of money to which the said Julia Gould Ralston is entitled being approximately the sum of \$2569.98.

That the proceeds from the sale of the farm mentioned in the bill filed in this suit has been converted in-to personal property under the terms of the will of Emily Virginia Day, the grand-mother of said infant defendants, said will being of record in the Clerk's Office of the County of Isle of Wight, State of Virginia, a copy thereof being filed with the bill

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Virginia: Circuit Court of  
the County of Isle of Wight

Lucy Day Martin et al

v) Chancery. No. 418

Virginia Day Ralston et als

Answer of jnfant defendants  
by guardian ad litem.

*Filed 10/22/23*

*R. A. Edwards, clk*

A. S. JOHNSON  
ATTORNEY AT LAW  
ISLE OF WIGHT, C. H., VA.

The Linden Printing Company, Hartford, Connecticut, U.S.A.

Julia Gould Ralston,  
By A. E. S. Stephens.  
their guardian ad litem.

A. E. S. Stephens.  
Guardian ad litem for Virginia  
Day Ralston and Julia Gould Ral-  
ston.

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

Lucy Day Martin and Thomas S. Martin, Jr.,.....Complainants

v) Chancery. No. 418

Virginia Day Ralston and Julia Gould Ralston, infants under the age of twenty one years: Lettie Moody: Emma Hall: C. W. Warren, W. C. Ames, Edwin Morrison, W. P. Warren, W. F. Moody, F. B. Simpson and W. J. Briggs, Vestrymen of Christ Protestant Episcopal Church, Smithfield, Virginia: W. P. Warren and W. C. Ames,, Trustees of Christ Protestand Episcopal Church, Smithfield, Virginia: John I. Cofer and A. S. Johnson, administrators, cum testamento annexo, of the estate of Emily Virginia Day, deceased,.....Defendants.

The answer of Virginia Day Ralston and Julia Gould Ralston, infants under the age of twenty one years, by A. E. S. Stephens, their guardian ad litem, to a bill in equity filed against them, and others, in the Circuit Court of the County of Isle of Wight, Virginia, by Lucy Day Martin and Thomas S. Martin, Jr.

These respondents, saving and reserving to themselves the benefit of all just exceptions to said bill of complaint, for answer thereto, or to so much thereof as they are advised that it is material for them to answer, by their said guardian ad litem, answer and say:

That they are infants of tender years, and by reason of their infancy are incapable of understanding or of taking care of their rights and interests herein; and that they, therefore, commend themselves and their rights and interests to the protection of the Court, and pray that no decree be entered that will tend to their prejudice.

And now having fully answered the said bill of complaint, they pray to be hence dismissed with their reasonable costs, etc.

Virginia Day Ralston.

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Virginia: In the Circuit  
Court of Isle of Wight Co.

Lucy Day Martin et al

v) Chancery. No. 418

Virginia Day Ralston et als.

Answer of Lettie Moody, Emma  
Hall and Ventrymen and Trus-  
tees of Christ Episcopal  
Church.

Filed 10/22, 1923.

*R. A. Egan D. clk*

A. S. JOHNSON  
ATTORNEY AT LAW  
ISLE OF WIGHT, C. H., VA.

indebtedness of the said Emily Virginia Day, deceased, nor whether the personal estate not mentioned in the will will discharge the same.

They do not admit, but deny, that the complainants are entitled to have the debts of the said Emily Virginia Day, including the debt evidenced by the mortgage mentioned in the said bill of complaint, paid out of the personal estate left by her, before any part of the farm, in which they have an interest, is taken for such purpose.

They do not object to a partition or sale of the said farm, mentioned in the said last will and testament, and an application of the proceeds derived therefrom, as well as of the balance of said estate, according to law, without, however, relinquishing any right they may have therein.

And now having fully answered they pray hence to be dismissed, with their reasonable costs, etc.

Little L. Moody

Emma K. Hall

Leuluan

Walter C. Ames

Edwin Morrison

W. J. Moody

H. B. Simpson

W. J. Briggs

W. P. Warren

Walter C. Ames

W. P. Warren

Vestrymen, Christ Protestant Episcopal Church-Smithfield, Virginia.

Trustees, Christ Protestant Episcopal Church-Smithfield, Virginia.



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

Lucy Day Martin and Thomas S. Martin, Jr.,.....Complainants.

v) Chancery.

No. 418

Virginia Day Ralston and Julia Gould Ralston,  
Infants under the age of twenty one years; Let-  
tie Moody; Emma Hall; C. W. Warren, W. C. Ames,  
Edwin Morrison, W. P. Warren, W. F. Moody, F.  
B. Simpson and W. J. Briggs, Vestrymen of  
Christ Church, Smithfield (Christ Protestant  
Episcopal Church); W. P. Warren and W. C. Ames,  
Trustees of Christ Protestant Episcopal Church,  
of Smithfield, Virginia; John I. Cofer and A.  
S. Johnson, Administrators of the estate of  
Emily Virginia Day, deceased, cum testamento  
annexo,.....Defendants.

The answers of Lettie Moody; Emma Hall; C. W. Warren,  
W. C. Ames, Edwin Morrison, W. P. Warren, W. F. Moody, F. B.  
Simpson and W. J. Briggs, Vestrymen of Christ Protestant Epis-  
copal Church, of Smithfield, Virginia; and W. C. Ames and W. P.  
Warren, trustees of said Christ Protestant Episcopal Church of  
Smithfield, Virginia; to a bill in equity, exhibited against them,  
and others, in the Circuit Court of the County of Isle of Wight,  
State of Virginia, by Lucy Day Martin and Thomas S. Martin, Jr.

These respondents, saving and reserving, etc., for an-  
swer to said Bill of Complaint, answer and say:

That they know nothing of the personal estate of the  
said Emily Virginia Day, deceased, not mentioned in her last will  
and testament, or of the value thereof; nor do they know of the

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VIRGINIA: In the Circuit  
Court of the County of Isle  
of Wight.

Lucy Day Martin et al

v) Chancery. No. 418

Virginia Day Ralston et als.

Answer of John I. Cofer and  
A. S. Johnson, Adrs. of E.  
V. Day.

Filed 10/22, 1923.

R. U. Egan D.  
ck

A. S. JOHNSON  
ATTORNEY AT LAW  
ISLE OF WIGHT, C. H., VA.

And now having fully answered they pray hence to be dismissed, etc.

*Ans. J. Cooper*

*W. Johnson*

Administrators, c.t.a. of Emily Virginia Day, deceased.

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

Lucy Day Martin and Thomas S. Martin, Jr.,.....Complainants

v) Chancery. No. 418

Virginia Day Ralston, Julia Gould Ralston,

Infants under the age of twenty one years;

Lettie Moody, Emma Hall: C. W. Warren, W. C.

Ames, Edwin Morrison, W. P. Warren, W. F.

Moody, F. B. Simpson and W. J. Briggs, Vestrymen of Christ Protestant Episcopal Church,

Smithfield, Virginia: W. P. Warren and W. C.

Ames, trustees of Christ Protestant Episcopal Church, Smithfield, Virginia: John I.

Cofer and A. S. Johnson, administrators,

cum testamento annexo, of the estate of

Emily Virginia Day, deceased,.....Defendants.

The joint and separate answer of A. S. Johnson and John I. Cofer, administrators, with the will annexed, of Emily Virginia Day, deceased, to a bill in equity, exhibited against them and others, in the Circuit Court of the County of Isle of Wight, Virginia, by Lucy Day Martin and Thomas S. Martin, Jr.

These respondents, saving and reserving, etc., for answer to said bill of complaint answer and say:

That they have no interest in the subject matter of the said suit except to properly administer the personal assets of the said Emily Virginia Day, deceased, and which they are willing and desire to do under the direction of the Circuit Court of the County of Isle of Wight, Virginia, and as to that part of the prayer of the said bill of complaint which asks that the administrators be required to make an accounting of their transactions as such to the court, they fully concur, and join in said prayer.

Virginia: Circuit Court  
of Isle of Wight County

Lucy Day Martin et al.,

v) Chancery. 418

Virginia Day Ralston et als.

Answer of John I. Cofer and  
A. S. Johnson, administra-  
tors of E. V. Day, and A.  
A. Johnson, special com-  
~~missioner, to petition of~~  
H. G. Ralston, foreign  
guardian.

Filed March 16th. 1925.

**JOHNSON AND STEPHENS**  
**ATTORNEYS AT LAW**  
**ISLE OF WIGHT C. H., VA.**

Johnson as administrators of the estate of Emily Virginia Day, deceased, and A. S. Johnson, as special commissioner, whose names are subscribed to the foregoing answer, have this day personally appeared before me, in my said County, and made oath to the statements therein contained.

Given under my hand this 16th. day of March, 1925.

James P. Coy  
Notary Public.

My commission expires

March 17<sup>th</sup> 1927.

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

Lucy Day Martin and Thomas E. Martin, Jr.,.....Complainants.

v) Chancery. 418.

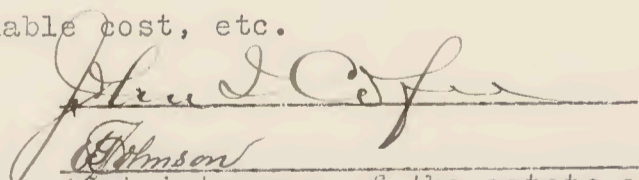
Virginia Day Ralston, Julia Gould Ralston,  
infants under the age of twenty one years,  
and others,.....Defendants.

The joint and separate answer of John I. Cofer and A. S. Johnson, administrators of the estate of Emily Virginia Day, deceased, and of A. S. Johnson, special commissioner in this cause, to a petition of H. G. Ralston, foreign guardian of the infant defendants, Virginia Day Ralston and Julia Gould Ralston, filed herein on this 16th. day of March, 1925.

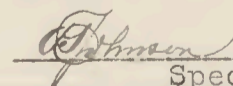
These respondents saving and reserving to themselves all just exceptions to said petition, answer and say:

That they have no interest in the subject matter of said petition, expect to properly account for the same, and to be discharged thereof, as the law provides, after having properly applied the same, which they are both willing to and desirous of doing, under the direction of the court, and

And now having fully answered they pray to be hence dismissed with their reasonable cost, etc.

  
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Administrators of the estate of  
Emily Virginia Day, deceased.

  
\_\_\_\_\_

Special Commissioner.

State of Virginia,

County of Isle of Wight, to-wit:

I, James P. Cox, a Notary Public for the County of Isle of Wight,  
State of Virginia, do hereby certify that John I. Cofer and A. S.

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

Lucy Day Martin et al.,

v) Chancery. 418

Virginia Day Ralston, et als.

Answer of infant defendants  
and guardian ad litem, to  
petition of H. G. Ralson,  
foreign guardian.

Filed March 16th. 1925.

JOHNSON AND STEPHENS  
ATTORNEYS AT LAW  
ISLE OF WIGHT C. H., VA.



pears that the said H. G. Ralston is the father of the said infant defendants and if they were dead, under the laws of the State of Virginia, would be their heirs. He, therefore believes, that the interests of the said infant defendants, nor any other person, will be prejudiced by permitting the funds mentioned in the said petition to be turned over to the said H. G. Ralston, guardian of the said infant defendants aforesaid. However, the interests of the said infant defendants, notwithstanding the statement above made, is commended to the care of this Honorable Court, and he joins in the prayer that no decree or order may be entered tending to their prejudice.

And now having fully answered the said petition, they pray to be hence dismissed with their reasonable costs, etc.

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Virginia Day Ralston,

By A. E. Stephens,  
her guardian ad litem.

Julia Gould Ralston,

By A. E. Stephens,  
her guardian ad litem.

A. E. Stephens  
Guardian ad litem for Virginia Day  
Ralston and Julia Gould Ralston.

State of Virginia,

County of Isle of Wight, to-wit:

I, A. S. Johnson, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, State of Virginia, do hereby certify that A. E. S. Srephens, the above named guardian ad litem of Virginia Day Ralston and Julia Gould Ralston, has this day personally appeared before me, in my said County, and made oath to the said answer and the statements therein contained.

Given under my hand this 16th. day of March, 1925.

A. S. Johnson  
Commissioner in Chancery.

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

Lucy Day Martin and Thomas S. Martin, Jr.,.....Complainants:

v) Chancery. 418.

Virginia Day Ralston, Julia Gould Ralston,  
infants under the age of twenty one years,  
and others,.....Defendants.

The answer of Virginia Day Ralston and Julia Gould Ralston, infants under the age of twenty one years, by A. E. S. Stephens, their guardian ad litem, to a petition filed by H. G. Ralston, their foreign guardian, appointed by the County Court of Dade County, in the State of Florida, on the 8th. day of January, 1925, and filed herein on the 16th. day of March, 1925, praying that the funds in the hands of A. S. Johnson, Special Commissioner in this cause, and the funds in the hands of A. S. Johnson and John I. Cofer, administrators of the estate of Emily Virginia Day, deceased, belonging to the said infant defendants, Virginia Day Ralston and Julia Gould Ralston, be turned over to him, the said H. G. Ralston: and the answer of the said A. E. S. Stephens, guardian ad litem for the said infant defendants:

These respondents, saving and reserving to themselves the benefit of all just exceptions to the said petition, for answer thereto, or to so much thereof as they are advised that it is material for them to answer, answer and say:

That the said infants are of tender years, and by reason of their infancy are incapable of understanding or of taking care of their rights and interests herein; and that they, therefore, commend themselves, and their rights and interests herein, to the protection of the Court, and pray that no decree be entered that will tend to their prejudice.

And the said A. E. S. Stephens, guardian ad litem for said infant defendants, answering the said petition, says: That it ap-

No 6

Virginia: Circuit Court  
of Isle of Wight County.

Martin et al

v) Chancery. No. 418

Ralston et als.

Commissioner's report.

Filed October 31st. 1923.

A. S. JOHNSON  
ATTORNEY AT LAW  
ISLE OF WIGHT, C. H., VA.

The Linden Printing Company, Hartford, Connecticut, U.S.A.

Lucy Day Martin et als.,

Vs. In Chancery.

Virginia Day Ralston et als.,

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Commissioners Notice.

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Original.

COMMISSIONERS OFFICE.

ISLE OF WIGHT, VIRGINIA, OCTOBER 26TH, 1923.

To;

C. W. Warren, W. C. Ames, Edwin Morrison, W. P. Warren, W. F. Moody, F. B. Simpson, and W. J. Briggs, Vestrymen of Christ Protestant Episcopal Church, Smithfield, Virginia, W. P. Warren, and W. C. Ames, Trustee's of Christs Protestant Episcopal Church Smithfield, Virginia, Lettie Moody, Emma Hall, John I. Cofer and A. S. Johnson, Administrators c.t.a. of the estate of Emily Virginia Day, deceased, and A. E. S. Stephens, Guardian ad litem of Virginia, Day Ralston, Julia Gould Ralston, infants under the age of twenty one years;

YOU ARE HEREBY NOTIFIED, that I have fixed upon the 31st day of October 1923, next, at 9:30 oclock A. M. at the Bank Of Smithfield, Smithfield Virginia, to make and report the following;

- 1st. When Emily Virginia Day died and what Estate she possessed.
- 2nd Who are the parties entitled to the said Estate and in what proportions.
3. Whether or not the real estate mentioned in the Bill of Complaint, as the farm, can be conveniently divided among the parties entitled to share therein, and if not whether or not the interests of the parties entitled to share therein will be promoted by a sale etc.,
4. Whether there are any liens against the said Estate on account of taxes, judgments or otherwise and their priority.
5. What property has come into the hands of the Administrators and what disposition has been made of the same if any, also whether or not the said Administrators have executed a bond with good security and with sufficient penalty.
6. The debts due by the said Emily Virginia Day, deceased, in detail, with their priorities, and from what fund or funds they shall be paid.
7. Who are the proper parties to this suit, their residences, and ages of the infant defendants and if all the proper parties are before the Court together with any matter specially stated, deemed pertinent or which may be required by any party in interest-

Required to be taken by a decree of the Circuit Court of the County of Isle Of Wight rendered on the 22nd day of October 1923 in a Chancery Suit depending in said Court between Lucy Day Marten et als, plaintiffs and Virginia Day Ralston et als defendants, at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court the day and year first aforesaid.

R. A. Edwards Commissioner.

A copy of the above notice was, on this day, delivered to C. W. Warren, W. C. Ames, Edwin Morrison, W. P. Warren, W. F. Moody, F. B. Simpson and W. J. Briggs, vestrymen of Christ Protestant Episcopal Church, Smithfield; and W. P. Warren and W. C. Ames, trustees of Christ Protestant Episcopal Church, and Lettie Moody and Emma Hall, in the County of Isle of Wight, Virginia.

Given under my hand this 27th. day of October, 1923.

W. H. Chapman, Sheriff,

By F. L. Wilson, Deputy Sheriff.

*Persons of the above notice is accepted*

*Lucy Day Marten  
Marian S. Marten  
John I. Cofer  
A. S. Johnson  
c.t.a. of E. V. Day decd*

*by A. E. S. Stephens*

*A. E. S. Stephens*

*Guardian ad litem Virginia Day Ralston  
Julia Gould Ralston*

B. P. Gay being duly sworn, deposes and says:

Please state your name, age, residence and occupation? A. B. P. Gay, I am firtynine years of age, live in Smithfield, Isle of Wight County, Virginia, and I am engaged in several activities-I am a farmer, Automobile Salseman or dealer, and I am interested in lumber and many enterprises.

Q. Do you know the farm in Isle of Wight County of which the late Mrs. Emily Virginia Day died siezed and possessed? A. Yes.

Q. Please state what, in your opinion, is a fair annueal and fee simple value of that farm? A. Considering labor conditions here and everything else, I think a thousand dollars would be a fair annual value. A fair fee simple value in my opinion, should be from fifteen to twenty thousand dollars. It isa large farm and large farms are not as much in demnd as small farms. The marl people have some rights there which cuts its value considerable.

Q. In your opinion can this farm be conveniently divided into four equal shares? A. I do not think so. I should say sell the whole of the place and divide the mohey. In my opinion that would be the only way to make proper division of it.

Q. How long have you know this property? A. Some twenty years or more.

Q. Are you fairfly well acquainted with land values in this vicinity? A. Yes, I think so, I have been dealing in land and timber for quite a number of years.

And further this deponent saith not.

B. P. Gay

And further this deponent saith not:

Leeward

J. M. Chapman being duly sworn, deposes and says:

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

J. M. Chapman, I am forty five years of age, live in Smithfield, Isle of Wight County, Virginia, and I am a merchant.

Q. Are you acquainted with the farm of which Mrs. E. Virginia Day died seized and possessed? A. Yes sir.

Q. How far is it located from a transportation point? A. It is about a mile and a half from Smithfield, and it lies on the State Road No. 10.

Q. What in your opinion, is a fair annual and fee simple value of this farm? A. The annual value is not over a thousand dollars, and the fee simple value is around fifteen thousand dollars.

Q. Can this farm, or can it not, be conveniently divided among four parties, or into four equal shares? A. No, I do not see how it is possible to do so.

Q. State whether or not any distinct or independent part of said land can be conveniently divided among the parties entitled to share therein, who, under the will of Mrs. Day, are her four grand-children? A. No, I do not believe it can. I think it can only be properly divided by selling the whole and dividing the proceeds of sale.

Q. Please state if you know the ages of the four parties entitled to share in this property? Lucy Day Martin is twenty five years old, Thomas S. Martin is twenty one years old, and Virginia Ralston is twelve years of age and Julia Ralston is nine years of age. I do not recall the dates of their birth.

And further this deponent saith not?

J. M. Chapman

And further this deponent saith not.

Thos B. Wright

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C. W. Warren being duly sworn, deposes and says:

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

C. W. Warren, I am sixty four years of age, live in Smithfield, Isle of Wight County, Virginia, and I am a farmer.

Q. Please state if you are acquainted with the C.F. Day farm, in Isle of Wight County, Virginia? A. I am, I have known it for fifty years or more.

Q. The Bill in this suit states that Thomas S. Martin, Jr., Lucy Day Martin, Virginia Day Ralston, and Julia Gould Ralston are the owners of this place, under the will of Mrs. Virginia Day: this being true can the said farm be conveniently divided among these parties? A. No.

Q. Can any distinct or independent portion thereof be conveniently divided? A. No, the only way to make convenient division of it is to sell it and divide the money. I have understood that the land is under a mortgage. Certainly with that upon it, and if it is true that the personal estate is not sufficient to pay Mrs. Day's debts, which I have been told is true, it could not be conveniently divided. I am satisfied that even if there was not a cent debt upon it that neither the whole or any part of it could be conveniently divided, and that the only method would be to sell it and divide the money.

Q. Please state what, in your opinion, is a fair annual and fee simple value of the said farm? A. I believe a thousand dollars a year is all that it would rent for. The fee simple value, considering the marl rights owned by the Cement Company, is not over fifteen thousand dollars.



T. B. Wright being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. T. B. Wright-I am seventy three years of age, reside in Isle of Wight County, Virginia, and am a farmer.

Q. Are you acquainted with the tract of land, in Isle of Wight County, Virginia, commonly known as the C. F. Day farm, and of which the late Emily Virginia Day died seized and possessed?

A. I am. There is one farm between my place and this farm, which is now owned by Mr. Herbert Dashiell, and I have lived where I now live for my whole life time.

Q. Please state what, in your opinion, is a fair value for the Day farm mentioned? A. Considering the rights of the Giant Portland Cement Company, I would say that the place is worth fifteen thousand dollars.

Q. Do you know who is entitled to this land? A. Under the will of Mrs. Virginia Day I understand that her four grand-children, Thomas S. Martin, Jr., Lucy Day Martin, Virginia Day Ralston and Julia Gould Ralston.

Q. Please state if, in your opinion, the said tract of land can be conveniently divided among the parties entitled to share therein, either in its entirety, or any distinct or independent portion thereof? A. I do not think that it can be conveniently divided. The only feasible plan for a division of it is to sell the whole and divide the proceeds of sale.

Q. Do you know when Mrs. Day died? Ans. She died on the 18th. of February, 1923.

Q. Do you know what property Mrs. Day died seized and possessed? A. She owned the house and lot in Smithfield, the farm mentioned, and, and some chattel property, the value of all of which I do not know. I understand that there are considerable debts due by the estate.

the proper steps be taken to relieve her estate from such liability.

Respectfully submitted,

R. A. Edwards  
Commissioner in Chancery.

Commissioner's fee, \$ 75.00

9. The proper parties to this suit are as named in the prayer of the Bill of Complaint, that is to say: Thomas S. Martin, Jr., Lucy Day Martin, Virginia Day Ralston, Julia Gould Ralston, the two named first being adults, and the two latter being infants, Lettie Moody, Emma Hall, both adults, and the trustees and vestrymen of Christ Episcopal Church of Smithfield, all of whom are properly before the Court.

While it is not in evidence your Commissioner has knowledge of the fact that Lucy Day Martin is a resident of the town of Smithfield, Virginia, Thomas S. Martin, Jr., is at the University of Virginia, the two infant defendants being with their father, Henry Gould Ralston, who is a resident of the State of Florida, his present address being Miami, and the other defendants are all residents of the said town of Smithfield.

10. The annual value of the said farm is given in the testimony to be one thousand dollars and the fee simple value by three of the witnesses at not over fifteen thousand dollars, while one of the witnesses, Mr. B. P. Gay, states that the fee simple value is from fifteen to twenty thousand dollars.

The conveyances of the rights to mine marls and clays, given by C. F. Day and others, to which the land is subject, as shown by deeds bearing date the 5th. day of November, 1898, and the 14th. day of June, 1899, of record in the Clerk's Office of this court in Deed Books Nos. 63 and 64, at pages 284 and 123, respectively, in the opinion of the witnesses, curtails the value of the place, for farm purposes, and apparently, to some right large extent.

Inasmuch as the mortgage mentioned above cannot be paid off for some time yet, it is recommended that in the event that the court decrees a sale of the property mentioned, that it be sold subject to said mortgage, and which is to be mentioned at the time of sale. In the event of a sale, as your commissioner is informed that the liability of the estate of the said Emily Virginia Day can be transferred to the purchaser of said farm, it is recommended that

infant defendants, Virginia Day Ralston and Julia Gould Ralston, took the evidence of Mr. Thomas B. Wright, Mr. C. W. Warren, Mr. J. M. Chapman and Mr. B. P. Gay, upon which to base his report, in part, the said evidence being reduced to writing, all of which is returned herewith, as a part of this report.

3. That the said Emily Virginia Day departed this life on the 18th. day of February, 1923, a resident of the town of Smithfield, County of Isle of Wight and State of Virginia.

4. The real estate mentioned in the bill, <sup>and the will of said Emily Virginia Day,</sup> is a farm, <sup>containing 525 acres, more or less, adjoining lands of J. H. Haskins et al</sup> near the town of Smithfield, on State Road No. 10, <sup>and from the</sup> testimony taken, as aforesaid, it appears that partition of the entire subject, nor of any distinct or independent part thereof, <sup>not</sup> can be conveniently made, to advantage, and that the proper manner to make division is to sell the whole and divide the proceeds arising from the sale.

5. That there is a lien against the said farm for the sum of eighty five hundred dollars, evidenced by a Mortgage, to the Federal Land Bank of Baltimore, securing one note for the payment of the sum of eighty five hundred dollars, bearing date the 2nd. day of October, 1922, with interest thereon at the rate of five and one half per centum per annum, payable in sixty eight semi-annual installments, of two hundred and seventy <sup>Six</sup> ~~five~~ dollars and ~~twenty~~ <sup>and a final payment of two hundred and seventy five dollars and fifty</sup> five cents each, said payments beginning six months from <sup>two cents</sup> the date of said note, and all defaulted payments to bear interest at the highest rate of State, not to exceed eight per cent.

7. It is not possible to make an accurate report of the property coming into and to come into the hands of the administrators, as the crops upon the said farm have not all been harvested and disposed of up to this time. This matter can and should be deferred till a later date.

8. It is not possible, at this time, to ascertain and report all the debts due by the estate or to be due by the estate of the said Emily Virginia Day, deceased.

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

Lucy Day Martin et al

v) Chancery. No. 418

Virginia Day Ralston, et als.

REPORT OF COMMISSIONER IN CHANCERY.

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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 22nd. day of October, 1923, respectfully reports to the court as follows, to-wit:

1. That on the 26th. day of October, 1923, he issued notices, to all parties, that he would, on the 31st. day of October, 1923, at half past nine o'clock, in the morning, at the Bank of Smithfield, Smithfield, Virginia, proceed with the execution of said decree, which notice has either been duly served or accepted as will appear by the original, which is hereto attached, showing due service or acceptance thereof.

2. That at the time and place mentioned in said notice your commissioner attended, and in the presence of Mr. A. S. Johnson, counsel for the complainants, and also counsel for the administrators of Emily Virginia Day, deceased; and in the presence of Mr. A. E. S. Stephens, the duly appointed guardian ad litem of the

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Virginia: Circuit Court of  
Isle of Wight County.

Lucy Day Martin et als.

v) Chancery. No. 418.

Virginia Day Ralston et als

Special Commissioner's  
report.

Filed Decem. 4th. 1915.

A. S. JOHNSON  
ATTORNEY AT LAW  
ISLE OF WIGHT, C. H., VA.

To Honorable B. D. White,

Judge of the Circuit Court of the County of Isle of Wight.

<sup>we</sup>  
I hereby make an offer of \$16600.00 for the C. F. Day farm, and the money is on deposit in the Bank of Smithfield, ready to be paid to the Court, or to any one whom the Court may direct to receive the same, when the deed for the said land is delivered to me.

Given under my hand this 4th. day of December, 1923.

Sykes & Gwathney  
by W. H. Sykes,

I, John I. Cofer, Cashier of Bank of Smithfield, Smithfield, Virginia, do hereby certify that <sup>and S. L. Gwathney trading as Sykes & Gwathney</sup> W. H. Sykes has deposited with me the sum of nine thousand dollars, to be applied as purchase price for the C. F. Day farm, it being sufficient to pay off the purchase price, in addition to the amount secured by the mortgage of the Federal Land Bank of Baltimore, the amount now due the said Federal Land Bank being \$8413.83.

Given under my hand this 4th. day of December, 1923.

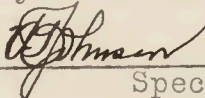
John I. Cofer

he could recommend sale to be confirmed for the amount of said bid, and he stated to Mr. Gay that he had no idea that the court would confirm the sale.

That since the date of the sale, Mr. John I. Cofer, one of the administrators of the estate of said Emily Virginia Day, has interested Mr. W. H. Sykes and Mr. S. L. Gwaltney, trading as Sykes and Gwaltney, and who have submitted, in writing, an offer of sixteen thousand six hundred dollars, for the said C. F. Day farm, which offer is submitted herewith.

The special commissioner respectfully requests of the court direction as to how he shall proceed further in this cause.

Respectfully submitted,

  
Special Commissioner.



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

Lucy Day Martin et als

v) Chancery. No. 418.

Virginia Day Ralston, et als.

TO HONORABLE B. D. WHITE,

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

The undersigned, appointed special commissioner in the chancery cause, in the Circuit Court of the County of Isle of Wight now depending and undetermined, under the general style of Lucy Day Martin et als. v. Virginia Day Ralston et als, Docket Number 418, respectfully reports to the court, that pursuant to decree entered herein on the 12th. day of November, 1923, after advertisement as in said decree is directed, did offer for sale, at public auction, in front of the United States Post Office, in the town of Smithfield, County of Isle of Wight, State of Virginia, at noon on the 1st. day of December, 1923, the land in the bill and proceedings of this suit mentioned, commonly known as the C. F. Day farm, in said County of Isle of Wight, near the said town of Smithfield, and at which sale, which was well attended B. P. Gay was the last and highest bidder, having bid the sum and price of eleven thousand dollars. That because the said bid was not within a considerable sum of the lowest value placed upon the said land, as shown by the report of R. A. Edwards, Commissioner in Chancery, filed herein on the 31st. day of October, 1923, the lowest sum placed thereon being fifteen thousand dollars, he did not accept from Mr. Gay ten per cent of the bid so made as aforesaid, because he did not feel that

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Virginia: Circuit Court of  
Isle of Wight County, Va.

Lucy Day Martin et als

v) Chancery. No. 418.

Virginia Day Ralston et als.

Report of Special Commis-  
sioner.

Filed, Dec. 28<sup>th</sup>, 1923.

A. S. JOHNSON  
ATTORNEY AT LAW  
ISLE OF WIGHT, C. H., VA.

The Linden Printing Company, Hartford, Connecticut, U.S.A.

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

Lucy Day Martin et als

v) Chancery. No. 418.

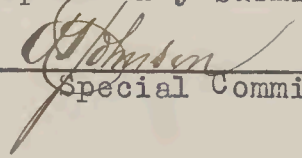
Virginia Day Ralston et als

TO HONORABLE B. D. WHITE,

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

The undersigned, special commissioner, respectfully reports that pursuant to decree entered herein on the 4th. day of December, 1923, he has executed and delivered to W. H. Sykes and S. L. Gwaltney, partners, trading under the firm name and style of Sykes and Gwaltney, a deed for the C. F. Day farm, in these proceedings mentioned, and has collected from them the sum of \$8186.17, that being the difference between the sale price of \$16600.00 and the amount due and owing which is \$8413.83, to Federal Land Bank of Baltimore, Maryland. He has also taken steps to have the estate of Emily Virginia Day released from any further responsibility to said Federal Land Bank, and to have that responsibility placed upon said Sykes and Gwaltney.

Respectfully submitted,

  
Special Commissioner.

Virginia: Circuit Court of  
Isle of Wight County.

Lucy Day Martin et al  
v) Chancery. No. 418  
Virginia Day Ralston et als

Report of special commiss-  
ioner.  
Filed May 5th. 1924.

A. S. JOHNSON  
ATTORNEY AT LAW  
ISLE OF WIGHT, C. H., VA.

day of April, 1924, when your commissioner took a certificate of deposit from Bank of Smithfield for the total amount, namely, the sum of \$7828.28, and which is herewith returned. This certificate is numbered 7272 and bears date the 15th day of April, 1924.

The said Sykes and Gwaltney have agreed, as heretofore stated, to assume the obligation of the estate of Emily Virginia Day with the Federal Land Bank, of Baltimore, Maryland, and papers have been filled in and sent to that institution, long since. There appears to be a great amount of detail attached to such a proceeding, and while the special commissioner has been verbally informed, by C. D. Haverty, Secretary of the local bank, that the transfer has been properly made and that the estate is relieved, there is nothing further in his hands to show that such is the case, but it is promised that within a short time it will be, and when it comes it will be filed with the papers in this cause and reported upon when the next report is made herein.

Respectfully submitted,

*A. Johnson*, Special Commissioner.

The vouchers covering the expenses noted herein are attached hereto as a part of this report.

*A. Johnson*, Special Commissioner.

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

Lucy Day Martin et als

v) Chancery. No. 418.

Virginia Day Ralston, et als.

To Honorable B. D. White,

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

The undersigned, special commissioner, appointed by decree entered in this cause on the 12th. day of November, 1923, respectfully reports to the court that agreeably to the decretal order entered in this cause on the 28th. day of December, 1923, he has paid the costs of this suit, with the exception of the clerk's fees, (and upon which an advance has been made) as follows:

F. L. Wilson, Deputy Sheriff, serv. notices	\$ 4.50
R. A. Edwards, Commissioner, report,	25.00
D. J. Mood, printing sale notices,	4.75
R. A. Edwards, Agent, premium on S.C. bond,	22.50
W. H. Chapman, crying property at sale,	10.00
Johnson & Stephens, draft of deed,	15.00
Johnson & Stephens, war tax stamps for deed,	17.00
A. S. Johnson, special commissioner, com- missions on sale price,	<u>341.00</u>

Aggregating the sum of \$ 439.75

The total amount paid to the special commissioner by Sykes & Gwaltney, on account of the sale of the land, was, as shown by the report filed herein on the 28th. day of December, 1923, \$81-86.17, it being the difference between the sale price of the land and the amount due and owing to Federal Land Bank, of Baltimore, Maryland, by the estate of Mrs. Emily Virginia Day, and secured by a mortgage upon the said tract of land, the said Sykes and Gwaltney having agreed to assume the obligation due to the Federal Land Bank, aforesaid. Out of this amount comes the expense items enumerated and listed above, leaving a balance of \$7746.42. Interest has accumulated on that balance, amounting to \$81.86, up to the 15th.

\$ 45<sup>00</sup>.....

Decemr 21<sup>st</sup>....., 1922

Received of A. S. Johnson, Attorney, the sum of

*Four* *5* / *100*.....Dollars,

in payment for *Settling Commissioners notes in*.....

*Marten et al v Ralston et al*.....

*F L Wilson* Deputy Sheriff

\$ 25.00

April 9, 1924

Received of A. S. Johnson, <sup>Sgt. Const</sup> ~~Attorney~~, the sum of

Twenty five - 00 - Dollars,

in payment for Commissioner's fee for making

report in Matter of A. S. Johnson et al

R. A. Edman



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\$ 4 <sup>75</sup> .....

November 14, 1923

Received of A. S. Johnson, Attorney, the sum of

Four — 75/100 — ..... Dollars,

in payment for printing notices of sale of real estate  
part of Martin et al & Rolston et al

J. M. Wood

\$ 7750

Nov 17, 1923

Received of A. S. Johnson, <sup>Spec Court</sup> Attorney, the sum of

Twenty two <sup>50</sup>/<sub>100</sub> Dollars,

in payment for 1st premium on bond of A. Johnson,

per Spec. Court, Martin et al v. Patton et al

R. A. Edwards

3

\$ 15.00

Dec 15, 1923

Received of A. S. Johnson, <sup>Spe Comm</sup> ~~Attorney~~, the sum of

Fifteen 00/100 Dollars,

in payment for fr of Spe Comm paid to J. H. G. Gwathmey

Martin et al r Rolston et al

Johnson & Stephens, Atty

\$ 17/00 .....

Dec 15 ....., 1923.

Received of A. S. Johnson, Attorney, the sum of

Seventeen 00/100 ..... Dollars,

in payment for court tax stamps put on Spe Court .....

deed, Martin et al & Palston et al .....

Johnson Stephens, Atty.

\$ 341.00

Apr 9, 1924

Received of A. S. Johnson, <sup>b71 Comd</sup> Attorney, the sum of

Three hundred forty one <sup>00/100</sup> Dollars,

in payment for Commissions on sale of land in

Martin et al & Ralston et al \$1660.00

A. S. Johnson

\$10.<sup>00</sup>.....

April 9....., 1924

Received of A. S. Johnson, <sup>Spk Const</sup> Attorney, the sum of

Ten — 00/100.....Dollars,

in payment for... *buying E. V. Day farm for 5 ac* .....

*Martin et al + Laeston et al* .....

*W. H. Chapman,*  
*Orin*

Virginia: Circuit Court of  
Isle of Wight County.

Lucy Day Martin et als  
v) Chancery. No. 418.  
Virginia Day Ralston et  
als.

Report of Commissioner.  
Filed Nov. 15th.1924.

JOHNSON AND STEPHENS  
ATTORNEYS AT LAW  
ISLE OF WIGHT C. H., VA.

commissioner in this cause, and the balance in the hands of the administrators received from the sale of the farm products for the year 1923, as set forth in their statement attached hereto, after the payment of the expense of such operations, as well as the costs of administration and the costs of this suit, pro-rata; that is to say that the specific bequests to Virginia Day Ralston and to Julia Gould Ralston, shall, severally, contribute; and then the aggregate of the bequests made to Lucy Day Martin, Thomas S. Martin, Jr., Virginia Day Ralston and Julia Gould Ralston, including the net balance in the hands of the administrators, and the sum in the hands of the said special commissioner, all of which belongs, equally, to the said four grand-children, namely, Lucy Day Martin, Thomas S. Martin, Jr., Virginia Day Ralston and Julia Gould Ralston, each fund here mentioned to bear its proportionate share of such debts and costs.

The Diamond Ring and Pearl Bow Knot Pin mentioned in the will, and which have never come into the hands of the administrators, your commissioner recommends to be permitted to pass to the legatees, as it would appear from the position they are mentioned in the will that the testator intended them to be of a higher class than the other specific legacies, without being compelled to contribute anything to the payment of the debts and costs, as aforesaid.

Respectfully submitted,

R. A. Edwards  
Commissioner in Chancery.

Commissioner's fee, \$ 75.00



Day, not specifically bequeathed in her last will and testament, is insufficient to pay the debts of the estate.

That the specific legacies are more than sufficient to pay the debts of said estate, and no real estate will have to be taken therefor.

That the house and lot, in the town of Smithfield, devised to Virginia Day Ralston and Julia Gould Ralston is real estate and will pass to them under the said last will and testament, or did pass to them, untouched.

That all of the rest of the property left by her is personal estate, and is set forth in detail, in the statement and report of the administrators attached to and made a part of this report, and from which it appears as follows:

That the amount of debts paid and due to be paid by the estate is \$5133.20. That the money and proceeds of the property not specifically bequeathed amounts to \$2214.12. That the difference between these two amounts will have to be paid, pro-rata, out of the money and proceeds from the property specifically bequeathed, after the payment of the costs of administration, and the costs of this suit.

That the legacies to Christ Church, Smithfield, to Lettie Moody and Emma Hall, being general or pecuniary legacies, will fail for want of funds out of which to pay them.

The report of the administrators, hereto attached, sets forth, in detail, and clearly, the property which has come into the hands of the administrators and need not be herein specifically mentioned.

Your Commissioner recommends that the administrators be directed to pay the balance of the debts of the estate, after the exhaustion of the sum of \$2214.12, that being the money and proceeds of property not specifically bequeathed, ~~and then~~ out of the money and proceeds from the property specifically bequeathed, including the amount in the hands of A. S. Johnson, special

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

Lucy Day Martin et al.

v) Chancery. No. 418.

Virginia Day Ralston et als.

To Honorable Benjamin Dey White,

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

The undersigned, one of the Commissioners in Chancery of the Circuit Court of the County of Isle of Wight, State of Virginia, to whom has been referred the papers in the above entitled cause, for the completion of the execution of a decree entered therein on the 22nd. day of October, 1923, respectfully reports that after giving notice to all the parties, both complainant and defendant that he would, on the 22nd. day of October, 1924, at his office, at Isle of Wight Courthouse, Virginia, proceed to complete the execution of said decree, which notice is hereto attached showing service upon the parties to this cause, he attended at the time and place mentioned and begun the execution of said decree. From the pleadings in this cause, from the records filed in the Clerk's Office of this Court, and from the statement of the administrators of the estate of Emily Virginia Day, deceased, attached to this report and made a part thereof, as well as the appraisement of the chattel estate of said Mrs. Emily Virginia Day, your commissioner is informed and reports as follows:

That the personal estate of the said Emily Virginia

A STATEMENT OF THE TRANSACTIONS OF JOHN I. COFER AND A. S. JOHNSON,  
AS ADMINISTRATORS C.T.A. OF THE ESTATE OF EMILY VIRGINIA DAY, DEC '18.

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RECEIPTS:

Receipts from property not specifically bequeathed:

Amount of money in The Merchants & Farmers Bank, Inc., of Smithfield, Virginia, at the death of Mrs. Day.	\$ 31.43
Dividend received from National Farm Loan Association, based upon a loan contracted with Federal Land Bank of Baltimore, and secured by mortgage on the farm mentioned in the will of Mrs. Day	21.04
Receipts from public sale of chattel property on farm, made on December 20th. 1923, a detailed ac- count of which is hereto attached,	1791.65
Received on account of sale of stock hogs to Sykes & Gwaltney,	<u>370.00</u>
	<u>\$2214.12</u>

Money and property, and the proceeds therefrom, re-  
ceived by the administrators, and specifically be-  
queathed by the will of Mrs. Day.

Amount of money in Bank of Smithfield, Smithfield, Virginia, at the death of Mrs. Day, specifically bequeathed to Julia Gould Ralston,	42.76
Dividends received from Bank of Smithfield, on Stock held therein by Mrs. Day, and specifically bequeath- ed to Virginia Day Ralston,	240.00
Amount received from P. D. Gwaltney, Jr. for fifteen shares of Capital Stock of Bank of Smithfield, Smith- field, Virginia, of the par value of \$100 per share,	3825.00
Dividends received on 160 shares of the Capital Stock in Home Telephone Company, held therein by Mrs. Day, specifically bequeathed to Lucy Day Martin, Thomas S. Martin, Jr., Virginia Day Ralston and Julia Gould Ral- ston, share and share alike,	300.00
Amount received from P. D. Gwaltney, Jr. for 160 shares of the Capital Stock of Home Telephone Company, of the par value of \$25.00 per share,	4000.00
Received from E. A. Morrison, Trustee for B. P. Gay and A. R. Chalmers, in a deed of trust securing the payment of certain bonds, held by Mrs. Day at her death, and specifically bequeathed to Lucy Day Martin, Thomas S.	

Martin, Jr., Virginia Day Ralston and Julia Gould Ralston, share and share alike (see note)	909.00
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Receipts from farm products made in the farming  
operations of the year 1923:

Mar. 16th.	Miscellaneous articles sold,	68.63
Sept. 29th.	Pears sold,	330.88
Oct. 6th.	Pears sold,	116.20
Nov. 1st.	Three dressed calves sold,	40.43
Dec. 1st.	One dressed cow sold,	32.16
Dec. 5th.	Peanut vines sold,	25.00
Dec. 20th.	Peanut vines sold,	15.00

1924.

Jan. 2nd.	Sale of dressed pork,	735.58
Jun. 17th.	Sale of 57952 pounds peanuts to John King Peanut Company for .05655 per pound,	3277.18
	Total sales from farm,	4641.06

Bills paid on account of the farm operations for 1923:

Mar 31st.	Paid B. A. Gwaltney, foreman, salary for Jan, Feb. and Mar.	150.00
May 3rd.	Paid Carpenter & Petrie, for making survey and plat of farm,	252.67
May 12th.	Paid B. A. Gwaltney, foreman, salary for April,	50.00
Jun 2nd.	Paid B. A. Gwaltney, foreman, salary for May, 1923,	50.00
Jun 26th.	Paid Bank of Smithfield, inter- est on loan to administrators,	25.50
Jun 30th.	Paid B. A. Gwaltney, foreman, salary for June,	50.00
Aug 13th.	Paid Home Telephone Company, farm phone rent,	14.72
Aug. 28th.	Paid Bank of Smithfield, in- terest on loan to administrators,	25.50
Sep 1st.	Paid B. A. Gwaltney, foreman, salary for July and August	100.00
Sep 29th.	Paid B. A. Gwaltney, foreman, salary for September,	50.00
Oct 30th.	Paid Home Telephone Company, farm phone rent,	5.40
Oct. 30th.	Paid Barrett-Folk Company, insur- ance premiums on farm buildings,	43.25
Nov 1st.	Paid B. A. Gwaltney, foreman, salary for October,	50.00
Dec 5th.	Paid B. A. Gwaltney, foreman, salary for November,	50.00

Dec. 24th.	Paid B. A. Gwaltney, foreman, salary for December,	50.00
Dec. 31st.	Paid B. A. Gwaltney, expense of packing pears, which was paid by him,	45.94
Dec. 31st.	Paid B. A. Gwaltney, foreman, commissions of 5% on sale of all farm products sold in 1923,	501.21

1924.

Jan. 4th.	Paid B. P. Chapman, Son & Co., farm account,	754.71
Jan. 4th.	Paid J. N. Stringfield for picking 1923 peanut crop,	207.20
Jan. 4th.	Paid B. A. Gwaltney, farm account,	5.00
Jan. 4th.	Paid D. W. Chapman & Co., farm acct.	10.06
Jan. 4th.	Paid P. D. Gwaltney, Jr. & Co., farm account,	8.00
Jan. 30th.	Paid Sykes & Gwaltney, farm acct.	15.05
Jan. 30th.	Paid Smithfield Farmers, Inc. on farm account,	633.24
Jan. 31st.	Paid Home Telephone Company, farm phone rent,	10.54
Mar. 22nd.	Paid County Treasurer, 1923 tax on farm,	215.51
Jun. 17th.	Paid Bank of Smithfield, interest on loan to administrators,	38.33
Jun. 17th.	Paid Smithfield Farmers, Inc. sto- rage and insurance on peanuts,	147.04
Jun. 17th.	Paid Smithfield Farmers, Inc., bal- ance on farm account,	821.20
		<hr/>
		\$ 4380.07

Debts due by the estate:

Federal Farm Loan installment, paid Mar. 30th. 1923,	276.25
Federal Farm Loan installment, paid Sept. 7th. 1923,	276.25
Federal Farm Loan installment, paid Mar. 4th. 1924,	138.13
R. A. Edwards, Agent, premium on administrator bond, 1st. premium,	28.00
R. A. Edwards, Clerk, State Tax and Clerk fees, on qualification of administrators, paid Jan. 21st. 1924:	21.25
R. A. Edwards, Agent, 2nd. premium on adminis- trator's bond,	18.67
J. M. Chapman, Treasurer town of Smithfield, 1923 town tax,	29.37
G. W. Cofer, burial expenses, paid Apr. 10, 1924,	232.00

The above items have been paid:

The following items not paid, chargeable  
against estate.

Bank of Smithfield, note and interest,	1652.50.
--	----------

Richard Tazewell, account,	2.75
G. D. Chapman, account,	20.00
A. E. Holland, account,	190.98
Smithfield Light & Power Co., account	18.20
Smithfield Water Company, account,	13.50
Cofer Hardware Company, account,	27.38
Briggs-Cofer Grocery Co., account,	5.62
Parish & Company, account,	4.95
Smithfield Hardware Co., account,	2.00
Richard Tazewell, account,	1.50
Tiffany & Company, account,	2.40
J. E. Gleason, account,	4.60
Smithfield Plumbing & Htg. Company, account,	17.40
Smithfield Hay & Grain Co., account,	12.51
Ames & Brownley, Inc., account,	13.45
Paul-Gale-Greenwood Co., account,	31.50
Joyner & Jones, account,	42.95
D. W. Chapman & Co., account,	43.56
P. D. Gwaltney, Jr. & Co. account,	66.69
Geo. W. Delk, account,	114.54
Simpson's Ideal Pharmacy, account,	163.84
Julius Garfinckle, account,	279.50
Dr. Rea Parker,	394.00
C. S. Betts & Company, account,	184.60
The Merchant's & Farmers Bank Inc., note and int.	550.42
B. P. Chapman, note and interest,	191.94
Town of Smithfield, note,	60.00
	<hr/>
	5133.20
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The will of Mrs. Day first provides that all of her debts be paid and then pay to the vestrymen of Christ Church \$1000. Inasmuch as the funds received from property not specifically bequeathed will not pay off the debts of the estate, this bequest being a general or pecuniary legacy will fail. She next directs to be paid to Lettie Moody, if she be living at the death of Mrs. Day, \$200. Lettis Moody was living at the death of Mrs. Day, and this legacy will fail for the same reason that the legacy to Christ Church will fail, as stated above. She next directs that \$100 be paid to Emma Hall. This legacy will fail for the same reason as stated above. To Virginia Day Ralston she gives the stock she had in Bank of Smithfield which amounts to, with the dividends collected thereon by the administrators, as set forth in the account preceding this statement, to \$4065.00. This legacy will have to abate, pro-rata,

for the payment of the debts, or the balance due thereon, after the exhaustion of the fund in the hands received by the administrators from money and property not specifically bequeathed. To Julia Gould Ralston she gives the money that she has on deposit in Bank of Smithfield. This amount is \$42.76, as shown by the ~~and~~ statement of the administrators. This sum will have to abate and contribute its pro-rata share to the payment of the debts of the estate, as aforesaid. The farm is next mentioned in the will, and she states that she wishes it to be sold and the money equally divided between her four grandchildren, Lucy Day Martin, Thomas S. Martin, Jr., Virginia Day Ralston and Julia Gould Ralston. The same disposition is made of her stock in Home Telephone Company and bonds, if she leave any. The farm has been sold, under the direction of the court, in this suit, and there appears now to be in the hands of A. S. Johnson, who made sale of the said farm as special commissioner, as the net proceeds received from such sale, the sum of \$7828.28, which sum was deposited in Bank of Smithfield on the 15th. day of April, 1924, and is drawing interest from that date till it is cashed in. The Telephone Stock has been sold, and together with the dividends collected thereon by the administrators, now amounts to \$4300.00. There were 160 shares of this stock, of the par value of \$25.00 per share. It was sold to Mr. P. D. Gwaltney, Jr., for the sum of \$25.00 per share. The administrators examined the books of the Telephone Company and found that they showed the stock to be worth a slight advance over par, not as much as a dollar a share. The books also disclosed large and numerous obligations due to the company, credited on the books as worth face value. The Company is now engaged in extensive construction work due to the construction of roads along which its wires and poles are located, between Surry and Smithfield, Smithfield and the Courthouse of this County, and Smithfield and Suffolk. The valuations of its properties are high, apparently. The stock has been in the hands of administrators for more than

twelve months prior to its sale, which was common knowledge with those who would be expected to be interested. No one made an offer for it, and they took the sale of it up with Mr. P. D. Gwaltney, Jr., already a large stock-holder in the said Company. He made an offer which was not as much as the par value; later he was consulted again, and finally offered par value. The stock, as will be noted from the dividends collected by the administrators, is not paying but two and one half per centum per year, and it is only because Mr. Gwaltney was already a large stock holder in the company that he could afford to pay what he did, according to his statement. He refused to be a bidder at public auction. After fully considering the matter and discussing it with others of good judgment, the risk of placing it up at public sale was too great, and Mr. Gwaltney's offer was accepted. The administrators believe they have made a very good sale of this property. When Mrs. Day died she held two bonds of B. P. Gay and A. R. Chalmers, for the sums of \$1000 and \$1500, bearing date April 3rd. 1901. These bonds had been paid down to \$2000, and interest in full to April 14th. 1922. Mr. Gay paid \$30.00 on the interest on December 15th. 1922, to Mrs. Day. It will be observed that these bonds were payable in three and five years from date, respectively. More than ten years had elapsed since their due date. Mr. Chalmers died before Mrs. Day, and collection could not be enforced against his administrator; neither could it against Mr. Gay. They were, however, secured by a deed of trust covering the "Ice House" lot in Smithfield. This is a lot on Church Street, and upon which an ice plant was erected shortly after the date of the bonds, but which has not been in used for a number of years, has been abandoned and allowed to come down and is now a wreck. The property was advertised and sold by the trustee, and at the sale Mr. B. P. Gay was the last and highest bidder. There were quite a number



of people present at the sale and some bids made. The bid immediately preceeding the last bid was made by Mr. Gay and was more than a hundred less than his last bid. He stated that he would raise his bid to his proportion of the debt, and then made it a thousand dollars. A statement of the transactions of the trustee is attached hereto. The net proceeds arising from this sale, and paid over to the administrators, is \$909.00.

The farm operations had started in 1923 before the death of Mrs. Day. She had employed Mr. B. A. Gwaltney as foremen, who had been in her employ in the same capacity, for a number of years. The farming operations were continued by the administrators. They had no money to work upon so they borrowed \$1000 from the Bank of Smithfield. This item is not charged against the administrators or credited to them. It was paid back out of the farm funds. The interest is charged in the statement showing "bills paid on account of farm operations" hereto attached. There is also an item charged against the farm of \$252.67, paid to Carpenter and Petrie, Civil Engineers. Mr. H. G. Ralston, father of the two infant defendants, and also acting as representative of the two adult complainants, before the qualification of the administrators, started this work under way. He had a prospect for the purchase of the farm. The acreage shown on the Land Book was only 225. He, and others, thought there was considerably more than that amount there. The survey disclosed the fact that there are 525 acres in the place. This, of course, as a natural result, made the farm more valuable. However, as the survey benefitted all of the persons interested, equally, it has been charged up against the farm operations for 1923. It will be noted that the net amount received on account of the farm operations for 1923, is \$260.99, which belongs to the <sup>four</sup> ~~three~~ grand-children, equally. The total disbursements, including the item for the survey, amount to \$4380.07 and the receipts to \$4641.06. The

agreement which Mrs. Day had with Mr. Gwaltney was that she should pay him fifty dollars per month, and in addition thereto ten per cent on the product of the farm for the year. In crediting to the farm the administrators have endeavored to make a fair and equitable division between the estate and the farm. Strictly speaking the administrators, in the conduct of the farm, are really trustees for the four grand-children. The result is the same as if they were operating as administrators. In making sale of the chattel property on the farm for the estate the cattle and the stock hogs were credited to the estate, as well as an equal amount of feed as there was on the farm at the death of Mrs. Day. The pork raised on the farm, and the beef dressed and sold during the year, and the peanuts, and some of the peanut vines, were credited to the fund belonging to the four grandchildren, as "farm products" for the year 1923. In settling the balance of the debts not paid and to be paid, for the estate, after the exhaustion of the money and proceeds from the property not specifically <sup>bequeathed,</sup> ~~devised,~~ which amounts to \$2214.12, the fund received from the sale of the Smithfield Bank Stock, as aforesaid, will have to contribute its pro-rata share; the amount on deposit in Bank of Smithfield, will have to contribute its pro-rata share; and then the amount received from the Telephone Stock; the amount received from E. A. Morrison, Trustee for Chalmers and Gay; the balance (net) from the farming operations; and the fund in the hand of the Special Commissioner, A. S. Johnson, as aforesaid, will have to be added together, as it belongs to all four of the grandchildren, and this total will have to contribute its pro-rata share. This is true as to the costs of administration and to the costs of conducting this suit, it is believed. It will be noted in

the will of Mrs. Day that she directs the farm to be sold and the money divided. The doctrine of equitable conversion applies here and the balance in the hands of the said special commissioner, being the net proceeds from the sale of the farm, is, it is believed, personalty, and abates along with the other specifically bequeathed property for the payment of the debts. As the sale of the land was made by a special commissioner of the court the administrators do not believe they are entitled to have this fund turned over to them, in which case they would be entitled to commissions on such receipts.

The Bank Stock in Bank of Smithfield, having to contribute its pro-rata share to the payment of the debts of the estate, had to be turned into money before it could be ascertained how much it had to contribute. The administrators, finding a good sale a short while ago, for the said stock at \$255 per share, sold it and collected therefor. At the time of the sale the book value, according to the statement of Mr. John I. Cofer, Cashier of the said Bank, was \$244 per share. The par value of said stock is \$100. Eight per cent per annum in dividends, based upon the par value, has been paid for quite a number of years. It can be seen from this that as an investment the stock is not worth a great deal. The purchaser, Mr. P. D. Gwaltney, Jr., owning considerable stock in the bank, was induced, because of this fact, to make the purchase. The stock has been in the hands of the administrators for more than eighteen months, which has been known by parties in interest, and not one offer has been, voluntarily made for it. Mr. Gwaltney's purchase had to be solicited.

The Diamond Ring, bequeathed to Lucy Day Martin, and the Pearl Bow Knot Pin, bequeathed to Virginia Day Ralston, have never come into the hands of the administrators. They were taken possession of by the legatees at Mrs. Day's death. These are specific legacies. It is to be assumed that if there

is any distinction, or can be any, between specific legacies, there should be in this case. The ring and pin mentioned in the will are heirlooms, about which there is an immense amount of sentiment, which gives to them a peculiar value that cannot be placed upon money or property of a merely commercial nature. The administrators suggest that these articles be not compelled to contribute to the payment of the debts. There is ample without them. The difference in what their contribution would make is negligible. They are mentioned last in the will and are separated from the other bequests. From this it is gathered that if the testator could have known the condition of her estate and the application of the will thereon, which is all assumed to be true, that she separated these legacies from the others for the manifest intention of giving to them more importance and attaching to them a different degree from the money and property having only a commercial value.

The first item in the will gives Virginia Day Ralston and Julia Gould Ralston the house and lot in Smithfield. This is a straight out and out devise of real estate, and all other subjects covered by the will have to be exhausted before this devise can be ordered to contribute any to the payment of the debts or any part thereof.

The administrators are informed that after paying to themselves five per cent commission on the gross receipts (exclusive of the fund in the hands of the special commissioner as aforesaid) and the costs of this suit, including attorney's fee, should be paid pro-rata, out of the several funds specifically bequeathed, in the following order:

The legacy to Julia Gould Ralston, money on deposit in Bank of Smithfield when Mrs. Day died,	42.76
The legacy of Smithfield Bank Stock to Virginia Day Ralston,	4025.00
The legacy of Telephone Stock, and the bonds mentioned above, the fund in the hands of the special commissioner, as aforesaid, in the aggregate	

It cannot be, at this time, ascertained, or reported, what the aggregate is. The amount of the Bank Stock and dividends, is \$4025.00: The Telephone stock and dividends is \$4300.00; and the fund in the hand of the special commissioner was, on the 15th. day of April, 1924, \$7828.28. The fund is carrying interest after the rate of four per centum per annum, until the certificate is cashed in.

These several funds do not abate, of course, till the complete exhaustion of the fund received in money and the proceeds from sale of property not specifically bequeathed, and set forth, in detail, in the financial statement of the administrators, preceeding, and aggregating the sum of \$2214.12.

When distribution is made the amount in the hands of the special commissioner, as aforesaid, can be added to the amount in the hands of the administrators, which is bequeathed to the four grand-children, named, share and share alike, and all of the debts paid out, on this basis, of the funds in the hands of the administrators, it being ample. Then the fund in the hands of the special commissioner can be ordered by the court to be equally divided between the four grand-children. This is suggested for convenience.

Respectfully submitted,

*John I. Coker*  
*J. Johnson* } administrators.

Account of sale of Chattel Property, on farm, sold at public  
auction, on the 20th., day of December, 1923.

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Barlow, Gordon,	I Double Cultivator,	.25
Barlow, Ray,	I A. C. Turn Plow,	3.00
" "	I Double Cultivator,	1.00
" "	I Fan Mill,	10.50
" "	I Wire Stretcher,	8.75
" "	I Iron vise,	2.10
" "	2 Pr. Hames & Traces,	1.25
" "	I Lime sower,	4.50
Barlow, C. H.	I Pitchfork,	.25
" " "	I Pitchfork,	.40
" " "	I Hay Fork,	.75
" " "	4 Pitchforks (Broken),	.60
" " "	I Spade,	.40
" " "	2 Old Shovels,	.10
" " "	I Disc Harrow,	3.50
Barlow, J. J.	Iron Wheels and axle,	1.75
" " "	I Pea Weeder,	1.75
Clarke, I. M.	I Prong Hoe,	.55
" " "	2 Buggies (Old),	.10
Dashiell, Herbert,	I Cotton Cultivator,	.40
" "	I Champion Turn Plow,	1.50
" "	I Mule (Jim Bob),	34.00
" "	I Cart and Wheels,	13.50
" "	I Trace and Bridle,	1.25
" "	I Collar,	1.50
" "	I Collar,	1.25
Dashiell, Ashby,	I Double Bar,	1.00
" "	I Double Bar,	.45
" "	2 Swingle Trees,	1.40
" "	I Swingle Tree,	.30

Account of sale of chattel property, cont'd., # 2.

Edwards, F. G.	I Wagon,	.25
" " "	I Cotton Cultivator,	.25
" " "	I Red Cultivator,	1.25
" " "	I Peanut Planter,	3.75
Felts, B. F.	I Riding Saddle,	.75
Hall, George,	I Emery Wheel,	.40
Hall, R. L.	I Mule, (Tom),	40.50
Hall, J. W.	I Pitchfork,	.15
" " "	I "	.45
" " "	I Stretcher,	.65
" " "	I Cart and Wheels,	17.00
" " "	I Double Bar,	1.10
" " "	I - 2 in 1 Cultivator,	14.25
" " "	I Row Marker and dsics,	18.10
" " "	I Cotton Cultivator,	4.00
" " "	I DObule C. Turnplow,	4.75
Jacobs, Bruce,	I Pr. Taces,	.80
Jacobs, Lewis,	I Cultivator,	.50
" "	I Brown Mule (Ready),	77.00
" "	I Cart Saddle,	.20
Murphy, L. M.	I Mare, (Lady)	2.50
" " "	2 Collars,	1.90
Murphy, P. H.	I Corn Sheller,	.50
" " "	I Blind Horse (Charlie),	5.00
" " "	I Collar and Pr. Hames,	1.55
Mountjoy, J. M.	I Pea Weeder,	7.75
" " "	I Peanut Planter,	9.25
" " "	I Brown Mule (Kate),	101.00
" " "	I Grind Stone,	.30
OBerry, Nathan,	I Wagon,	.75
" "	I Leather Collar,	1.00
" #	I Fowler Cultivator,	4.00
Powell, Thomas,	I Collar,	.50

Account of sales of chattel property, cont'd., # 3.

Powell, Thomas,	I Double Bar,	.10
Remick, R. W.	I Scoop and Cultivator,	3.25
Shivers, Robert,	I Corn Stalk Cutter,	3.75
" "	I Pr. Traces,	.70
Sykes and Gwaltney,	I Cultivator,	.75
" " "	I Pr. Bridles,	.80
" " "	I Wagon,	16.00
" " "	I Dump Cart,	4.00
" " "	I Hay Rake,	4.50
" " "	" Pr. Hames,	.50
" " "	Shovel and Hoe,	.50
" " "	I Weeding Hoe,	.75
" " "	I " "	.70
" " "	I " "	.50
" " "	I " "	.50
" " "	I " "	.50
" " "	I " "	.35
" " "	I Hole Digger, -	.25
" " "	I Grain Shovel,	.25
" " "	I Hay Fork,	1.00
" " "	I Pitchfork,	.25
" " "	I Pitchfork,	.35
" " "	I Pitchfork,	.25
" " "	I Pitchfork,	.30
" " "	I Pitchfork,	.40
" " "	I Big Lard Pot,	11.25
" " "	I Cross Cut Saw,	2.30
" " "	I Grass Blade,	.50
" " "	I Cant Hook,	.25
" " "	I Crow Bar,	.30
" " "	I Punch,	.60
" " "	I Potato Planter,	15.50
" " "	I White Mule (Mack),	113.00
" " "	I Roll Wire,	8.50
" " "	I Red Bull,	17.75



Account of sale of Chattel Property, Cont'd., # 4.

Sykes and Gwaltney,	I Red Cow,	18.00
"	"	"
"	I Red Heifer,	26.00
"	"	"
"	I Spotted Cow,	15.50
"	"	"
"	I Black Cow,	20.00
"	"	"
"	I Buffalo Cow, white face,	22.00
"	"	"
"	I Tan & White Cow,	24.00
"	"	"
"	I Tan Cow with white face,	18.50
"	"	"
"	I Spike Tooth Drag,	1.50
"	"	"
"	I - No. 19, O. C. Plow,	6.75
"	"	"
"	I " " " "	7.00
"	"	"
"	I " " " "	5.25
"	"	"
"	I Draw Bar,	.30
"	"	"
"	I Double Bar,	.10
"	"	"
"	I - 2 in 1 Cultivator,	8.00
"	"	"
"	I Double Cultivator,	7.50
"	"	"
"	I Disc Harrow,	18.50
"	"	"
"	I Lime Spreader,	4.25
"	"	"
"	I Culti-Pack,	30.75
"	"	"
"	I Fertilizer Distributor,	.50
"	"	"
"	I Cultivator with rope,	2.00
"	"	"
"	I Cultivator,	3.25
"	"	"
"	I Dixie Plow,	.60
"	"	"
"	I Mowing Machine,	8.00
"	"	"
"	I A. C. Turn Plow,	2.00
"	"	"
"	I " " "	1.75
"	"	"
"	I Cotton Plow,	.75
"	"	"
"	I Fertilizer Sower,	2.50
"	"	"
"	I Pea Weeder,	2.00
"	"	"
"	I Red Cow,	30.25
"	"	"
"	I Short Tail Cow,	12.25
"	"	"
"	I B. & W. Bull,	10.00
"	"	"
"	I W. & T. Yearling,	12.75
"	"	"
"	135 Barrels Corn,	675.00
"	"	"
"	I Lot Feed,	75.00

Account of sales of Chattel Property, cont'd., # 5.

Sykes and Gwaltney,	I Lot Chickens,	53.10
" " "	I Roll Wire,	10.00
Thomas, Lester,	I Weeding Hoe,	.75
Taliaferro, I. H.	I Car chassis and box,	4.75
Whitley, S. J.	I Small Lard Pot,	8.50
" " "	I Cider Wheel and Trough,	8.25
" " "	I Corn Planter,	2.50

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\$1791.65

Account of the transactions of E. A. Morrison, trustee, in the sale of a lot of land in the town of Smithfield, County of Isle of Wight, State of Virginia, conveyed to said E. A. Morrison, trustee, for E. V. Day, by deed bearing date the 3rd. day of April, 1901, and entered of record in the Clerk's Office of the County of Isle of Wight in Deed Book No. 66, page 261.

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To amount received for lot,	\$1000.00	
By commissions on receipts at 5%,		50.00
By paid for notices of sale,		2.50
By paid crier		5.00
By paid for draft of deed to purchaser,		10.00
By paid for War Tax stamps for deed,		1.00
By paid Johnson & Stephens, attorney fee,		15.00
By paid Commissioner of Accounts for stating and reporting this account,		5.00
By paid Clerk for recording this account,		2.50
By paid balance to John I. Cofer and A. S. Johnson, Administrators of E.V. Day,		909.00
	<hr/>	
	\$1000.00	<hr/> \$1000.00

An Inventory and Appraisement of the Chattel Estate of Emily Virginia Day, deceased,

deceased, made on the 15th. day of June, 1923.

EVERETT WADDEY CO. - RICHMOND, VA. - 55452

ARTICLES		VALUE
1	Bay mare, "Lady"	10 00
1	Gray mule, "Mac"	125.00
1	Bro n mule, "Jim Bob"	75 00
1	Brown mule, "Kate,	100 00
1	Bay mule "Reddy"	100 00
1	Black mule, "Tom"	75 00
1	Black Horse, "George"	10 00
1	Black horse, "Charlie,	40 00
1	White boar,	25 00
12	Brood sows, @ \$10	120 00
75	shoats (estimated) \$5	375 00
3	Dbl. Walking cultivators, \$5	15 00
3	Dbl turn plows, \$5	15 00
1	Lime sower,	5 00
1	corn planter,	2 50
2	peanut planters,	15 00
1	Disc harrow,	15 00
3	Fertz sowers,	15 00
1	Champion dbl turn plow,	2 00
3	Single cultivators,	5 00
1	Mowing machine,	10 00
1	Clod packer,	25 00
1	Log wagon,	5 00
1	Low down wagon, (old)	10 00
1	Row marker,	15 00
1	Disc harrow,	20 00
3	Single turn plows,	6 00
3	Two-in-one cultivators,	30 00
1	Low down wagon,	15 00
3	Pea-weeders,	15 00
1	Potato planter,	40 00
4	Dump carts,	25 00
7	Prs. hames,	6 00

Appraisement of the Personal Estate of

\_\_\_\_\_ deceased

An Inventory and Appraisement of the Chattel Estate of E.V.D. (2)

deceased, made on the \_\_\_\_\_ day of \_\_\_\_\_

EVERETT WADDEY, CO. RICHMOND, VA. 55452

ARTICLES		VALUE
5	Horse collars,	7 50
7	Bridles,	2 00
7	Prs. chain traces,	3 50
120	Bbls corn, estimated, (when Mrs. Day died) \$5.	600 00
	Long feed,	25 00
11	Cows,	\$20 220 00
3	Bulls,	20 60 00
1	Large lard pot,	7 50
1	Small lard pot,	5 00
1	lot (12) weed hoes	30¢ 3 60
5	Pitch forks,	50¢ 2 50
		<hr/> 2303 10

T. B. Wright  
B. P. Day  
J. M. Chapman

) Appraisers.

We accept this as our inventory and appraisement:

John I. Coffey

) Administrators of the  
 estate of Emily Virginia  
 Day, deceased.

Appraisement of the Personal Estate of

\_\_\_\_\_ deceased

*Handwritten signature*

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

To Lucy Day Martin and Thomas S. Martin, Complainants,

and

Virginia Day Ralston, Julia Gould Ralston,  
infants under the age of twenty one years;  
Lettie Moody, Emma Hall, C. W. Warren, W.  
C. Ames, Edwin Morrison, W. P. Warren, W.  
F. Moody, F. B. Simpson and W. J. Briggs,  
Vestrymen of Christ Protestant Episcopal  
Church, Smithfield Virginia: W. P. Warren,  
and W. C. Ames, Trustees of Christ Protest-  
ant Episcopal Church, Smithfield, Virginia:  
John I. Cofer and A. S. Johnson, adminis-  
trators cum testamento annexo of the estate  
of Emily Virginia Day, deceased: Defendants.

Take notice that at my office at the Courthouse of the  
County of Isle of Wight, State of Virginia, on the 22nd. day of  
October, 1924, I will proceed to complete the execution of a de-  
cree entered in the above styled cause, now pending in the Cir-  
cuit Court of the County of Isle of Wight, State of Virginia,  
entered on the 22nd. day of October, 1923, not heretofore execut-  
ed, that part of said decree not heretofore executed being as fol-  
lows, to-wit:

What property has come into the hands of John I. Cofer  
and A. S. Johnson, Administrators c.t.a. of the said Emily Virginia  
Day, deceased, and what disposition, if any, they have made of  
same; and whether or not the said administrators have executed a  
bond with good security and sufficient penalty.

The debts due by the said Emily Virginia Day, deceased,  
in detail, with their priorities, and from what fund or funds  
they shall be paid.

Given under my hand this 13th. day of October, 1924.

  
Commissioner in Chancery.

Service of the above notice is hereby accepted:



A. S. Johnson

Guardian ad litem for Virginia  
Day Ralston and Julia Gould Ralston.

Lettie Moody,

By A. S. Johnson, attorney

Emma Hall,

By A. S. Johnson, attorney

C. W. Warren, W. C. Ames, Edwin Morrison, W. P. Warren, W. F. Moody, F. B. Simpson and W. J. Briggs, Vestrymen of Christ Protestant Episcopal Church; and W. P. Warren and W. C. Ames, Trustees of Christ Protestant Episcopal Church, Smithfield, Virginia,

By A. S. Johnson, Attorney.

John I. Cofer and A. S. Johnson,  
administrators of Emily Virginia  
Day, deceased,

By A. S. Johnson, Attorney.

Virginia: Circuit Court of  
Isle of Wight County.

Lucy Day Martin et al

v) Chancery. 418.

Virginia Day Ralston et als.

Report of administrators  
and report of special com-  
missioner.

Filed May 26th. 1925.

JOHNSON AND STEPHENS  
ATTORNEYS AT LAW  
ISLE OF WIGHT, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

day of March, 1924, as is shown by the receipts attached hereto,  
as aforesaid, and this suit may be dismissed.

Respectfully submitted,

*John D. Coffey*  
*John*  
*Johnson*

Administrators of E.  
V. Day, deceased.

, Special Commissioner.

Proof.

Receipts:

Receipts from property not specifically bequeathed,	2214.12
Receipts from property and money specifically bequeathed,	9316.76
In hands of special commissioner,	8037.00
Receipts from sale of far, product	4641.06

Disbursements:

Debts of estate paid, including unpaid costs of suit and administration,	6590.15
Farm bills paid,	4380.07
Amounts paid to legatees:	
To Lucy Day Martin	2537.86½
To Thomas S. Martin, Jr.,	2537.86½
To the foreign guardian of Julia Gould Ralston	2569.98½
To the foreign guardian of Virginia Day Ralston,	5593.01½
	<hr/>
	\$24208.94
	<hr/>
	\$24208.94

Vouchers for the disbursements and payments above stated are herewith returned as a part of this report.

The report of Commissioner in Chancery, R. A. Edwards, filed herein on the 15th. day of November, 1924, and this report, should be entered in the current fiduciary record book of the Clerk of this Court, so that it may be shown therein the handling of the funds belonging to said estate, reference being made in the certificate of the clerk to the decrees, in this suit, confirming the said reports.

There appears nothing further to be done in this cause, as all of the funds have been distributed, the funds payable to the infants, Julia Gould Ralston and Virginia Day Ralston, having been paid over to H. G. Ralston, their guardian, in the State of Florida, as is directed by the decree entered herein on the 16th.

which is an excess of the funds received from property not specifically bequeathed by \$4376.03 and which must be paid out of the money and property specifically bequeathed, pro-rata. The ratio of abatement is arrived as follows:

Total of specific legacies, shown by report of Commissioner Edwards, filed November 15th. 1924,	9316.76
Amount in hands of special commissioner	8037.00
Balance from farm operations in 1923,	260.99

aggregating \$17164.75. Taking the balance due upon the debts of the estate, shown above (\$4376.03) and dividing it by the aggregate of the specific legacies, we obtain the ratio at which each of the specific legacies have to abate, and which is 2484 plus.

The specific legacies are as follows:

Julia Gould Ralston, money in Bank of Smithfield at death of Mrs. Day	42.76
---	-------

Virginia Day Ralston: Stock of Bank of Smithfield and dividends,	4065.00
--	---------

Lucy Day Martin, Thomas S. Martin, Jr.,  
Virginia Day Ralston and Julia Gould  
Ralston: share and share alike:

Home telephone stock and dividends,	4300.00
Net proceeds from sale of Ice House Lot (Gay and Chalmers)	909.00
In hands of special commissioner	8037.00
Net amount from operation of farm in 1923,	260.99

The several amounts set out above abate as follows:

\$ 42.76 abates \$10.64 leaving a balance of \$	32.12
4065.00 abates \$1009.85 leaving a balance of	3055.15
13506.99, the sum total of all the money belonging to the four children above named, in which they share and share alike, abates \$13555.54, leaving a balance of	10151.45.

The amounts due to each of the four children named above, (grand children of the testatrix) are shown to be as follows:

<u>Julia Gould Ralston</u> : takes and one fourth of \$10151.45,	32.12 2537.86 $\frac{1}{4}$	2569.98 ✓
Virginia Day Ralston takes and one fourth of \$10151.45	3055.15 2537.86 $\frac{1}{4}$	5593.01 ✓
Lucy Day Martin takes one fourth of \$10151.45		2537.86 $\frac{1}{4}$ ✓
Thomas S. Martin, Jr., takes one fourth of \$10151.45		2537.86 $\frac{1}{4}$

he placed in the Bank of Smithfield, as heretofore reported. On the 15th. day of April, 1924, the interest on said sum had accumulated to \$81.86, which sum was collected and added to the principal sum, and a certificate of deposit taken from the said Bank of Smithfield and filed with the papers in this cause as shown in the report filed May 5th. 1924 of the special commissioner.

That as directed by the decree entered herein on the 24th. day of November, 1924, the said certificate of deposit was returned to Bank of Smithfield, the interest which had then accumulated thereupon was added to the principal (Principal being \$7828.28 and the interest being \$208.72), making the sum in the hands of the said special commissioner to be used as directed by the decree entered herein on the 24th. day of November, 1924, \$8037.00

The money received from property not specifically bequeathed, being the sum of \$2214.12, not being sufficient to pay the costs of this suit, the cost of administration, and the debts of the estate, after the payment of the costs of this suit, and the costs of administration, and the debts, so far as could be paid out of said amount, the money received by the special commissioner and the administrators, from property specifically bequeathed, had to abate, as shown by the report of Commissioner Edwards, filed herein on the 24th. day of November, 1924, and the administrators and special commissioner have paid the same out as is shown by the detailed statement following:

Unpaid costs of suit and costs of administration:

Writ tax and clerk fees,	37.55 ✓
Taxed attorney fee,	15.00 ✓
Commissioner's commissions on interest collected on the funds in his hands, (\$290.58) at two per cent	5.81 ✓
Fee of Commissioner in Chancery,	75.00 ✓
Counsel fee allowed by court,	500.00
Commissions to administrators on \$16171.94 receipts,	<u>808.59 ✓</u>

That the costs aforesaid aggregate the sum of \$1457.05 which, together with the debts of the estate (\$5133.20) amount to \$6590.25,

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

Lucy Day Martin et al

v) Chancery. 418.

Virginia Day Ralston, et als.

Report of administrators  
and special commissioner.  
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To Honorable Benjamin Dey White,

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

The undersigned, John I. Cofer and A. S. Johnson, administrators, c.t.a. of the estate of Emily Virginia Day, deceased, and A. S. Johnson, special commissioner in this cause, respectfully reports to the court as follows:

That as directed by decree entered herein on the 24th. day of November,,1924, they have paid out the funds in their hands as follows, to-wit:

That as will be noted by the decree entered herein on the 5th. day of May, 1924, costs of this suit, in part, were paid as follows:

Sheriff fees,	4.50
Commissioner in Chancery	25.00
Printing notices of land sale,	4.75
Premium on bond of special commissioner,	22.50
Auctioneer,	10.00
Draft of special commissioner's deed,	15.00
War tax stamps for deed,	17.00
Commissions to special commissioner, on sale of land for \$16,600.00	341.00

That after the payment of the mortgage indebtedness upon the land sold, or allowing the purchaser as a credit on his bid, the amount of the mortgage, there was left in the hands of the special commissioner \$8186.17, and from which was taken the costs aforesaid, leaving a balance in his hands of \$7746.42, which

\$37.55

December 5th. 1924.

Received of John I. Cofer and A. S. Johnson, administrators of the estate of Emily Virginia Day, deceased, and A. S. Johnson, Special Commissioner, the sum of THIRTY SEVEN DOLLARS AND FIFTY FIVE CENTS, it being in payment for writ tax and Clerk fees, to dismissal, in the suit of Lucy Day Martin et al. v. Virginia Day Ralston et als, pending in the Circuit Court of the County of Isle of Wight, Virginia.

A. A. Edwards, Clerk.



\$15.00

December 5th. 1924.

Received of A. S. Johnson, Special Commissioner in the suit of Lucy Day Martin et al. v. Virginia Day Ralston et als, the sum of FIFTEEN DOLLARS, it being in payment for the second premium on the bond of said special commissioner.

R. A. Eason  
Agent Fidelity and Deposit Com-  
pany of Maryland.

\$5.81


Received five dollars and eighty one cents, commissions of special commissioner in the suit of Ralston et als. v. Martin et als it being commission at two per cent on interest accumulating on the funds in his hands before distribution.

Johnson

\$75.00

December 5th. 1924.

Received of A. S. Johnson, Special Commissioner, and John I. Cofer and A. S. Johnson, administrators c.t.a. of the estate of Emily Virginia Day, deceased, the sum of SEVENTY FIVE DOLLARS, it being in payment of my fee as Commissioner in Chancery in making report to the Court of the accounts of the administrators, aforesaid, in the suit of Lucy Day Martin et al v. Virginia Day Ralston et als., pending in the Circuit Court of Isle of Wight County, Virginia.

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Commissioner in Chancery.

\$500.00

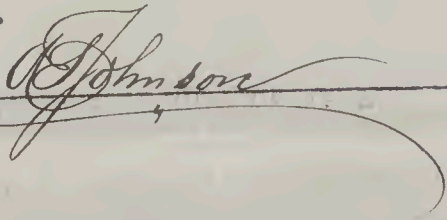
Received of A. S. Johnson, Special Commissioner in the suit of Ralston et als. v. Martin et als, pending in the Circuit Court of the County of Isle of Wight, State of Virginia, the sum of five hundred dollars, counsel fee allowed by the court for the conduct of the cause.

  
\_\_\_\_\_, Attorney.

\$404.30

December 11th. 1924.

Received of John I. Cofer and A. S. Johnson, administrators c.t.a. of the estate of Emily Virginia Day, deceased, the sum of four hundred and four dollars and thirty cents, it being one half of commissions upon receipts coming into the hands of said administrators from said estate, it being my one half of said commissions.

  
A. S. Johnson

\$404.29

December 11th. 1924.

Received of John I. Cofer and A. S. Johnson, administrators c.t.a. of the estate of Emily Virginia Day, deceased, the sum of four hundred and fourdollars and twenty nine cents, it being one half of commissions upon receipts coming into the hands of said administrators from said estate, it being my one half of said commissions.

*John I. Cofer* } administrator  
Estate of Emily Virginia Day

Received of John I. Cofer and A. S. Johnson, administrators of the estate of Emily Virginia Day, deceased, and from A. S. Johnson, special commissioner in the suit of Martin et al. v. Ralston et als, pending in the Circuit Court of the County of Isle of Wight, State of Virginia, the sum of \$8162.99, it being the aggregate of the shares of Virginia Day Ralston and Julia Gould Ralston, from the estate of Emily Virginia Day, deceased, settled in the aforesaid suit. The share of Virginia Day Ralston is \$5593.01, and the share of Julia Gould Ralston is \$2569.98.

*A. S. Ralston*

---

Guardian of Virginia Day Ralston  
and Julia Gould Ralston.

Received of John I. Cofer and A. S. Johnson, administrators of the estate of Emily Virginia Day, deceased, and of A. S. Johnson, special commissioner in the chancery suit of Maryin et al v. Ralston et als, pending in the Circuit Court of the County of Isle of Wight, State of Virginia, \$2537.86, being my distributive share as shown by report of said administrators and special commissioner, filed in said suit.

Lucy Day Martin



PAY TO THE ORDER OF  
**Any Bank, Banker or Trust Co.**  
All Prior Endorsements Guaranteed

NOV 21 1924

**COMMERCIAL BANK**  
TRUST & TITLE COMPANY  
MIAMI, FLORIDA 63-339  
E. FULLER, Cashier

PAY TO THE ORDER OF ANY  
**BANK, BANKER OR TRUST COMPANY**  
Prior Endorsements Guaranteed

NOV 26 1924

NOV 24 1924

IN FULL, BANK OF TRUST CO.

*Mr. S. Martini*

Bof

NO PROTEST  
63-339

No. 73

Smithfield Va. Oct. 23 1924

Pay to the order of Thos. S. Martin

\$350<sup>00</sup>

Three hundred and fifty Dollars

For an acct

Estate of Mrs. E. W. Day

John S. Johnson } administrator

To the Bank of Smithfield,  
Smithfield, Va.

5  
68 233

Thomas S. Martin, Jr

COMMERCIAL BANK & TRUST CO.  
MIAMI, FLORIDA  
DEC 30 1924  
A. R. FULLER, Cashier

PAY TO THE ORDER OF  
Any Bank, Banker or Trust Co.  
All Prior Endorsements Guaranteed  
DEC 30 1924  
COMMERCIAL BANK & TRUST CO.  
63-339 MIAMI, FLORIDA 63-339  
A. R. FULLER, Cashier

No. \_\_\_\_\_

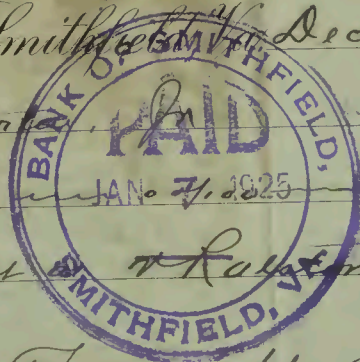
Smithfield, Va. Decem 18 1924

\$2000.<sup>00</sup>  
Dollars

Col  
S

Pay to the  
order of  
682339

Thomas S. Martin  
Two Thousand



For part his share Martin et al & Raeslin et al.

To the Bank of Smithfield,  
Smithfield, Va.

5  
68 233

Johnson, Spe Comer, Martin  
et al & Raeslin et al

*Martin*  
*Wadsworth*  
*Co. Inc.*

PAY TO THE ORDER OF  
ANY BANK, BANKER OR TRUST CO  
All Prior Endorsements Guaranteed

JUL 15 1925

RECEIVED  
PAY TO THE ORDER OF THIS BANK  
BANK, BANKER OR TRUST COMPANY  
OR ENDORSEMENTS GUARANTEED  
JUL 17 1925  
FEDERAL RESERVE BANK  
OF ATLANTA  
600 OF RICHMOND ST

WELLS & SOUTHERN BANK  
ATLANTA, GEORGIA 64-5  
J. S. COHEN, Cashier

No.

Smithfield, Va. May 21 1925

Pol  
S

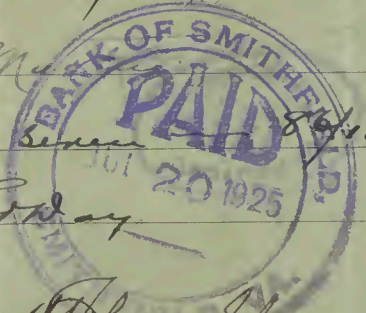
Pay to the order of Thomas S. Murray

\$187.<sup>50</sup>

One hundred eighty seven and 50/100

Dollars

For balance from acct of Ed Day



To the Bank of Smithfield, }  
Smithfield, Va. }

5  
68 233

Thomas S. Murray Special Commissioner  
Rector et al & Trustees et al

No. 5

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

Lucy Day Martin et al  
v) Chancery. No. 418  
Virginia Day Ralston et als

Note for decree.

Enter this Adm..

10/22/23.

C. O. B. # 8. pg-163

A. S. JOHNSON  
ATTORNEY AT LAW  
ISLE OF WIGHT, C. H., VA.

ent part thereof.

If there are any liens against said real estate, on account of taxes, judgments, or otherwise, and their priorities, if any there be.

What property has come into the hands of John I. Cofer and A. S. Johnson, Administrators c.t.a of the said Emily Virginia Day, deceased, and what disposition, if any, they have made of same; and, whether or not the said administrators have executed a bond with good security and sufficient penalty.

The debt due by the said Emily Virginia Day, deceased, in detail, with their priorities, and from what fund or funds they shall be paid.

Who are the proper parties to this suit, their residences, and ages of the infant defendants, and if all of said parties are properly before the court.

Which said several inquiries the said Commissioner shall make, and to the Court report, together with any matter specially stated, deemed pertinent by himself, or which may be required by any party in interest to be stated.

And the said Commissioner shall reduce any evidence taken by him in the execution of this decree, to writing, and return the same with his report hereunder.

And this cause is continued.



his own and the answers of the said Virginia Day Ralston and Julia Gould Ralston, infant defendants; and Lettie Moody; Emma Hall; C. W. Warren, W. C. Ames, Edwin Morrison, W. P. Warren, W. F. Moody, F. B. Simpson and W. J. Briggs, Vestrymen of Christ Protestant Episcopal Church, Smithfield, Virginia; W. C. Ames and W. P. Warren, Trustees of Christ Protestant Episcopal Church, Smithfield, Virginia: John I. Cofer and A. S. Johnson, Administrators, cum testamento annexo of the estate of Emily Virginia Day, deceased, on their motion, and by leave of Court, filed their answers, to the said bill of complaint; and to which said several answers the complainants replied generally. Whereupon, by consent of all the parties, both complainant and defendant, this cause is set down for hearing, ordered to be docketed and is docketed: And by like consent of all parties, both complainant and defendant, this cause came on to be heard, on this day, upon the complainant's bill, and upon the several answers filed thereto, as aforesaid, and upon general replication to all of said answers, and was argued by counsel:

On consideration whereof the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners in Chancery of this Court, who shall inquire into and report to Court:

When Emily Virginia Day died and of what estate, real and personal, she was seized.

Who are the parties entitled to the said estate, both real and personal, and in what proportions.

Whether the real estate mentioned in the Bill of Complaint, as the "farm" can be conveniently partitioned among the parties entitled to share therein, in its entirety, or any distinct or independent part thereof, to advantage, and if it cannot be so conveniently, and with advantage, partitioned, whether or not the interests of the parties entitled to the same will be promoted by a sale of the whole, or of some distinct and independ-

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

-----  
Lucy Day Martin and Thomas S. Martin, Jr.,.....Complainants

v) Chancery. No. 418

Virginia Day Ralston, Julia Gould Ralston, infants under the age of twenty one years; Lettie Moody: Emma Hall: C. W. Warren, W. C. Ames, Edwin Morrison, W. P. Warren, W. F. Moody, F. B. Simpson and W. J. Briggs, Vestrymen of Christ Protestant Episcopal Church, Smithfield, Virginia: W. P. Warren and W. C. Ames, trustees of Christ Protestant Episcopal Church, Smithfield, Virginia: John I. Cofer and A. S. Johnson, administrators cum testamento annexo of the estate of Emily Virginia Day, deceased,.....Defendants.

This day came the complainants, Lucy Day Martin and Thomas S. Martin, Jr., and filed their bill of complaint, by leave of Court, against Virginia Day Ralston and Julia Gould Ralston, infants under the age of twenty one years: C. W. Warren, W. C. Ames, Edwin Morrison, W. P. Warren, W. F. Moody, F. B. Simpson and W. J. Briggs, Vestrymen of Christ Protestant Episcopal Church, Smithfield, Virginia: W. P. Warren and W. C. Ames, Trustees of Christ Protestant Episcopal Church, Smithfield, Virginia: John I. Cofer and A. S. Johnson, Administrators, cum testamento annexo, of the estate of Emily Virginia Day, deceased.

On motion of the said complainants, by counsel, A. E. S. Stephens, a discreet and competent attorney at law, practicing in this court, is hereby assigned as guardian ad litem of the infant defendants, Julia Gould Ralston and Virginia Day Ralston, to defend their interests in this suit: Whereupon, the said A. E. S. Stephens, guardian ad litem of the infant defendants, Virginia Day Ralston and Julia Gould Ralston, by leave of court, filed

Virginia: Circuit Court of  
Isle of Wight County.

Lucy Day Martin et al

v) Chancery. No. 418.

Virginia Day Ralston, et  
als.

Copy of notice of H. G.  
Ralston, guardian, for  
transfer of infant's funds

Filed March 16th. 1925.

**JOHNSON AND STEPHENS**  
**ATTORNEYS AT LAW**  
**ISLE OF WIGHT C. H., VA.**

VIRGINIA: Circuit Court of  
Isle of Wight County,

Lucy Day Martin, et als

vs. Chancery

Virginia Day Ralston, et als.

Notice is hereby given that on the 16th day of March, 1925, the undersigned guardian of Virginia Day Ralston and Julia Gould Ralston, infant defendants in the chancery cause pending in the Circuit Court of the County of Isle of Wight, State of Virginia, styled as above, will apply to said Court to have the funds now in the hands of Jno. I. Cofer and A. S. Johnson, as administrators c. t. a. of Emily Virginia Day, deceased, and in the hands of A. S. Johnson, Special Commissioner, in the above entitled cause, belonging to said Virginia Day Ralston, and Julia Gould Ralston, paid over to me, I being a resident of the State of Florida, and having been appointed as guardian of said infants by, and qualified in the County Court of Dade County in said State of Florida.

H. G. Ralston.

I, Percy N. Bristow, Editor of The Smithfield Times, a newspaper published in the town of Smithfield, County of Isle of Wight and State of Virginia, and having general circulation in the said County of Isle of Wight, do hereby certify that the notice, of which the attached is a copy, has been published in The Smithfield Times, which is a weekly newspaper, for four successive times, beginning with the issue of February 13th, 1925, and ending with the issue of March 6th. 1925.

Percy N. Bristow

State of Virginia,

County of Isle of Wight, to-wit:

I, A. S. Johnson, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, State of Virginia, do hereby certify that Percy N. Bristow, whose name is signed to the foregoing certificate, has this day personally appeared before me in my said County and made oath that the statements made therein are true.

Given under my hand this 14th. day of March, 1925.

A. S. Johnson  
Commissioner in Chancery.

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

Martin et al.

v) Chancery. No. 118

Ralston et als.

THIS CAUSE, came on this day to be again heard upon the papers formerly read, and upon the report of R. A. Edwards, Commissioner in Chancery, responsive, in part, to a decree entered in this cause on the 22nd. day of October, 1923, said report having been filed on the 31st. day of October, 1923, and to which there is no exception, and was argued by counsel:

And it appearing from said report that Emily Virginia Day departed this life on the 18th. day of February, 1923, a resident of the town of Smithfield, County of Isle of Wight, Virginia; that she was seized of a farm, near the town of Smithfield, of some 525 acres, more or less, adjoining the lands of T. L. Dashiell and others, lying on State Road No. 10, and is the same mentioned in the will of the said Emily Virginia Day as "the farm", and of which partition neither of the entire subject, nor of any distinct or independent part thereof, can be conveniently partitioned, to advantage; that it should be sold and the proceeds of sale divided, as the law directs in such cases; that there is a lien against the said farm, in favor of the Federal Land Bank of Baltimore, for the sum of eighty five hundred dollars, covering a note for ~~the payment of the sum of eighty five hundred dollars,~~ <sup>said</sup> bearing date the 2nd. day of October, 1922, with interest thereon at the rate of five and one half per centum per

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

Martin et al

v) Chancery. No. \_\_\_\_\_

Day et als

annum, payable in sixty eight semi-annual installments of \$276.25 each, and a final payment of \$275.55, said payments beginning six months after the date of said note, all defaulted payments to bear interest at the highest rate of the State, not to exceed eight per cent; that the proper parties to this suit are Thomas S. Martin, Jr., Lucy Day Martin, Virginia Day Ralston, Julia Gould Ralston, Lettie Moody, Emma Hall, all being adults except the said Virginia Day Ralston and Julia Gould Ralston, they being infants; and the trustees and vestrymen of Christ Protestant Episcopal Church, Smithfield, all of whom are properly before the court; that the annual value of the said farm is one thousand dollars, and the fee simple value thereof is reported as being from fifteen thousand dollars to twenty thousand dollars; on consideration whereof, it is adjudged, ordered and decreed that the said report be, and is, hereby, confirmed.

And it is further adjudged, ordered and decreed that A. S. Johnson, who is hereby appointed a special commissioner for the purpose, shall, after advertising the time, place and terms of sale for at least fifteen days, by printed posters posted in ten or more public places in said County of Isle of Wight, proceed to sell, at public auction, the farm of said Emily Virginia Day, near the town of Smithfield, containing 525 acres, more or less, adjoining the lands of T.L. Dashiell and others, and on State Road <sup>number</sup> ~~No.~~ 10.

The terms of said sale shall be for one third cash, and the residue in two equal installments, payable, respectively, in one and two years from the date of sale, the deferred payments to be evidenced by the bonds of the purchaser, and the title to the property to be retained until the whole of the purchase money shall be paid, and a conveyance is directed to be made by the court. The purchaser shall, at the time of sale, deposit with said special commissioner, ten per cent of



~~in addition to any other remedies,~~  
the purchase price, which shall be forfeited to this cause in the event he shall fail to fully comply with the terms of sale, within ten days from the date thereof, and which forfeiture shall not preclude any other remedy which may be applied against him for his failure to fully comply with his bid. If no such deposit is made then the said special commissioner shall, at once, at the same time and place, and upon the same terms, proceed to again sell the said property. The ~~said special commissioner~~ <sup>Purchaser</sup> shall have the buildings upon the said property insured, and kept insured, for three fourths of their value, the policy or policies of insurance to be made payable to said special commissioner as additional security for the payment of the bonds so taken. The said bonds shall bear interest from date till paid, at the rate of six per centum per annum. The said special commissioner is directed to deposit the bonds for the deferred payments with the papers in this cause, and the cash payment in Bank of Smithfield, Smithfield, Virginia, filing with the papers of this cause an interest bearing certificate of deposit which he shall take for such cash deposit.

The sale herein referred to shall be made subject to the mortgage lien of the Federal Land Bank of Baltimore, and which shall be stated in the notice of sale.

The said special commissioner shall have no power to execute this decree, until he shall, before the Clerk of this Court, enter into a bond, with sufficient security, in the penalty of \$ 750000 Dollars, said bond to be made payable and conditioned as the law directs in such cases.

And as to the inquiries directed to be made by the decree entered herein on the 22nd. day of October, 1923, to which the report of said R. A. Edwards, Commissioner in Chancery, is not responsive, the papers in this cause shall be, again, referred to ~~one of the commissioners of this court,~~ <sup>said R. A. Edwards,</sup> who shall proceed to take the inquiries not yet answered and to report

the same to the court, together with any evidence taken by  
him, which shall be reduced to writing.

And this cause is continued.

*This decree is  
not to be taken as  
a precedent. B. D. W.*

No 7

Virginia: Circuit Court  
of Isle Of Wight County.

Martin et al

v) Chancery. No 418

Ralston et als.

Note for decree.

Enter Nov 2, 1923.

*R.D.W.*

*Book 8  
page 168*

A. S. JOHNSON  
ATTORNEY AT LAW  
ISLE OF WIGHT, C. H., VA.

The Linden Printing Company, Hartford, Connecticut, U.S.A.

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

Lucy Day Martin et al.

v) Chancery. 418.

Virginia Day Ralston et als.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of John I. Cofer and A. S. Johnson, administrators c.t.a of the estate of Emily Virginia Day, deceased, and A. S. Johnson, Special Commissioner in this cause, this day, by leave of court, filed, and to which there is no exception, and was argued by counsel: And it appearing from the said report, and from the report of R. A. Edwards, Commissioner in Chancery, filed herein on the 15th. day of November, 1924, in which said reports is shown a detailed statement of the receipts, disbursements and distributions of said administrators and special commissioner; and it further appearing that proper receipts have been taken for such disbursements and distributions, and filed with the said reports; Upon consideration whereof it is adjudged, ordered and decreed that the said report this day filed be, and is, hereby, confirmed: And it is further adjudged, ordered and decreed that the Clerk of this court, forthwith, enter of record in the current fiduciary record book in the Clerk's Office of this court, the reports herein referred to, in full, and upon the margin of the page where entered, make reference to the date and place of entry of this decree; and upon the margin of the page of the book where this decree is entered, make reference to the book and page at which said reports are entered.

There appearing nothing further to be done in this cause it is also adjudged, ordered and decreed that the same be, and is hereby, dismissed from the docket.

Virginia: Circuit Court  
of Isle of Wight County.

Martin et al

v) Chancery. 418.

Ralston et als.

Note for decree.

Enter this 16th 1925.

*Book 8  
page 310*

JOHNSON AND STEPHENS  
ATTORNEYS AT LAW  
ISLE OF WIGHT, VIRGINIA

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

Lucy Day Martin et als

v) Chancery. No. 418.

Virginia Day Ralston et als.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of A. S. Johnson, special commissioner, this day filed, by leave of court, and to which there is no exception, and was argued by counsel. And it appearing from said report that the said special commissioner, pursuant to the decree entered herein on the 12th. day of November, 1923, offered the tract of land in these proceedings mentioned, as the "C. F. Day" farm, near Smithfield, in the said County of Isle of Wight, Virginia, for sale, at public auction, in front of the United States Post Office, in the said town of Smithfield, at noon, on the 1st. day of December, 1923, after advertisement thereof as directed by the said decretal order of November 12th. 1923, at which sale B. P. Gay was the last and highest bidder, having bid the sum of eleven thousand dollars; and it further appearing that the said sum so bid is much lower than the lowest price placed upon the said farm, as shown by the report of R. A. Edwards, Commissioner in Chancery, filed herein on the 31st. day of October, 1923, the lowest value placed thereupon as shown in said report of said Commissioner Edwards, being fifteen thousand dollars, it is adjudged, ordered and decreed that the said report of said special commissioner be and is hereby confirmed, and that the sale made to the said B. P. Gay, as aforesaid, be not confirmed. And W. H. Sykes and S. L. Gwaltney having submitted to the Court a bid, in writing, offering to take the said property at the sum of sixteen thousand six hundred dollars, and that they have tendered to the court

the money covering said bid of sixteen thousand six hundred dollars, it is adjudged, ordered and decreed that sale of the said C. F. Day farm be made to the said W. H. Sykes and S. L. Gwaltney, and sale is, hereby made, to the said W. H. Sykes and S. L. Gwaltney, for the said tract of land, for the said sum of sixteen thousand six hundred dollars. And upon payment of the said sum, so bid, less the amount due to the Federal Land Bank of Baltimore, Maryland, and which is secured by a mortgage upon said tract of land, of record in the Clerk's Office of this court, and after the said Federal Land Bank of Baltimore, Maryland, has released the estate of Emily Virginia Day from any further obligation to it by reason of said mortgage, and the said mortgage has been assumed, of record, by the said W. H. Sykes and S. L. Gwaltney, the said special commissioner shall execute to the said W. H. Sykes and S. L. Gwaltney, or to whomsoever they may direct, in writing, under seal, a deed, conveying the said tract of land, with special warranty. And the sum collected by the said special commissioner shall be deposited in the Bank of Smithfield, Smithfield, Virginia, and a certificate of deposit, bearing interest ~~taken therefor~~, payable to this cause, upon the order of this court, <sup>and file</sup> ~~less the costs of this suit, up to and including this decree, and counsel fee to A. S. Johnson, the attorney conducting this cause, of \$ \_\_\_\_\_, and~~ said certificate ~~of deposit to be filed~~ with the papers in this cause, with release to the estate of said Emily Virginia Day's estate, by the said Federal Land Bank of Baltimore.

And this cause is continued.

10  
Virginia: Circuit Court  
of Isle of Wight County.

Lucy Day Martin et als  
v) Chancery. No. 418.

Virginia Day Ralston et als

*Devere*

~~Report of Special Com'r.~~

Filed, \_\_\_\_\_, 1925.

1923  
Dec. 4.  
Entered this  
P.W.

8-170

A. S. JOHNSON  
ATTORNEY AT LAW  
ISLE OF WIGHT, C. H., VA.



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

Lucy Day Martin et als

v) Chancery. No.418.

Virginia Day Ralston et als.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of A. S. Johnson, Special Commissioner, this day, by leave of court, filed, and to which there is no exception, and was argued by counsel: And it appearing from said report that the said special commissioner has collected from W. H. Sykes and S. L. Gwaltney, partners, trading as Sykes and Gwaltney, the sum of \$8186.17, that being the amount due by said Sykes & Gwaltney for the C. F. Day farm, in these proceedings mentioned, the purchase price being \$16600.00, and there being due to Federal Land Bank of Baltimore, Maryland, a balance of \$8413.83, which the said Sykes <sup>and</sup> & Gwaltney have assumed, and has delivered to said Sykes <sup>and</sup> & Gwaltney a deed, with covenant of special warranty, conveying to them, the said tract of land, upon consideration whereof it is adjudged, ordered and decreed that the said report be, and is, hereby, confirmed: ~~and~~ it is further adjudged, ordered and decreed that the said A. S. Johnson, special commissioner, pay the costs of this suit up to and including the entry of this decree, and the balance then remaining in his hands he shall deposit in Bank of Smithfield, Smithfield, Virginia, tak<sup>ing</sup> an interest bearing certificate therefor, and deposit <sup>the</sup> same with the papers in this cause, and ~~make~~ report to the court.

~ 12 ~

Virginia: In the Circuit  
Court of Isle of Wight Co.

Lucy Day Martin et als

v) Chancery. No. 418.

Virginia Day Ralston et als.

Note for decree

1923  
Enter this Dec. 28<sup>th</sup>  
P.D.W.

Book 8  
Page 174

A. S. JOHNSON  
ATTORNEY AT LAW  
ISLE OF WIGHT, C. H., VA.

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

Lucy Day Martin et al

v) Chancery. No. 418.

Virginia Day Ralston et als.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of A. S. Johnson special commissioner, this day filed, by leave of court, and to which there is no exception, and was argued by counsel:

And it appearing from said report that, as directed by the decree entered herein on the 28th. day of December, 1923, the said A. S. Johnson, special commissioner, has paid costs in this suit, as follows, to-wit:

F.L.Wilson, Deputy Shff., serving notices	\$	4.50
R.A.Edwards, Com'r in Chancery, report,		25.00
D. J. Mood, printing sale notices,		4.75
R. A.Edwards, Agent, Premium on S.C. bond,		22.50
W.H.Chapman, crying property at sale,		10.00
Johnson & Stephens, Draft of deed,		15.00
Johnson & Stephens, War tax stamps for deed		17.00
A.S.Johnson, special commissioner, commissions on sale,		341.00

aggregating the sum of \$439.75; that the amount collected from Sykes <sup>and</sup> Gwaltney, on account of the purchase of the tract of land known as the Farm, in these proceedings, was \$8186.17, it being the difference between the sale price and the amount of encumbrance thereon; that deducting the costs, enumerated as aforesaid, from the amount so collected, leaves a balance of \$7746.42; that interest has accumulated upon the amount in the hands of the said special commissioner to April 15th. 1924, amounting to \$81.86; that on the 15th. day of April, 1924, the said special commissioner took from Bank of Smithfield a certificate of deposit, Numbered 7271, covering the amount of balance in his hands, as aforesaid, and to which was added the accumulated interest, aggregating the sum

of \$7828.28; that said certificate of deposit is filed with the papers in this cause, and which is payable to A. S. Johnson, special commissioner, in the suit of Martin et al v. Ralston et als: Upon consideration whereof, the court doth adjudge, order and decree that the said report be, and the same is, hereby confirmed.

And this cause is continued.

*14*

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

Lucy Day Martin et al

v) Chancery. No. 418

Virginia Day Ralston et als

Note for decree.

Enter this:

*1925  
May 5  
Entered  
1925*

*Book 8  
page 197*

A. S. JOHNSON  
ATTORNEY AT LAW *EV*  
ISLE OF WIGHT, C. H., VA.

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

Lucy Day Martin et al

v) Chancery. No. 418.

Virginia Day Ralston et als.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of R. A. Edwards, Commissioner in Chancery, filed herein on the 15th. day of November, 1924, and to which report there is no exception, and was argued by counsel:

And it appearing from said report that the devise made to Virginia Day Ralston and Julia Gould Ralston, of the house and lot in Smithfield, is real estate, and is not required to contribute to the payment of the costs of administration, the costs of this suit, and the debts of the estate of Emily Virginia Day, deceased:

That the legacies to Christ Church, Smithfield, to Lettie Moody and to Emma Hall, are general or pecuniary legacies, and fail for want of funds out of which to pay them:

That the administrators of said estate, John I. Cofer and A. S. Johnson, have collected all the money due to said estate, and have disposed of all personal property thereto belonging:

That the debts of said estate amount to \$5133.20:

That the money and proceeds from the property of said estate not specifically bequeathed, and which is in the hands of the said administrators aggregates the sum of \$2214.12, which is insufficient to pay the debts of said estate, the costs of administration and the costs of this suit:

That the amount of money in Bank of Smithfield, specifically bequeathed to Julia Gould Ralston is \$42.76:

That the proceeds collected for the stock in Bank of Smithfield, specifically bequeathed to Virginia Day Ralston, together with the dividends collected thereon, aggregates the sum of \$4065.00:

That the proceeds collected from the stock in the Home Telephone Company, together with the dividends thereon, aggregates the sum of \$4300.00, and which is specifically bequeathed to Lucy Day Martin, Thomas S. Martin, Jr., Virginia Day Ralston and Julia Gould Ralston, to be equally divided between them:

That the amount paid into the hands of the administrators by E. A. Morrison, trustee for B. P. Gay and A. R. Chalmers, from sale of property securing the payment of bonds held by the testatrix at the time of her death, is \$909.00, and which is specifically bequeathed to said Lucy Day Martin, Thomas S. Martin, Jr., Virginia Day Ralston and Julia Gould Ralston, to be equally divided between them:

That the net amount received by the administrators from the conduct of the farm, mentioned in the will of the testatrix, for the year 1923, and which, under the will, is the property of said Lucy Day Martin, Thomas S. Martin, Jr., Virginia Day Ralston, and Julia Gould Ralston, to be equally divided between them, being specifically bequeathed to them by said will; and which sum is \$260.99:

That the amount in the hands of the special commissioner in this suit, A. S. Johnson, and on deposit in Bank of Smithfield, which is the net proceeds received by him from the sale of the farm mentioned in the will of said testatrix, on the 15th. day of April, 1924, was \$7828.28, and upon which interest is accruing at the rate of four per centum per annum, at this time, from the said 15th. day of April, 1924 until it is paid over by said Bank; the said sum being the specific bequest of said Lucy Day Martin, Thomas S. Martin, Jr., Virginia Day Ralston and Julia Gould Ralston, their shares in same being equal:

That the money received from the sale of the said farm, mentioned in the will of said testatrix, under the terms of the will, is personal property:

It is ordered, adjudged and decreed, that the said report be, and is hereby, confirmed:

It is further adjudged, ordered and decreed, that <sup>the</sup> ~~after~~ the exhaustion of the fund received by said administrators from money and <sup>property from the</sup> property not specifically bequeathed, as aforesaid, <sup>to be</sup> ~~it~~ <sup>be expended by the administrators</sup> being the sum of \$2214.12, toward the payment of the costs of administration, the costs of this suit, including an attorney fee to A. S. Johnson for conducting the same of \$500<sup>00</sup>, and the <sup>And any balance of</sup> ~~that~~ debts due by said estate, ~~that~~ the said costs and debts shall be paid out of the sums, now in the hands of the administrators, and the said special commissioner, arising out of the money and property specifically bequeathed, as aforesaid, <sup>to Virginia Day, Julia G. Ralston, and</sup> ~~each bequest, or~~ <sup>to Lucy Day and James S. Martin, and Virginia Day, and Julia G. Ralston</sup> ~~group of bequests,~~ <sup>to</sup> pay a pro-rata share of the amount necessary to pay said costs and debts, over and above that which can be paid out of the sum of \$2214.12, ~~arising out of the money and property~~ ~~not specifically bequeathed as~~ aforesaid.

In the payment of said costs and debts, out of the specific legacies, as aforesaid, the Diamond Ring bequeathed to Lucy Day Martin, and the Pearl Bow Knot Pin bequeathed to Virginia Day Ralston, shall not be required to contribute, they being legacies of a higher class than the other specific legacies mentioned in the will, and it not being necessary for such to be done: <sup>and in</sup>

~~The~~ order that it may be ascertained what the proper amount is that the fund now in the hands of the special commissioner, in this suit, shall contribute to the payment of said costs and debts, the said special commissioner is hereby directed to cash in the certificate of deposit now held by him, add the accrued interest to the principal amount thereof, and together with the said administrators, to provide for the payment of the costs and debts as aforesaid: <sup>and</sup>

In ascertaining the costs of administration the admin-



shall not be allowed any commission upon the <sup>fund</sup> ~~hands~~ now in the hands of the said special commissioner, ~~even though it be personal property, which it is, under the provisions of said will, but it shall contribute its pro-rata share toward the payment of the costs and debts as aforesaid, which shall be paid out by said special commissioner.~~

And the said administrators and the said special commissioner, shall make to the court a detailed report of their doings hereunder.

And this cause is continued:

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

Lucy Day Martin et al

vs) Chancery. No. 418.

Virginia Day Ralston et als.

Note for decree.

Enter this

*1854*  
*Nov 26*  
*1854*

*Index Bk 8*  
*page 243*

JOHNSON AND STEPHENS  
ATTORNEYS AT LAW  
ISLE OF WIGHT C. H., VA.

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

Lucy Day Martin et al.

v) Chancery. 418.

Virginia Day Ralston,  
Julia Gould Ralston, in-  
fants under the age of  
twenty one years, et als.

This cause came on this day to be again heard upon the pa-  
pers formerly read, and upon the petition of H. G. Ralston, foreign  
guardian of the infant defendants, Virginia Day Ralston and Julia  
Gould Ralston, this day, by leave of court, filed, praying that  
the funds now in the hands of John I. Cofer and A. S. Johnson,  
administrators of Emily Virginia Day, deceased, and in the hands  
of A. S. Johnson, special commissioner in this suit, belonging to  
said infant defendants, his wards, be paid over to him, as provided  
for by section fifty three hundred and fifty of the Code of Virgin-  
ia, 1919; and upon the joint and separate answers of the said Vir-  
ginia Day Ralston and Julia Gould Ralston, the said infant defendants,  
by A. E. S. Stehpens, their guardian ad litem, heretofore appointed,;  
and upon the joint and separate answers of the said John I. Cofer  
and A. S. Johnson, administrators of the estate of the said Emily  
Virginia Day, deceased, and the said A. S. Johnson, special commiss-  
ioner, all of said answers being duly sworn to, and this day filed,  
and was argued by counsel: And it appearing to the court, from  
said petition, that the said H. G. Ralston, on the 8th. day of Jan-  
uary, 1925, was duly appointed and qualified as guardian of the  
said Virginia Day Ralston and Julia Gould Ralston, in the County  
Judge's Court of the County of Dade, in the State of Florida, and  
gave bond as such in the penalty of eighty five hundred dollars,  
with surety by said court deemed sufficient, and which is sufficient  
to insure his accountability for the whole amount of the estate

of said infant defendants, his said wards, the amount due to them, in the hands of the said administrators and the said special commissioner, as appears from the pleadings herein, being, less some costs approximately the sum of eighty one hundred and sixty two dollars and ninety nine cents; that there is, accompanying said petition, duly authenticated evidence of his appointment and qualification as such guardian; that he is the father of said infant defendants, and would be, in the case of their death, entitled to their estate; <sup>(the same being ~~formally~~)</sup> that notice of the application for the transfer of the funds belonging to said infant defendants, out of this State, as contained in said petition, has been published in The Smithfield Times, a news-paper published in the town of Smithfield, in the County of Isle of Wight, Virginia, for four successive weeks, beginning with the issue of February 13th. 1925, as required by section fifty three hundred and fifty two of the Code of Virginia, 1919, as appears by certificate of the editor of said newspaper, also this day filed; and there being no objection to said transfer, upon consideration whereof, the Court doth adjudge, order and decree that the said John I. Cofer and A. S. Johnson, administrators of the said Emily Virginia Day, deceased, and the said A. S. Johnson, special commissioner in this suit, after paying the costs of this suit to dismissal, pay over to the said H. G. Ralston, as guardian in the State of Florida of the said Virginia Day Ralston and Julia Gould Ralston, the moneys in their hands belonging to said infant defendants, take his receipts therefor, and file with the papers in this suit, and make report to court of their doings hereunder.

And this cause is continued.

Virginia: Circuit Court  
of Isle of Wight County.

Lucy Day Martin et al

v) Chancery. 418

Virginia Day Ralston et  
als.

Note for decree.

To be entered <sup>March</sup> January 16th.

1925.

*A. D. W.*

*Book 8  
page 264*

JOHNSON AND STEPHENS  
ATTORNEYS AT LAW  
ISLE OF WIGHT, VIRGINIA

# CERTIFICATE

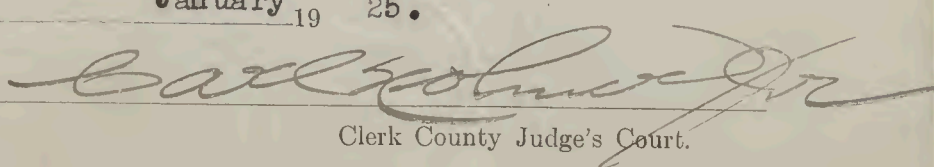
I, Carl Holmer, Jr., Clerk of the County Judge's Court in and for the County of Dade and State of Florida, do hereby certify that the above and foregoing is a true and correct copy of \_\_\_\_\_

Letters of Guardianship granted unto H. G. Ralston  
as Guardian of the person and estate of Julia Ralston  
and Virginia Ralston, minors.-----

as the same remain on file and record in this court.

And I further certify that said Letters of Guardianship are in full  
force and effect.-----

In Witness whereof I have hereunto set my hand and the official Seal of said Court at Miami,  
Florida, this 8th day of January 19 25.

  
Clerk County Judge's Court.

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*State of Florida*

COUNTY OF DADE

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**County Judge's Court**

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*In the matter of the estate of:*

*Deceased.*

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**CERTIFIED COPY**

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In Court of County Judge, State of Florida

In the Matter of the Guardianship of

Julia Ralston and Virginia

Ralston

Minors

Dade County

By the Judge of said Court, to all to Whom these Presents Shall Come, Greeting:

WHEREAS H. G. Ralston

hath applied to the Judge of the County Judge's Court of said County of Dade, to be appointed guardian of Julia Ralston and Virginia Ralston

minor children of H. G. Ralston and Gracie Bay Ralston

and it appearing to the Judge of said Court that said H. G. Ralston has filed a bond as guardian of the above named minors, said bond having been duly approved by this Court,

and it also appearing to the Judge of said Court that said H. G. Ralston

is a fit and proper person to receive said appointment, and the said H. G. Ralston

having in due form of law taken the oath and performed all other acts necessary to his just qualification as such guardian:

NOW, THEREFORE. KNOW YE, That I, W. F. Blanton County Judge in and for the County aforesaid, by virtue of the power and authority by law in me vested, do hereby declare the said H. G. Ralston duly qualified under and by virtue of the laws of said State, to act as guardian of said Julia Ralston and Virginia Ralston

and hath power, by virtue of these presents, to have the care, custody and control of said minors, and duly entitled to take possession of and to have and to hold, for the benefit of said minors, all and singular the goods, chattels, credits and estate of said minors as shall be in accordance with law, during the legal continuance of said guardianship, until the said minors shall arrive at the age of twenty-one years, or until the said guardianship shall be duly revoked according to law.

IN WITNESS WHEREOF, I hereunto set my hand and affix the seal of said Court at Miami, Florida, this 8th day of January A. D. 1925

(C. J. SEAL)

W. F. BLANTON

County Judge



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**In County Judge's Court**  
**DADE COUNTY, FLORIDA**

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GUARDIANSHIP OF  
H. G. RALSTON

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**Letters of Guardianship**

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Filed \_\_\_\_\_ 19\_\_\_\_

and recorded in Book \_\_\_\_\_ page \_\_\_\_\_

Record of Guardianship. Record Verified.

\_\_\_\_\_  
County Judge

By \_\_\_\_\_  
Clerk

# CERTIFICATE

I, Carl Holmer, Jr., Clerk of the County Judge's Court in and for the County of Dade and State of Florida, do hereby certify that the above and foregoing is a true and correct copy of \_\_\_\_\_


Guardianship Bond in Re: Estate of Julia Ralston and Virginia

Ralston, Minors,

as the same remain on file and record in this court.

And I further certify that said Bond is in full force and effect.

In Witness whereof I have hereunto set my hand and the official Seal of said Court at Miami, Florida, this 11th day of March 19 25

  
Clerk County Judge's Court



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*State of Florida*

COUNTY OF DADE

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**County Judge's Court**

---

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*In the matter of the estate of:*

---

*Deceased.*

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**CERTIFIED COPY**

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# In Court of County Judge, State of Florida

In the Matter of the Guardianship of  
Julia Ralston and Virginia  
Ralston  
Minor<sup>s</sup>

Dade County

KNOW ALL MEN BY THESE PRESENTS, That we, H. G. Ralston  
principal, and R. W. Ralston and Lorrain G. Smith  
suret<sup>ies</sup>, are held and firmly bound unto Cary E. Hardee

Governor of the State of Florida, and his successors in office, in the penal sum of \_\_\_\_\_  
Eight Thousand Five Hundred (\$8,500) Dollars,

lawful money of the United States of America, for the payment whereof well and truly to be made we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this 8th day of January A. D. 1925

Whereas, the above bounden, H. G. Ralston has applied  
to the County Judge of said County of Dade to be appointed Guardian of \_\_\_\_\_  
Julia Ralston and Virginia Ralston

and whereas the Judge of said Court having approved said application:

NOW, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the said \_\_\_\_\_  
H. G. Ralston, above bounden, shall, as Guardian of said minor<sup>s</sup>,  
faithfully preserve the estate of said minor<sup>s</sup>, and shall annually, on or before the first day of June,  
and at all times when thereunto required during the continuance of said guardianship, render to and  
file in said Court an inventory of said minor<sup>s</sup> estate, its profits and disbursements, and all the rest  
and residue of the goods, chattles and credits which shall be found remaining upon the said Guard-  
ian's account, the same being first examined and allowed by said Court, shall deliver and pay to such  
person or persons respectively, as the said Court by its order and decree shall appoint and direct, then  
this obligation to be void and of no effect; otherwise to remain in full force and virtue.

Taken and approved by and before me this  
8th day of January A. D. 1925  
W. F. Blanton  
County Judge.

H. G. Ralston [L. S.]  
R. W. Ralston [L. S.]  
Lorrain G. Smith [L. S.]

(C. J. Seal)

State of Florida

Dade County

On this day personally appeared before me R. F. Burdine and officer duly authorized to take oaths R. W. Ralston and Lorrain G. Smith, who executed the above bond as sureties, and who, being duly sworn, each for him self depose and say that he is worth the sum of Eighty Five Hundred Dollars in property situated in said State, over and above his debts and liabilities and all property exempt from forced sale under the Constitution and laws of the State of Florida.

Sworn to and subscribed before me this 8th day of January A. D. 19 25  
By \_\_\_\_\_ County Judge.  
Clerk

R. W. Ralston  
Lorrain G. Smith

R. F. Burdine, Notary Public State of Florida At Large  
Commission Expires July 13th, 1927  
(N. P. Seal)

In County Judge's Court  
DADE COUNTY, FLORIDA  
GUARDIANSHIP OF

Guardian's Bond

Filed \_\_\_\_\_ 19\_\_\_\_  
and recorded in Book \_\_\_\_\_ page \_\_\_\_\_  
Record of Guardianship. Record Verified.  
County Judge  
By \_\_\_\_\_ Clerk  
STRANGE PRINTING

8

Ducy Day Marten et als.,

-  
Vs. Chancery 418

Virginia Day Ralston et als.

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Copy of bond. Filed.  
11/12/23

Teste R. A. Edwards Clk.

No.

Know all Men by These Presents: That we A. S. Johnson.,

principal,

and

The Fidelity and Deposit Company of Md., surety,

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Seventy 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 A. S. Johnson

principal,

has hereto set his hand and affixed his seal;

and the said Fidelity & Deposit Company of Maryland

surety,

by A. A. Edwards,

, its duly authorized

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

by the signature of the said A. A. Edwards

, its said agent and attorney

in fact, this, the 12th day of November

A. D. 19 23

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound A. S. Johnson, who was  
appointed a Special Commissioner by the Circuit Court of the County of Isle Of Wight,  
Virginia, in the suit of Lucy Day Marten et als Vs. Virginia Day Halston et als., docket  
No. 418, by a decree entered therein on the 12th day of November 1923, shall faithfully  
discharge his duties under said decree or any future decree entered in said cause as  
such special commissioner.,

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

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

A. S. Johnson [SEAL]

The Fidelity And Deposit Co. of Maryland.

By A. A. Edwards

Its duly authorized agent and attorney in fact.

Attest: A. A. Edwards

Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 12th  
day of November 1923, this bond was duly executed and acknowledged by the obligors to the same  
and ordered to be recorded.

A. A. Edwards Clerk.