

1926-004 Chancery Causes. Charles Roberts v al vs Joseph Roberts v al
Isle of Wight County
Petition of Telzy Eley
Petition of B. Fred Johnson

Folder/
231

Petition of Augustus Fisher
Petition of Obie Fisher

Other surnames: Jenkins
Munford Springs, Snipes,
Beaton, Joyner, Seward, Hall,
Deans, Burges, Britt

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

ROBERTS ET ALS

VS) CHANCERY---- No. 231.

ROBERTS ET ALS.

We hereby waive notice of the execution of the decree mentioned in the within report.

Charles Roberts,

Lena Roberts,

David Roberts,

J. Walter Jenkins, trustee,

Irvin Jenkins,

By Harke Adams, their counsel.

Augustus Fisher,

Oby Fisher,

William H. Springs

By Robert King, their guardian ad litem.

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

Roberts, et als.,

vs) No.231. Chancery.

Roberts, et als.

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 seventh day of February, nineteen hundred and sixteen, respectfully reports that on the sixteenth day of February, nineteen hundred and sixteen, at his office, at the Courthouse, of said County, ^{he} proceeded to execute the said decree, notice thereof being waived by counsel for the complainants, Charles Roberts, Lena Roberts, David Roberts and J. Walter Jenkins, Trustee, and Irvin Jenkins, and by the guardian ad litem for the infant defendants, and by Joseph Roberts, one of the adult defendants, the said Joseph Roberts being present at the time mentioned, and G. Fred Johnson, administrator of the estate of said Phenius Roberts, deceased, who was present at the time mentioned, and in the execution thereof, took the testimony of W. H. Britt, J. H. Duck, R. E. Britt, ^{Joe Roberts} and G. Fred Johnson, administrator of the estate of Phenius Roberts, deceased; said testimony being reduced to writing, and is returned herewith.

From the testimony taken as aforesaid, and the records in the Clerk's Office of this Court, your Commissioner is informed, and reports:

1. That Phenius Roberts died seized and possessed of a tract of land in Hardy Magisterial District, in

the County of Isle of Wight, in the State of Virginia, which was conveyed to him by W. E. Munford, et ux., by their deed bearing date December twenty-seventh, eighteen hundred and eighty-four, and of record in the Clerk's Office of Isle of Wight County, in Deed Book Number forty-eight, page two hundred ninety, described in said deed as follows: "A tract of eighty acres of land, be the same more or less, in the County of Isle of Wight, State of Virginia, and bounded as follows: On the West by the lands of James S. Gay, on the East by the lands of H. T. Morris, on the North and South by the lands of William E. Munford." In this conveyance it is provided that a burying ground "of one-fourth of an acre is exempt from this deed." The price paid for this tract of land is mentioned in said deed as four hundred dollars. This tract of land is now assessed upon the Land Book for nineteen hundred and fifteen, at seven hundred and fifty dollars.

2. The said Phenius Roberts died in June, nineteen hundred and thirteen, intestate, and left the following named heirs, to-wit: Joseph Roberts, a son; Charles Roberts, a son; David Roberts, a son; Matthew Roberts, a son; Cora Roberts, a daughter; Augustus Fisher and Oby Fisher, grand-children and children of Martha Fisher, a daughter; William Springs, a grand child, and a son of Laura Springs, a daughter; and Telzy Eley, a grand child, and the daughter of Mary Eley, who was daughter of the said Phenius Roberts. Matthew Roberts, is an infant, nineteen years of age, and works in Long Branch, New Jersey. Augustus Fisher and Oby Fisher are infants, twelve and ten years of age, respectively; William H. Springs is an infant, six years of age, and Telzy Eley is an infant, nineteen years of age. The said Augustus Fisher and Oby Fisher and William H. Springs live in the neighborhood of the property in question; and Telzy Eley is at

work in Norfolk. The estate of Phenius Roberts, is, therefore, to be divided into eight parts, after the payments of his debts, and which, from the testimony taken as aforesaid, it appears, cannot be conveniently done, it being the unanimous opinion of all of the witnesses that the only proper and convenient way to make a division of said estate is to reduce the same to money, and make division of that.

3. It appears that Joseph Roberts, one of the defendants, desires to take the land at the price mentioned as its worth, and pay the others for their shares, provided he can ^{arrange} do so.

4. The heirs of Phenius Roberts are entitled to share in the division of his estate, both real and personal, as follows: Joseph Roberts, one-eighth; Charles Roberts, one-eighth; David Roberts, one-eighth, in his own right, and the one-eighth share of Cora Roberts, in the real estate of said Phenius Roberts, it having been conveyed to him by said Cora Roberts by her deed bearing date January fifteenth, nineteen hundred and sixteen, and of record in the Clerk's Office in Deed Book Number eighty-five, page sixty-eight: Cora Roberts, one-eighth in the personal estate; Matthew Roberts, one-eighth, Telzy Eley, one-eighth; Augustus Fisher and Oby Fisher, one-eighth; (one-sixteenth each); and William H. Springs, one-eighth. The said parties are entitled to share in the said estate by inheritance.

5. It appears that the said tract of land is not worth over the sum of fifteen hundred dollars in fee simple and the annual value is given from seventy-five to one hundred and five dollars. Joe Roberts, one of the defendants, is now renting this land, at one hundred and five dollars, which, according to the testimony, and the just inferences taken therefrom, by your commissioner, appears to be excessive.

6. I find the following liens against the real estate herein mentioned, to-wit:

Phenius Roberts and wife, on the twenty-seventh day of December, eighteen hundred and eighty-four, conveyed the land herein mentioned, to F. L. Snipes, in trust to secure to John H. Beaton, the payment of a bond for four hundred dollars, of even date of said deed, which deed of trust is of record in deed book number forty-~~eight~~^{eight} page two hundred and ninety-two. This deed of trust does not state when the bond is payable, and the presumption of the law in this case is, that the debt was payable on demand: therefore, the enforcement of the lien of this deed of trust is interposed by the bar of ^{the} Statute of Limitations.

Phenius Roberts and wife, by their deed bearing date December eleventh, eighteen hundred and ninety-seven, conveyed the real estate herein mentioned to E. L. Joyner, in trust, to secure to Eva J. Joyner, payment of the sum of forty-two dollars and fifty cents, evidenced by bond for that amount, made by Phenius Roberts, and wife, of even date with said deed, payable one year after date, and "waiving the homestead." This deed is not released, and is an outstanding and subsisting lien upon the said land.

The said Phenius Roberts, by his deed bearing date December twenty-second, nineteen hundred and ten, and of record in the said Clerk's Office in Deed Book seventy-eight, page four hundred and forty, conveyed the land herein mentioned to R. Lee Seward, in trust to secure to J. W. Hall, the payment of the sum of four hundred eighty-seven dollars and ninety-two cents, evidenced by bond of even date of said deed, payable on demand. This deed of trust has not been released, and is an outstanding and subsisting lien against said tract of land.

Charles Roberts and Wife, by their deed bearing

October fourth, nineteen hundred and thirteen, of record in said Clerk's Office in Deed Book eighty-two, page three hundred and nine, conveyed the interest of said Charles Roberts, in this tract of land, to J. Walter Jenkins, in trust, to secure to Irvin Jenkins, the payment of the sum of sixteen hundred dollars, evidenced by a bond of even date of said deed, payable on demand. This deed of trust includes other property.

Parke P. Deans and J. U. Burges, trustees for A. E. Bell, at the June term of the Circuit Court of this County, nineteen hundred and ten, obtained a judgment against the said Phenius Roberts, for the following amounts; to-wit:

Seventeen dollars and seventy-eight cents, with interest thereon from December first, nineteen hundred and ten, till paid;

Eighty-two dollars, with interest thereon from December first, nineteen hundred and three, till paid; and,

Ninety-four dollars and twenty-seven cents, with interest thereon from November twenty-fifth, nineteen hundred and seven, till paid; and six dollars and sixty-seven cents costs. This judgment has never been satisfied, and is an outstanding and subsisting lien against the said tract of land.

I find no other liens of record against this tract of land.

7. All of the proper and necessary parties to this suit are properly before the court, save and except Cora Roberts, who should, probably, be a party, since it does not appear that she has assigned her interest in the personal estate of the said Phenius Roberts, an account for which has been required in this suit.

8. Phenius Roberts died in June, nineteen hundred and thirteen, intestate, and G. Fred Johnson, on

the twenty-seventh day of November, nineteen hundred and thirteen, qualified as administrator of his estate.

It appears from a statement of the said administrator, given in his testimony herewith filed, that up to the fifteenth day of February, nineteen hundred and sixteen, he had collected the sum of eight hundred sixty-one dollars and sixty-nine cents; that he has paid out, the sum of four hundred eleven dollars and seventeen cents. The said administrator has never made any account of his transactions of such, and under the strict construction of the law, is, probably, not entitled to commissions on all of the receipts. He makes oath, however, that he has derived no benefit from the money in his hands, and was holding the same until he could get a sufficient amount to pay off some of the liens against the land; and, further, that he has been incapacitated by a long spell of sickness, and could not, for that reason, give the matter as close attention, as he otherwise might have done. The commissions upon the total receipts amount to forty-three dollars and eight cents, which leaves a balance due the personal estate of four hundred and seven dollars and forty-four cents. The amount of commissions which the administrator is probably not entitled to under a strict construction of the law, would be a very small sum -- the difference between the amount received from sale of personal property and his disbursements, and your commissioner recommends that he be paid the entire amount.

Your commissioner has examined all of the vouchers of the said administrator, except one for five dollars, paid to the crier at the sale; one for the Justice of the Peace, who administered the oath to the appraisers, *and acted as clerk at the sale, for \$2.50; and for one of the appraisers* which is for one dollar, *all of* ~~and~~ which the said administrator swears he has paid. The said vouchers appeared to be in proper

form, and were returned to the administrator. All of the items paid by the administrator appear to be correct charges against the said estate, except, probably, the last item mentioned in his testimony, which is for five dollars, which he paid to R. Lee Seward, Trustee, in one of the deeds of trust herein mentioned. ^{for advertising sale of land} It appears from the testimony of said administrator, herein filed, that the evidence of debt secured by the ~~other~~ ^{said} deed of trust was recently assigned to one Irvin Jenkins, by J. W. Hall, the original owner thereof, for value; and that said Irvin Jenkins without making any attempt whatever to collect the same, directed the said trustee to sell the land, and get his money. While Mr. Jenkins may have had a right to ~~direct~~ the land to be sold to satisfy the debt without attempting to collect the same, without such a sale, it is not customary to do so, and your commissioner believes that the court would not look with favor upon such a transaction. It is true the said Phenius Roberts had long been dead; however, an administrator had duly qualified upon his estate, and had funds in his hands with which to pay a large portion, if not all of said indebtedness. The said G. Fred Johnson in his own right to prevent a sale of said property, and the expenses necessarily attendant thereupon, has bought from the said Irvin Jenkins, the evidence of said debt and now holds the same to be cancelled by any funds the court shall direct to be used for such. This bond has been exhibited to your commissioner, all of this being true, the said trustee, or the said Irvin Jenkins, should probably be charged with the amount of five dollars for advertising said sale, instead the estate of Phenius Roberts.

9. The inventory and appraisement of the personal estate of the said Phenius Roberts, as well as the account of sales thereof, has been turned over to your com-

missioner, by said administrator, and is filed herewith.

Your commissioner recommends that said inventory and appraisement and account of sales and the statements of said administrator, filed herewith, if the court finds the same correct, and confirmation thereof is made, be entered of record in the Clerk's Office of this Court, in the book containing fiduciary reports.

By reference to the certificate filed by the said administrator, as required by law, at the time of his qualification, the three daughters mentioned herein were dead before Phenius Roberts died; and not being possessed of an estate of inheritance, their respective husbands are not entitled to curtesy in their shares, and are not necessary parties to this suit.

It is clear to your commissioner that the balance in the hands of the administrator is insufficient to pay all of the liens against said land, and the cost of this proceeding, and in consequence thereof, the said Cora Roberts is hardly a necessary party to this suit, nor is it necessary that the husbands of the deceased daughters be made parties to this suit, *with reference to personal estate.*

Respectfully submitted.

E. Johnson

Commissioner.

Commissioner
fee \$20.00

W. H. Britt being duly sworn, deposes and says:

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

W. H. Britt, sixty years of age, live in Isle of Wight County, and am a farmer.

Q. Do you know the land owned by Phenias Roberts at the time of his death, and if so please give me a description of it? A. Yes sir, there is something like eighty acres of it, about thirty acres of it is open and the rest in woodland, and from which the timber was cut some fifteen years ago.

Q. What sort of buildings are on the land? A. There is a fairly good dwelling house on the land and one right good barn, all of the rest is not much. I suppose all the buildings are worth about five hundred dollars.

Q. Do you know the parties entitled to share in this land? A. I know them that are living, but I know that some of them are dead, and I hardly know their names. I know that Phenias had eight children.

Q. Can the land owned by Phenias Roberts at the time of his death be conveniently divided among the parties entitled to share there in? A. I do not think it can. The only practical way I know of dividing it is to sell it and divide the money.

Q. Do you know any of the parties in interest who will take the entire property and pay the others for their share, or any party who will do so? A. I do not know of any.

Q. Do you think that a part of it could be allotted and the balance sold with advantage? A. No sir, there is too little of it. The only way I know is to sell it as a whole and divide the money.

Q. What is a fair annual and a fair fee simple value for this tract of land? A. I do not suppose that it would sell for over fifteen hundred dollars, the whole thing.

Q. What would it rent for per year? A. A huddred dollars is a big price for it, in my opinion.

Q. Where do these infant children live, named in the bill, namely, Augustus and Obie Fisher, William H. Springs and Telzey Eley?

A. All of them are about Zuni, except Telzey, who lives in Norfolk, I hear.

And further this deponent saith not.

W H Britt

Mr. J. H. Duck being duly sworn,,deposes and says:.

Q. Please state your name, age, residence and occupation? A. My name is J. H. Duck, I live in Isle of Wight County, and am a farmer. I am fifty three years of age.

Q. Do you know anything about the land owned by Phenias Roberts, when he died? A. Yes sir, Mr. W. H. Britt and Mr. R. E. Britt and I have lately been upon the land with a view of fixing its value.

Q. What do you consider a fair fee simple and a fair annual value? A. I think fifteen hundred dollars a top price for it, and I would not like to give much more than seventy five dollars a year for rent. I have been renting land about all my life and think I know what it ought to rent for.

Q. Can the land be conveniently divided among the heirs of Phenias Roberts? A. No sir, it cannot. The only way to make a division of it, in my opinion, is to sell it all and divide the money.

And further this deponent saith not.

J H Duck

R. E. Britt being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. My name is R. E. Britt, I am sixty four years of age, I live in Isle of Wight County, and am a farmer.

Q. Did you know Phenias Roberts? A. Yes sir.

Q. Did you know his children, or do you know them? A. Yes sir, I knew them all, there were eight of them, three of them, daughters, are dead.

Q. Are you acquainted with his land, that which he owned AT THE time of his death? A. Yes sir, it is right close to me. I have lately been upon it for the purpose of assessing its value.

Q. What is a fair fee simple and a fair annual value? A. I think it will bring about fifteen hundred dollars, and ought to rent for not more than ninety dollars, I think.

Q. Can this land be conveniently divided among the parties entitled to share therein? A. I do not see how you could divide it to be worth anything, even in half. The only way I see to make division of it is to put it up and sell it as a whole and divide the money.

Q. When did Phenias Roberts die? A. About two and a half years.

Q. Do you know any party in interest who would take the entire property and pay the others for their shares? A. No sir, I do not.

And further this deponent saith not.

R. E. Britt

Joe Roberts being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. My name is Joe Roberts, I am forty eight years old, I live in Isle of Wight County and am a farmer.

Q. Are you any relation to Phenias Roberts? A. I am his son.

Q. Who are the heirs or Phenias Roberts? A. I am the oldest one, Chas Roberts, a son, is next; David Roberts, another son, is next; Cora Roberts, a daughter, is next, and Matthew Roberts, a son, is next, these are all that are living. I had a sister, Martha Fisher, a sister, Laura Springs, and a sister, Mary Eloy, all of whom are dead, and they all left children or a child. Martha Fisher left two children, Augustus and Obie; Laura left a child, William H. Springs, and Mary left a child, Telzy Eley. Augustus Fisher is twelve years old; Obie Fisher is ten years old; William H. Springs is six years old; and Telzy Eley is nineteen years old. All of them live right close to me except Telzy, who is at work in Norfolk. Matthew, my brother, is only nineteen years of age. He lives in Long Branch, New Jersey.

Q. What do you consider a fair price for your father's land? A. I think it is worth about fifteen hundred dollars.

Q. What ought it rent for? A. I rent it now and pay a hundred and five dollars for it, but that is too much for it. It ought to rent for not more than a hundred dollars.

Q. Can the land be conveniently divided among those entitled to share in it? A. No sir. The only way to divide it is to sell it and divide the money.

Q. Are you a prospective purchaser, in case it should be sold? A. I would like to have it if I can make arrangements to buy it.

Q. When did your father die? A. This last gone June two years ago.

Q. Did he leave a will? A. No sir, Mr. G. Fred Johnson has qualified as administrator of his estate.

And further this deponent saith not.

Jos Roberts

G. Fred Johnson being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. My name is G. Fred Johnson, I am sixty five years of age, I live in Isle of Wight County, and I am a farmer.

Q. Are you the G. Fred Johnson who qualified as administrator of the estate of Phenias Roberts? A. Yes sir.

Q. Do you remember the date of your qualification? A. It was December 1st. 1913.

Q. What disposition have you made of the property, if any, coming into your hands? A. I had the personal estate appraised, the appraisement of which I now hand you, and I made sale of it, very soon after the appraisement, the account of which I now hand you, and the money that I collected from the estate, over and above what I have paid out, I have held till recently, when I credited it on a note due by Phenias Roberts, and secured by a deed of trust upon the land owned by him, the note having been assigned to me January 15th. 1916, and on which date I credited same with the amount in my hands.

Q. Why did you not credit the amount on the note sooner, or why did you not make distribution of what was in your hands? A. I have had a long spell of sickness which has incapacitated me for some time, At the end of the first year I had something like two hundred and seventy five dollars in my hands which might have been credited on the note but I thought I would wait till I could get a sufficient amount in my hands to retire the whole debt.

Q. Have you had the money invested, or have you used it for your own convenience. I have not made use of it in any manner, for myself or for the estate. It has been lying idle all the time.

Q. Have you a full account of your transactions as administrator? A. Yes sir, here it is, with the vouchers.

My receipts have been as follows:

Amount received on account of sale of chattel estate \$651.69
Part of this amount was collected on the day of sale
which was December 9th. 1913, and the balance collected
at different times during the year following.

About March 1st. 1915, I collected rent for years 1914 105.00

February 15th. 1916, I collected rent for 1915, 105.00 861.69

My disbursements have been as follows:

1913.

Dec. 1st.	Paid Clerk tax and fee for qualification	3.85
Dec. 1st.	Paid premium on bond,	5.00
Dec. 9th.	Paid crier at sale, J. A. Johnson,	5.00
"	Paid A. Lee Saunders, J.P., swearing	2.50
"	appraisors and clerk at sale,	
"	Paid E. W. Ballard, appraiser,	1.00
Dec. 10th.	Paid Matthew Roberts and Davy Roberts for labor on farm, cultivating 1913 crop	85.00
Dec. 17th.	Paid Hubbard Company, for fertilizer,	12.15

1914.

Jan. 9th.	Paid Joe Roberts, bagging and hauling peanuts and delivering goods sold at sale,	10.80
Jan. 15th.	Paid W. J. Rhodes, store account,	86.80
"	Paid account of Dr. J. F. Richardson,	62.00
"	Paid C. W. Bailey, undertaker,	81.25
Feb. 27th.	Paid taxes for 1913,	14.52
April 6th.	Paid R. E. Britt, appraiser,	1.00
"	Paid J. G. Johnson, appraiser,	1.00
Nov. 13th.	Paid premium on bond,	5.00

1914.

June 24th.	Paid 1914 taxes on land,	10.83
"	Paid taxes on fiduciary accts, 1914,	
Nov 22nd	Paid R. I. Crumpler, store account	7.32
Nov 29th.	Paid 1915 tax on fiduciary funds,	6.18
Dec. 1st.	Paid premium on bond,	5.00

1916

Feb. 5th.	Paid R. Lee Seward, trustee, for advertis- ing sale of land, under deed of trust	5.00
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Mr. Johnson, I have checked up all the vouchers for the foregoing items except for the crier at sale, one appraiser, and the Justice for swearing the appraisers and clerk at sale: Do you swear that you have paid these items? A. I do, I could get vouchers from them, if necessary. They were paid on the day of sale, and in the rush I omitted to get from them vouchers.

The last item which you state you have paid, namely,

have paid \$rs to R.

five dollars paid to R. Lee Seward for advertising sale of land under trust deed--tell me what this is? A. When Phenias died there was a deed of trust upon his land in favor of J. W. Hall, securing the payment of a bond dated December 22nd. 1910, payable on demand, to said J. W. Hall, for four hundred and eighty seven dollars and ninety two cents; Some time in January, 1916, I saw Mr. Hall, at the sale of the chattel estate of Mr. Leonard Whitley, and asked him about the bond, stating to him that I wanted to make a payment on it, and he told me that he had, on the 31st. day of December, 1915, assigned his bond to Irvin Jenkins. He stated to me that Davy Roberts came to him for the bond, stating that he wanted to take it up, and he did not care to part with it, thinking it a good investment, and refused to do so. Later Mr. Jenkins came to him for it and he took the money and assigned it to him. At the time I was talking to him about the bond Mr. Jenkins, or Dr. Seward, as trustee, had the land advertised for sale, and I did not know about it.

Q. Did any one ever ask you for the money? A. No sir.

Q. Did any one advise you that the land was to be sold, after it was advertised- that it was advertised to be sold? A. No sir.

Q. Did the trustee, or any one, send you, at any time, a notice of the sale? A. No sir. The first I knew of it Mr. R. E. Britt told me that he had seen a notice of the sale, and Mr. Deans, my lawyer then sent me a notice of it.

And further this deponent saith not.

G. H. Johnson.

An Inventory and Appraisement of the Chattel Estate of

Phewius Roberts,

deceased, made on the

2nd

day of

December 1913

B-71928

ARTICLES	VALUE	34
1 Heifer	16 50	
1 Horse	75 00	
1 mule	50 00	
1 spotted sow & eight pigs	15 00	
1 black " & nine "	15 00	
6 " hogs	60 00	
6 hogs (2 black & 4 spotted)	30 00	
1 hog kettle	1 50	
2 axes	50	
1 wood saw	2 50	
1 lot shingles	2 00	
1 Road Cart	4 00	
1 cart & wheels	1 50	
1 lot hoes, forks, & shovels	2 50	
1 cart & wheels	25 00	
1 rail cart & "	3 00	
2 bent plows	5 00	
1 lot plow & cart harness	5 00	
2 plows	1 00	
2 cultivators	2 00	
1 bin hook	5 00	
1 horse digger	2 50	
1 log chain	5 00	
1 pea weeder	1 50	
1 buggy	3 50	
1 "	10 00	
2 sets buggy harness	5 00	
1 corn sheller	1 50	
4 baskets	1 20	
1 corn & cotton planter	10 00	
1 peanut planter	8 00	
1 saddle	2 50	
2 bedsteads & tables	5 00	
1 pea dottle fertilizer sower	5 00	
Forwarded	352 95	

Appraisement of the Personal Estate of

_____ deceased

An Inventory and Appraisement of the Chattel Estate of

deceased, made on the _____ day of _____

ARTICLES

VALUE

Brought forward		357 95
1 lot fodder, approximately 2000 ^{lbs}		25 00 -
1 " Corn - " 25 lbs		85 00
1 " lead, oil & paint		5 00
1 " vinegar & blkv,		5 00
2 hand saws		1 00
1 + cut saw		1 00
1 pair balances & pans,		1 00 -
1 lot lead stands		5 00
1 " Carpenter Tools, (in lot)		1 00
2 mauls		1 00
1 lot peanuts (say 70 bags)		200 00
1 " bunches		5 00
1 " dried peas,		5 00 -
1 pot.		5 00
1 grind Stone		75
3 wash tubs		25
1 dining table & 2 benches,		1 00
1 safe		1 50
1 lot crockery		200
1 lot knives forks & spoons		50
1 Chair, basket, Coko tins		1 00
4 flat irons		1 50
1 lot butcher knives		75
1 cook stove		200
3 lamps		1 50
Lantern, Jugs bread & dish pans		5 00
1 Clock		50 00
1 bureau		30 00
1 Sewing machine,		100 00
1 wash stand		5 00
1 bowl & pitcher		50
6 Chairs & one rocker		40 00
1 bedstead & bed complete		100 00
1 Rocking chair		15 00
over		735 80

Brought over

- 1 Wash stand
- 1 Table
- 1 organ
- 1 bed
- 1 "
- 3 chairs
- 1 bed
- 1 Dining stand
- 1 buggy robe
- 1 umbrella
- 1 ball

11
34
34
79

735.80
50
75
2000
6010
600
250
300
150
250
50
150
\$ 760.05

Appraisement of the Personal Estate of
deceased

J. G. Johnson
E. M. Ballard
R. E. Britt

19
64

Account of Sales of the Personal Estate of Phemas Roberts, deceased,
 sold on the 9 day of December 1913 by G. F. Johnson
 Administrator (or Executor).

B-71929

ARTICLE		PURCHASER		PRICE	
no	1 apt	John Copeland	J	1	05-
	1 grind stone	G. H. Johnson	J		90
	3 Tube	Joe Roberts	✓		20
	Shingles per 100	M. H. Duck	@ 50	3	70
	1 Lat of lumber	Merit Sumner	J	5	55-
	1 Corn sheller	W. J. Eley	J		75-
	1 Spotted sand pugs	M. H. Duck	J	12	00
	1 Black " "	Amos Copeland	J	12	30
	1 Horse	Joe Roberts	✓	52	00
	1 mule	Sterlin Jones	J	40	00
	Peanuts per 100 (69¢ ⁴⁰)	W. C. Andrews	@ 295	205	99 ✓
	Bridled ropes	M. H. Duck	J		30
	Barrel bell	E. W. Beale	J		40
	1 Burean	Samah Stringfield	J		55-
	1 Sewing machine	John Tyler	J		00
	1 wash stand	Walter Eley	J		50
	1 Bowl & pitcher	" "	J		70
	1 Clock	Sam Butler	J	2	00
	1 Lamp	Fannie Eley	J		25-
	1 Bed	Gilbert Roberts	J	5	00
	6 Chairs @ 30	J. R. Tyler	J	1	80
	3 Chair bench	Walter Eley	J		10
	1 Buggy robe	" "	J	1	10
	1 Rocking chair	Balie Stringfield	J		50
2	" "	" "	J		40
2	1 Lamp	Rosa Saunders	J		50
1	1 Table & cover	" "	J		35-
	1 Coaster	" "	J		15-
	1 Organ & stool	Joe Roberts	✓	12	00
2	1 Table & cover	Gilbert Roberts	J		10
2	Bed	Joe Roberts	✓		50
	1 Bedstead	Alex Eley	Arch		25-
3	Bed	Sam Butler	J	4	00
1	1 Bed quilt	Gilbert Roberts	J	1	00
2	" "	John Copeland (369.54)	J		45-

40

70

645-

95

20

25-

25-

1015

Account of Sales of the Personal Estate

of _____
deceased

Account of Sales of the Personal Estate of _____, deceased,

sold on the _____ day of _____, by _____
Administrator (or Executor).

B-71929

ARTICLE		PURCHASER		PRICE
no	Old cart & wheels	M. H. Duck	J	15
142	1 Bander hoar	Joe Roberts	✓	15-
3	2 " "	" "	✓	10
4	2 " "	M. H. Duck	J	15-
5	Hoe & pitchfork	Joe Roberts	✓	10
	1 Table	Amos Copeland	J	05-
	1 Basket & can	Joe Roberts	✓	10
	1 Iron saw	Stirling Jones	J	10
	1 Pea datter	John Copeland	J	05-
1	1 Beed steel	Joe Roberts	✓	05-
1	1 Flat plow	" "	✓	45-
2	" "	W. H. Gay	J	45-
1	Cultivator	Stirling Jones	J	30
2	" "	J. H. Johnson	J	45-
1	Tram plow	Joe Roberts	✓	45-
2	" "	" "	✓	25-
	2 Mauler & wedge	M. H. Duck	J	05-
1	Hand saw	+ C. H. Johnson Paid		95-
2	" "	+ J. A. Duck Paid		20
	1 Pair balances	Gilbert Roberts	J	1 30
	1 Cross cut saw	W. H. Gay	J	90
	1 Box & contents	Alex E. Ten	J	10
	1 Basket & contents	Stirling Jones	J	35-
	2 Bt of paint	Sam Butler	J	50
	1 Keg white lead	" "	J	1 45-
	1 Can of oil	+ C. H. Johnson Paid		85-
	3 load can & jugs & axe	Gilbert Roberts	J	20
	1 Bucket of tar	Joe Roberts	✓	45-
	1 Box & contents	" "	✓	30
1	1 Barrel & Vinegar	Charley Roberts	J	1 95-
2	1 " "	Joe Roberts	✓	25-
	1 Corn planter	" "	✓	10 00
	1 Pea nut planter	Dany Roberts	J	6 25-
1	1 Cart & wheels	J. N. Ryan	J	21 50
Forwarded.				5-1, 30

Account of Sales of the Personal Estate

of _____
deceased

1691
400

Account of Sales of the Personal Estate of _____, deceased,

sold on the _____ day of _____, by _____
Administrator (or Executor).

No	ARTICLE	PURCHASER	PRICE
2	Rail cart & wheels	Joe Roberts ✓	2 50
1	1 Cart saddle	+ Tom Duck Paid	40
2	1 " "	W. C. Andrews J	10
1	Cart back band	Walter Eley J	50
2	" " "	Joe Roberts ✓	35
	1 Road cart	John Capeland J	3 60
1	1 Horse collar	Sterlin Jones J	1 05
2	1 " "	Charley Roberts J	55
	2 Pairs harness	M. H. Duck J	25
1	Plow traces	" " " J	40
	1 Lot of harness	" " " J	65
	1 Pea punch	E. W. Beale J	20
	1 Log chain	J. N. Bryan + J	25
1	1 Buggy	John Capeland J	1 00
2	1 " "	" " " J	4 00
1	1 Set of Buggy harness	Walter Eley J	3 25
2	1 " " " +	C. C. Bland Paid	70
	1 Set plow harness	Bodie Stringfield J	20
1	Lot of hoes	M. H. Duck J	10
	1 Hoe fork	W. J. Bailey J	40
2	1 Lot of hoes	M. H. Duck J	20
	1 Cow	" " " J	20 00
	1 Brice hook & saw	W. J. Bailey J	3 5
	10 Bbls corn	J. H. Johnson @ 2.70	27 00
	5 " "	" " " @ 2.70	13 50
	Remainder (10 bbls)	" " " @ 2.60	26 00
	1000 lbs fodder	W. H. Kay J @ 1.25	12 50
	Remainder 800 lbs	James Carr J 1.25	11 25
	1 Pea weeder	Boley Stringfield J	1 70
	6 First choice hogs	W. C. Andrews @ 9.65	54 20
	4 Last choice	" " " J	25 50
	Field peas / mtn	+ C. H. Johnson @ 1.55 Paid	6 45
1	Kettle	Charley Roberts J	2 30
2	Axe	Joe Roberts ✓	45
			221 35

Account of Sales of the Personal Estate

of _____
deceased

Account Dala Co. 75.

1 bed for Robert	10	✓
1 " " Charles Robert	195	✓
1 camp Lena Robert	30	✓
5 plates Anna Copeland	10	✓
1/2 doz. C. pot Sancer " "	10	✓
5 glasses Mrs. Copeland	35	✓
1 lot spoons	15	✓
Knives & forks Sarah Stringfield	25	✓
1 Table cloth Joe Robert	20	✓
2 benches & one sofa ¹⁵ & Table ⁴⁰ Joe Robert	60	✓
Pitch ⁴⁰ & bucket ¹⁰ Mrs. Copeland	50	✓
Coon stove ¹⁹⁵ , table & basket Bailey Stringfield	210	✓
4 Flat Irons - Sam Butler	70	✓
1 wash stand Walter Eley	30	✓
1 Coffee pot, Harmon " "	20	✓
1 " " Merritt Sumner	5	✓
2 butcher knives Joe Carr	35	✓
Table Center Joe Robert	15	✓
1 pitcher Gilbert Robert	05	✓
2 cake pans Rosa Sander	20	✓
1 stew pot Joe Robert	30	✓
1 bread tray Merritt Sumner	5	✓
1 meat chopper Sarah Stringfield	10	✓
1 bluffer - Joe Robert	35	✓
	<u>950</u>	

72135
5130
36954
950

\$ 651.69

6

Roberts et al
vs Chancery. No 231
Roberts et al
Report of Commissioner
— 4 —

VIRGINIA: CLERKS OFFICE OF THE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT

2716 1916

Filed

Teste, *A. S. Johnson* Clerk.

Inventory and Appraisement
Fiduciary Book No. 1, at
Pages, Nos. 169-73-

317

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

Roberts et als.

v.

Roberts et als.

The defendant, G. Fred Johnson, Administrator of the Estate of Phenius Roberts, deceased, reserving to himself the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as he is advised that it is material he should answer, answers and says, that,

That it is true that he has qualified as administrator of the estate of Phenius Roberts, deceased and as such has sold the personal property and paid the claims against the estate except a small amount due on a bond secured by a deed of trust which has been duly assigned to to G. Fred Johnson. He is ready to make a report of all his transactions and asks that he may make an accounting before a commissioner in chancery, who reports upon the other matters of interest in this cause. He has waited making such settlement with the consent of the heirs of age, hoping to so finance the real estate holdings in conjunction with the heirs that all indebtedness be paid without effecting the real estate.

And the defendant having fully answered the bill of complaint, prays to be hence dismissed with his proper costs by him in this behalf expended and he will ever pray etc.

G. Fred Johnson Admin'r of Estate of Phenius Roberts Defendant
by Counsel.

Robert C. Adams
Counsel.

4

Roberts et als.

v.

Roberts et als.

Answer of G. F. Johnson Admr.

Filed 7/7/1916

PARKE P. DEANS,
ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

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

Roberts et als.

v.

Roberts et als.

The defendant, Joseph Roberts, reserving to himself the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as he is advised that it is necessary or material he should answer, answers and says, that,

True it is that Phenius Roberts died seized and possessed of certain real estate and that he is one of the heirs at law. That the real estate is not susceptible of division.

That for the last two years he has reanted the farm and paid one hundred and five dollars per year for same, paying this amcunt to G. Fred Johnson, Administrator. And that he still resides and is tending the said farm.

And the defendant denies all fraud, unlawful combination and confederacy; and having fully answered the complainantss bill, prays to be hence dismissed withnhis proper costs by him in this behalf expended and he will ever pray etc.,

Joe Roberts Defendant
By counsel

E. L. Jones
counsel.

3

Roberts et als.

v.

Roberts et als.

Answer of Jos. Roberts.

Filed 2/7/1916

PARKE P. DEANS
ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

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

Roberts et als.

v.

Roberts et als.

The answer of Mathew Roberts, Telsy Eley, Augustus Fisher, Oby Fisher and William H. Springs, infants under the age of twenty-one years by R. Sidney King, a discreet and competent attorney at law, their guardian ad litem assigned to defend them in this suit and the answer of the said R. Sidney King, guardian ad litem of the said infant defendants to a bill of complaint exhibited against the said infants and others by Charles Roberts, Lena Roberts, David Roberts, J. Walter Jenkins, trustee and Irvin Jenkins in the Circuit Court of Isle of Wight County, Virginia.

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

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

Mathew Roberts

Telsy Eley

Augustus Fisher

Oby Fisher

Wm. H. Springs

R. Sidney King
Guardian ad litem.

R. Sidney King
Guardian ad litem.

2

Roberts et als.

v.

Roberts et als.

Answer of Guardian ad litem.

Filed
8/7/1916

PARKE P. DEANS
ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

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

Roberts et als.

v.

Roberts et als.

Hon. B. D. White, Judge of the said Circuit Court;

The undersigned, Augustus Fisher, respectfully petitions you
as follows:

FIRST. That in a certain bill in this cause that Phenius Roberts, the
party whose real estate was partitioned, was the grandfather.

SECOND. That Martha Roberts, who married Louis Fisher and some times
called Levy Fisher, died in 1907, leaving two children, your petitioner
and his brother Obie Fisher.

THIRD. That your petitioner was born on April 23, 1903.

FOURTH. By decree entered in this cause on January 4, 1917, there was
shown that one hundred seventy dollars and eighty-six cents (\$170.86)
had been deposited in the Bank of Windsor as the interest of the Fisher
children. The decree in part reads as follows:

"On consideration whereof, the Court doth confirm the
said report and doth discharge the said special com-
missioner from further service hereunder, and this cause
is removed from the docket, with leave in Augustus and
Obie, infants, to have same reinstated for the purpose
or procuring their portion of the proceeds of the sale
of said land sold under these proceedings."

Your petitioner respectfully asks that his portion of this
money be paid him.

Respectfully submitted,

Augustus Fisher

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

Roberts et als.

v.

Roberts et als.

Hon. B. D. White, Judge of the said Circuit Court:

The undersigned, Obie Fisher, respectfully petitions you as follows:

FIRST. That in a certain bill in this cause that Phenius Roberts, the party whose real estate was partitioned, was the grandfather.

SECOND. That Martha Roberts, who married Louis Fisher some times called Levy Fisher, died in 1907, leaving two children, your petitioner and his brother Augustus Fisher.

THIRD. That your petitioner was born September 22, 1905

FOURTH. By decree entered in this cause on January 4, 1917, there was shown that one hundred seventy dollars and eighty-six cents (\$170.86) had been deposited in the Bank of Windsor as the interest of the Fisher children. The decree in part reads as follows:

"On consideration whereof, the Court doth confirm the said report and doth discharge the said special commissioner from further service hereunder, and this cause is removed from the docket, with leave in Augustus and Obie Fisher, infants, to have the same reinstated for the purpose of procuring their portion of the proceeds of the sale of said land sold under these proceedings."

Your petitioner respectfully asks that his portion of this money be paid him.

Respectfully submitted,

his
Obie X. Fisher
mark

Wheeler et al

✓

Roberts et al

Roberts of Hughes
and Miss Fisher

In the Circuit Court of Isle of Wight County, Va.:

Roberts et als.

v.

Roberts et als.

To the Honorable B. D. White,

Judge of the Circuit Court of the said County:

The undersigned, your petitioners respectfully represent that there is instituted in your honor's court a suit by Charles Roberts and others against Joseph Roberts and others asking the partition of certain real estate of which Phenius Roberts died seized and possessed as will more fully and at large appear from the bill filed in said cause, reference being had thereto now on your docket.

Your peititioners respectfully show to your Honor that on the 25th da of March, 1916 G. F. Johnson purchased all the interest of Telzye Eley in said estate,

Your peititioners, G. F. Johnson and ~~Johnson~~ ^{defendant} his wife respectfully ask to be made parties ~~complainant~~ in th place and stead of Telzye Eley and ask for a partition of all the property and that the complainants' bill be amended to this effect.

Your petitioners ask for the same relief as contained in the Complainants' bill.

G. F. Johnson
Phenius Roberts

9

Roberts et al

✓

Roberts et al

Petition of L. Fred Johnson

PARKE P. DEANS
ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

In the Circuit Court of Isle of Wight County, Virginia:
Roberts et als.

v.

Roberts et als.

Judge B. D. White,

Circuit Court of said County.

The undersigned Telzy Eley petitions the court to permit her to become a party defendant to the suit above styled. She ratifies every thing done in her interest by her guardian ad litem and states further to the Court that she was twenty one years old on the 6th day of February, 1916. She has obtained this information from an old bible in her possession and the information given her by her father, John Eley.

She further states that for value she has this 25th day of March, 1916 conveyed whatever interest she may have in said Phenius Roberts estate to G. Fred Johnson and ask that what interest she might receive from said estate be paid to him.

Telzy Eley

1880-1881

and the right to be heard and to be heard in his
own defense before the court. The court has held that the
right to be heard is a fundamental right and that it is
essential to a fair trial. The court has also held that the
right to be heard is a right which cannot be taken away
without due process of law.

8
Roberts et al
+
Roberts et al
Petition & Reply
The undersigned, John H. Roberts, do hereby certify that the
within is a true and correct copy of the original as the same
exists in the files of the undersigned.

John H. Roberts.

Roberts et al.

2.

Roberts et al.

In the County Court of the State of New York, at the City of New York.

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

Charles Roberts, Lena Roberts, David Roberts,
J. Walter Jenkins, Trustee, and Irvin Jenkins,

COMPLAINANTS.

v.

Joseph Roberts, Mathew Roberts, Telsy Eley,
Augustus Fisher, Oby Fisher, William H. Springs
and G. Fred Johnson, Administrator of the Estate
of Phenius Roberts

DEFENDANTS.

To the Honorable B. D. White, Judge of the Circuit Court
of Isle of Wight County, Virginia:

Your complainants, Charles Roberts, Lena Roberts, David
Roberts, J. Walter Jenkins, Trustee and Irvin Jenkins, respect-
fully represent:

(1) That Phenius Roberts, colored, was in his life time,
seized and possessed of certain real estate, to-wit:

All that certain tract of land situate in Hardy Magister-
ial District, Isle of Wight County, Virginia, containing 79¹/₂
acres, more or less, adjoining the lands of John Morris, Elishu
Ballard, John Bryant, Meritt Stinner and others. It being the
same tract of land conveyed to Phenius Roberts by deed from W. E.
Munford and wife recorded in the Clerk's Office of Isle of Wight
County in Deed Book 48, page 290.

(2) And while so seized and possessed, the said Phenius
Roberts died on the ____ day of ____, 1913 intestate.

(3) That the wife of Phenius Roberts died during the life
time of said Phenius Roberts therefore at his death he was a widow-
er. And by this marriage several children were born, viz:
Joseph Roberts, Charles Roberts, Mary Roberts, Martha Roberts, Lama
Roberts, David Roberts, Cora Roberts and Mathew Roberts.

(4) That three of the girls were married was follows: Mary Roberts married John Eley but died in the year, 1903 leaving one child, Telsy Eley who is nineteen years old; Martha Roberts married Lewis Fisher but died in the year, 1903 leaving two children, Augustus Fisher who is ten years old and Oby Fisher who is eight years old; and Lama Roberts married William Springs but died in the year 1911 leaving one child William Howell Springs who is six years old. These three children of Phenius Roberts died before he did therefore their husbands have no curtesy in the aforesaid estate.

(5) That Joseph Roberts, Charles Rbberts, David Roberts and Cora Roberts are over the age of twenty-one years; and Mathew Roberts is nineteen years old.

(6) That Charles Roberts and Lena Roberts have executed a deed of trust to J. Walter Jenkins, Trustee to secure a certain debt due Irvin Jenkins, which said deed is given on their undivided interest in said estate.

(7) That G. Fred Johnson has qualified as Administrator of the estate of Phenius Roberts and has in his possession the proceeds from the personalty, an accounting of same has not been had.

(8) That Charles Roberts is married and his wife is named, Lena Roberts.

(9) That the said real estate is, as they believe susceptible of partition among the parties entitled thereto; but should the property not be divisible in kind, complainants believe and here state that the interest of those who are entitled to the said real estate or its proceeds, will be promoted by a sale of the whole of the same or by an allotment of part and the sale of the residue.

(10) That Cora Roberts unmarried conveyed her undivided interest in the estate of Phenius Roberts to her brother, David Roberts, which deed was executed on the__day of January, 1916 and duly recorded in the Clerk's Office of Isle of Wight County.

In consideration whereof and forasmuch as your complainants are remediless in the premises save by the aid of a court of equity, they pray that the said. Joseph Roberts, Mathew Roberts, Telsy Eley, Augustus Fisher, Oby Fisher, William H. Springs and G. Fred Johnson, Administrator, may be made parties defendant to this bill and required but not on their oaths, to answer the same, the oaths being hereby waived, the infants by their guardian ad litem; that a proper guardian ad litem be appointed in this cause for said infants, who shall answer this bill; that proper process issue; that G. Fred Johnson, Administrator make accounts of his transactions as administrator of the estate of Phenius Roberts; that the said estate be divided between the parties entitled thereto, or else, if it cannot be so divided, that it may be sold and the proceeds divided among the adult and infant parties according to their respective rights, the shares of the infants to be held as directed by statute for such cases made and provided; that all proper orders and decrees may be made, accounts taken, and inquiries directed; and that your complainants may have all such further and other and general relief in the premises as the nature of their case may require or to equity shall seem meet.

Notice is hereby given that the Court will be asked to allow reasonable attorney's fee to Parke P. Deans, counsel for the complainants, for services rendered and to be rendered in this suit, out of any funds coming under the control of the Court in this cause.

Charles Roberts, Lena Roberts,

David Roberts, Walter Johnson, Trustee, Longfellow
Complainants.

Parke P. Deans
Counsel.

1

Roberts et als.

v.

Roberts et als.

Bill of Complaint.

February 7th 1916
Cause docketed,
and heard on Pleas
and answers of all
defendants, this day
filed.

PARKE P. DEANS
ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

In the Circuit Court of Isle of Wight County:

Roberts et als.

v. IN CHANCERY

Roberts et als.

The undersigned in pursuance of a decree in the Circuit Court of the County of Isle of Wight entered on the 7th day of March, 1916 in a cause in chancery in the said Court depending between Charles Roberts et als, complainants and Joseph Roberts et als., defendants, the necessary bond having been executed as named in the decree, offered for sale in front of the post office in Windsor, Va., on Saturday March 25th, 1916 at 11 o'clock, A. M. the real estate described in the bill and proceedings; a copy of which notice of sale is herewith filed and marked "Exhibit 1".

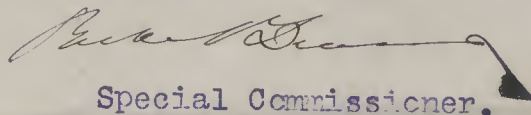
I beg to report that the tract is described as follows:

All that certain tract of land situate in Hardy Magisterial District, Isle of Wight County, Virginia, containing 79½ acres, more or less, adjoining the lands of John Morris, Elishu Ballard, John Bryant, Meritt Sumner and others. It being the same tract of land conveyed to Phenius Roberts by deed from W. E. Munford and wife recorded in the Clerk's Office, Isle of Wight County in Deed. Book 48, page 290,

was bid off by David Roberts at sixteen hundred dollars and his check for that amount has been received.

I desire to report further that the two liens mentioned as unsatisfied in Commissioner Johnson's report ~~and~~ have been properly released.

Respectfully submitted,


Special Commissioner.

Case
9-1084

David Roberts

COMMISSIONER'S SALE OF REAL ESTATE

By virtue of a decree of the Circuit Court of Isle of Wight County, Va., entered on the 7th day of March, 1916, in a chancery cause of Charles Roberts, et als, complainants, vs. Joseph Roberts, et als, defendants, pending in said court, I shall as a Special Commissioner, proceed to sell at public auction, the real estate of which Phenius Roberts died seized and possessed, in Isle of Wight County, Va., in front of the United States Postoffice, at Windsor, Va., on

Saturday, March 25, 1916

AT 11.00 O'CLOCK A. M.

All that certain tract of land situate in Hardy Magisterial District, Isle of Wight county, Virginia, containing 79½ acres, more or less, adjoining the lands of John Morris, Elishu Ballard, John Bryant, Meritt Sumner and others. It being the same tract of land conveyed to Phenius Roberts by deed from W. E. Munford and wife recorded in the Clerk's Office, Isle of Wight county, in D. B. 48, page 290.

TERMS OF SALE

One-third cash, and the residue in two equal installments, payable in twelve and twenty-four months from the date of sale; said installments bearing interest from date of said sale, and the purchaser executing bonds for the said deferred payments, payable at said respective dates; and the title to the property to be retained until the whole amount of purchase price be paid, and a conveyance directed by the court; or the purchaser may pay the entire purchase money in cash; at the time of said sale, the purchaser shall deposit with said Commissioner at least 10% of his bid, the same to be forfeited in the event he should fail to comply with the terms of the sale, and, in the event the said bidder shall fail to make said deposit then said special commissioner shall forthwith proceed to again sell said property upon the terms herein set forth, and if the purchaser shall not pay cash for said property then he shall have the buildings on the said land insured in some good insurance company, against loss by fire, for three-fourths their value and assign the policy of insurance to the undersigned commissioner as additional security for the deferred payments.

PARKE P. DEANS
Special Commissioner.

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT
March 7, 1916.

I, A. S. Johnson, Clerk of the Circuit Court of the County of Isle of Wight, do hereby certify that the bond required of Parke P. Deans, Special Commissioner in the suit in Chancery in said court pending, styled Roberts et als vs. Roberts et als, entered on the 7th day of March 1916, has been duly executed.

A. S. JOHNSON, Clerk.

Roberts et al.

v.

Roberts et al.

Report of Spide Case.

1916
Apr. 3.
Filed B. D. W.

PARKE P. DEANS
ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

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

Roberts et als.

v.

Roberts et als.

To Honorable B. D. White, Judge of said Court:

Pursuant to a decree entered on the 3rd day of April, 1916, the undersigned, Special Commissioner, disbursed the \$1600.00 realized from the real estate in the bill and proceedings described, upon the delivery of a deed with special warranty to David Roberts, as follows:

Cash from real estate	1600.00
A. S. Johnson Clerk's fees	16.50
A. S. Johnson Commissioner in Chancery	20.00
P. P. Deans, Att'y writ tax	15.00
P. P. Deans, fee allowed	60.00
P. P. Deans, commissions from sale	41.00
P. P. Deans, writing deed	10.00
D. J. Mood printing hand bills	2.50
W. J. Bradshaw, crier of sale	5.00
Woodward and Elam, premium on bond	10.00
Revenue stamps on deed	2.00
Witness fees (per vouchers)	6.50
W. E. Laine taxes 1915	10.84
G. Fred Johnson, taxes 1914	8.96
G. Fred Johnson balance due on bond	17.44
P. P. Deans writing release deed	5.00
A. S. Johnson recording release deeds	2.25
David Roberts, interest in land	170.86
D. Roberts(Cora Roberts interest)	170.86
G. F. Johnson(Telzye Eley's interest)	170.86
Joseph Roberts interest	170.86
Joseph Roberts(Wm. Springs interest)	170.86
I. Jenkins(Charles Roberts interest)	170.86
Mathew Roberts	170.86
Bank of Windsor(interest of Fisher children	170.86
	1600.00 1600.00

I herewith file "time certificate" from Bank of Windsor for the interest of the Fisher children as mentioned in the decree.

I ask that I be relieved of further duties and that my bond be cancelled.

Respectfully submitted,

John H. Haines
Special Commissioner.

12

Robertson

v

Robertson

Report of Speloni

1912

March 23rd

PARKE P. DEANS
ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

Received an within note
\$ 35 dollars of the principal
and \$ 29 dollars and ²⁸/₁₀₀
cents interest up to date
Dec 22 1911

Received an within note
~~Twenty~~ seven dollars and
eight ten cents for interest
up to date Dec 22 1912

Received an within note
twenty seven dollars and
twenty six cents of the
~~principal~~ and two
dollars twenty six cents
for interest up to date
January 31 1913 355.84

I assign this note over
to Edwin Jenkins
without recourse to me
Dec 31 1915 J W Hall

I assign this bond without
recourse to J Fied Johnson
Jan 15 1916

Irvin Jenkins

with J Fied Johnson
Paid by Adams \$ 407.44
Apr. 10, 1916.
Paid by P. P. Deane Spl. Comm. 17.44 in full
H. Fied Johnson

\$ 487⁹²/₁₀₀

On demand

~~after date~~, with legal interest from date

until paid, payable annually

I bind my self, my heirs, executors and administrators, jointly and severally, to pay to

J. W. Hall

the sum of four hundred eighty seven and ⁹²/₁₀₀ his DOLLARS,

for value received; and I hereby waive the benefit of my Homestead Exemption as to this debt, obligation and contract.

Secured by deed of trust on real estate in Isle of Wighs County, Va.,
R. Lee Seward, Trustee.

Witness my hand and seal this 22nd day of December 1900

WITNESS:

John M. Seward

his
Phenias X Roberts
mark

SEAL

SEAL

SEAL

Mr. *Roberts, Phineas Est - adj. E. H. Ballant* **HARDY DISTRICT**
 To **W. E. LAINE**, Treasurer of Isle of Wight County, Va. No. **588**

1915	State Taxes	County Levies	District Levies	TOTAL TAXES AND LEVIES
	10c. on \$100, Support of Public Schools Intangibles, 65c. Income, 1%	Gen'l Co. 35 c. on \$100 Co. Schools 15 c. on \$100 Poor - - 7½c. on \$100 Co. Roads 5 c. on \$100 TOTAL 62½c.	Dis. Schools 35c. on \$100 Dis. Roads 30c. on \$100 TOTAL 65c. Intang. for Dis. Roads, 30c.	
<i>793 1/4</i> Acres, valued <i>750</i>	<i>75</i>	<i>469</i>	<i>488</i>	
Acres, valued				
Acres, valued				
Acres, valued				
Per. Prop.—Sched. B., val.				
Int. Per. Prop.—Classes 1,2,3,4, & 7				
Int. Per. Prop.—Fiduciaries, Class 5				
Stock Merchandise, val.				
Money on Dep., 20c. on \$100				
Income—Sched. D, 1%				
Total valuation -				
Capitation -				<i>1 50</i>
TOTAL - - - -				<i>10 32</i>
5% Penalty added Dec. 1, 1915 - - - -				<i>52</i>
TOTAL TAXES AND PENALTY - - - -				<i>10 84</i>

Received payment.....day of....., 191.....Treasurer, per.....

$$\begin{array}{r}
 440.00 \\
 139.67 \\
 \hline
 300.33
 \end{array}$$

$$\begin{array}{r}
 8.96 \\
 124.58 \\
 6.15 \\
 \hline
 139.67
 \end{array}$$

Mr. G. Fred Jones on Adm. Hearing Robert **HARDY DISTRICT**

17 To **W. E. LAINE**, Treasurer of Isle of Wight County, Va. No. **521**

Form	State Taxes	County Levies	District Levies	TOTAL TAXES AND LEVIES
1914	35c. on \$100. Support Government, Schools and Pensions and Income, 1%	Gen'l Co. 25 c. on \$100 Co. Schools 15 c. on \$100 Poor 7½c. on \$100 Co. Roads 5 c. on \$100 Total 52½c.	Dis. Schools 30c. on \$100 Dis. Roads 20c. on \$100 Total 50c.	
Acres, valued				
Acres, valued				
Acres, valued				
Acres, valued				
Per. Prop., Sched. B, val.				
Per. Prop., Sched. C, val. <u>651</u>	<u>228</u>	<u>342</u>	<u>326</u>	
Stock Merchandise, val.				
Money on Deposit, 20c. on \$100				
Income, Sched. D, 1%				
Total valuation				
Capitation				
Total				<u>150</u> <u>896</u>
5% Penalty added Dec. 1, 1914				
Total Taxes and Penalty				

Received payment _____ day of _____ 191____ Treasurer, per _____
EVERETT WADDEY CO. RICHMOND, VA.

\$170.86.

April 10th 1916.

Received of Parke P. Deans Special Commissioner,

One hundred, seventy and 86/100 Dollars-----

In full of interest in Ehenius Roberts Estate formerly owned by
Cora Roberts.

David Roberts

\$170.86.

April 10th 1916.

Received of Parke P. Deane Special Commissioner,

One hundred, seventy and 86/100 Dollars-----

In full of interest in Phenius Roberts Estate.

David Roberts

April 10th 1916.

Received of Parke P. Deans Special Commissioner:-----

One hundred, seventy and 86/100 Dollars-----

In full of interest of Wm. H. Springs for maintenance and education.
\$170.86.

Jul Roberts

\$170.86.

April 10th 1916.

Received of Parke P. Deans Special Commissioner,

One hundred, seventy and 86/100 Dollars-----

In full of interest in Phenius Roberts Estate ^{to be applied on}
debt of Chas. Roberts, Release of his Interest by deed of trust to be made --

Witness
B. H. McKinnis

Irvin ^{his} Jenkins
mark

\$170.86

April 10th 1916.

Received of Parke P. Deans, Special Commissioner,
One hundred, seventy and 86/100 Dollars.

In full of interest in Phenius Roberts Estate.

Matthew Roberts -

Witness - Mrs Carrie Jackson

Windsor, Va. April 10 1916. No. 2

Bank of Windsor, Incorporated.

Pay to the
order of G. Geo. Johnson 1744 \$17⁴⁴

Seventeen and $\frac{44}{100}$ Dollars

Balance on Loan of Thomas Roberts to him assignee

John A. Deane Spl. Comr.
Roberts et al v Roberts et al.

For collection and deposit
at Citizens Bank of Norfolk

H. Fred. Johnson

PAY ANY BANK OR BANKER
OR ORDER

CITIZENS BANK
68-34

Windsor, Va. April 10th 1916 No. 3

Bank of Windsor, Incorporated.

Pay to the
order of Joseph Robert \$ 170⁸⁶

One Hundred seventy and ⁸⁶/₁₀₀ Dollars
In full of amt in Estate of Thomas Robert

James P. Deans for Cash
Robert & Co. & Robert & Co.

Jul Roberts

For collection and deposit
at Citizens Bank of Norfolk

H. Fred. Johnson.

PAY ANY BANK OR BANKER
OF ORDER

APR 14 1916

THE CITIZENS BANK

68-34

CITIZENS BANK, VA

68-34

HOUSTON, TEXAS

Windsor, Va.

April 10th

191

No. 5

Bank of Windsor, Incorporated.

Pay to the
order of

G. Fred Johnson

\$170⁸⁶

One hundred seventy and $\frac{86}{100}$ ————— Dollars
 At Wm. E. Rogers & Co. Executors of the Estate of Thomas R. Rogers

Dollars

Lucas Beaman & John
Robertson & Robertson.

For collection and deposit
at Citizens Bank of Norfolk

G. Fred Johnson.

PAY ANY BANK OR BANKER
OR ORDER

APR 14 1961
THE CITIZENS BANK
68-34
NORFOLK, VIRGINIA

Windsor, Va. April 10th 1916 No. 6

Bank of Windsor, Incorporated.

Pay to the
order of Joseph Roberts \$0 ⁵⁰/₁₀₀

— Fifty Cents — Dollars
Whereof for

Richard W. Sample Co. v
Roberts et al v Roberts et al

Joe Robert
L. F. Joyner

Windsor, Va. April 10th 1916 No. 7

Bank of Windsor, Incorporated.

Pay to the
order of

J. H. Dues

\$ 2⁰⁰

Two

Dollars

Appraised

Robert L. Dues, Secy & Comr
Robert L. Dues & Robert L. Dues

J. H. Ruck

Pay National Bank of Suffolk
Suffolk, Va., or Order
R. L. CRUMPLER

APR 1 1898

NATIONAL BANK OF SUFFOLK
SUFFOLK, VA.
65-1111
4 WOODFORD ST.
Suffolk, Va.

Pay to ANY BANK OR BANKER
OR ORDER

Windsor, Va. April 10th 1916 No. 8

Bank of Windsor, Incorporated

Pay to the
order of

W H Bitt

\$200

Two

Dollars

Appraised

Richd. Deane Tolson
Robert et al v Robert et al

W H Smith
R J Turner

844

PAY TO ANY BANK OR BANKER,
OR ORDER

NATIONAL BANK OF SUFFOLK
RICHMOND, VA. 638-1224
F. WOODWARD, Cashier

Pay National Bank of Suffolk
Suffolk, Va., or Order

R. L. CRUMPLER.

NATIONAL BANK OF SUFFOLK
608-1224 SUFFOLK, VA.
A. WOOLFORD.

APR 13 1916

[Handwritten signature]

Windsor, Va. April 10th 1916 No. 16

BANK OF
Bank of Windsor, Incorporated.

Pay to the
order of

W. J. Bradshaw

\$500

Five
Cents of Head & Tail

WINDSOR, - VIRGINIA

Dollars

Robert & Son, Inc.
Robert & Son, Inc.

W. B. Richards

10
to
W. B. Richards

Windsor, Va. April 10th 1916 No. 11

Bank of Windsor, Incorporated.

Pay to the
order of S. J. Mood \$ 2⁵⁰

Two and 50
Cent 100
One hundred

Dollars

Pauline S. S. S. S.
Robert, et al. v. Robert

D. J. Moore

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

APR 11 1916
BANK OF SMITHFIELD,
SMITHFIELD, VA. 68-233
68-233 1916, Cash

PAY ANY BANK OR BANK
OR ORDER

APR 13 1916

THE CITIZENS BANK

OF NORFOLK, VA

68-34
NORMAN ELLIOTT

Windsor, Va.

April 1911

No. 12

Bank of Windsor, Incorporated.

Pay to the
order of

R. L. Johnson

\$ 16.50

Dollars

Sixteen and 50/100
thirty & 50/100

James H. Brown Jr. Cash
Robert L. Adams & Robert L. Adams

PAY TO
BANK OF Smithfield, Va
ORDER
ALBERT JOHNSON.

APR 12 1916
THE CITIZENS BANK
OF NORFOLK, VA.
JOHN L. CLEGG, Cashier

PAY ANY BANK OR BANKER
OR ORDER

APR 25 16
THE CITIZENS BANK
68-34 OF NORFOLK, VA 68-34
NORMAN BELL, JR., CASHIER

Windsor, Va.

1911

No. 13

Bank of Windsor, Incorporated.

Pay to the
order of

A. J. Lawrence

\$20⁰⁰

Twenty
Cents of Currency or its equivalent

Dollars

Robert L. Stedman
Robert L. Stedman

PAY TO
Bank of Smithfield, Va.
OR ORDER
ALBERT S. JOHNSON.

PAY ANY BANK OR BANKER
OR ORDER

APR 25 1916
THE CITIZENS BANK
68-34 OF NORFOLK, VA 68-34
NORMAN BELL, JR., CASHIER.

Windsor, Va. April 10th 1916 No. 14

Bank of Windsor, Incorporated.

Pay to the order of Edward H. Elam \$10⁰⁰
Ten Dollars
Premium on Bond of Spl. WINDSOR, VIRGINIA

John Beane Sloan
Roberts et al. v. Roberts et al.

Pay to the Order of
The Farmers Bank of Hanover.
SUFFOLK, VA.
Woodward & Elam.

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

Windsor, Va. April 10th 1916 No. 15

Bank of Windsor, Incorporated

Pay to the
order of

Mike Deane

\$15⁰⁰

Fifteen

Dollars

Writ Atty Fee

WINDSOR, - VIRGINIA

Mike Deane - Spl Cash

Roberts et al v Roberts et al

Pay the Bank of Windsor,
Windsor, Va. or Order

PARKE P. DEANS.

Windsor, Va. Apr 10 1916 No. 16

Bank of Windsor, Incorporated

BANK OF WINDSOR, INC.

Pay to the
order of

Robert L. Shaw

\$ 4 ⁰⁰

Dollars

WINDSOR, - VIRGINIA

Robert L. Shaw
Robert L. Shaw & Co.

Pay the Bearer of this
Warrant, Va. or Order
PARKER P. DEANS.

Windsor, Va. June 10th 1916 No. 17

Bank of Windsor, Incorporated.

Pay to the
order of

\$ 60⁰⁰

Dollars

WINDSOR, - VIRGINIA

June 10th 1916
Robert et al v Robert et al

Pay the Bank of Windsor,
Windsor, Va. or Order
PARKE R. DEANS.

Windsor, Va.

April 1915

1915

No. 18

Bank of Windsor, Incorporated.

Pay to the
order of

W. E. Lane

\$10⁸⁴

Dollars

Ten and 84/100

May 1915

Robert L. Roberts
Robert L. Roberts v. Robert L. Roberts

Pay to the order of
W. E. Smith, Treasurer

APR 17 1916
SMITHFIELD, VA.
JOHN L. COFER, Cashier

PAY TO BANK OR BANKER

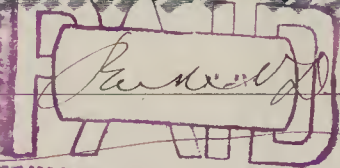
CITIZENS BANK

OF NORFOLK, VA 68-34
GEORGE BELL, JR., CASHIER

Windsor, Va. April 10 1916 No. 19

Bank of Windsor, Incorporated.

Pay to the
order of



WINDSOR - VIRGINIA

\$10⁰⁰

Dollars

John W. Roberts
Roberts et al ✓

Pay the Bank of Windsor,
Windsor, Va. or Order

PARKE P. DEANS.

Windsor, Va. April 10th 1916 No. 20

Bank of Windsor, Incorporated.

Pay to the
order of

Chas. W. Deane

\$ 5⁰⁰

Five

Regimental Release

Dollars

WINDSOR, VIRGINIA

Chas. W. Deane
Robert et al, Robert et al

Pay the Bank of Windsor,
Windsor, Va. or Order

PARKE P. DEANS.

Windsor, Va.

April 10 1916

No. 21

Bank of Windsor, Incorporated.

Pay to the
order of

A. J. [unclear]

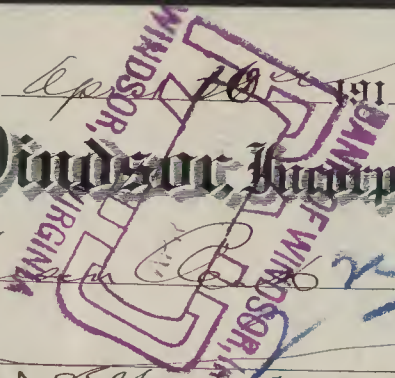
\$ 2 ²⁰/₁₀₀

Two and ²⁰/₁₀₀

Dollars

Receiving Release and of [unclear] & marginal release
of [unclear]

James [unclear] & Co
Robert et al v Robert et al



PAY TO

Bank of Smithfield, Va.

OR ORDER

ALBERT S. JOHNSON.

BANK OF SMITHFIELD, VA.

ALL PRIOR ENDORSEMENTS VOID

APR 22 1916

PAY TO THE ORDER OF

PAY ANY BANK OR BANKER

OR ORDER

APR 25 16

THE CITIZENS BANK

68-34

OF RICHMOND, VA

68-34

NORMAN BELL, JR., CASHIER.

Windsor, Va. April 10th 1916 No. 22

Bank of Windsor, Incorporated.

Pay to the
order of

Geo. Johnson & Co.

896

\$ 896

Eight hundred
and 96/100
cents 1916

Dollars

John L. Deane Jr. Cash
Robert & sons & Robert & sons

For collection and deposit
at Citizens Bank of Norfolk

G. Fred. Johnson,

PAY ANY BANK OR BANKER
OR ORDER

APR 24 1914
THE CITIZENS BANK

58-54

RECEIVED
NORFOLK, VA. APR 24 1914

No. _____

WINDSOR, VA.

191

BANK OF WINDSOR

INCORPORATED

PAY TO THE
ORDER OF

R. J. [unclear]

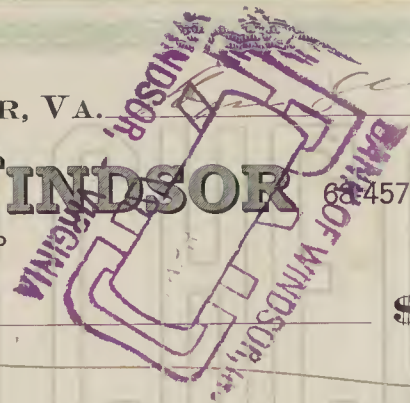
\$

2 ⁰⁰/₁₀₀

DOLLARS

Two
Revenue Stamps

John D. [unclear]
Director



68-233 BANK OF SMITHFIELD, Va.
PAY TO THE ORDER OF BANKER
All Prior Endorsement
PAY TO
APR 23 1916
OR ORDER

ALBERT S. JOHNSON.

PAY ANY BANK OR BANKER
OR ORDER

APR 25 1916
THE CITIZENS BANK
68-34 OF NORFOLK, VA 68-34
NORMAN BELL, JR., CASHIER.

Make the date
to suit your order
book Look at the
revers in this and
see if these are
the only pictures with
dates in the family

John

Clerk's Office
of Isle of Wight County
Isle of Wight, Va.

R. A. EDWARDS, CLERK

March 22nd, 1926.

Mr. F. T. Leathers, Cashier,

Bank Of Windsor, Windsor, Va.

Dear Sir-,

Find herein time deposit certificate No., 1979 made by your bank under date of October 30th 1916, payable to P. P. Deans, Spcl Com., for the sum of \$170.86, in the suit of Roberts et als Vs. Roberts et als. The decree directing the disbursements of this fund has already been sent you therefore you know just what to do with same.

Very Respty Yours,

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

^{1/9}
Charles Roberts, Lena Roberts, David Roberts,
J. Walter Jenkins, Trustee and Irvin Jenkins,

COMPLAINANTS.

v. ^{1/9}

Joseph Roberts, Mathew Roberts, Telsy Eley,
Augustus Fisher, Oby Fisher, William H. Springs
and G. Fred Johnson, Administrator of the Estate
of Pheius Roberts

DEFENDANTS.

This day came the above named complainants; and, by leave
of Court, filed their bill of complaint; and on their motion, the
Court doth appoint R. Sidney King, a discreet and competent
attorney at law, practicing in this Court, as guardian ad litem
for the infant defendants, Mathew Roberts, Telsy Eley, Augustus
Fisher, Oby Fisher, and William H. Springs; and, on motion of the
complainants, leave is granted said guardian ad litem to file
the answer of said infants, and his own answer to said bill; and
thereupon, said answer is filed; and, on like motion, leave is
granted to Joseph Roberts and G. Fred Johnson, Administrator of
the estate of Phenius Roberts, ^{deceased,} to file their ^{separate} answers to said bill,
and the same ^{are} accordingly filed; to all which answers the
complainants replied generally; and, upon like motion this cause
is placed upon the docket; and thereupon this cause came to be
heard upon the bill of the complainants, and upon all of said
several answers, and upon the general replication thereto; and was
argued by counsel.

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

1 Whether the real estate in the bill mentioned can be conveniently divided among the several parties entitled to share therein.

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

3 And if the same cannot be conveniently divided, and if no party will take the entire property and pay the others for their shares, whether the interest of those who are entitled to the said property, or its proceeds, will be promoted by a sale of the entire property, or by the allotment of part and sale of the residue.

²
4 What real estate the parties to this suit are entitled to, the location and description thereof; how their title was acquired; and their respective interest therein; and the annual and fee simple values of said real estate.

5 Whether there are any liens against the real estate on account of delinquent taxes or otherwise.

6 Whether all the proper and necessary parties to this cause, are properly before the court, and the ages and residences of the infant defendants.

7 When Phenius Roberts died and whether or not all his debts have been paid and by whom.

8 What are the transactions of the Administrator since his qualification.

Which several inquiries, the said commissioner shall make, and to the Court report, together with any matter specially stated, deemed pertinent by himself or required by any party to be so stated, ^{Said Commissioner shall} and return to the Court, with his report, the evidence taken by him.

By consent of all parties, by counsel, here entered of

recrd, it is ordered that this cause be made a vacation cause,
and that all such orders and decrees may be entered in vacation
might be entered
as in term time.
^

5

Price

Roberts et als.

v. 231

Roberts et als.

C. O. B. 7, Page 324

DECREE.

1916.
Feb. 7.
Enter this
B.D.W.

The undersigned, Parke P. Deans,
Attorney-at-Law,
Windsor, Virginia, do hereby certify that the
above is a true and correct copy of the
original filed in my office.

Parke P. Deans
Attorney-at-Law

PARKE P. DEANS
ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

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

Roberts et als.

v.

Roberts et als.

This day came Augustus Fisher and Obie Fisher and moved that the above entitled cause be re-instated on the docket, and said cause is accordingly re-instated; and thereupon said parties asked leave to file their petitions herein, and the same are accordingly filed; and it appearing from said petition that the said parties are entitled to certain funds now on deposit in the Bank of Windsor to the credit of this cause and desire the same to be paid to them, and that the said Augustus Fisher is now over twenty-one years of age and the said Obie Fisher is now over twenty years of age; and that said parties are entitled to the sum of one hundred and seventy dollars and eighty-six cents (\$170.86), with accrued interest at four percent, from the 30th day of October, 1916.

On consideration whereof the court doth adjudge, order and decree that upon the filing with said Bank of Windsor a certified copy of this decree, the following parties do check upon said fund as follows: The clerk of this court for the unpaid costs; Geo. F. Whitley, for the sum of \$25.00, as a fee for his services herein, and the said Augustus Fisher for one half of the remainder, and the said Obie Fisher for one half of said remainder, he being of sufficient age to entitle him to the same; and this cause is removed from the docket.

#231

Roberts et al.

Roberts et al.

Heine

1926

Mar. 15th 1926.

Entered

1926.

Book 8
page 224

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

Roberts et als.

v.

Roberts et als.

This cause came on this day to be again heard upon the papers formerly read and upon the report of Parke P. Deans, Special Commissioner, this day filed and to which report no exception has been taken, and it appearing to the Court from said report that the said speciall commissioner has received from David Roberts the sum of \$1600.00, the purchase price of the property sold under the proceedings of this suit and has disbursed the same as follows:

Cash from real estate	1600.00
A. S. Johnson Clerk's fees	16.50
A. S. Johnson Commissioner in Chancery	20.00
P. P. Deans, ^{attys} attys writ tax ^{fee}	15.00
P. P. Deans, fee allowed	60.00
P. P. Deans, commissions from sale	41.00
P. P. Deans writing deed	10.00
D. J. Mood printing hand bills	2.50
W. J. Bradshaw, crier of sale	5.00
Woodward and Elam, premium on bond	10.00
Revenue stamps on deed	2.00
Witness fees	6.50
W. E. Laine, taxes 1915	10.84
G. Fred Johnson taxes 1914, ^{paid}	8.96
G. Fred Johnson balance due on bond	17.44
P. P. Deans writing release deed	5.00
A. S. Johnson recording release deeds	2.25
David Roberts, interest in land	170.86
David Roberts, (Cora Roberts interest)	170.86

B. F. Johnson (Telzye Eley's interest)	170.86
Joseph Roberts interest	170.86
Joseph Roberts (Wm. Springs interest)	170.86
I. Jenkins (Charles Roberts interest)	170.86
Mathew Roberts interest	170.86

^{deposited in} Bank of Windsor (interest of Fisher children)	170.86
	1600.00
	1600.00

a certificate of deposit for said sum of \$170.86 being filed
 On consideration whereof, the Court doth confirm the

said report and doth discharge the said special commissicner

from further service whereunder, *and this cause is re-*

moved from the docket, with leave in Augustus
and by Fisher to have the same reinstated
to the purpose of procuring their portion of the
proceeds of the sale of said land sold under
these proceedings.

Enter 4 at a

191

charts it all

Deane

~~1416~~

1917

Jan 9
Enter this.

B.D.W.

COB 17 397

And it further appearing, that the Court that G. Fred Johnson, administrator of Phenix Roberts, has in his hands the sum of Four hundred and ~~forty~~ seven Dollars and forty five cents. It is ordered that G. Fred Johnson is now the assignee of the bond of said Phenix Roberts which was payable to J. W. Hall. (The said bond having been purchased by said Johnson to save foreclosure under the deed of trust securing the same). It is ordered that said Administrator do pay to said G. Fred Johnson, the said sum in his hands, the same to be applied as a credit on said bond; and said special Commissioner out of the funds in his hands is directed to pay ^{the balance on bond} the cost of this suit, any last due taxes, and to the purchaser of said real estate he shall pay one eighth of the ~~taxes due for the year 1880, and 1881.~~ P. Drans, as attorney for prosecuting this suit, sixty dollars, and the remainder he shall divide with eight parts, which shall be paid out as follows, to John Jenkins, as the creditor of Charles Roberts, the one eighth due said Charles Roberts (the said debt being secured by deed of trust on his interest), and when the same has been paid a release of said deed of trust shall be executed; one eighth to Joseph Roberts; two eighths to David Roberts in his own right and as the purchaser of the interest of Cora Roberts; and one eighth to G. Fred Johnson, the purchaser of the interest of Fanny Eley, and the remaining three eighths, which belong to the rest, the one eighth belonging to William J. Spring, said Commissioner shall pay to ~~Joseph~~ ^{William J.} Roberts, (the said William J. Spring being ^{six} years of age and the said Joseph Roberts having acted ~~as~~ in his father's stead and Spring), the same to be used by said Joseph Roberts, in the further education and maintenance of said ~~Wm. J. Spring~~; and Matthew Roberts, being

Nineteen years of age and the land being
of opinion that he is of sufficient age and
discretion to be entitled to ~~the~~ ^{this} portion of the
proceeds of the sale of said land, with
direct said Commissioner to pay the
said one eighth to said Matthew Roberts,
and the remaining one eighth belong-
ing to Augustus and Oby Fisher, ^{jointly} and
Commissioner is directed to deposit in
the Savings Department of the Bank of Montreal
to the credit of this cause, and he shall
file a certificate of deposit for said
sum with his next report, and the said
C. F. Johnson shall execute a proper
release of the deed of trust securing
the bond above mentioned. And said
special Commissioner shall report his
proceedings hereunder.

Roberts, et al.
v) 231, Chancery
Roberts, et al.

1916
Apr. 3.
Enter this
P.D.W.

Chancery Order Book 7.
at page 339

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

ROBERTS ET ALS

v.

ROBERTS ET ALS.

This cause came on this day to be again heard on the papers formerly read, the petition of ²Telzye Eley, stating that she is twenty one years of age, ^{and} that she has conveyed her interest ~~of~~ ^{to} G. F. Johnson; and the petition of G. F. Johnson, ~~and~~ - ~~Johnson~~, praying that ~~they~~ ^a be made ^{parties} to this cause in the place of Telzye Eley, said petitions being filed by leave of Court, ~~and it is ordered that the said G. F. Johnson and~~ ~~Johnson be henceforth proceeded against in this cause as parties~~ ^a ~~defendants~~, and upon the report of Parke P. D'ans, Special Commissioner, of the sale made by him of the real estate of Phenius Roberts, deceased, in these proceedings mentioned, to David Roberts ^{for} the sum of \$1600.00, in cash, to which report there ~~is~~ no exception, and was argued by counsel.

It is ordered that the said G. F. Johnson be henceforth proceeded against
On consideration whereof, [^]the Court doth approve and confirm the said report, and the said sale; and it appearing that David Roberts, the purchaser of said land has paid the said sum of sixteen hundred dollars, the amount of the purchase price, it is ordered that the said special commissioner ^{do} convey to the said ~~special commissioner~~ David Roberts, by deed, with covenant of special warranty, all the real estate in the bill and proceedings mentioned, to-wit:

All that certain tract of land situate in Hardy Magisterial District, Isle of Wight County, Virginia, containing 79 $\frac{1}{2}$ acres, more or less, adjoining the lands of John Morris, Elishua Ballard, John Bryant, Meritt Sumner and others. It being the same tract of land conveyed to Phenius Roberts by deed from W. E. Munford and wife recorded in the Clerk's Office, Isle of Wight County in Deed Book 48, page 290.

in this cause as a party defendant, and

IN THE CIRCUIT COURT OF ISLE OF WIGHT, VIRGINIA:

Roberts et als.

v.

Roberts et als.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of J. S. Johnson, Commissioner, filed on the 16th day of February, 1916, to which report no exception has been taken; and, it appearing to the Court, from said report, that Phenius Roberts died in June, 1913, intestate, and seized of a tract of land ^{described} as follows:

All that certain tract of land situate in Hardy Magisterial District, Isle of Wight County, Virginia, containing 79 ¹/₂ acres, more or less, adjoining the lands of John Morris Elisha Ballard, John Bryant, Meritt Sumner and others. It being the same tract of land conveyed to Phenius Roberts by deed from W. E. Munford and wife, recorded in the Clerk's Office of Isle of Wight County in Deed Book 48 page 290; that he left surviving him as his heirs at law, ^{the following named children to wit:} Joseph Roberts, Charles Roberts, David Roberts, Cora Roberts, ^{and} Mathew Roberts, who is nineteen years of age, ^{and the following named grand children to wit:} Augustus Fisher, who is twelve years of age, and Oby Fisher who is ten years of age, ~~grand-~~ children (the children of Martha Fisher, his daughter); William Springs, who is six years of age (son of Laura Springs, his daughter) and Telsy Eley who is nineteen years ~~old of age,~~ ^{of age,} (child of Mary Eley, his daughter); that the said Joseph Roberts, Charles Roberts, David Roberts, Cora Roberts, and Mathew Roberts are ^{each} entitled to one-eighth of the real estate of said Phenius Roberts; and Augustus Fisher and Oby Fisher are jointly entitled to one eighth thereof; ^{and that} William Springs is entitled to one eighth thereof, ^{that} and Telsy Eley is entitled to one eighth thereof; that Cora Roberts has conveyed her

interest in said real estate to her brother, David Roberts,
and that said parties are entitled to the same interest in
the personal estate of said Phenius Roberts; that ^{the said report shows that} there are
certain liens ^{of record} upon the said real estate, only two of which,
from a statement, made at bar by counsel, are subsisting liens
against said real estate, ^{and which are evidenced by the deed} to-wit: Phenias Roberts and wife, dated
on the twenty-seventh day of December, 1884, ^{in which they} conveyed the
land herein mentioned to F. L. Snipes, in trust to secure
to John H. Beaton, ^{a certain sum therein mentioned} of record in Deed Book 42 page 292; and by deed
Phenias Roberts ^{bearing date} on the twenty second day of December, 1910, ^{of said}
^{in which he} conveyed the land herein mentioned to R. L. Seward, in
trust to secure to J. W. Hall ^{the payment of the debt therein mentioned, and which has been} ~~now~~ assigned to G. F. Johnson, ^{who now holds the same}
that the ^{said} deed of trust executed by said Phenias Roberts and
wife on the 27th day of December, 1884, has been standing
more than twenty years, ^{the lien off} which ~~shall~~ ^{can now} not be enforced ~~after~~
~~twenty years~~, by reason of ~~such~~ lapse of time, ^{and which} the Court
now decides is not a lien upon said real estate; and it, also,
appearing that there are no other liens against said real
estate; and that all the necessary parties to this cause
are properly before the Court; and, it further appearing that
G. Fred Johnson qualified on the 27th day of December, 1913
as the administrator of the personal estate of said Phenius
Roberts; and that said administrator ^{has} collected the sum of
\$861.69; and that he has paid out, ^{the sum} \$411.17, leaving a balance
of \$450.44 in his hands, as such administrator; and it appearing,
from said report, and the evidence returned, ^{therewith} ~~with said report~~ that
that ^{the} said real estate cannot be conveniently divided among
the parties, so as to give them ⁱⁿ parts of equal value; and
that an allotment of a part and a sale of the residue can
not be made or had; and that no party is able to take the
entire property and pay therefor to the others such sums
as their interests will entitle them to receive, and that

it would be to the best interest of all parties to sell the said real estate and divide the proceeds among those entitled thereto:

On consideration whereof, the Court doth confirm the said report, and doth appoint Parke P. Deans a special commissioner for that purpose, ^{who} shall after advertising the time, place and terms of sale for at least fifteen days by hand bills, duly posted at ten or more public places in this County, proceed to sell, at public auction, ~~in front of the post office at Windsor, Virginia,~~ ^{in the town of Windsor, in this County,} the tract of land herein described, upon the following terms, to-wit: one third cash and the residue in two equal installments, payable, respectfully, in twelve and twenty four months from date of sale, said installments bearing interest from the date of sale, and the purchaser executing bonds for the said deferred payments, payable at said respective dates, and the title to the property to be retained until the whole of the purchase price has been paid, and ~~the~~ a conveyance directed by the Court; or, the purchaser may pay the entire purchase money in cash; At the time of said sale, the purchaser shall, immediately, deposit with the commissioner, at least ten per cent of his bid, the same to be forfeited in the event he should fail to comply with the terms of sale; and in the event said bidder shall fail to make said deposit then said special commissioner shall, forthwith, proceed to again sell said property upon the terms herein set forth, and if the said purchaser shall not pay cash for said property then he shall have the buildings on the said land insured in some good insurance company for at least three-fourths of their value, and assign the insurance policy, as additional security, for the deferred payments. And the said commissioner is directed to deposit the money, so received,

in the Bank of Windsor, in Windsor, Virginia to the credit of the Court in this suit, and to report his proceedings hereunder, returning therewith a certificate of such deposit and the bonds, if any be given for the deferred payments. And said special commissioner shall cause to be procured proper releases for the liens reported in the report of Commissioner Johnson, which liens have heretofore been paid off and are not now subsisting liens.

But before the said commissioner shall proceed to execute this decree he shall enter into bond with ~~sufficient~~ ^{sufficient} surety, deemed ^{by} the Clerk of this Court, payable to the Commonwealth of Virginia, in the penalty of two thousand dollars, and conditioned for the faithful discharge of his duties hereunder and any further decree that may be entered herein.

And the Court doth confirm the report of said administrator, and ^{doth order} that the inventory and appraisement and account of sales and the ~~statement~~ ^{account} of said administrator, ^{filed with the report of Commissioner Johnson,} be entered of record in the Clerk's Office of this Court in the book containing ^{Current} fiduciary reports.

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Secrecy.

1916

Mar. 7.

Enter this.

B.D.W.

Book No. 7

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PARKE P. DEANS
ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

T H I S D E E D, Made this 25th day of March, 1916,
between Telzye Eley, party of the first part and G. Fred Johnson,
party of the second part,

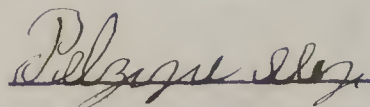
W I T N E S S E T H :

That in consideration of seventy five dollars cash in
hand paid the receipt whereof is hereby acknowledged, the said
party of the first part doth convey unto the said party of the
second part with General Warranty the following property, to-wit:

All her right, title and interest of every kind whatso-
ever into the personal and real estate of which Phenius Roberts
died seized and possessed, the real estate situate in Hardy Mag-
isterial District, Isle of Wight County, Virginia and contains
79½ acres, more or less and adjoins the lands of John Morris,
Elishu Ballard and others. The said Telzye Eley is the daughter
of the late Mary Eley deceased, a daughter of Phenius Roberts
and was twenty-one years old on the 6th day of February, 1916.

The said party of the first part covenants that she has
a right to convey the said interest in said land to the grantee;
that she has done no act to encumber the said interest; that the
grantee shall have quiet possession of the said interest, free
from all encumbrances, and that she, the said party of the first
part will execute such further assurances of the said interest
as may be requisite.

Witness the following signature and seal:

 (SEAL)

State of Virginia,

County of Isle of Wight, to-wit:

I, Parke P. Deans a Commissioner in Chancery for the Circuit Court of the County aforsaid and State of Virginia do certify that Telzye Eley whose name is signed to the foregoing writing bearing date on the 25th day of March, 1916, has acknowledged the same before me in my County aforsaid.

Given under my hand this 25th day of March, 1916.

Parke P. Deans
Commissioner in Chancery.

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Decr of J. J. E. E.

PARKE P. DEANS
ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

No.

Know all Men by These Presents: That we Parke P. Deans

principal ,

and The United States Fidelity and Guaranty

Company ,

surety ,

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

~~Two Thousand Dollars~~ to the payment whereof well and truly to be made we bind ourselves and each of us, our and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

And as to this bond we hereby severally waive the benefit of our Homestead Exemption, and also any right, claim or privilege to discharge any liability arising hereunder 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 Parke P. Deans

principal ,

has hereto set his hand and seal

and the said The United States Fidelity and Guaranty Company,

surety ,

by W. G. Elam

, its duly authorized

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

by the signature of the said W. G. Elam

, its said agent and attorney

in fact, this, the 7th. day of March,

A. D. 1916.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound Parke P. Deans, who was, on the 7th. day of March, 1916, by decree entered in the suit in chancery in the Circuit Court of the County of Isle of Wight, now pending, (No. 251), in which Charles Roberts et als. are complainants, and Joseph Roberts et als. are defendants, appointed as Special Commissioner,

shall faithfully discharge the duties of his office or trust as such Special Commissioner under said decree, and any further order of said court, then the above obligation to be void, or else to remain in full force and virtue.

Parke P. Deans [SEAL]

The United States Fidelity and Guaranty Company

By W. G. Elam

Its duly authorized agent and attorney in fact.

Attest: W. G. Elam

Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 7th.

day of March, 1916, this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

Teste, A. S. Johnson Clerk.

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

Chas. Roberts et al.

vs Cy No 231

Joseph Roberts et al.

Copy of Spe Court bond

VIRGINIA: CLERKS OFFICE OF THE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT

3/7

10/6

Filed

Teste,

W. H. H. H.

Clerk.