

1927-008 Chancery Causes - Alma D. Marshall, gdm of John S. Marshall & Julius Darden
Isle of Wight County Marshall vs Alma D. Marshall, widow of John S. Marshall & al
Petition of Julius Darden Marshall

Folder 1
139

Petition of John S. Marshall, Junior

other surnames: Chandler,
Taylor, Davis, Pruden, Johnson
Gwaltney, Holloway, Barrett,
Beale, Godwin, Delk, Williams,
Daniels

Received of George F. Whitley, Special Commissioner
in the suit of Marshall, Guardian, vs Marshall, et als, the sum of
Twenty-one Hundred and Sixty and 36/100 (\$2,160.36) Dollars, the
full amount of my commuted dower interest.

Alma D. Marshall.

I hereby certify that I have investigated the title to the property owned by W. M. Beale and Carl Beale, and upon which was executed a deed of trust to secure the loan made in the suit of Marshall, Guardian, etc. vs Marshall, et als, and that I find no liens by judgment, deed of trust, forfeited forth-coming bonds, or otherwise against the property.



Attorney at Law.

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT, VIRGINIA,
DECEMBER TERM, 1913.

Alma D. Marshall, Guardian, etc.....Plaintiff,
- VS -
Alma D. Marshall, et als,.....Defendants.

-----oOo-----

TO THE HONERABLE B. D. WHITE,

JUDGE OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

The undersigned Special Commissioner respectfully reports that pursuant to a decree entered in this cause on the 22nd day of April, 1913, he has paid out of the proceeds derived from the sale of the real estate mentioned in the bill and proceedings, to Alma D. Marshall the sum of Twenty-one Hundred and Sixty and 36/100 (\$2,160.36) Dollars (it being the amount of her commuted dower interest in the said proceeds), as is shown by the receipt of the said Alma D. Marshall herewith filed.

Your Commissioner further reports that he has loaned the balance of the proceeds in hand, which amounts to Sixty-eight Hundred and Thirty-nine and 64/100 (\$6,839.64) Dollars, to W. M. Beale and Carl Beale, taking from the said W. M. Beale and Carl Beale seven (7) bonds dated on the 1st day of March, 1913, one of said bonds being for the sum of \$839.64, payable one year after date, with interest from date, the remaining six bonds being for the sum of \$1,000.00 each, payable three, five, seven, nine, eleven and thirteen years from date, respectively, with interest

from date payable annually, on the 1st day of March of each year; that the said bonds are secured by a deed of trust on real estate; that he has examined the title to the said real estate and filed herewith a certificate of approval; that the improvements on the said real estate are insured for the benefit of the said Special Commissioner as his interest may appear.

Your Commissioner respectfully tenders his resignation as Commissioner in this cause, and would suggest that Alma D. Marshall be appointed in his stead.

Respectfully submitted,


Special Commissioner.


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Alma D. Marshall, Guardian, etc

REPORT OF
VS)
SPECIAL COMMISSIONER:

Alma D. Marshall, et als.

*Filed Jan 5/1914
Dns. Johnson. Cbtr*

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

STATE OF VIRGINIA,

County of Isle of Wight, to-wit:

This day personally appeared Ad Johnson
before me, George F. Whitley, a Commissioner in Chancery for the
Circuit Court for the County of Isle of Wight, State of Virginia,
in my County aforesaid, and made oath that the lands owned by W. M.
Beale and Carl Beale and situate in the County of Isle of Wight,
are worth at least Two Thousand Dollars.

Given under my hand this 22nd day of April, 1913.

Geo F Whitley
Commissioner in Chancery.

STATE OF VIRGINIA,

County of Isle of Wight, to-wit:

This day personally appeared E. A. Williams
before me, George B. Whitley, a Commissioner in Chancery for the
Circuit Court for the County of Isle of Wight, State of Virginia,
in my County aforesaid, and made oath that the lands owned by W. M.
Beale and Carl Beale and situate in the County of Isle of Wight,
are worth at least Twelve thousand \$1200 00 Dollars.

Given under my hand this 32nd day of April, 1913.

George B. Whitley
Commissioner in Chancery.

15
Marshals. Edw
n { 139. Cy
Marshals et al

Affidavit in value of
property for loan

3

Filed
in the CLERK'S OFFICE of the
CIRCUIT COURT,
OF THE
COUNTY OF ISLE OF WIGHT
this 22 day of Apr 1913
Jst. W. Johnson, Clk

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT, VIRGINIA:
APRIL TERM, 1913.

Alma D. Marshall, Guardian etc.,.....Plaintiff,
- VS -
Alma D. Marshall, et als,.....Defendants.

----- oOo -----

TO THE HONORABLE B. D. WHITE,

JUDGE OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

The undersigned Special Commissioner respectfully reports that he has, pursuant to a decree entered in this cause on the 7th day of April, 1913, collected from J. L. Warner the sum of Nine Thousand (\$9,000.00) Dollars, it being the amount of the purchase price for the property mentioned in the bill and proceedings, and has deposited the said amount in the Bank of Smithfield, to the credit of said Special Commissioner; that he has also collected from the said J. L. Warner the sum of One Hundred (\$100.00) Dollars, as attorney's fee, and such an additional amount as was necessary to pay the cost and expenses of this suit, which said cost and expenses he has paid; that he has conveyed by a good and sufficient deed with Special Warranty, to J. L. Warner the property mentioned and described in the said decree.

Respectfully Submitted,

Geo. F. Whitley.
Special Commissioner.

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Alma D. Marshall, Guardian, etc.,

VS)
REPORT OF
SPECIAL COMMISSIONER:

Alma D. Marshall, et als.

1913
Oct. 22
Filed.
B.D.W.

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

TO GEORGE W. STIMLEY, EXECUTOR OF THE ESTATE OF JOHN B. MARSHALL,
GUARDIAN, versus MARSHALL:

I hereby make a cash offer of FIVE THOUSAND (\$5,000.)
DOLLARS for the house and lot situated on Church Street in the
Town of Springfield, and belonging to the estate of John B. Marshall.
Also, as a part of the consideration, to pay all cost required in
the suit brought for the purpose of securing sale of same.

X J. L. Warner

8-24-13

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT, VIRGINIA:
FEBRUARY TERM, 1913.

* * * * *
Alma D. Marshall, Guardian, etc.....Plaintiff, *
- VS - *
Alma D. Marshall, et als,.....Defendants. *
* * * * *

-----oOo-----

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

The undersigned Commissioner, George F. Whitley, appointed as such by a decree entered in the above styled cause on the 3rd day of March, 1913, to offer for sale the real estate in the bill and proceedings mentioned, publicly, or to report private bids for the said real estate, said bids to be in writing, respectfully reports that he has received from J. L. Warner a private written bid, which is hereto attached, of NINE THOUSAND (\$9,000.00) DOLLARS, in cash, for the real estate in the bill and proceedings mentioned and described, as follows:

"All that certain house and lot situate in the Town of Smithfield, Virginia, on the East side of Church Street in the said Town, and adjoining the lots belonging to the estate of R. E. Boykin, on the one side, and the lot belonging to the estate of O. C. Goodrich on the opposite side, and bounded at the rear by a Cove, a tributary of Pagan River,"

which bid also obligates the said J. L. Warner to pay all Court cost charged in this suit.

Your Commissioner recommends the acceptance of the said bid of J. L. Warner, it being a good deal more than the evidence shows the property to be worth.

Respectfully submitted,


Special Commissioner.

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Alma D. Marshall, Guardian, &c..

VS)
REPORT OF
SPECIAL COMMISSIONER:

Alma D. Marshall, et als.

Filed 20th March, 1913

Apr 7-1913

Wm. Johnson. Clk.

GEORGE F. WHITLEY

ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

Alma D. Marshall, guardian etc.

vs) Chancery

Alma D. Marshall, et als.

To Alma D. Marshall, guardian of John S. Marshall and Julius Darden Marshall,; Alma D. Marshall; Columbia A. Chandler and William Thomas Chandler; Elmore J. Taylor; Pollie V. Davis and William V. Davis; Lolla M. Pruden; and M. E. Williams, guardian ad litem for John S. Marshall and Julius Darden Marshall.

Take notice that I shall, at the office of George W. Whitley, Attorney at Law, in the Town of Smithfield, County of Isle of Wight and State of Virginia, on the 17th. day of January, 1918, at eleven o'clock A.M. proceed to execute the decree entered in the above entitled cause, in the Circuit Court of the County of Isle of Wight now pending, which requires one of the Commissioners of the said Court to inquire into and report to Court:

FIRST: Of what estate, real and personal, the infant defendants, John S. Marshall and Julius Darden Marshall, are possessed or entitled, and what are their respective shares or interests therein, and what are the respective interests of all the other parties to this cause in said property, where such estate is situated, and what is its fee-simple and annual values:

SECOND: Whether or not there are any liens for delinquent taxes, or otherwise, on the real estate in the Bill and proceedings mentioned:

THIRD: An account of all lien debts against said real estate, with their priorities, and all other debts due by decedent:

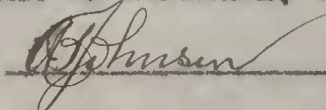
FOURTH: Whether or not the interest of the infant defendants will be promoted by a sale of the real estate, or any part thereof, in the Bill and proceedings mentioned, and an investment of the proceeds of sale in other property.

FIFTH: Whether or not the rights of any person will be violated by such a sale and investment.

SIXTH: Who would be the heirs at law, or distributees of the said infant defendants if they were dead, and whether all such persons are properly before the Court.

SEVENTH: Any matter specially stated, deemed pertinent by the Commissioner, or required to be so stated by any party in interest.

EIGHTH: Whether or not all the parties proper and necessary to this cause are properly before the Court, together with the ages of the infant defendants and the age of Alma D. Marshall, widow of John S. Marshall, deceased.



Comr. in Chancery.

Marshall, Guardian, etc.

VS

Marshall, et al.

We hereby accept legal service of the within notice.

Mrs Lelia Menden.

Elnora J. Taylor

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

Alma D. Marshall, guardian etc.

vs) Chancery

Alma D. Marshall, et als.

To Alma D. Marshall, guardian of John S. Marshall and Julius Darden Marshall,: Alma D. Marshall: Columbia A. Chandler and William Thomas Chandler: Elnora J. Taylor: Pollie V. Davis and William P. Davis: Lelia M. Pruden: and E. H. Williams, guardian ad litem for John S. Marshall and Julius Darden Marshall.

Take notice that I shall, at the office of George F. Whitley, Attorney at Law, in the Town of Smithfield, County of Isle of Wight and State of Virginia, on the 17th. day of January, 1913, at eleven o'clock A.M. proceed to execute the decree entered in the above entitled cause, in the Circuit Court of the County of Isle of Wight now pending, which requires one of the Commissioners of the said Court to inquire into and report to Court:

FIRST: Of what estate, real and personal, the infant defendants, John S. Marshall and Julius Darden Marshall, are possessed or entitled, and what are their respective shares or interests therein, and what are the respective interests of all the other parties to this cause in said property, where such estate is situated, and what is its fee-simple and annual values:

SECOND: Whether or not there are any liens for delinquent taxes, or otherwise, on the real estate in the Bill and proceedings mentioned:

THIRD: An account of all lien debts against said real estate, with their priorities, and all other debts due by decedent:

FOURTH: Whether or not the interest of the infant defendants will be promoted by a sale of the real estate, or any part thereof, in the Bill and proceedings mentioned, and an investment of the proceeds of sale in other property.

FIFTH: Whether or not the rights of any person will be violated by such a sale and investment.

SIXTH: Who would be the heirs at law, or distributees of the said infant defendants if they were dead, and whether all such persons are properly before the Court.

SEVENTH: Any matter specially stated, deemed pertinent by the Commissioner, or required to be so stated by any party in interest.

EIGHTH: Whether or not all the parties proper and necessary to this cause are properly before the Court, together with the ages of the infant defendants and the age of Alma D. Marshall, widow of John S. Marshall, deceased.

W. F. Johnson

Comr. in Chancery.

Marshall, Guardian, etc.

vs.

Marshall, et als.

We hereby accept legal service of the within notice.

x William P. Davis

William P. Davis

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

Alma D. Marshall, guardian etc.

vs) Chancery

Alma D. Marshall, et als.

To Alma D. Marshall, guardian of John S. Marshall and Julius Darden Marshall,: Alma D. Marshall: Columbia A. Chandler and William Thomas Chandler: Elnora J. Taylor: Pollie V. Davis and William F. Davis: Lelia M. Pruden: and E. H. Williams, guardian ad litem for John S. Marshall and Julius Darden Marshall.

Take notice that I shall, at the office of George F. Whitley, Attorney at Law, in the Town of Smithfield, County of Isle of Wight and State of Virginia, on the 17th. day of January, 1913, at eleven o'clock A.M. proceed to execute the decree entered in the above entitled cause, in the Circuit Court of the County of Isle of Wight now pending, which requires one of the Commissioners of the said Court to inquire into and report to Court:

FIRST: Of what estate, real and personal, the infant defendants, John S. Marshall and Julius Darden Marshall, are possessed or entitled, and what are their respective shares or interests therein, and what are the respective interests of all the other parties to this cause in said property, where such estate is situated, and what is its fee-simple and annual values:

SECOND: Whether or not there are any liens for delinquent taxes, or otherwise, on the real estate in the Bill and proceedings mentioned:

THIRD: An account of all lien debts against said real estate, with their priorities, and all other debts due by decedent:

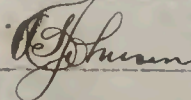
FOURTH: Whether or not the interest of the infant defendants will be promoted by a sale of the real estate, or any part thereof, in the Bill and proceedings mentioned, and an investment of the proceeds of sale in other property.

FIFTH: Whether or not the rights of any person will be violated by such a sale and investment.

SIXTH: Who would be the heirs at law, or distributees of the said infant defendants if they were dead, and whether all such persons are properly before the Court.

SEVENTH: Any matter specially stated, deemed pertinent by the Commissioner, or required to be so stated by any party in interest.

EIGHTH: Whether or not all the parties proper and necessary to this cause are properly before the Court, together with the ages of the infant defendants and the age of Alma D. Marshall, widow of John S. Marshall, deceased.



Cour. in Chancery.

Marshall, Guardian, etc.

VS.

Marshall, et als.

We hereby accept legal service of the within notice.

Columbia A. Chandler

William Thomas Chandler

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF PAGE OF VIRGINIA

To:

Law Marshall, guardian of John P. Marshall and Julia Gordon Marshall,.....Complainant

vs) Notice to take account.

Now D. Marshall, Columbia, Maryland and William Thomas Chandler, her husband; George J. Bayley; Nellie V. Davis and William P. Davis, her husband; Lella E. Hudson; and P. M. Williams, guardian of John P. Marshall, Jr. and Julia Gordon Marshall, infants under the age of fourteen years.

You are hereby notified that I shall, on the 15th day of January, 1913, at the office of George J. Bayley, Attorney at Law, in the Town of Smithfield, County of Page of State of Virginia, proceed to execute the decree entered in the cause in docket No. 100 in the Circuit Court of the County of Page of State of Virginia, and to which you are parties, and to which you are notified, on the 30th day of December, 1912, an account of which follows:

First: Of what estate, real and personal, the infant defendants, John P. Marshall and Julia Gordon Marshall, are possessed or entitled, and what are their respective shares or interests therein, and what are the respective interests of all the other parties to said cause in said property, where such estate is situated, and what is its value and annual value.

Second: Whether or not there are any claims for damages in respect to the real estate in the bill and account in docket No. 100, and if so, what are the same.

Third: In carrying out the said bill and account in docket No. 100, with respect to the real estate, and all other claims in docket No. 100, whether or not the interest of the infant defendants will be protected by a sale of the real estate, or any part thereof, in the bill and account in docket No. 100, and an inventory of the proceeds of sale in other property.

Fourth: Whether or not the rights of any person will be violated by such sale and inventory.

Fifth: The value of the real estate, and the value of the personal property of the infant defendants, and whether or not such property are properly before the Court.

Sixth: Any other specially stated, deemed pertinent by the Commissioner, or required to be so stated by any party in interest.

Seventh: Whether or not all the parties present and necessary to this cause are properly before the Court, together with the ages of the infant defendants and the age of Mrs. P. Marshall, widow of John P. Marshall.

Given under my hand & in 10th day of January, 1913.

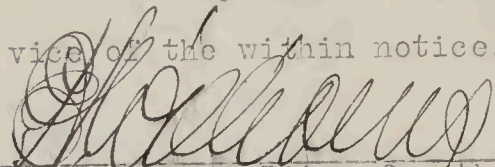
A. J. Hudson
Commissioner in Chancery.

Marshall, Guardian, etc.

VS.

Marshall, et als.

I hereby accept legal service of the within notice.

A handwritten signature in dark ink, appearing to be "M. W. [unclear]", is written over a horizontal line.

Guardian ad Litem for the infant defendants, John S. Marshall and Julius Darden Marshall.

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

Alma D. Marshall, Guardian, etc,.....Plaintiff,
VS) In Shewery, Depositions on Report of Reference:
Alma D. Marshall, et al,.....Defendants.

-----300-----

The depositions of E. D. Gwaltney, Jr., and others,
taken before me, A. S. Johnson, a Commissioner in Chancery for the
Circuit Court for the County of Isle of Wight, at the Office of
George F. Whitley, Attorney at Law, in the Town of Smithfield,
County of Isle of Wight, January 17th, 1913, to be read as evidence
in the execution of a decree of reference entered in the suit as
styled above, on the 30th. day of December, 1912.

PRESENT: George F. Whitley, p.q., and
M. E. Williams, Guardian ad Litem.

E. D. Gwaltney, Jr., being first duly sworn, deposeseth
and saith in answer to interrogatories, as follows:

EXAMINATION BY MR. JOHNSON.

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

A. E. D. Gwaltney, Jr; fifty-one years; Smithfield, Virginia;
Merchant.

Q. Mr. Gwaltney, Alma D. Marshall, Guardian of John S. Mar-
shall and Julius Borden Marshall, the infant children of John S.
Marshall, dec'd, has filed her bill in the Circuit Court of the

County of Isle of Wight, praying that the lot of land situated in the Town of Smithfield, Virginia, on Church Street, be sold, and the money derived from such sale be invested in other property for the benefit of the infant children. Are you acquainted with this property?

A. I am.

Q. Do you know of any other real estate owned by these children at the present time?

A. No.

Q. Mr. Swalmey, will you please state whether or not the interest of the infant defendants will be promoted by the sale of the real estate mentioned in the bill, or any part thereof, and the proceeds invested in other property.

A. Yes.

Q. Could a part of this lot be sold to advantage without selling the whole?

A. No.

Q. Do you think the rights of any persons in interest would be violated by such a sale and investment?

A. I do not.

Q. Mr. Swalmey, state your reasons for saying that it would be to the benefit of the infants to sell this property and invest the money in other property.

A. For the reason that there is only Mrs. Marshall herself, and the two children, and the lot is large, and a large house, and is expensive to keep up, and there is a great deal more room than is needed by Mrs. Marshall and the children to make them comfortable. They would be just as comfortable in a smaller house, and the labor to keep house would not be so great by any means. The lot would sell for a good price, fully its worth, from which a house and lot could be purchased which would meet their needs and be as comfortable as the house they now live in, and would leave a considerable balance to be invested which would bring in

a fairly good income.

Q. What is a fair fee-simple value for this house and lot?

A. I think 7,000 or \$7,500.00 would be a good price for this lot at this time. I do not believe that property in Smithfield is advancing in value to amount to anything. Had I money to invest, I had rather have it in farm property. It is a nice house and a nice lot really, but for a town the size of Smithfield, it is too much of a house and lot to consider it as an investment. In Norfolk or some large city, it might be expected to advance in value, but here, I am rather inclined to believe that property is on the decline rather than enhancing in value.

Q. Mr. Gwaltney, what would this house rent for in Smithfield a month?

A. \$30.00 would be as much as you could expect. I do not know of a house in the town that rents for as much as \$30.00.

Q. Mr. Gwaltney, if you owned this house, could you afford to rent it for \$30.00 a month and expect any income upon your investment at that price, considering the upkeep of the house, the out buildings and lot?

A. No; I could not.

Q. Mr. Gwaltney, do you believe that you could find very many purchasers for this property at 7,000 or \$7,500.00, which you say is probably its fee-simple value?

A. No; only in the case of someone who wanted to live in Smithfield and wanted that as a home, and had plenty of money with which to maintain it.

And further this deponent saith not.

O. H. Gwaltney, Jr.

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

EXAMINATION BY MR. WHITLEY:

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

A. J. W. Holloway; forth-six years; Smithfield, Virginia;
merchant.

Q. Mr. Holloway, are you familiar with the property belonging
to the estate of Dr. John S. Marshall, which is located on Church
Street of the Town of Smithfield, and adjoins the Goodrich property
and the Boykin property; if so, how long have you known it?

A. I am. Have been knowing it for twenty-five years.

Q. Did Dr. Marshall own any other property on this Street at
the time of his death?

A. No, sir.

Q. What is the condition of this property at the present time?

A. Apparently it is in a very good condition.

Q. Are there any buildings on the lot?

A. There is a dwelling and a small stable.

Q. Is the lot a small lot, or a good size lot?

A. It is a good large lot.

Q. Do you own any property on Church Street?

A. Yes, sir; I own a house and lot on the opposite side of
the street from this lot, probably two hundred yards up the street.

Q. You state that there is a dwelling located on this property
about what is the size of this dwelling?

A. I think about 40 x 50 feet; two stories with a basement.

Q. Is this house expensive to keep up?

A. Yes; it is a house very much exposed. The construction
of the house makes it necessarily expensive to keep up and to live
in. The general construction includes a heating plant and a light-
ing plant.

Q. Is the lot such a one as would be expensive to keep in order?

A. Well, I should say yes; for the reason it is more or less rolly and subject to washouts from heavy rains, it having a large frontage on Church Street and sloping back to the creek at the rear.

Q. What would you consider a fair cash valuation for the house and lot?

A. From a commercial view point, \$5,000.00 would be a good price, because it is not possible in this community to rent that property to pay a fair revenue on a higher price, I think, than that. Now it is possible that the property might bring \$7,500.00, if a purchaser was looking for a home and had the money to pay for a home.

Q. What would this property rent for in the Town of Smithfield per month?

A. I think it would be difficult to keep a tenant there at \$25.00.

Q. State whether or not Dr. John S. Marshall left any children; if so, how many; their names and ages?

A. He left two boys, John S. Marshall and Darden Marshall. I do not know their exact ages but I think one between nine and twelve, and the other between six and eight.

Q. State whether or not you think it would be to the advantage of the infants to sell this property at the price of \$7,500. and reinvest this money?

A. Yes, I think it would be. The income from the money at \$7,500.00 at 6% would be worth more than the possible income from the rent of the house would be; a good deal more.

Q. State how much money would be necessary to buy a suitable home in Smithfield for the Mother and these two boys?

A. I would think that she could buy a home suitable, and in a desirable location for \$3,500.00.

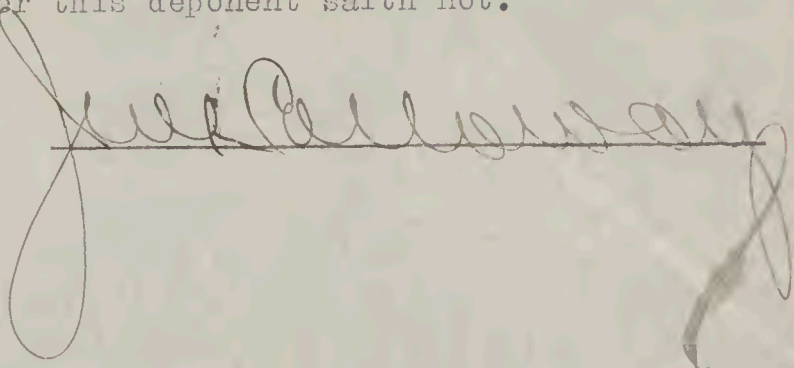
Q. Is it necessary for the comfort of the Mother and two children that they should own a house as large as the one mentioned and described by you on Church Street?

A. I should think not; for the reason that it would necessarily be a burden upon the Mother, and also upon the estate, to keep a house as large as this one and maintain the heating plant and lighting plant; to keep it in repair, with insurance, taxes and other necessary things, when a smaller house could be secured which would greatly reduce these cares and expenses and afford comparatively the same comfort and surroundings.

Q. State whether or not you think that the rights of any persons interested in the property mentioned, would be violated by a sale and an investment of the proceeds?

A. I do not. Property values are not increasing here, and I think they are at high water mark.

And further this deponent saith not.

A handwritten signature in dark ink, written over a horizontal line. The signature is cursive and appears to be "J. B. [illegible]". There is a large loop at the end of the signature.

A. S. Barrett, being first duly sworn, deposes and saith in answer to interrogatories, as follows:

EXAMINATION BY MR. WHITLEY.

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

A. A. S. Barrett; fifty-one years; Smithfield, Virginia; general insurance.

Q. Are you familiar with the property which belongs to the estate of John S. Marshall, situated in the Town of Smithfield, on Church Street of the said Town, and which was used by the said John S. Marshall, dec'd, as a residence, and which has been used since his death as a residence by his wife, Alma B. Marshall, and two children?

A. I am.

Q. How many children did John S. Marshall, dec'd, leave surviving him?

A. Two.

Q. What are their names?

A. John S. Marshall and Julius Darden Marshall.

Q. What do you think a fair cash value for this house and lot situated on Church Street, above mentioned?

A. \$7,500.00; certainly not more than \$8,000.00.

Q. What do you think a fair rental value for this property?

A. \$25.00 per month, to a very few.

Q. Do you think it possible to divide the property and sell a part, or would it be necessary to sell it as a whole?

A. It is not practical to divide the property, the house being a large one and located in the center of the lot.

Q. State whether or not you think the interest of the infant defendants will be promoted by a sale of the real estate mentioned and an investment of the proceeds of sale in other property.

A. I certainly do; to the extent of at least never 1 hundred dollars a year.

Q. Mr. Barrett, will you please give your reasons for thinking that the sale of the above property would be to the interest of the infants?

A. There is but little demand for that class of property in Smithfield. But few people in the community can afford to own or to rent it as a home, therefore, to retain it in the estate would mean a loss, whereas, a sale at the figures given would show an income at legal interest of \$400.00 per year, when the property will not rent to exceed \$300.00, from which would have to be deducted upkeep and depreciation.

Q. In the answer just above given you mentioned the cost of upkeep and depreciation; would this amount to very much in a house of this kind?

A. I would estimate the average upkeep of such property, at least 1% of the value as given.

Q. Do you think that the house furnished more room than is necessary for comfortable living for Mrs. Marshall and her two children?

A. I do. There being only a widow and two small children, I presume three rooms would be all that is necessary for comfortable living for them, and more than that would be an unnecessary burden.

Q. Of what is the dwelling constructed?

A. It is what we term a frame building, with slate roof.

Q. You stated that you valued the property worth about \$7,500.00; do you think that would cover the cost of this house and the interest on that sum would be sufficient to produce a revenue that the remainder could be invested in a home which would be sufficient for the care and comfort of the widow and her two children?

A. I think \$7,500.00 would easily buy a home suitable and comfortable and sufficiently commodious to accommodate the widow and her two children.

Q. Then, Mr. Barrett, from a business standpoint, and for the best interest of the infants, would you advise a sale of the property and reinvestment of the proceeds?

A. I would advise a sale of the property and reinvestment of the proceeds.

Q. Mr. Barrett, in case of the death of the two infants, this property, with the exception of the widow's dower, would be inherited by the heirs of John S. Marshall, would it not, i.e. I mean his brothers and sisters, if he had any. Now then, do you think that the rights of such heirs would be violated by such a sale and reinvestment?

A. I believe a sale and reinvestment of the funds would be to the best interest of the widow and heirs, and am convinced of no way in which the sale referred to could interfere with the rights of any of the heirs.

and further to is agreement with not.

A. S. Barrett,

Alma D. Marshall, being first duly sworn, deposeth and saith in answer to interrogatories, as follows:

EXAMINATION BY MR. WHITLEY:

Q. Please state your name, age and residence?

A. Alma D. Marshall; thirty-nine ^{May 23-1912} years; Smithfield, Virginia.

Q. Are you the widow of Dr. John S. Marshall?

A. Yes.

Q. How many children did Dr. John S. Marshall leave?

A. Two.

Q. State their names; their ages, and their last birthdays?

A. John S. Marshall, Jr; age ten years; last birthday August 29th, 1912: Julius Darden Marshall; age six years; last birthday March 23rd, 1912.

Q. Mrs. Marshall, the bill which you filed stated the personal property owned by the above named infants to be as follows: three and one-third shares Bank Stock at \$145.00 per share; thirty seven and one-third shares Telephone Stock at \$44.00 per share; bonds secured by deeds of trust \$9,223.00; cash in Bank \$995.00: Is the above statement correct?

A. It is, to the best of my knowledge.

Q. Did Dr. Marshall have any brothers and sisters living at the time of his death?

A. He had four sisters who are now living; no brothers.

Q. Will you please state their names?

A. Columbia A. Chandler, Eltonora J. Taylor, Lelia M. Pruden and Pollie V. Davis.

And further this deponent saith not.

Alma D. Marshall.

7-12 Jan 18/1913

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

Alma D. Marshall, guardian, etc.....Complainant.

vs) Report of Commissioner upon decree of reference.

John S. Marshall's Infants, and others,.. Defendants.

TO HONORABLE B. D. WHITE,

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

The undersigned, one of the Commissioners of your
Honor's Court, to whom has been referred the papers in the
above entitled cause for the execution of a decree entered there-
in on the 30th. day of December, 1912, reports as follows:

That on said 30th. day of December, 1912, a decree
was entered in cause upon the Bill of Complaint and Answers
on that day filed, which is as follows:

"This day came the complainant and by leave of court
filed her bill, the same being verified by her oath
thereto, and on motion of the said complainant, E. H.
Williams, an attorney practising in this court, is as-
signed as guardian ad litem to defend the interests
of the infant defendants, John S. Marshall and Julius
Darden Marshall; and on motion of the defendants, Al-
ma D. Marshall, Columbia A. Chandler, William Thomas
Chandler, Elnora J. Taylor, Pollie V. Davis, William
P. Davis and Lelia M. Pruden, leave is granted them

to file their joint and separate answers to said bill, and the same are, accordingly, filed; and on motion of the complainant, leave is granted the said guardian ad litem to file his own and the answers of the said infants, to said Bill, and the same are accordingly filed, and on like motion, this cause is placed upon the docket of the Court, and thereupon this cause, by consent of all parties, came on this day to be heard upon the bill of complaint and upon the joint and separate answer of Columbia A. Chandler and William Thomas Chandler, and upon the joint and separate answer of Pollie V. Davis and William P. Davis, and upon the separate answers of Elnora J. Taylor, Lelia M. Pruden and Alma D. Marshall, and upon the answers of the said infant defendants, by their guardian ad litem, and upon the general replication to said answers.

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

FIRST: Of what estate, real and personal, the infant defendants, John S. Marshall and Julius Darden Marshall, are possessed or entitled, and what are their respective shares or interests therein, and what are the respective interests of all the other parties to this cause in said property, where such estate is situated, and what is its fee simple and annual values:

SECOND: Whether or not there are any liens for delinquent taxes, or otherwise, on the real estate in the bill and proceedings mentioned:

THIRD: An account of all lien debts against said real estate, with their priorities, and all other debts due

by said decedent:

FOURTH: Whether or not the interest of the infant defendants will be promoted by the sale of the real estate, or any part thereof, in the bill and proceedings mentioned, and an investment of the proceeds of sale in other property:

FIFTH: Whether or not the rights of any person will be violated by such sale and investment:

SIXTH: Who would be the heirs at law, or distributees of the said infant defendants if they were dead, and whether all such persons are properly before the Court.

SEVENTH: Any matter specially stated, deemed pertinent by the Commissioner, or required to be so stated by any party in interest.

EIGHTH: Whether or not all the parties proper and necessary to this cause are properly before the Court, together with the ages of the infant defendants, and the age of Alma D. Marshall, widow of John S. Marshall.

The papers in the said cause having been referred to your Commissioner for the execution of the said decree, on the 10th. day of January, 1913, he issued his notices, directed to said parties, both plaintiff and defendant, that he would, on the 17th. day of January, 1913, at the office of George F. Whitley. Attorney at Law, in the Town of Smithfield, County of Isle of Wight and State of Virginia, proceed with the execution of said decree; and which said notices are herewith returned, showing proper service thereupon.

Your Commissioner attended at the time and place mentioned in said notice, and between the hours of eleven A.M. and four P.M., of that day, took the depositions of P. D. Gwaltney, junior, and others, in the presence of George F. Whitley, counsel for the complainant, and E. H. Williams, the guardian ad litem for the infant defendants, which are herewith returned as a part of this report, to be read as such; and, upon

the testimony so taken and herewith returned, and upon a reference to the records in the Clerk's Office of this Court, Your Commissioner is informed and reports:

First: That the infant defendants, John S. Marshall and Julius Darden Marshall, are possessed of a lot, in the town of Smithfield, in the County of Isle of Wight, State of Virginia, derived, by inheritance, from their father, Dr. John S. Marshall, deceased, subject to the dower right of the widow of the said John S. Marshall therein, worth, annually, twenty five or thirty dollars, at the most, and the fee simple value of which is probably eight thousand dollars, under the most favorable conditions, and better estimated, according to the testimony, based upon a commercial consideration, at probably seven thousand of seventy five hundred dollars. It appears from the testimony that it is a large lot, in the Town of Smithfield, upon which a house of great size is built, and was built by Dr. Marshall for a home for himself and family, and the inference from the testimony is that Dr. Marshall was a man of some means and promise, and expected to be able to keep up a home exceeding the usual standard of comfort, wishing to have some luxury added, and which was, most probably, in his mind, for the benefit of his family. Viewing the subject matter from this point, taking into consideration the fact that the witnesses testifying are all men of prominence, commercially, in the town, and perfectly familiar with the values of property there situate, it is clearly shown that the interests of the infant defendants, and all others in interest, will be promoted by a sale of this property and the investment of the funds derived therefrom in other property, a home for the family being provided for out of said funds which it will not require so much labor on the part of the widow to keep up, and so much expense from the funds of the infant defendants, whose interests can, manifestly be advanced, by a judicious expenditure of the funds so derived. It clearly appears that the annual value of the property is not sufficient in amount to pay the taxes and keep the property in its present

shape; in short, it is too much house and lot for that town, to be owned and kept in order by a person of ordinary means.

It appears from the testimony that the infants are possessed of personal estate as follows:

3 1/3 shares of bank stock valued at \$ 145.00 a share
37-1/3 shares of Telephone stock valued at \$44.00 a sh.
Money, represented by bonds secured by deeds of trust,
amounting to\$9223.00
Cash, deposited in bank,..... 995.00

The shares of said infants in the lot of land herein mentioned are, each, one half interest subject to the dower of the widow therein.

Second: Your commissioner finds no liens against the said property for delinquent taxes, or otherwise.

Third: Your commissioner is informed of no indebtedness of the said John S. Marshall and believes there is none.

Fourth: It is clear from the evidence, as stated above, and for the reasons heretofore mentioned and appearing in the testimony, that the interest of the infants, and all others in interest, will be promoted by a sale of the said property and an investment of the proceeds under the order of this Court.

Fifth: Your commissioner is of opinion that the rights of no person will be violated by such sale and investment.

Sixth: If the infant defendants herein mentioned were dead the said property would pass to their several aunts mentioned in these proceedings, namely: Columbia A. Chandler; wife of W. T. Chandler; Pollie V. Davis, wife of William P. Davis; Elnora J. Taylor, a widow and Lelia M. Pruden, a widow, subject, however to the right of dower of Alma D. Marshall therein.

Seventh: Your Commissioner believes it pertinent for him to state to the Court, that the persons testifying in these proceedings are men of affairs in an unusual degree, and are more competent to testify in such matters than probably any other witnesses who have ever testified before him, taken as to all of them, being especially well prepared to testify in such matters because they are men of business affairs and good judgment, and are especially well acquainted with the property in question, and though it does not so appear in the testimony yet your Commissioner believes that none of them are prospective purchasers or they would have refused to testify as to the value of the property in question.

Eighth: All of the necessary parties appear to be properly before the Court, and the ages of the infant defendants, and Alma D. Marshall are reported to be as follows:

John S. Marshall, jr. aged ten years August 29th. 1912.

Julius Darden Marshall aged six years March 23rd. 1912.

Alma D. Marshall, aged thirty nine years May 23rd. 1912.

All of which is respectfully submitted,



Commissioner in Chancery.

Cost \$20.00

9
Alma D. Marshall, Guardian &c.,

REPORT OF
VS)
COMMISSIONER IN CHANCERY

Alma D. Marshall, et als.

Filed Jan 18th 1913
Wm. H. H. H. H.

GEORGE F. WHITLEY

ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

* * * * *

Alma D. Marshall, Guardian of
John S. Marshall and Julius Dar-
den Marshall, infant children
of John S. Marshall, dec'd, ...Plaintiff,

- VS) In Chancery

Alma D. Marshall, Columbia A. Chandler
and William Thomas Chandler, her
husband, Elonora J. Taylor, Pollie
V. Davis and William P. Davis, her
husband, Lelia M. Pruden, John S.
Marshall and Julius Darden Mar-
shall, (the last named two being
infants under the age of fourteen
years) and E. H. Williams, Guardian
ad Litem for John S. Marshall and
Julius Darden Marshall, ... Defendants.

* * * * *

-----oOo-----

The joint and separate answers of Pollie V. Davis
and William P. Davis, her husband, to a bill in equity existing
against them, and others, in the Circuit Court for the County of
Isle of Wight, by Alma D. Marshall, Guardian of John S. Marshall
and Julius Darden Marshall, infant children of John S. Marshall,
dec'd.

These respondents, saving and reserving, etc., for
answerto the said bill say that they believe the statements
therein made are true. These respondents do not object to the
sale of the land as prayed for in the said bill; they concur in
the prayer of said bill. And now having fully answered they pray to
be hence dismissed with their costs etc.

x Pollie V. Davis
x W. P. Davis

Alma D. Marshall, Custodian &c.

ANSWER OF
VS) POLLIE V. DAVIS
& HUSBAND.

Alma D. Marshall, et als.

In the Clerk's Office of the
CIRCUIT COURT,
OF THE
COUNTY OF ISLE OF WIGHT

this 30 day of Dec 1913

Filed
Jas. A. Johnson, Clk.

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

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

Alma D. Marshall, Guardian of
John S. Marshall and Julius Darden
Marshall, infant children
of John S. Marshall, dec'd, ...Plaintiff,
- VS) In Chancery
Alma D. Marshall, Columbia A. Chandler
and William Thomas Chandler, her
husband, Elonora J. Taylor, Pollie
V. Davis and William P. Davis, her
husband, Lelia M. Pruden, John S.
Marshall and Julius Darden Mar-
shall (the last named two being
infants under the age of fourteen
years), and E. H. Williams, Guardian
ad Litem for John S. Marshall and
Julius Darden Marshall, ...Defendants.

-----oOo-----

The answer of Lelia M. Pruden to a bill in equity existing against her, and others, in the Circuit Court for the County of Isle of Wight, by Alma D. Marshall, Guardian of John S. Marshall and Julius Darden Marshall, infant children of John S. Marshall, dec'd.

This respondent, saving and reserving, etc., for answer to the said bill says that she believes the statements therein made are true. This respondent does not object to the sale of the land as prayed for in the said bill; she concurs in the prayer of said bill. And now having fully answered, she prays to be hence dismissed with her costs, etc.

x Mrs Lelia M. Pruden.

6

Alma D. Marshall, Guardian de

ANSWER OF
VE)
LELIA M. PRUDEN.

Alma D. Marshall, et als.

In the County of Prince George of the
State of Virginia

CERTIFICATE OF THE COURT

30 Dec 1915

Filed
Dist. Johnson, Clk.

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

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

Alma D. Marshall, Guardian of
John S. Marshall and Julius Darden Marshall, infant children
of John S. Marshall, dec'd, ...Plaintiff,
- VS) In Chancery
Alma D. Marshall, Columbia A. Chandler
and William Thomas Chandler, her
husband, Elonora J. Taylor, Pollie
V. Davis and William P. Davis, her
husband, Lelia M. Pruden, John S.
Marshall and Julius Darden Marshall (the last named two being
infants under the age of fourteen
years), and E. H. Williams, Guardian
ad Litem for John S. Marshall and
Julius Darden Marshall, ...Defendants.

-----oOo-----

The joint and separate answers of Columbia A. Chandler and William Thomas Chandler, her husband, to a bill in equity existing against them, and others, in the Circuit Court for the County of Isle of Wight, by Alma D. Marshall, Guardian of John S. Marshall and Julius Darden Marshall, infant children of John S. Marshall, dec'd.

These respondents, saving and reserving, etc., for answer to the said bill say that they believe the statements therein made are true. These respondents do not object to the sale of the land as prayed for in the said bill; they concur in the prayer of said bill. And now having fully answered, they pray to be hence dismissed with their costs, etc.

x Columbia A. Chandler
x W. T. Chandler

3
Alma D. Marshall, Guardian &c.

ANSWER OF
VS) COLUMBIA A. CHANDLER
& HUSBAND.

Alma D. Marshall, et als.

In the County Court of the
CIRCUIT COURT,
for the
COUNTY OF ISLE OF WIGHT

this 30 day of Decemr 1913
Filed
Jas. Johnson. Clk.

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

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

Alma D. Marshall, Guardian of
John S. Marshall and Julius Darden
Marshall, infant children
of John S. Marshall, dec'd,.....Plaintiff,

- VS) In Chancery

Alma D. Marshall, Columbia A. Chandler
and William Thomas Chandler, her
husband, Elonora J. Taylor, Pollie
V. Davis and William F. Davis, her
husband, Lelia M. Pruden, John S.
Marshall and Julius Darden Mar-
shall (the last named two being
infants under the age of fourteen
years), and E. H. Williams, Guardian
ad Litem for John S. Marshall and
Julius Darden Marshall,.....Defendants.

-----OOO-----

The answer of Elonora J. Taylor to a bill in equity
existing against her, and others, in the Circuit Court for the
County of Isle of Wight, by Alma D. Marshall, Guardian of John
S. Marshall and Julius Darden Marshall, infant children of John
S. Marshall, dec'd.

This respondent, saving and reserving, etc., for
answer to the said bill says that she believes the statements
therein made are true. This respondent does not object to the
sale of the land as prayed for in the said bill; she concurs in
the prayer of said bill. And now having fully answered, she
prays to be hence dismissed with her costs, etc.

x Elonora J. Taylor

4
Alma D. Marshall, Guardian &c.

ANSWER OF
VS)
Elonora J. Taylor.

Alma D. Marshall, et als.

In the Clerk's Office of the
CIRCUIT COURT,
COUNTY OF ISLE OF WIGHT

this 30 day of Dec. 1919

Filed
J. F. Whitley, Clk.

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

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

* * * * *

Alma D. Marshall, Guardian of
John S. Marshall and Julius Darden
Marshall, infant children of
John S. Marshall, dec'd,.....Plaintiff,

- VS -

Alma D. Marshall, Columbia A. Chandler
and William Thomas Chandler, her
husband, Elonora J. Taylor, Pollie
V. Davis and William F. Davis, her
husband, Lelia M. Pruden, John S.
Marshall and Julius Darden Mar-
shall (the last named two being
infants under the age of fourteen
years), and E.H. Williams, Guardian
ad Litem for John S. Marshall and
Julius Darden Marshall,..... Defendants.

IN CHANCERY.

* * * * *

-----oOo-----

The answer of Alma D. Marshall, widow of John S. Marshall, dec'd, one of the above named defendants, to a bill in equity, exhibited against her and others in the Chancery Court of the County of Isle of Wight, by Alma D. Marshall, Guardian, &c.

This respondent, now and at all times hereafter, saving and reserving to herself all benefit and advantage of exception which can or may be had or taken to the many errors, uncertainties and insufficiencies in the said bill contained, for answer thereto, or to so much thereof as she is advised it is material or necessary for her to answer, this respondent answers and says:

That true it is John S. Marshall and Julius Darden Marshall, infants, are the owners in fee-simple, subject to the dower therein of your respondent, of the real estate mentioned and

described in the said bill; and that your respondent is the widow of the said John S. Marshall, deceased:

This respondent here states that she does not require her dower interest to be assigned her, but on the other hand hereby requests that her said dower interest in the said land be commuted and paid to her in lieu of said dower, and her age is thirty-nine years.

Your respondent further states that she believes the best interests of all parties will be promoted by a sale of the whole of the said real estate.

And now, having fully answered the complainant's bill, this respondent prays hence to be dismissed with her reasonable costs in this behalf expended.

And she will ever pray, etc.

Alma D. Marshall
Widow of John S. Marshall, deceased

STATE OF VIRGINIA,)
) TO-WIT:
COUNTY OF ISLE OF WIGHT)

Subscribed and sworn to before me in my County and State aforesaid, by Alma D. Marshall, widow of John S. Marshall, deceased, this the 14th day of December, 1912.

J. E. Petrucci
Notary Public.

Alma D. Marshall, Guardian &c.

ANSWER OF
VS)
ALMA D. MARSHALL.

Alma D. Marshall, et als.

IN SENATE CHAMBER of the
CIRCUIT COURT
OF THE
COUNTY OF HILL OF WIGHT
this 30 day of Decem 1919

Filed
Wm. Johnson. Clk.

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

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

* * * * *

Alma D. Marshall, Guardian of
John S. Marshall and Julius Dar-
den Marshall, infant children
of John S. Marshall, dec'd, ...Plaintiff,

- VS -

Alma D. Marshall, Columbia A. Chandler
and William Thomas Chandler, her
husband, Elonora J. Taylor, Pollie
V. Davis and William P. Davis, her
husband, Lelia M. Pruden, John S.
Marshall and Julius Darden Mar-
shall (the last named two being
infants under the age of fourteen
years), and E. H. Williams, Guardian
ad Litem for John S. Marshall and
Julius Darden Marshall, ...Defendants.

* * * * *

IN CHANCERY.

-----oOo-----

The answer of John S. Marshall and Julius Darden Marshall, infants under the age of Fourteen years, by E. H. Williams, a discreet and competent attorney at law, their Guardian ad Litem assigned to defend them in this suit, and the answer of the said E. H. Williams, Guardian ad Litem of the said infant defendants, to a bill of complaint exhibited against the said infants and others by Alma D. Marshall, Guardian of John S. Marshall and Julius Darden Marshall, in the Circuit Court of the County of Isle of Wight, State of Virginia.

For answer to the said bill the said infant defendants by their said Guardian ad Litem, answer and say that being of tender years they do not know what their true interests are in relation to the subject-matter of the said bill, nor do they know

By S. H. Williams
Guardian ad Litem.

EA Williams Guardian ad Litem of the said infants.

Sworn to before me in my County and State aforesaid
by E. H. Williams, Guardian ad Litem as aforesaid, this the 13th
day of December, 1912.

My commission expires on the 6th day of January 1913.

Given under my hand this 13th day of December
1912.

J. E. Peterson
Notary Public.

Alfred D. Marshall, Guardian Ad Litem

ANSWER OF E. H. WILLIAMS,
(VS)
GUARDIAN AD LITEM.

Alfred D. Marshall, et als.

In the Clerk's Office of the
CIRCUIT COURT,
OF THE
COUNTY OF ISLE OF WIGHT

This 30. day of Decem. 1912

Filed

Attest: Robinson: Clk.

E. H. Williams
Guardian ad Litem
for the infant de-
fendant John S. T.
Julius W. Marshall

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

VIRGINIA,

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

Alma D. Marshall, Guardian etc.

VS:

Alma D. Marshall, et als.

TO THE HONORABLE JUDGE OF THE SAID COURT:

The undersigned petitioner, Julius Darden Marshall, respectfully represents the following.

That he was one of the infant defendants in the above styled suit; that he became twenty-one years of age on the 23d day of March 1927; that he is advised that the amount due him out of the proceeds derived from the sale of the property in the bill and proceedings mentioned is (\$ 3,419.82).

Your petitioner prays that the Special Commissioner in this suit be directed to pay to him his distributive share in the proceeds derived from the sale of the property in this suit.

And your petitioner will ever pray.

Julius Darden Marshall
Petitioner

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Marshall, Guardian etc.

vs:

Marshall et als.

Petition

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

Alma D. Marshall, Guardian,

VS.

Alma D. Marshall, et als,

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

Your Petitioner, John S. Marshall Jr. respectfully
represents the following:

That he was one of the infant defendants in the above
style suit; that he became twenty-one years of age on the
29 day of August 1923; that he is informed that
the amount due him out of the proceeds derived from the sale
of the property in the bill and proceedings mentioned is
\$3,419.82.

Your Petitioner prays that Alma D. Marshall, Special
Commissioner in the above suit be directed to pay to him the
above amount.

And your Petitioner will ever pray, etc.

my line
X John S. Marshall Jr

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

* * * * *

Alma D. Marshall, Guardian of
John S. Marshall and Julius Darden
Marshall, infant children of
John S. Marshall, Dec'd,.....Plaintiff,

- VS -

Alma D. Marshall, Columbia A. Chandler
and William Thomas Chandler, her
husband, Elonora J. Taylor, Pollie
V. Davis and William F. Davis, her
husband, Lelia M. Pruden, John S.
Marshall and Julius Darden Mar-
shall (the last named two being
infants under the age of fourteen
years), and E. H. Williams, Guardian
ad Litem for John S. Marshall and
Julius Darden Marshall,.....Defendants.

IN CHANCERY.

* * * * *

-----oOo-----

TO THE HONORABLE B. D. WHITE,

JUDGE OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

Humbly complaining, sheweth unto your Honor, your
complainant, Alma D. Marshall, Guardian of John S. Marshall and
Julius Darden Marshall, infant children of John S. Marshall, dec'd
that she was appointed and qualified as guardian of the said in-
fants, before your Honor in vacation, on the ____ day of September,
1910, as will appear from a certified copy of the order of appoint-
ment and qualification showing the same, and herewith filed, mark-
ed "Exhibit A", and prayed to be read as a part of this bill.
That the said infants are aged as follows: John S. Marshall, nine
(9) years, and Julius Darden Marshall, five (5) years. That the
said infants are the owners in fee-simple, subject to the dower

therein of Alma D. Marshall, the widow of the said John S. Marshall, dec'd, of a certain house and lot situated in the Town of Smithfield, Virginia, on Church Street of the said Town; that the said house and lot was derived by said infants from their father, who died intestate; that the property above mentioned is all of the real estate which the said infants own.

That the said infants own personal estate as follows:

9 1/3 shares of Bank Stock of the Bank of Smithfield, at Smithfield, Virginia, the book value of said shares being \$145.00 per share: 37 1/3 shares of telephone stock of the Home Telephone Company, of Smithfield, Virginia, the book value of said shares being \$44.00 per share: Bonds secured by deeds of trust amounting to \$9223.00: amount deposited in Bank of Smithfield, \$995.00. That the above mentioned personal estate is all of the personal estate owned by the said infants.

In the event of the death of the said infants, the following named persons would be the heirs or distributees: Columbia A. Chandler, Elanora J. Taylor, Pollie V. Davis and Lelia M. Pruden.

Your complainant believes and thinks that the interest of her wards will be greatly promoted by a sale of the said house and lot, and the dower interest of the said Alma D. Marshall, the widow of the said John S. Marshall, dec'd, be paid to her, as provided by Section 2281 of the Code of Virginia, and the residue of the proceeds invested and disposed of by the direction of the Court under the statute in such cases made and provided.

Your complainant thinks the following facts are calculated to show the propriety of such a sale, i.e., that the lot is a very large one and expensive to keep in order; that the houses on said lot consist of outOhouses and a ^{frame} dwelling, which dwelling is a very large two-story building, furnishing a great deal more room than is necessary for comfortable living for herself and wards; that it is expensive to keep the buildings in proper repairs; that more than half of the money derived from the

sale could be loaned out, thereby bringing in a revenue for her wards, while the remainder could be invested in a cheaper home to be used by her wards.

Your complainant believes that the rights of no person would be violated by such a sale and disposition of the proceeds. On the other hand, it is her firm belief that the interests of the two infants and the said widow would be greatly promoted thereby.

In tender consideration of the premises, and for as much as your complainant is remediless therein, save in a Court of equity, wherein such matters are along cognizable and relieveable, your complainant therefore prays, that the said Alma D. Marshall, the widow of the said John S. Marshall, dec'd, and in her own right, Columbia A. Chandler, Eltonora J. Taylor, Pollie V. Davis, Lelia M. Pruden, John S. Marshall and Julius Darden Marshall, the said John S. Marshall and Julius Darden Marshall being infants under the age of twenty-one years, may be made parties defendant to this bill; that a suitable person be appointed guardian ad litem for the said infants; that the said parties and the said guardian ad litem be required to answer this bill; that the said house and lot be sold and that out of the proceeds of sale, the said Alma D. Marshall, the widow of John S. Marshall, dec'd, be paid her commuted dower interest, and the residue to be invested for the benefit of the said infants as the Court may direct. And that all proper orders and decrees may be made and actions and inquiries directed and taken; and that all such other, further, general and special relief may be granted your complainant as the nature of her case may require, or to equity shall seem meet; and notice is hereby given that proper counsel fees will be asked for in the progress of this suit.

And your complainant will ever pray, etc.

Alma D. Marshall
Guardian of John S. Marshall and Julius
Darden Marshall.

State of Virginia,

County of Isle of Wight, to-wit:

I, I. E. Pitman, a Notary Public in and for the County of Isle of Wight, State of Virginia, do certify that Alma D. Marshall, Guardian of John S. Marshall and Julius Darden Marshall, infant children of John S. Marshall, dec'd, the complainant in the above suit, this day personally came before me in my County and State aforesaid and made oath that she believes the several statements made in the foregoing bill to be true.

My commission expires on the 6th day of January, 1913.

Given under my hand this 14th day of December, 1912.

I. E. Pitman
Notary Public.

Alma D. Marshall, Guardian Ad.

VS) FILED:

Alma D. Marshall, et als.

Decem 30-1912

*This filed in Open Court
and put ordered docketed
upon filing answers
of all defendants.*

GEORGE F. WHITLEY

ATTORNEY-AT-LAW

SMITHFIELD, VA.

No.

Know all Men by These Presents: That we Alma D. Marshall

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

-----TEN 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 Alma D. Marshall

principal

has hereto set her hand and seal,

and the said The United States Fidelity and Guaranty Company,

surety

by Wm. 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 Wm. G. Elam

, its said agent and attorney

in fact, this, the 13th. day of February.

A. D. 1914.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound Alma D. Marshall, who was appointed Special Commissioner in the suit of Marshall, guardian, vs. Marshall and others, on the chancery side of the Circuit Court of the County of Isle of Wight, in the State of Virginia, by decree entered in said cause on the 5th. day of January, 1914, shall faithfully discharge and perform all duties imposed upon her as said Special Commissioner, by said decree, or any future decree entered in said cause,

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

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

Alma D. Marshall.....[SEAL]

The United States Fidelity and
Guaranty Company,

By Wm. G. Elam

(SEAL)

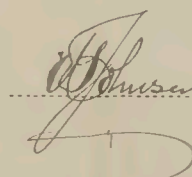
Its duly authorized agent and attorney in fact.

Attest: Wm. 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 13th.

day of February, 1914, this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

.....Clerk.

----- 19 -----
Marshall, guardian

vs) Chancery. 139

Marshall et als.

*Copy of bond of Anna
D Marshall as Jpl
Cover*

Filed
In the CLERK'S OFFICE of the
CIRCUIT COURT,
OF THE
COUNTY OF ISLE OF WIGHT

this 13 day of Feb'y 1914
Int. Johnson Cn

No.

Know all Men by These Presents: That we George F. Whitley

principal

and

American Surety Company of New York

suret

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

-----Eight 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 George F. Whitley principal

and the said American Surety Company of New York, suret

by A. S. Barrett (countersigned by C. E. Wilson), its duly authorized

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

by the signature of the said A. S. Barrett, its said agent and attorney

in fact, this, the 19th. day of March, A. D. 1913.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound George F. Whitley, who has been appointed Special Commissioner in the suit of Marshall, guardian, vs. Marshall et als, by decree of the Circuit Court of the County of Isle of Wight, entered in said cause on the 4th. day of March, 1913, shall faithfully, and according to law, discharge and perform his duties as such special commissioner under that or any future decree entered in said cause,

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

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

George F. Whitley [SEAL]

AMERICAN SURETY COMPANY OF NEW YORK

By A. S. Barrett

Its duly authorized agent and attorney in fact.

(SEAL)

Attest: A. S. Barrett

Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 19th.

day of March, 1913,, this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

A. S. Johnson, Clerk.

A copy, Teste, & Johnson Clerk.

Countersigned: Chas. E. Wilson.

11

Anna D Marshall. Gu
ns f. Chauncy
Anna D Marshall et al

Copy of bond of the
Court, filed March 19
1913

Trist. Johnson. Clerk

VIRGINIA,

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

Alma D. Marshall, Guardian,

VS:

Alma D. Marshall, et als.

This cause came on this day to be heard on the papers formerly read and on the report of Alma D. Marshall, Special Commissioner, 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 receipt filed therewith, that the said Special Commissioner, has paid to Julius Darden Marshall the sum of (\$ 3,530.45), it being the distributive share of the said Julius Darden Marshall, in the proceeds derived from the sale of the property, in the bill and proceedings mentioned, on consideration whereof the court doth confirm the said report.

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

139

Marshall, Guardian,

VS:

Marshall et als.

Decree

1927,

May -

Enter this

B.W.G.

Book 8
page 381

VIRGINIA,

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

Alma D. Marshall, Guardian etc.

VS?

Alma D. Marshall, et als.

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

And it appearing from said report that Julius Darden Marshall, one of the infant defendants in this cause, became twenty-one years of age on the 23d day of March 1927; that the distributive share of the said Julius Darden Marshall in the proceeds derived from the sale of the land in these proceedings is \$3,530.45; and it further appearing from the petition of the said Julius Darden Marshall that he became twenty-one years of age on the above date, and that he desires that the above amount be paid to him, on consideration whereof the Court doth confirm the said report, and doth adjudge, order and decree that the said Special Commissioner do pay to the said Julius Darden Marshall the said amount of \$ 3,530.45, the same being the distributive share of the said Julius Darden Marshall in the proceeds derived from the sale of the land in these proceedings, taking his receipt therefor, and the said Special Commissioner is directed to report to court his proceedings hereunder.

And this cause is continued.

139

Marshall, Guardian etc.

VS:

Marshall et als.

Decree.

1927.

Apr 13.

Enter this:

B.T.W.

Book 8
page 381

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

-----oOo-----

Alma D. Marshall, Guardian etc.,

v.

Alma D. Marshall et als.

-----oOo-----

This cause came on this day to be again heard
on the papers formerly read and on the report of Alma
D. Marshall, 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 re-
ceipt of John S. Marshall, ^{that the said Special Commiss-}
ioner has paid to the said John S. Marshall the sum of
Three Thousand Four Hundred and nineteen dollars and eighty-
two cents, it being the amount of his distributive share in
the proceeds derived from the sale of the property in the
bill and proceedings mentioned. On consideration whereof
the Court doth confirm the said report: ^{And it appearing that the}
^{bond of the Special Com. mentioned should be reduced,}
~~And~~ it is ordered that the Special Commissioner's
bond be reduced to Four Thousand Dollars (\$4000.00).

And this cause is continued.

139

Alma D. Marshall,
Guardian etc.

vs.

Alma D. Marshall et als.

D E C R E E .

1924

May 27

Enter the

B.D.W.

U. B. #8
pg 202

5
x
5

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

Alma D. Marshall, Guardian etc.

VS.

Alma D. Marshall, et als.

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

And it appearing from said report that John S. Marshall Jr. one of the infant defendants in this cause became twenty-one years of age on the 29th day of August 1923; that the distributive share of the said John S. Marshall Jr. in the proceeds derived from the sale of the land in these proceedings is \$3,530.45; and it further appearing from the petition of the said John S. Marshall Jr. that he became twenty-one years of age on the above date and that he desires that the above amount be paid to him, on consideration whereof the court doth confirm the said report, and doth adjudge, order and decree that the said Special Commissioner do pay to the said John S. Marshall Jr. the said amount of \$3,530.45, the same being the distributive share of the said John S. Marshall Jr. in the proceeds derived from the sale of the land in these proceedings, taking his receipt therefor, and the said Special Commissioner is directed to report to court his proceedings hereunder.

And this cause is continued.

130

Alma D. Marshall, Guardian etc.

Vs.

Alma D. Marshall, et als.

DECREE.

1422
Mar. 3.
into this
1522

Book 8
page 182

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

ALMA D. MARSHALL, GUARDIAN

PLAINTIFF

VS)

ALMA D. MARSHALL, ET ALS

DEFENDANTS

This cause came on this day to be again heard on the papers formerly read and on the report of Alma D. Marshall, Special Commissioner, 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 that the total amount coming into the hands of the said Special Commissioner at the time of her qualification, was \$6839.64; that the entire amount is loaned out as follows: to J. D. Turner \$6000.00, and to J. C. Godwin \$839.64; that the amounts so loaned are evidenced by bonds of the said parties, secured by deeds of trust on real estate owned by them, and that the said Special Commissioner has paid to the Guardian of John S. Marshall and Julius Darden Marshall all interest due on said bonds, on consideration whereof the Court doth confirm the said report.

And this cause is continued.

27

ALMA D. MARSHALL, GUARDIAN

VS) *Chancery # 139*

ALMA D. MARSHALL ET ALS

DECREE

1921

Mar. 7.

Enter this

R.D.W.

*Chancery Order Book
8, Page 48*

EXAMINED AND CERTIFIED

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

Alma D. Marshall, Guardian, ...Plaintiff,

VS)

Alma D. Marshall, et als., ...Defendants.

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

This cause came on this day to be again heard on the papers formerly read and on the report of Alma D. Marshall, Special Commissioner, 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 that the total amount coming into the hands of the said Special Commissioner at the time of her qualification, was \$6839.64; that the entire amount is loaned out as follows: to C. R. Johnson, \$5000.00; to J. C. Godwin, \$839.64; and to W. J. Daniels, \$1000.00; that the amounts so loaned are evidenced by bonds of the said parties, secured by deeds of trust on real estate owned by them, and that the said Special Commissioner has ⁴paid to the Guardian of John S. Marshall and Julius Darden Marshall all interest due on said bonds, on consideration whereof the Court doth confirm the said report.

And this cause is continued.

Alma D. Marshall, Guardian

vs) 139

Alma D. Marshall, et als.

DECREE

1919
Mr. G.
Enter this.
J.D.W.

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

VIRGINIA:

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

MARSHALL, GUARDIAN,.....PLAINTIFF,

VS) CHANCERY NO.139,

MARSHALL, ET ALS.,.....DEFENDANTS.

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

~~On consideration whereof,~~ ^{And} it appearing from said report, together with a receipt returned therewith, that the said Special Commissioner did receive from George F. Whitley, the former Special Commissioner in this cause, certain bonds properly assigned to the said Alma D. Marshall, Special Commissioner, aggregating the sum of \$6839.64; that the entire amount is now loaned out to the following parties: W. M. Beale and Carl Beale, the sum of \$5000.00; to George W. Delk, the sum of \$1000.00; to J. C. Godwin, \$839.64; that the amounts loaned are secured by deeds of trust on real estate owned by the said parties; that the said Special Commissioner has paid to the said Alma D. Marshall, the guardian of John S. Marshall and Julius Darden Marshall, all interest on the above amount which is now due, as ^{is} will be shown by a receipt of the said guardian ^{filed and said right} hereto attached. ^{On consideration whereof} The Court doth confirm the said report, and doth adjudge, order and decree that the said bond heretofore executed by the said Alma D. Marshall, Special Commissioner, be reduced from ten thou-

sand dollars to eight thousand dollars, and doth adjudge,
order and decree that the said Special Commissioner shall
report to this Court, at ^{its} ~~the~~ *December and June* ^{of last year} ~~terms there~~
~~of, 1917,~~ all her proceedings ~~in this cause.~~

And, this cause is continued.

22
MARSHALL, GUARDIAN,

VS)

CHANCERY NO.139

MARSHALL, ET ALS.

DE C R E E

1917
Jan. 4.
Enter this.
B.D.W.

6037-394

GEORGE F. WHITLEY

ATTORNEY-AT-LAW
SMITHFIELD, VA.

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT, VIRGINIA,
FEBRUARY TERM, 1914.

* * * * *
Alma D. Marshall, Guardian, etc.....Plaintiff,
- VS -
Alma D. Marshall, et als,.....Defendants.
* * * * *

-----oOo-----

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

On consideration whereof, it appearing from said report that Alma D. Marshall has executed, as Special Commissioner, the bond required by a former decree entered herein, and that George F. Whitley, Special Commissioner, has assigned and delivered to the said Alma D. Marshall the bonds as mentioned in the said former decree entered herein, the Court doth confirm the said report, and doth adjudge, order and decree that the said Alma D. Marshall, Special Commissioner, shall, out of the interest received from the money loaned in this cause, pay all taxes charged against the said fund, as well as the cost for the premium on the Commissioner's bond; any cost that may be taxed by the Clerk in this cause, and the remainder of the said interest she shall pay to the guardian of John S. Marshall and Julius Darden Marshall, to be used for the maintenance, support and education of the said

John S. Marshall and Julius Darden Marshall.

And the Court doth further adjudge, order and decree that the said Alma D. Marshall, Special Commissioner, shall make report to this Court at the December term thereof, 1914, all of her proceedings under this decree.

21

Alma D. Marshall, Guardian, etc

VS) DECREE:

Alma D. Marshall, et als.

1914
Oct 5.
Entered this
B. W. W.

C. C. B. #7, p 253

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

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT, VIRGINIA,
DECEMBER TERM, 1913.

* * * * *
Alma D. Marshall, Guardian, etc.....Plaintiff,
- VS -
Alma D. Marshall, et als,.....Defendants.
* * * * *

-----oOo-----

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

On consideration whereof, it appearing from said report and a receipt filed therewith, that the said Special Commissioner has paid to Alma D. Marshall the sum of \$2,160.36, it being the full amount due her for her commuted dower interest; that the said Special Commissioner has loaned to W. M. Beale and Carl Beale the remainder of the proceeds in hand, amounting to \$6,839.64; that he has taken from the said W. M. Beale and Carl Beale seven bonds dated on the 1st day of March, 1913, one of which bonds being for the amount of \$839.64, payable one year from date, with interest from date, and six bonds for the sum of \$1,000.00 each, payable three, five, seven, nine, eleven and thirteen years from date, respectively, with interest from date payable annually, on the 1st day of March of each year, said bonds being secured by a deed of trust on real estate, the title to which has been certified to by George F. Whitley, Attorney; that the improvements on the said

real estate are insured for the benefit of the said Special Commissioner, as his interest may appear; that the said bonds are all the funds now in the hands of the said Commissioner, and that the said George F. Whitley has tendered his resignation as Special Commissioner in this cause, the Court doth confirm the said report and doth adjudge, order and decree that Alma D. Marshall be, and she is hereby appointed Special Commissioner in this cause, to succeed the said George F. Whitley, and the said George F. Whitley is hereby directed to assign and deliver the bonds above mentioned to the said Alma D. Marshall, Special Commissioner. But the said George F. Whitley shall not be discharged as Special Commissioner, nor shall the said Alma D. Marshall enter upon her duties as said Special Commissioner, nor receive said bonds, until she, the said Alma D. Marshall shall have entered into a bond with sufficient surety in the Clerk's Office of this County, to be approved by the Clerk, payable to the Commonwealth of Virginia, in the penalty of Ten Thousand Dollars, and conditioned upon the faithful discharge of her duties as said Special Commissioner.

And the said George F. Whitley, Special Commissioner, is directed to report to Court all of his proceedings under this decree, ~~and as to the execution of the said bond hereby required of said Alma D. Marshall, and the said Alma D. Marshall, shall make an annual report of her proceedings.~~

18

Alma D. Marshall, Guardian, etc

VS) DECREE: 139

Alma D. Marshall, et als.

1911
Jan 5
Enter this
B.D.W.

60137 p 211

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

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

APRIL TERM, 1913:

* * * * *
Alma D. Marshall, Guardian etc.,.....Plaintiff,
- VS -
Alma D. Marshall, et als,.....Defendants.
* * * * *

-----oOo-----

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

On consideration whereof, it appearing from said report that the said Special Commissioner has collected from J. L. Warner the sum of Nine Thousand (\$9,000.00) Dollars, the purchase price for the property mentioned in the bill and proceedings, and has deposited the said amount to the credit of the said Special Commissioner in the Bank of Smithfield, at Smithfield, Virginia; that he has collected from the said J. L. Warner a sufficient amount to pay the cost and expenses of this suit, and that he has paid all cost and expenses of this suit; that he has executed a deed to the said J. L. Warner as directed in a former decree entered herein, the Court doth confirm the said report.

And it ^{also} appearing to the Court from the answer of Alma D. Marshall, filed herein, that she is willing to accept her commuted dower interest in cash, the Court doth adjudge, order and decree that the said Special Commissioner pay out of the purchase money, to the said Alma D. Marshall, the sum of Twenty-one Hundred

and Sixty and 36/100 (\$2,160.36) Dollars, it being her commuted dower interest ~~is~~ based on the age of forty years, ^{that} ~~and~~ being the age of the said Alma D. Marshall, as is shown by the evidence filed in this cause.

And it ^{further} appearing to the Court from statement of ~~coun-~~
~~said Special Commissioner~~, ^{made at bar,}
~~sel~~ that he has received an application from W. M. Beale and Carl Beale for a loan of Sixty-five Hundred (\$6,500.00) Dollars, said loan to be secured by a deed of trust on real estate in the County of Isle of Wight; and it further appearing to the Court from the affidavits of A. S. Johnson and E. H. Williams, filed herein, that the said real estate owned by the said W. M. Beale and Carl Beale, and to be given as security for the payment of the said \$6,500.00, is ample and sufficient, the Court doth direct the said Special Commissioner forthwith, to make the said loan, after having examined and approved the title to the property and filing a certificate of approval herein, taking from the borrowers six (6) bonds, as follows:

One bond for the sum of Fifteen Hundred (\$1,500.00) Dollars, payable two (2) years after date, and five (5) bonds for the sum of One Thousand (\$1,000.00) Dollars each, payable four (4), six (6), eight (8), ten (10) and twelve (12) years from date, respectively, all of said bonds to be payable to the said Special Commissioner, or his successor, and to bear interest from date, said interest to be paid annually, and to be secured by a deed of trust on the said land, the improvements on the property to be insured in some good, solvent insurance company for the benefit of the said Special Commissioner as his interest ^{may} ~~shall~~ appear.

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

16

Alma D. Marshall, Guardian etc.

VS)

DECRET:

Alma D. Marshall, et als.

1913
Apr. 22
Entered his
G. D. W.

\$178

GEORGE F. WHITLEY

ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

FEBRUARY TERM, 1913.

Alma D. Marshall, Guardian, etc.....Plaintiff,
- VS -
Alma D. Marshall, et als,.....Defendants.

-----oOo-----

This cause came on this day to be again heard on the papers formerly read and on the report of George F. Whitley, Special Commissioner, appointed by a decree entered in this cause on the 23rd day of March, 1913, directing said Commissioner to offer for sale the real estate in the bill and proceedings mentioned, or to report private written bids for same, which report is this day filed and to which no exception has been taken and was argued by counsel.

On consideration whereof, it appearing from said report that the said Special Commissioner has received from J. I. Warner a written bid of \$9,000.00 in cash, ^{together with such additional sum as will be necessary to pay the} for the piece of property in the bill and proceedings mentioned and described as follows:

"All that certain house and lot situate in the Town of Smithfield, Virginia, on the East side of Church Street in the said Town, and adjoining the lots belonging to the estate of R. E. Boykin, on the one side, and the lot belonging to the estate of O. C. Goodrich on the opposite side, and bounded at the rear by a Cove, a tributary of Pagan River".

~~Also, that the said bid obligates the said J. I. Warner to pay all~~

of this bid.

~~the cost charged in this suit,~~ the Court doth adjudge, order and decree that the said bid as made by the said J. L. Warner be accepted, and doth direct the said Special Commissioner to collect from the said J. L. Warner the sum of \$9,000.00, the amount of the purchase price for the property mentioned herein; to collect from the said J. L. Warner the sum of The Hundred

Dollars, to be paid to George F. Whitley as Attorney's fee, and further to collect a sufficient amount from the said J. L. Warner, to pay all costs taxed by the Clerk in this suit, and to convey by a good and sufficient deed, with Special Warranty, the property above mentioned and described, to the said J. L. Warner. And the said Special Commissioner is directed to deposit the said sum of \$9,000.00 to his credit, as Special Commissioner in this cause, in the Bank of Smithfield, Smithfield, Virginia.

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

13

Alma D. Marshall, Guardian &c.,

VS)

DECREE:

Alma D. Marshall, et als.

1913
Apr. 21st
Enter this.
B.D.W.

6197/175

GEORGE F. WHITLEY

ATTORNEY-AT-LAW

SMITHFIELD, VA.

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT, VIRGINIA:
FEBRUARY TERM, 1913.

Alma D. Marshall, Guardian, etc.....Plaintiff,
- VS -
Alma D. Marshall, et als,.....Defendants.

-----oOo-----

This cause came on this day to be again heard on the papers forlerly read, and on the report of Commissioner, A. S. Johnson, filed on the 18th day of January, 1913, to which report there are no exceptions, and was argued by counsel.

On consideration whereof, it being clearly shown from said report, and the evidence returned therewith, independtly of any admissions in the answers, that the interests of the infant defendants will be promoted by a sale of the real estate hereinafter mentioned, and a reinvestment of the proceeds thereof in other property, and the Court being of the opinion that the rights of no person will be violated thereby and that all the proper parties to this cause are properly before the Court, the Court doth approve and confirm said report; and doth adjudge, order and decree that George F. Whitley, who is hereby appointed Special Commissioner for this purpose, after having advertised the time, place and terms of sale for twenty days by hand-bills conspicuously posted in ten or more public places in the County of Isle of Wight, Virginia, proceed to offer for sale, at Public Auction, in front of the United States Post Office in the Town of Smithfield, Virginia, the following piece of property:

All that certain house and lot situate in the Town of Smith-

field, Virginia, on the East side of Church Street in the said Town, and adjoining the lots belonging to the estate of R. E. Boykin, on the one side, and the lot belonging to the estate of O. C. Goodrich on the opposite side, and bounded at the rear by a Cove, a tributary of Pagan River.

The same to be offered for sale on the following terms: One-third cash, and the residue on a credit of twelve (12) ~~and eighteen (18)~~ ^{twenty four} months from the date of sale; the credit install-
ments to bear interest from the date of sale, ^{payable annually} and taking from the purchaser a bond for the deferred payments; the title to the said property to be retained until the entire purchase money is paid and a conveyance directed by the Court. But the purchaser shall have the option, if so desired, of paying the entire purchase price in cash. No bid shall be accepted until the bidder shall deposit with the said Special Commissioner at least ten per cent of the total amount of said bid. And in the event that the purchaser shall not pay cash, then the improvements on said property shall be insured in some good solvent Insurance Company for at least three-fourths of their value; the said insurance policy to be made payable to the said Special Commissioner as his interest may appear.

The said Special Commissioner may report to Court private written bids for the said property.

The said Special Commissioner is directed to report his proceedings hereunder to Court. But the said Commissioner shall do no act under this decree until he shall have entered into a bond with sufficient surety, in the Clerk's Office of this Court, to be approved by the Clerk, payable to the Commonwealth, in the penalty of Eight Thousand Dollars, and conditioned upon the faithful discharge of his duties under this or any other decree entered in this cause.

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Alma D. Marshall, Guardian, &c.

VS)

DECREE:

Alma D. Marshall, et als.

1913.

March 4th 1913

Enter this

B.D.W.

GEORGE F. WHITLEY

ATTORNEY-AT-LAW

SMITHFIELD, VA.

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

* * * * *

Alma D. Marshall, Guardian of
John S. Marshall and Julius Darden
Marshall, infant children of
John S. Marshall, dec'd,.....Plaintiff,

- VS -

Alma D. Marshall, Columbia A. Chandler
and William Thomas Chandler, her
husband, Elonora J. Taylor, Pollic
V. Davis and William P. Davis, her
husband, Lelia M. Pruden, John S.
Marshall and Julius Darden Mar-
shall (the last named two being
infants under the age of fourteen
years), and E. H. Williams, Guardian
ad Litem for John S. Marshall and
Julius Darden Marshall,.....Defendants.

IN CHANCERY.

* * * * *

-----oOo-----

This day came the complainant and by leave of Court
filed her bill, the same being verified by her oath thereto, and
on motion of the said complainant, E. H. Williams, an attorney
practicing in this Court, is assigned as Guardian ad Litem to de-
fend the interests of the infant defendants, John S. Marshall
and Julius Darden Marshall, and on motion of the defendants,
Alma D. Marshall, Columbia A. Chandler, William Thomas Chandler,
Elonora J. Taylor, Pollic V. Davis, William P. Davis and Lelia
M. Pruden, leave is granted them to file their joint and separate
answers to said bill, and the same are accordingly filed, and on
motion of the complainant, leave is granted the said Guardian ad
Litem to file his own and the answers of the said infants, to
said bill, and the same are accordingly filed, and on like mo-
tion, this cause is placed upon the docket of the Court, and

thereupon this cause, by consent of all parties, came on this day to be heard upon the bill of the complainant and upon the joint and separate answer of Columbia A. Chandler and William Thomas Chandler, and upon the joint and separate answer of Pollie V. Davis and William P. Davis, and upon the separate answers of Eltonora J. Taylor, Lelia M. Pruden and Alma D. Marshall, and upon the answers of the said infant defendants, by their Guardian ad Litem, and the answer of said Guardian ad Litem, and upon the general réplifications to said answers.

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

FIRST: Of what estate, real and personal, the infant defendants, John S. Marshall and Julius Darden Marshall, are possessed or entitled, and what are their respective shares or interests therein, and what are the respective interests of all the other parties to this cause in said property, where such estate is situated, and what is its fee-simple and annual values:

SECOND: Whether or not there are any liens for delinquent taxes, or otherwise, on the real estate in the bill and proceedings mentioned:

THIRD: An account of all lien debts against said real estate, with their priorities, and all other debts due by said decedent:

FOURTH: Whether or not the interest of the infant defendants will be promoted by the sale of the real estate, or any part thereof, in the bill and proceedings mentioned, and an investment of the proceeds of sale in other property:

FIFTH: Whether or not the rights of any person will be violated by such sale and investment:

SIXTH: Who would be the heirs at law, or distributees of the said infant defendants if they were dead, and whether all such

~~And all other parties necessary and proper in this cause~~
persons, are properly before the Court ~~in this cause~~:

SEVENTH: Any matter specially stated deemed pertinent by the Commissioner, or required to be so stated by any party in interest

EIGHTH: Whether or not all the parties proper and necessary to this cause are properly before the Court, together with the ages of the infants defendants and the age of Abner D. Marshall, widow of John S. Marshall.

8

Alma D. Marshall, Guardian &c

75) DECEASED.

Alma D. Marshall, et al.

1417
Dec. 30th 1913
Autentic.
B.D.W.

CPB. 7 D 163

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

VIRGINIA,

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

Alma D. Marshall, **Guardian,**

VS:

Alma D. Marshall et als.

TO THE HONORABLE JUDGE OF THE SAID COURT:

The undersigned Special Commissioner begs leave
to make the following report:

That she has paid to Julius Darden Marshall the
sum of (\$ 3, 530.45), as will be shown by his receipt
filed herewith, it being the amount of his distributive
share in the proceeds derived from the sale of the pro-
perty, in the bill and proceedings mentioned

Respectfully submitted,

Alma D. Marshall
Special Commissioner

Marshall, Guardian.

VS:

Marshall et als

Special Commissioner's
Report

May 1927

COMMONWEALTH ATTORNEY
FOR ISLE OF WIGHT COUNTY

GEORGE F. WHITLEY
Attorney at Law
SMITHFIELD, VIRGINIA

RECEIVED OF Alma D. Marshall, Special Commissioner,
the sum of \$ 3,530.45, my distributive share in the
proceeds derived from the sale of the land in the
above suit.

Given under my hand this 27th day of April, 1927.

Julius Darden Marshall

VIRGINIA,

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

Alma D. Marshall, Guardian etc.

VS:

Alma D. Marshall, et als.

TO THE HONORABLE JUDGE OF THE SAID COURT:

The undersigned Special Commissioner begs leave to make the followign report:

That Julius Darden Marshall, one of the infant defendants in this suit became 21 years of age on the 23d day of March 1927; that the share of the said Julius Darden Marshall in the proceeds derived from the sale of the property, in the bill and proceedings mentioned, is (\$ 3,530.45)

Your petitioner respectfully requests that she be directed to pay to the said Julius Darden Marshall, the above amount.

Respectfully submitted,

Alma D. Marshall
Special Commissioner

139

Marshall, Guardian etc.

vs:

Marshall et als.

Special Commissioner's
report.

April 1927

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WEGHT.

Alma D. Marshall, Guardian etc.

VS.

Alma D. Marshall, et als.

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

The undersigned Special Commissioner begs leave to make the following report:

That John S. Marshall Jr. one of the infant defendants in the above style suit became 21 years of age on the 29th day of August, 1923, that the amount due him out of the proceeds derived from the sale of the property in the bill and preceedings mentioned is \$3,419.82; that your Special Commissioner has paid to the said John S. Marshall Jr. the said sum of \$3,419.82, as is shown by the receipt of the said John S. Marshall Jr. filed herewith.

Your Commissioner respectfully asks that the Special Commissioner's bond be reduced to the amount of \$ 4000.00

Respectfully submitted.

Alma D. Marshall.

Special Commissioner.

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Alma D. Marshall, Guardian etc.

vs.

Alma D. Marshall, et als.

REPORT.

May 27, 1924

Received of Alma D. Marshall, Special Commissioner
in the suit of Alma D. Marshall, Guardian vs. Alma D.
Marshall et als, the sum of \$3,419.82, it being my share
of the proceeds derived from the sale of the property in
the bill and proceedings mentioned in the above suit.

per
X John S. Marshall

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

ALMA D. MARSHALL, GUARDIAN

PLAINTIFF

VS)

ALMA D. MARSHALL, ET ALS

DEFENDANT

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

The undersigned Special Commissioner begs leave to make the following report:

That the sum of \$6839.64 was the total amount paid to her at the time she qualified as Special Commissioner in this cause, and that the entire amount is now loaned out as follows: to J. D. Turner \$6000.00 and to J. C. Godwin \$839.64; that the said parties have executed bonds for the respective amounts loaned to them, which said bonds are secured by deeds of trust on real estate owned by the said parties.

Your Commissioner further reports that she has paid to the Guardian of John S. Marshall and Julius Darden Marshall all of the interest due to said Guardian, on the above amount, as will be shown by the receipt of the said Guardian herewith filed.

Respectfully submitted.

x Alma D. Marshall

Special Commissioner

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ALMA D. MARSHALL, GUARDIAN

VS)

ALMA D. MARSHALL, ET ALS

Special Commissioner's

Report

1421

Mar. 7.

Filed J.D.W.

Received of Alma D. Marshall, Special Commissioner,
all interest due on the sum of \$6839.64, the amount
in the hands of the said Special Commissioner, be-
longing to my wards. John S. Marshall, and Julius
Darden Marshall.

Signed January 4th, 1917.

Alma D. Marshall
Guardian for John S.
Marshall, and Julius
Darden Marshall.

Received of Alma D. Marshall, Special Commissioner,
all interest due on the sum of \$6839.64, the amount
in the hands of the said Special Commissioner, be-
longing to my wards, John S. Marshall, and Julius
Darden Marshall.

Signed 24th day of October, 1919.

Alma D. Marshall

Guardian for John S. Marshall
and Julius Darden Marshall.

RECEIVED of Alma D. Marshall, Special Commissioner,
all interest due on the sum of \$6839.64, the amount in the
hands of the said Special Commissioner, belonging to my wards,
John S. Marshall and Julius Darden Marshall.

Signed this 5th day of March, 1921.

Alma D. Marshall
Guardian for John S. Marshall
and Julius Darden Marshall

RECEIVED of Alma D. Marshall, Special Commissioner,
all interest due on the sum of \$7060.90, the amount in the
hands of the said Special Commissinoer, belonging to my wards,
John S. Marshall and Julius Darden Marshall.

Signed this 5th day of March, 1921.

Alma D. Marshall.
Guardian for John S. Marshall
and Julius Darden Marshall

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

Alma D. Marshall, Guardian,.....Plaintiff,
vs)
Alma D. Marshall, et als.,.....Defendants.

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

The undersigned Special Commissioner begs leave to make
the following report:

That the sum of \$6839.64 was the total amount [^]pay[^]ed to her
at the time she qualified as Special Commissioner in this cause,
and that the entire amount is now loaned out to the parties
herein after mentioned, who have executed deeds of trust on
real estate owned by them, secured by bonds evidencing the am-
ounts loaned.

The undersigned Special Commissioner reports that she has
loaned to C. R. Johnson, \$5000.00; to J. C. Godwin, \$839.64,
and to W. J. Daniels, \$1000.00.

Your Commissicner further reports that she has payed to
the Guardian of John S, Marshall and Julius Darden Marshall
all the interest due to said Guardian on the above money, as
will be shown by the receipt of said Guardian herewith filed.

Respectfully submitted.

Alma D. Marshall

Special Commissioner

20
Alma D. Marshall, Guardian

VS) 1/24

Alma D. Marshall, et als.

Special Commissioner's
Report

1414
Mr. S.
H. B. D. W.

copy page 518

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

VIRGINIA:

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

MARSHALL, GUARDIAN, ...PLAINTIFF,

VS) CHANCERY NO.139,

MARSHALL, ET ALS.,.....DEFENDANTS.

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

The undersigned Special Commissioner begs leave to make the following report:

That George F. Whitley, the former Special Commissioner in this cause, did, in pursuance to a former decree entered herein, assign to the under signed Special Commissioner, certain bonds mentioned therein, aggregating the sum of \$6839.64; that the entire amount is now loaned out to the parties herein-after mentioned, who have executed deeds of trust on real estate owned by them securing the bonds evidencing the amounts loaned. The undersigned Special Commissioner begs leave to report that there is now loaned to W. M. Beale and Carl Beale, the sum of \$5000.00; to J. C. Godwin, \$839.64; to George W. Delk, \$1000.00. Your Special Commissioner further reports that she has paid to the guardian of John S. Marshall and Julius Darden Marshall, all interest at this time due on the above amount, as will be shown by a receipt of the said guardian hereto attached.

Respectfully submitted.

Alma D. Marshall
SPECIAL COMMISSIONER.

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MARSHALL, GUARDIAN,

VS)
CHANCERY NO.139,

MARSHALL, ET ALS.

REPORT OF
SPECIAL COMMISSIONER.

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

Received of George F. Whitley, Special Commissioner
in the suit of Marshall, Guardian etc. versus Marshall, et als,
six (6) bonds signed by W. M. Beale and Carl Beale, for the amount
of One Thousand (\$1,000.00) Dollars each, dated on the 1st day of
March, 1913, and payable three, five, seven, nine, eleven and
thirteen years from date, to George F. Whitley, Special Commission-
er; also, one (1) bond for the amount of Eight Hundred and Thirty-
nine and 64/100 (\$839.64) Dollars, dated on the 1st day of March,
1913, payable one year after date to George F. Whitley, Special
Commissioner, and signed by W. M. Beale and Carl Beale.

Alma D. Marshall
Special Commissioner in the suit of
Marshall, Guardian etc. vs Marshall, et als.

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT, VIRGINIA,
FEBRUARY TERM, 1914.

Alma D. Marshall, Guardian, etc.....Plaintiff,
- VS -
Alma D. Marshall, et als,.....Defendants.

-----oOo-----

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

The undersigned, George F. Whitley, Special Commissioner, begs leave to report that, pursuant to a decree entered in this cause on the _____ day of _____, 191_, he has assigned and delivered to Alma D. Marshall, Special Commissioner, the bonds mentioned in said decree, the said Alma D. Marshall, Special Commissioner, having executed the bond required by the said decree, a copy of which is herewith filed, and has taken from the said Alma D. Marshall her receipt as Special Commissioner, for the said bonds, which is hereto attached.

Respectfully submitted,

George F. Whitley
Special Commissioner.

Alma D. Marshall, Guardian, etc

REPORT OF
VS)
SPECIAL COMMISSIONER:

Alma D. Marshall, et als.

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