

1926-015 Chancery Causes: George F. Whitley, adm of W. Harrison Lewis vs W. Harrison Lewis, infant
Isl of Wight County,

other surnames Marshall,

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

Geo. F. Whitley, Guardian
for W. Harrison Lewis.

v.) In ~~Chancery~~

W. Harrison Lewis.

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This cause came on this day to be again heard on the papers formerly read and on the report of R. A. Edwards, a Commissioner in Chancery, this day by leave of Court filed, to which report there are no exceptions, and was argued by Counsel.

And it appearing from said report, together with the depositions filed therewith, that Geo. F. Whitley qualified as Guardian for W. Harrison Lewis on the 8th day of April, 1926; that the income derived from the estate of W. Harrison Lewis is not sufficient to maintain, support and educate the said W. Harrison Lewis; that the said W. Harrison Lewis is now attending school at Fishbourne Military Academy, Waynesboro, Virginia, and desires to pursue his studies at the said school for the session 1926-27; that W. Harrison Lewis underwent a surgical operation during the month of August, 1926, incurring hospital and Doctors' bills, aggregating a large amount, to-wit, three hundred fifty one dollars and twenty five cents, which said bills are now unpaid; that there are a number of unpaid bills for purchases made for maintenance and support of the said W. Harrison Lewis aggregating the amount of three hundred fifty four dollars and twenty eight cents; that the school expenses of the said W. Harrison Lewis for the year 1926-27 will be between one thousand and twelve hundred dollars; that after the payment

of taxes against the estate the Guardian will have in hand between six and eight hundred dollars; that the said Commissioner recommends that the said Guardian be authorized to expend between one thousand and fifteen hundred dollars of the principal of his ward's estate for the purposes mentioned in the petition filed in this cause, on consideration whereof the Court doth confirm the said report and doth adjudge, order and decree that Geo. F. Whitley, Guardian for W. Harrison Lewis be and he is hereby directed to expend an amount not to exceed fifteen hundred dollars of the principal of his ward's estate in the payment of his ward's school expenses for the session 1926-27 and the balance of said fifteen hundred dollars, if it be necessary, to be expended in the payment of the bills above mentioned.

And the said Guardian is directed to report to *and to the Commissioner of Accounts* Court, in the way prescribed by law, as to how he has made such expenditures.

Geo. F. Whitley, Guardian

v.) In Chancery

D E C R E E

W. Harrison Lewis.

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

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

Geo. F. Whitley, Guardian
for W. Harrison Lewis.

v.) In Chancery- On petition to expend more than income of ward.
W. Harrison Lewis.

This day came Geo. F. Whitley, Guardian for W. Harrison Lewis, and filed his petition, praying to be allowed to expend for the proper maintenance, support and education of his ward, more than the income from his estate, which petition is joined in by the said ward;

Upon consideration whereof it is adjudged, ordered and decreed that E. H. Williams, a discreet and competent Attorney at Law, practising in this Court, be, and he is, hereby assigned to the said infant defendant, as his Guardian ad Litem, to defend his interest in this proceeding, and that this matter be referred to one of the Commissioners of this Court, who shall, from competent witnesses, inquire into and report to the Court the expediency or in expediency of allowing the prayer of the said petition, any evidence taken by the said Commissioner shall be reduced to writing and returned to the Court with his report.

Geo. F. Whitley, Guardian
for W. Harrison Lewis

v) In Chancery-
On Petition to expend more
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W. Harrison Lewis.

Order

1926.

Sept. 28.

Entered.

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

Geo. F. Whitley, Guardian for W. Harrison Lewis

vs)

W. Harrison Lewis

TO The Honorable B. D. White, Judge, of the Circuit Court of the County of Isle of Wight.

The undersigned Commissioner in Chancery to whom was referred the papers in the above entitled cause for the execution of an order of the said Court entered thereon on the 28th day of September, 1926, in the presence of E. H. Williams, Guardian ad Litem for the said W. Harrison Lewis, proceeded to execute said order and did take the evidence of Rosa B. Marshall, M. L. Marshall and George F. Whitley, Guardian, and reduced the same to writing and herewith return the same attached, as a part of this report, and from the evidence so taken Your Commissioner is informed and reports as follows:

The said George F. Whitley, who qualified as Guardian for said W. Harrison Lewis on the 8th day of April 1926, has received from the estate of the former Guardian of said ward, control of one certain farm located in Accomac County, Virginia, which is valued at about six or seven thousand dollars, and which rents for about three hundred dollars per year, as well as bonds secured by deeds of trust amounting to twelve thousand five hundred dollars (\$12,500.00) which said farm and bonds represent the estate of his said ward.

The the income from said estate after certain deductions on account of taxes, etc, amounts to around six or seven hundred dollars per year.

That the rent on said farm for 1926 will not come into the hands of the Guardian until January 1st, 1927, nor will the interest on said bond come into the hands of the Guardian until about April 1st, 1927, it having been paid to the former Guardian's estate to April 1st, 1926.

That the said ward is at this time attending Fishbourne Military Academy at Waynesboro, Va, at which school from evidence submitted, it appears rather important that he be kept, and that the usual cost incident to the keeping of said ward at said school including traveling expenses, tuition, petty spending change *etc* amounts to from one thousand to twelve hundred dollars, *for session*, which said amount or a good part of same is now due, and should be paid.

That in addition to the cost of the schooling of said ward, there was contracted a debt for the said ward during the month of August on account of hospital bills and Doctors bill for certain necessary operations, to the extent of about three hundred and fifty dollars, which said bills are likewise past due and should be paid, as well as other bills made for the necessary maintenance of said ward.

Therefore your Commissioner begs leave to report to your Honor that in his judgment the sum of Fifteen Hundred Dollars as mentioned in the petition in this cause, which the said Guardian finds it necessary to expend in order to pay necessary bills for hospital ^{expense} ~~bills~~ and schooling of his said Ward's principle, is reasonable and just, taking into consideration the value of the said Wards estate as well as all facts in connection and which were submitted before your Commissioner, and further your Honors attention is called to the fact that Rosa B. Marshall and M. L. Marshall who took this boy in his infancy and have raised him and who have a greater interest in his welfare than any one else are like wise of the opinion that said expenditures are within reason and expedient, and your said Commissioner doth recommend that the said expenditure be permitted.

Respty Submitted.

R. A. Edwards.
Commissioner In Chancery.

Com. Fee \$1000.

10/12/26.

Mrs. Rosa A. Marshall being duly sworn deposes and says:

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

A. Rosa A. Marshall, forty five, housewife.

Q. Do you know W. Harrison Lewis, if so how long have you known him?

A. Yes, nineteen years.

Q. How old is Harrison?

A. Nineteen, was in July.

Q. Are you related to Harrison in any way?

A. No sir, but I feel that I am.

Q. Why do you feel that you are related to him?

A. Because I have been a mother to him for nineteen years, I have had him since he was a month old.

Q. Then, if I understand you, Mrs. Marshall you have raised this boy from babyhood?

A. Yes sir.

Q. Of course you knew his father and mother? A. Yes.

Q. Both his father and mother are dead, are they?

A. Yes both dead.

Q. Do you know anything as to the value of Harrison's estate?

A. Yes, his father left him a farm located in Accomac County, which I would say is worth around seven thousand, if sold for cash. I have understood that his estate consists of not only real estate but about thirteen thousand dollars that was loaned out, although I am not positive about this, it is what I have been informed.

Q. Is Harrison in school at this time, if so where?

A. At Fishbourne Military School, Waynesboro.

Q. How long has he been at this school?

A. This is his third session.

Q. Do you know whether not Harrison went to the hospital during this year?

A. He did, I know, I went with him to Protestant Hospital, Norfolk. He underwent a surgical operation during the month of August. I understand he was operated on for three or four different troubles, he was there eighteen days.

Q. Mrs. Marshall, Geo. F. Whitley, Guardian for Harrison Lewis, has filed a petition in the Circuit Court for the County of Isle of Wight, asking that he be allowed to expend an amount not to exceed fifteen hundred dollars of the principal of the estate of Harrison Lewis to be used in the maintenance, education and support of Harrison Lewis and in the payment of Doctors' bills, hospital bills and other bills which have been contracted for his benefit, now then since you have a personal interest in Harrison and appear to be familiar with his financial circumstances in your opinion would you say that the amount of fifteen hundred dollars, above mentioned would be a reasonable amount to be allowed to be expended by the Guardian for the purposes above mentioned?

A. I do, I think the above amount is reasonable because of the unusual Doctors' bills and hospital bills as well as the amount which will have to be paid for his education this year.

Mr. Edwards:

Q. Mrs. Marshall do you know the cost of maintaining Harrison Lewis in School for the year 1926?

A. No sir, but I understand, it is about a thousand dollars.

Q. How do you understand he is getting on at school?

A. Alright I think, Harrison is a child who can't take things in quickly as others. He is doing his best. Judge Wilcox felt very badly one time about the way he was doing, he thought he would be sent home he got on so slowly, he wrote up there and they said not to worry they believed he was doing all he could. I believe he tried, if he can't take it in as quickly.

Q. As one particularly interested in his welfare, would you recommend the expending of this amount of money as suggested in

the petition at this particular time, in preference to trying to hold on to the money for future needs?

A. I do, I think it is better for him to continue in school and spend the money on him now.

And Further this deponent saith not.

Signature Rosa A. Marshall

Capt. M. L. Marshall being duly sworn deposes and says:

Q. What is your name, age, residence and occupation?

A. M. L. Marshall, fifty two, Rushmere, Isle of Wight County, oyster packer.

Q. I presume Capt. that you know Harrison Lewis?

A. Yes sir.

Q. How long have you known him?

A. Nineteen years.

Q. Are you related to Harrison?

A. Yes his father was my Uncle, he is my first Cousin.

Q. With whom has Harrison been making his home?

A. With us, my wife and I.

Q. What is your wife's name?

A. Rosa A. Marshall.

Q. You have just heard your wife testify in regard to the expenditure of fifteen hundred dollars of the principal of the estate of Harrison Lewis, what is your opinion as to the expediency of expending this amount for the purposes mentioned, and expended at this time?

A. I heard the testimony given in by my wife and I think her testimony represents the matter as it should be and I think that the expenditure of the amount would be justified and that it is better to expend some money on him at this time than to

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take him out of school..

Q. Where does he spend his vacations?

A. At our home in Isle of Wight County.

And further this deponent saith not-

sign
here X M Z Marshall

10/12/26

George F. Whitley, Guardian for W. Harrison Lewis, being duly sworn deposes and says:

Q. Mr. Whitley, I understand that you are the Guardian of W. Harrison Lewis, please state when and where you qualified as such?

A. I qualified as Guardian on April 8, 1926, in the Circuit Court for the County of Isle of Wight.

Q. What estate belonging to this ward has come into your hands since your qualification?

A. I have received bonds amounting to twelve thousand, five hundred dollars. The interest on these bonds was collected up to April, 1926. His estate also consists of a farm located in Accomac County, valued at about six or seven thousand dollars. I understand that he received about three hundred dollars a year rent, of course the taxes have to be paid.

Q. As you understand from the records of the former Guardian who is now dead, about what did the annual income amount to from this ward's estate?

A. Around seven hundred dollars, after the payment of taxes and the larger portion of this would not come into my hands until April of next year.

Q. Mr. Whitley, it has been testified here that this ward is at present in college, please state approximately what it will cost for the session 1926-27 to keep him there, including incidental and traveling expenses, etc/

A. It appears from the records, which I have, and from the information which I have gotten from the authorities at the Fishbourne Military Academy, which he is attending now, that it will cost between a thousand and twelve hundred dollars.

Q. Does he seem to require an unusual amount of spending money or anything of that kind?

A. I cannot answer this just now, except to say that he has

not made any unusual demands on me so far, I understand from him that his former Guardian, Judge Thomas H. Wilcox, allowed him thirty dollars every three months as spending money;

Q. Has he had any unusual expenses to meet within the last few months, if so what?

A. It became necessary to send him to Protestant Hospital of Norfolk, for a surgical operation during August. The amount of his hospital expenses and Doctors' bills, which I have received aggregate three hundred, fifty dollars and twenty five cents (\$350.25), which are now unpaid. There are other bills for purchases made for his maintenance and support and which are now unpaid aggregating around three hundred fifty four dollars and twenty eight cents (\$354.28).

Q. Then if I understand you correctly, you as his Guardian, feel that it is absolutely necessary in order to keep him in school that he be allowed to use a portion of the principal of his estate during the present school session?

A. Yes, it is absolutely necessary as I see it. The bill for the first quarter at school has been sent to me amounting to between four and four hundred and fifty dollars, and which I am unable to pay at this time, as I have no money in hand. And further this deponent saith not.

Geo. D. Little.

I have read the above testimony of the witnesses and it appears that the evidence fully presents the facts.

E. H. Wilcox
Guardian ad litem.

Geo. F. Whiting, Guardian

WS

H. H. Lewis - his
Hand.

Comm. Report
Filed.

R. A. EDWARDS
COMMISSIONER IN CHANCERY
CIRCUIT COURT
ISLE OF WIGHT COUNTY
ISLE OF WIGHT, VIRGINIA

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

Geo. F. Whitley, Guardian
for W. Harrison Lewis,

v. In Chancery (Petition to expend more than income of ward.)
W. Harrison Lewis.

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT FOR
THE COUNTY OF ISLE OF WIGHT:

Your petitioner, Geo. F. Whitley, Guardian for W.
Harrison Lewis, respectfully represents to the Court:

That he qualified as Guardian for the said W. Harrison
Lewis in the Circuit Court of the County of Isle of Wight,
State of Virginia, on the 8th day of April, 1926;

That his ward has personal property amounting to about
Twelve Thousand, Five Hundred Dollars (\$12,500.00), and real
estate of the approximate value of Seven Thousand Dollars
(\$7000.00);

That the income derived from the above property is
not sufficient to maintain, support and educate your petitioner'
s ward;

That your petitioner's ward is now nineteen years of age
and is attending school at Fishbourne Military Academy, Waynes-
boro, Virginia, where he has been for the past two years, having
been sent there by his former Guardian, Judge Thomas Wilcox;
that the expenses of your petitioner's ward will amount to
between one thousand and twelve hundred dollars while attend-
ing school during the year 1926-27 at the said Fishbourne
Military Academy; that it became necessary during the month
of August for your petitioner's ward to attend a hospital for
a surgical operation; that the cost of this operation and
hospital expenses amounted to about four hundred dollars; and
that your petitioner now owes bills, as Guardian for his ward,

amounting to approximately four hundred dollars, other than the bills aforementioned.

Your petitioner prays that he may be directed to expend from the funds in his hands of the said ward a sum not to exceed Fifteen Hundred Dollars (\$1500.00) to be used in the payment of his ward's school expenses for the session 1926-27 and in the payment of the hospital expenses and Doctors' bills above mentioned and the balance, if any, of the said Fifteen Hundred Dollars (\$1500.00) to be applied to the payment of such legitimate expenses which may have heretofore been incurred for the maintenance, support and education of his ward, making proper report to the Court in the way prescribed by law of such expenditures; that a Guardian ad Litem may be appointed to defend the ward's interest in this proceeding, as provided for by the statute; that this matter be referred to one of the Commissioners of this Court, who shall be directed to take testimony of competent witnesses, upon the prayer of this petition, which testimony shall be submitted to the Court for action thereupon as to it may seem proper; that such other, further and general relief in the premises may be granted to the said Guardian, as to equity may seem meet.

And your petitioner will ever pray.

Geo. P. Whitley
Guardian for W. Harrison Lewis.

I have read the foregoing petition, and subscribe to the facts stated therein and the prayer thereof.

W. Harrison Lewis

Geo. F. Whitley, Guardian
For W. Harrison Lewis.

v. (In Chancery

(Petition to expend more than
income of ward)

W. Harrison Lewis.

Filed - Sept-25-26.
WHE

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