

1933-013 Chancery Causes, C.
Isle of Wight County

P. Holland + Blanche T. Holland vs Novella Phillips,
C. Phillips vs
Petition of Surry Lumber Company

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Petition of C P Holland - Blanche T. Holland

Other SURNAMES: Lawrence, Stokes,
Davis, JYNER, Clary, Edwards,
GREEN, [P. D. Gwaltney, Junior &
Company], Gwaltney, [Bank of
Smithfield], Beale, Stott, Parr,
Jordan

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

HOLLAND ET AL.,

Complainants,

v.

PHILLIPS ET ALS.

Defendants.

The exceptions of the defendants in the above styled cause to report and findings of Commissioner A. S. Johnson, filed in this cause on the 11th day of October, 1917.

The defendants except to clause first in the said Commissioner's report to the effect that the land in the bill and proceedings mentioned cannot be conveniently divided among the parties entitled to share therein. These defendants say that they are desirous of having their part of the land cut off together so that only one division of the farm would have to be made, and these defendants say that there is no reason why a partition of one hundred and forty (140) acres of land should not be made so that one of the parties can have two-thirds and the others one-third together.

The defendants except to the third clause of the Commissioner's report to the effect that the only practical way to make division of the land is by a sale of the whole and a division of the proceeds. These exceptors say that such a proceeding would be destructive of their best interest and would deprive them of their home.

These defendants except to the fourth clause of the Commissioner's report for the same reasons as to number three.

Clarence Edwards being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation: A. My name is Clarence Edwards, I am forty five years of age, I reside at Isle of Wight Court house, and am a farmer.

Q. Do you know John W. Stokes and Delia Stokes? A. Yes sir, they are both dead.

Q. Do you know the names of their children, and their ages? A. They are Novella, Winston, Vera, Eva, Matthew, William, Garfield and Annie, the last two are, I believe under twenty one years of age. Novella married a Phillips, Vera married Edward Davis, Eva married George Joyner, Matthew married Davy Clary. The rest, as far as I know, are unmarried. Abner Stokes is a brother of John W. Stokes, who, I understand, has sold his interest in the land mentioned in this suit to C. P. Holland. I have understood that John did also.

And further this deponent saith not.

Clarence Edwards,

Central Hill

N. M. Ball

Hand

W. M. Ball

Stakes

1.5-2 lbs of fine sand
more or less

Hand

3 lbs of fine
sand more than

Stakes

Trunk Road

Ex A. Johnson & P. G. Edwards.

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

C. P. Holland and others,
vs) Chancery. No. 220
Novella Phillips et als.

TO HONORABLE B. D. WHITE,

JUDGE OF THE CIRCUIT COURT OF ISLE OF WIGHT CO.

The undersigned, a Commissioner in Chancery of your Honor's Court, to whom has been referred the papers in the above entitled cause, on the 13th. day of June, 1917, issued notices to all the parties, in interest, to this suit, that on the 20th. day of June, 1917, at ten thirty o'clock A.M., at the office of George F. Whitley, Attorney at Law, in the Town of Smithfield, County of Isle of Wight, and State of Virginia, he would proceed to execute the decree entered in said cause on the said 20th. day of June, 1917. And, at the time and place mentioned in said notice, attended and took the testimony of A. B. Stott, W. M. Beale, J. Q. Parr and others, reduced the same to writing, which is returned herewith, as a part of this report: and, from the evidence taken as aforesaid, and from information obtained from the records filed in the Clerk's Office of this Court, is informed and reports:

1. The real estate in the bill and proceedings of this suit mentioned, cannot be conveniently divided among the parties entitled to share therein.

In this connection your Commissioner calls the attention of the Court to the insufficiency of the evidence to state with an absolute degree of certainty that such cannot be done. None of the witnesses, save C. L. Jordan, seem to be well enough acquainted with the land to know what is

there, and how it could be divided. All of them, however, are about as familiar with it as any one knows of any property other than his own, in this neighborhood, your Commissioner believes. The land is, however, not located near to any town, and has not, so far as any one knows, or has testified, any peculiar value for other than general farm purposes, and no special for this, and a farm smaller than is here mentioned, considering its state of fertility, resolves itself rather as a burden on a community than as a help. To cut it up in smaller tracts, though such would be pleasing to some parties in interest, would not only decrease the real value of the place, in its entirety, and as an interest therein, but probably may depreciate the value of the adjoining land. Therefore, your Commissioner is convinced, from the testimony, though not of such a positive character as is usually obtained in such cases, believes, and so reports, that the land cannot be conveniently divided among the parties. He hardly believes that it could be divided using in the aid of such a division owelty of partition.

2. It does not appear that any party in interest will take the entire subject matter and pay the others for their shares therein.

3. The only practical way to make a division of the land, in the opinion of your Commissioner, arrived at from the testimony given, is by a sale of the whole and a division of the proceeds.

4. The fourth inquiry is answered in the above clause numbered 3. in the negative.

5. Your Commissioner finds the following liens upon the said land, to-wit:

a. A deed of trust against the interest of John W. Stokes, securing to P. D. Gwaltney Jr. & Co. the payment of the sum of \$248.07, evidenced by a negotiable promissory note of December 18th. 1907, payable ninety days after date. (See Deed Book No. 74, page 548)

b. A deed of trust against the interest of said John W. Stokes, securing to Bank of Smithfield the payment of the sum of \$455.00, evidenced by a negotiable promissory note dated February 3rd. 1908, payable 90 days after date. (See Deed Book No. 74, page 596)

c. A deed of trust against the interest of John W. Stokes, securing to P. D. Gwaltney, Jr. & Company, the payment of the sum of \$301.64, evidenced by a negotiable promissory note bearing date March 15th., 1909, (See Deed Book No. 76, page 386)

No other liens appear of record.

6. The fee simple value is estimated at from two thousand to twenty five hundred dollars. The annual value at one hundred and fifty dollars.

7. All of the proper and necessary parties appear to be properly before the Court.

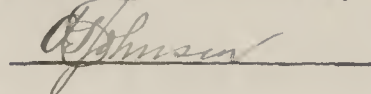
8. The land herein mentioned was conveyed to John W. Stokes, Delia Stokes and Abner G. Stokes, by Anna H. Lawrence and husband, by their deed bearing date January 1st. 1900, of record in Deed Book No. 66, page 200, for the sum of \$900, as one hundred and forty acres, and is described in said deed as being bounded by the lands of B. F. Nelms, C. W. Turner, A. J. Edwards, J. W. Lawrence and others, "Beginning at a black gum on the North of a path known as the "Trumptown" road a lane between the land of J. W. Lawrence and Anna H. Lawrence, running in a Southerly direction to said "Trumptown" road, and thence along said road in

a Westerly direction about twenty feet to a cedar post;
thence in a Southerly direction along a line of chopped
trees to a sweetgum on the land of B. F. Nelms and J.
Q. Parr, thence along the original line to the point of
beginning"

It is quite likely, however, that some of the ad-
joining land has changed hands, and the above would not now
do for a description for a conveyance.

The timber and trees, measuring 10 inches on the
stump, outside measurement, was conveyed to Cumberland Lum-
ber Company, by Jno. W., Delia, and Abner G. Stokes, by their
deed bearing date the 26th. day of January, 1906, and which
is of record in Deed Book No. 73, page 298, with the right
of ten years to cut and remove the same, and with a privilege
of a further time of five years by the payment of \$31.50 per
year for the additional time required.

Respectfully submitted,

 Commissioner.

Commissioner's fee, \$25.00

W. M. Beale, being duly sworn, deposes and says:

Examined by Dr. Whitley, Attorney for plaintiff.

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

A- My name is W. M. Beale, I am fifty years of age, and live in
Tule of Tipton County, and am a farmer.

Q- Mr. Beale, do you know Abner Stokes, John W. Stokes, and Delia Stokes?
Yes, sir.

Q- How long have you known these parties?

A- Some fifteen or twenty years.

Q- The bill filed in this suit states that John W. Stokes, Abner Stokes
and Delia Stokes owned a certain piece of land, situate in the County
of Tule of Tipton, containing about one hundred and forty acres, more
or less, which was purchased from Anna T. Lawrence, and husband. Are
you familiar with this tract of land?

A- Yes, sir. It adjoins my home place.

Q- How many acres of open land would you say there was in this tract?

A- I should say, about forty acres.

Q- Are there any buildings on the property?

A- There are some, but they are old and dilapidated -- not worth very
much.

Q- Please state the kind of buildings there are on this property.

A- There is a dwelling house, cook-room, and some out houses; not
much value attached to 'em.

Q- Is this farm under a fence?

A- So called; - tain't much.

Q- What is the condition of this fence?

A- Some of it is in very sorry condition, you can step over it at
places; there is some little wire fence about it, but not much.

Q- What would you say, Mr. Beale, would be a fair cash value for this
property?

A- I suppose it would sell some where between two thousand and twenty-
five hundred dollars.

Q- What do you think is the rental value for it?

- A- It is not being rented for \$150.00, I think.
- Q- Do you think \$150.00 a fair rental value?
- A- A plenty -- 'bout fair, I reckon.
- Q- Mr. Beale, state whether or not, you think this property could be conveniently divided in three parts?
- A- It could be divided, you understand, but, not without assessing the property. I mean the value of it.
- Q- How do you think the best way to divide this property?
- A- Put it on a public auction, sell it, and split the money.
- Q- Is this farm located near any town?
- A- It is about eight miles from the town of Southfield, and about eight miles from the Norfolk and Western Railroad.
- Q- Then, if I understand you, this property is not located near any city or town?
- A- No, it's just where I told you -- it's in what we call 'Trump Town'.
- Q- Mr. Beale, is it not unusual, in the section where this property is located to divide a tract of land of the size mentioned in the bill, into small tracts?
- (Counsel for the defendant objects to the question and answer, on the ground that custom is not proper evidence in this case).
- A- I don't know of any that's been divided around it. If it is the custom, I don't know it.
- Q- Mr. Beale, state whether or not, you think it would injure a farm of this size to divide it into small tracts?
- A- I think it would.
- Q- Mr. Beale, state whether or not you think that the interest of those entitled to the property would be promoted by a sale of the entire property, and the proceeds divided among those entitled thereto.
- A- It appears to me, that on plain facts, it would be better to sell it, and divide the money.
- Q- State whether or not, you think it would be to the advantage of the parties concerned to sell a part of the land, and sell the residue?

A- I think if you want to divide it, it would divide it.

Q- Then, if I understand you, Mr. Beale, the interest of the parties entitled to the property, would not be promoted by an allotment of part, and a sale of the residue?

A- That's as I see it.

Q-

CROSS EXAMINATION -- MR. GERRILL, ATTORNEY FOR DEFENDANT.

Q- Mr. Beale, is it your idea, that any farm, containing 140 acres, would be worth land, if it were divided into small parcels?

A- I don't know about any farm, but, the one in question, I think it would change that.

Q- Do you know of any other farm in that community, or, in any locality, containing 140 acres that would be divided in kind, conveniently to the parties?

A- No.

Q- Don't you know of any farm, containing as much as 140 acres, that would be conveniently divided in kind?

A- No.

Q- Is there any peculiar location, or condition about this farm, that would make it less suitable for division, than any other farm located that far from town?

A- No, Sir.

Q- So, your view is, that any farm, out in the woods, containing 140 acres, could not be conveniently divided in kind?

A- Well, Mr. Gerrill, I don't consider that it would be worth as much to divide it up.

Q- And, that is your reason you say it would be best to sell it and make division of the proceeds?

A- Yes, I think that would be best.

Q- Mr. Beale, supposes one of the parties owned a one-third interest in the farm, and, this person was not in a position to handle a larger farm, and, was anxious to own a farm in that locality, of fifty acres. Would it not be to the interest of such party, to

Fifty acres he cut off, and given to that person?

A- I am not prepared to say about that. If it was their desire, and they preferred holding the land, it would be to their interest.

Q- Mr. Keale, will you tell me whether or not the road runs through that farm?

A- It ain't no road, Mr. Seabrell; there's a path we have traveled for years and years, that runs through it.

Q- That road has been used by the people in that community ever since you have been knowing it?

A- Yes, sir.

Q- About how does that road divide this farm?

A- As to acres of the woodsworld, I don't know, exactly. I don't know the number of acres of the woodsworld; on the North side, we call it, I think there's some where about fifteen acres of open land on the North side of this lane; and, some where about twenty - four, or five acres, on the South side of this lane; this lane runs East and West; and, there's very little woodsworld on the South side of this lane.

Q- Did you not say, that as to the acreage of the entire farm, that about two-thirds of the woods and open land, is on one side of the road, and, one-third on the other side?

A- I don't think, so; there's some where, I don't know exactly, somewhere, about thirty-five or forty-acres of this land, on the house-side, we call it.

Q- How much of open land do you think is on the North side?

A- Somewhere about fifteen acres.

Q- Which side of the road, is the house on?

A- South side.

Q- On which side of the road is the larger part of the land?

A- North side.

Q- How many acres of open land, on the South side, in your judgment?

A- Some twenty-four, or five?

Q- How many acres of wood land on the South side.

A- Some fifteen or twenty.

Q- How many acres of open land on the North side?

A- Some fifteen or sixteen.

Q- How many acres of good land, in your judgment, on the North side?

A- I can't say, exactly, anywhere between fifty or sixty. That would include some of the land on the North side, that is not in cultivation.

Q- Is there not some timber on the North side of the farm?

A- I understand that the timber is sold.

Q- Then, dividing the land, would not affect it, so far as the timber is concerned?

A- No, sir, not that I can see.

Q- What do you think, would be the difference in the value of the land, on the North side and South side - both the wooded land and open?

A- Sir, - I don't quite understand you.

Q- I mean to say, if the land were divided, giving one party all of the land on the North side, and to the other party, all the land on the South side, what do you think would be the difference in the value of the two pieces?

A- The house side is worth, I think, not quite two-thirds -- I say 'house-side' - I mean the South side of that lane.

Q- How much money do you think would have to be put on the South side to make that worth two-thirds of the entire property, or two-thirds as much as the other piece?

A- You have asked me a hard question, Mr. Babrell.

Q- You said that one piece was worth nearly two-thirds? How much difference, \$200.00?

A- About that.

Q- Then if the land on the North side were given to one party, and the land on the South side to the other party; you think that, that the person who got the *South* side, should be given \$200.00? Would this

A- equalize the division of the property?

A- I reckon so.

Q- In reaching that conclusion, you estimate that the buildings are worthless, on the North side, or, practically so?

A- I would not consider them worthless, Mr. Sebrall.

Q- If the farm should be divided equally -- would that injure the value of it?

A- I think so, Mr. Sebrall.

Q- You say that, just because you think a larger farm is worth more than a smaller one?

A- Well, this farm is small to start with. If you cut it up, it would not be enough for a person who wants to do anything, to bother with.

T-

BY MR. EVERETT.

Q- Suppose we divide this farm, and sell it -- the North to itself, and the South to itself -- would it bring less, or more, than it would, if you sold it as a whole, at public auction?

A- I think it would sell better as a whole.

Q- Is there any other way you could divide it, and have it sold separately, and make it bring as much as it would bring, selling it as a whole?

A- I do not think so.

Further this dependent will not.

W. M. Beale

MR. FRANK RECALLED BY MR. WHEAT.

Q- Then you were on the stand just now, I did not exactly understand ~~what~~ what you mean by the larger side and the smaller side?

A- There's more acres of open land on the South side, the side where the buildings are on; the wooded land is on the North side, and there is more ^{acres of land} on the North side than on the South side.

Q- Then, the person owning the North side, should pay to the persons owning the South side, two hundred dollars -- that being an equal division, of one third and two thirds?

A- Yes, Sir.

Q- You think the wooded land on the North side, although containing more acres of land, is not worth as much as the South side, account of the timber having been sold to the Early Lumber Company?

A- Yes, Sir.

Q-

BY MR. WHEAT- Attorney for plaintiff.

Q- Now, Mr. Davis, do I understand you to say that you believe if \$200.00 were added to the house side, and that given to the one side, and the North side given to the other side -- do you believe that the persons getting the house side would receive two-thirds, and the person receiving the North side would receive one-third -- I want to say that if the person receiving the house side, should sell the same at public auction would receive as much money, as it would if the property were put up and sold as a whole, and two thirds of the money paid to them.

A- Mr. Wheat, I believe if the property were put up at public auction and, two thirds of the money given to the persons owning two-thirds in exact, and one-third given to the persons owning one third interest, that both sides would receive ^{than} more money ¹ if the property were divided, and sold separately.

Mr. Bebrall-

Q- Mr. Beale, you have stated several times, as I understand it, you believe that the interest of the parties would be protected by a sale of the land, as a whole, rather than a division?

A- I do.

Q- Well, then, if you separate it, would it not bring as much -- ?

(THIS QUESTION APPEARS TO BE IMAGINARY).

A- I think it would bring more money if put up and sold as a whole.

Q- Suppose one third of the property was yours, and you wanted land, and did not want it sold, then, what would be your judgment?

A- Well, I don't see that a one third of that place, if it was cut off, would be of much benefit to any body who wanted to do anything with it, much. -- I fail to see why by cutting off a one-third, you'd be of benefit to one, or more of the heirs..

Q- If this land were sold, it would probably make you one of the bidders, would it not?

A- Well, that would depend on whether or not I could get the money. You could get the money all right, if you wanted it.

A- I would like to add, Mr. Bebrall, that I would like to see this property cut up and divided in small tracts, right under me.

Q- Would it have any effect on the value of your property?

A- I think it would, if I wanted to sell it.

Further this document said not.

W. M. Beale

A. E. Stott, being duly sworn, deposes and says.

Examined by Mr. Gaitley.

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

A- My name is A. E. Stott, I am sixty-one years of age, live in 1414 of Wight County, and am a farmer.

Q- Are you familiar with the Stokes property?

A- No, I don't say that I am. I know the property, and have been on it several times, but, as to the lines, and the condition of the property generally, I am not familiar. I have been through the fields once or twice within the last two or three years. There is a colored family living on the property, and one of the boys works for me, and, I go over there to get him some time.

Q- What is the cash value of this property?

A- I should judge about \$2000.00. The buildings are in a pretty dilapidated condition.

Q- Do you think \$150.00 a fair rental value?

A- I think a \$150.00 a fair rent; \$175.00 would be fair rental, I think.

Q- State whether or not you think this property could be divided two-thirds to one part, and one-third to the other.

A- There is no property out that could be divided, but, it looks to me that this property could be sold, and the money divided among the parties.

Q- Why do you think this, Mr. Stott?

A- Simply because it is a small place, or, a small portion of it is cleared land. The woods land, is flat and boggy, and not fit to clear up. That's why I made the statement that I did..

Q- Then, if I understand you, Mr. Stott, this property could not be allotted conveniently, but, that the interest of all parties would be promoted by a sale of the entire property?

A- I should say so.

CROSS EXAMINATION -- MR. SEBRELL.

Q- Mr. Stott, if the law gives the right to any person interested, to have his part cut off, in land, this could be done, without serious damage, could it not, assuming that each party had a one-third interest?

A- I think it could be done, Mr. Sebrell, but, as to whether it would seriously injure the property, or not, I don't know.

Q- What is the condition of this land?

A- I would not consider it desirable land, at all.

Q- Do you know ^{how} the path that runs through the farm?

A- Yes, sir, I know how that lane runs through it.

Q- Do you agree with Mr. Leale, that if the parties are entitled, respectively to two-thirds and one-third, that a division by which two hundred dollars should be given by the one side to the other, would make the division equal between the other parties?

A- I cannot answer that question well, as I am not familiar with the Woods land on the other side of this lane.

Further testimony requested with not.

AB Stott.

J. C. Farr, being duly sworn, deposes and says:

Examined by Mr. Whitley.

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

A- J. C. Farr; fifty-seven, lives in Isle of Wight, and farms.

Q- Mr. Farr, are you familiar with the land mentioned in this bill and proceedings, as owned by John Stokes, Abner Stokes, and Delia Stokes.

A- It adjoins my land, but, can't say that I am so familiar with it. There is a colored family living on it, and I go on it, now and then to get one of the boys to work for me; I have never been on it to count to anything.

Q- Do you know how this land lies?

A- Yes, sir, it lies some what out; have been across the open land, but, I don't know anything about the woodland, how far it runs, nor nothing like that.

Q- What do you think this property is worth, that is, what is a fair cash value?

A- I think, Mr. Whitley, it would sell somewhere 'round two thousand, or twenty-five hundred dollars.

Q- What do you consider a fair rental value.

A- It rents for \$150.00, and I think it a fair rental.

Q- State whether or not you think the property could be conveniently divided among the parties entitled thereto?

A- Whether it could be conveniently divided, or not, that is the part I don't know; but, it could be divided.

Q- Do you think it could be conveniently divided into three parts?

A- Why, I could not tell you, Mr. Whitley, whether it could be conveniently done or not; but, it could be divided. Because I don't know the woodland. They tell me that there is more woodland land on the north side than on the south side; I don't know anything about the lines, never been around the land in my life.

Q- State whether or not you think this property could be divided, say, three-fourths in one part; and, one-fourth in another part, that is, could this be conveniently done?

- Q- No, sir; I don't think so, conventionally, three-fourths in one part, and one-fourth in another.
- Q- How would you suggest then, to divide this property, three-fourths in one part, and one-fourth in the other?

(THIS QUESTION OBJECTED TO ON THE GROUND THAT THE WITNESS HAS NOT BEEN MADE ACQUAINTED WITH THE RIGHTS AND INTERESTS OF THE PARTIES IN THE PROPERTY.)

- A- It seems to me like the best way to divide the property would be to put it up and sell it.
- Q- If the interest of the parties in this property, should be as follows: one party owning three-fourths, and the other owning one-fourth, state whether or not you think that the interest of the parties would be promoted by a sale of the entire property, and the proceeds divided among those entitled thereto.
- A- Yes, sir. I think the interest of the parties would be promoted to sell the land and divide the money.
- Q- State whether or not it would be to the interest of the parties entitled to the property, should that interest be two-thirds to one, and one-third to the other, to sell the entire property, and divide the proceeds among them.
- A- I think it would bring more money, to put it up and sell it as a whole.

CROSS EXAMINATION BY MR. WHEELER.

- Q- Is it so that the defendant in this case, owned a third interest, and wanted their part in land, and not in money, would it not be to their interest to have their part cut off?
- A- If they wanted land, and not money, it would be to their interest to have it cut off, if they wanted land, and nothing but land.
- Q- You state that the land could be practically divided, giving one-third in value to one side, and two-thirds to the other side?
- A- Yes, sir, it could be done.
- Q- As a matter of fact, Mr. Part, does not the land, or road that runs through the place, now divide it in, say, one third in one part,

Q- and two-thirds in the other part?

A- I don't know. I don't know anything about the wooded land; I have never been around it, - the open land is all that I know anything of.

Q- How many acres, do you think there is of open land on the South side?

A- I estimate that on the South side, there is about fifteen acres.

Q- How many on the North side?

A- Twenty-four, or five, I reckon.

Q-

Further this Dependent 11th Oct.

J. L. Parr

Mr. Whittly mi Minderstanging
from your Question there was
24 or 25-ac on the House side and
15-ac on the other side open land
J. L. Parr

G. I. Jordan, being duly sworn, deposes and says:

Examined by Mr. Whittier.

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

A- My name is G. I. Jordan. I am fifty-eight years of age; I live in Isle of Wight County, and am a farmer.

Q- Are you familiar with the Stokes property?

A- Yes, sir, been knowing it all my life.

Q- How many acres would you estimate to be in that property?

A- I reckon there's some where about 125 or 140 acres -- placed over every acre of it when I was a boy.

Q- What would you estimate the cash value of this property to be, Mr. Jordan?

A- It's worth 25 or 35 hundred dollars.

Q- What do you think a fair rental value?

A- I reckon it is worth as much as \$150.00 a year.

Q- What is the condition of this land?

A- The land has been bringing sorry crops for some years; there's a lot of timber on it, but, it has been half.

Q- How many acres of open land is there?

A- I think some where about thirty-five or forty.

Q- What is the condition of the woods land -- is it wooded, flat, hilly, -- state what kind, please.

A- Well, the land on the house-side, the south side, that is kinder high; the land to the North is flat.

Q- Mr. Jordan, from your knowledge of the property, do you think it conveniently could be divided, one-third to one party, and two-thirds to the other party?

A- I do not see how the land could be divided like that.

Q- Why?

A- Well, if they was to divide in like that; and, the families live on it, they could have to live close together, and the stock and chickens would always be bothering. I don't really see how out-

ting off a third of it would benefit the other party -- if I
had a third in that form, I would rather have mine in cash.

Q- Do you think it would be to the advantage of every body concerned
to sell the property and divide the money?

A- I could rather have it sold and divide the money, if it was mine,
if I was one of the parties.

Q- Why-

A- Well, I don't see how it could ever be divided to give satisfaction.

Q- Please state Mr. Jordan, whether or not you think you would re-
ceive more money to put the property in and sell it, and divide
the money, than if you should divide it, two-thirds to one, and
one third to the other, and, then sell your two-thirds?

A- I think I could get more by selling it as a whole. The place
would bring more by selling it as a whole.

Q-

FURTHER THIS DEEDMENT SAITH NOT.

L. E. Jordan

H. A. EDWARDS, PRINTER AND BINDER, DEPT. OF THE INTERIOR.

Examined by Mr. Cobrell, attorney for defendant.

Q- Please state your name and residence and occupation.

A- H. A. Edwards, age, thirty years, I live in Smithfield, and am
specific of the State of North Carolina.

Q- Do you have the State land?

A- Yes, sir, I have been on it two or three times - have been on
it recently.

Q- Were you look at it, is it for you or is it for the State or not if you
are divided in mind?

A- Yes, sir.

Q- If the defendant in this case is entitled to one-third, and the
plaintiff is entitled to two-thirds, would it be conveniently divided
in kind among the parties?

A- I think it could, provided there was some money paid.

Q- What division do you think could be made of it, Mr. Edwards?

A- It is a road of public use. There is a path or track, that
runs through the place, and has been used for a public road for
years. And, if this road was divided into a public
road, as I am informed it can be, that it would not be so dif-
ficult to make the division referred to.

Q- Mr. Edwards, can you sketch, roughly, just how this land lies?

A- Sketch is furnished by Mr. Edwards, and herewith filed,
exhibit "A".

Q- Would any inconvenience be brought about by dividing this land
as it was divided by the road, and having the division continued
by the payment of money?

A- I do not know that I am prepared to answer that question, Mr.
Cobrell. I do not know how far the interests of the parties ex-
tend, nor nothing about that. I could not like to answer that
question.

Q- Do you know, Mr. Edwards, any reason why this land could not be divided between the parties owning one-third and two-thirds, interests, respectively, in any manner that would be fair to all parties.

A- No, sir, I do not see any reason why it cannot be divided.

CROSS EXAMINATION -- MR. EVERETT.

Q- Mr. Edwards, do you base your opinions in this case, upon the fact that you are familiar with the open and woods land to this property?

A- Yes, sir, that, with the fact that the timber is to be cut off the land.

Q- Then, you are not in a position to say whether or not this land can be conveniently divided as suggested by Mr. Everett?

A- Yes, I think it can be conveniently divided in any other small piece of land, and by the passing of some money.

Q- At the same time, you do not say that you are familiar with the woods land?

A- I will have to answer this question by saying that I have had conversation with people who are familiar with the land, people who lived on it -- I have never been through the woods land.

Q- Then, you are not in a position to say as to how it ought to be divided among the parties entitled to it?

A- No, sir.

Q- Do you know anything about the timber contract to the parties who purchased this land?

A- No, not in this particular case; the Curry Lumber Company usually require a long period of time.

Q- Mr. Edwards, take a small tract of land, this size; do you think it would be much to divide it into two parts, giving two-

thirds to one side, and one-third to the other, and sell it at public auction, or, in your opinion, would it bring more to sell it as a whole?

A- 'Twould bring more money, selling it as a whole.

Q- What would you consider cash value of the farm?

A- Well, it is hard to tell, some where in the neighborhood of the thousand dollars. I do not know but that it would

bring more than that at public auction. I could not like to pay more than that for it.

Further this argument with not.

R. A. Edwards.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT,
MARCH 6TH. 1916.

TO:

C. P. Holland and Blanche T. Holland,.....Complainants,
and

Novella Phillips, C. Phillips,
Winston Stokes, \ Vara Davis,
Seward Davis, Eva Joyner,
George Joyner, Matthew Clary,
✓ Davy Clary, William Stokes,
Garfield Stokes and \ Annie Stokes,
the last named defendant being
under the age of twenty-one years,
and Hugh L. Holland, guardian ad
litem, for said infant defendant,.....Defendants.

Take notice that the undersigned, one of the Commissioners in
Chancery of the Circuit Court of the County of Isle of Wight,
to whom has been referred the papers in the above entitled cause,
for the execution of a decree entered therein on the 6th. day
of March, 1916, that he will, on the 20th day of June, 1917, at
ten thirty o'clock A. M., at the office of George F. Whitley, At-
torney at Law, in the Town of Smithfield, County of Isle of Wight,
State of Virginia, proceed with the execution of said decree, an
extract of which here follows:

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

1. Whether the real estate in the bill mentioned can be
conveniently divided among the parties entitled thereto.
2. If the same cannot be conveniently divided, whether
any party will take the entire property and pay therefor to
the other parties such sums of money as their interests
therein may entitle them to.

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

4. If the said property cannot be divided among the parties, and no party will take the entire property, and pay therefor to the others, such sums as they may be entitled to, and, if there cannot be an allotment of a part and a sale of the residue, whether it would be to the interest of all parties to sell said property and distribute the proceeds among those entitled thereto.

5. Whether there are any taxes due on said land, or any other liens against the same, or the interests of any of the parties.

6. The fee simple and annual values of said land.

7. Whether all the proper parties in interest are before the Court.

8. Any other matters deemed pertinent by said Commissioner.

9. A description of said land, and the respective interests of the parties therein, and how the same were acquired!

Given under my hand, as Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, this 13th. day of June, 1917.

 Commissioner.

Holland et al

v. Cy No 220

Phillips et al

Comm report

Filed Oct 10, 1917

VIRGINIA, In the Clerk's Office of
the Circuit Court for the County of
Isle of Wight, in vacation on the 21st
day of October, 1915.

C. P. Holland and Blanche T.

Holland Complainants

vs.

Novella Phillips, C. Phillips, Win-
son Stokes, Vara Davis, C. Ward, Eva
Jayner, George Joyner, Matthew
Clary, Davy Clary, William Stokes,
Garfield Stokes, and Annie Stokes,
the last named defendant being un-
der the age of twenty-one years

..... Defendants

The object of this suit is to have
partition of and to determine the re-
spective interests of the above named
parties to that certain tract of land,
situated in the County of Isle of
Wight, in the State of Virginia, con-
taining 140 acres, more or less, and
described as follows: Beginning at
a blackgum on the north side of a
path known as the Trump Town Road
and in a lanc between the lands of
J. W. Lawrence and Anna H. Law-
rence, running in a southerly direc-
tion to the Trump Town Road, thence
along said road in a westerly direc-
tion about twenty feet to a cedar post,
thence in a southerly direction along
a line of chopped trees to a sweet
gum cornering on the lands of B. F.
Nelms and J. Q. Parr, thence along
the original line to the point of be-
ginning, and bounded by the lands of
B. F. Nelms, C. W. Turner, A. J. Ed-
wards, J. W. Lawrence and others;
it being the same land conveyed to
John W. Stokes and others by deed
January 1st, 1901, and recorded in
the Clerk's Office of the Circuit Court
of Isle of Wight County, in Deed
Book No. 66, Page 200.

And it appearing by proper affida-
vit filed, that Garfield Stokes is not a
resident of the State of Virginia, it
is ordered that the said Garfield
Stokes do appear at the Clerk's Of-
fice of this Court within fifteen days
after due publication of this order in
The Suffolk Herald, published at Sur-
folk, Virginia, and do what is neces-
sary to protect his interest in this
suit; and that this order be publish-
ed and posted according to law.

A Copy Teste:

A. S. JOHNSON, Clerk.

George F. Whitley,

Everett & Hutton p. q.

Oct. 22-4t.

Office of SUFFOLK HERALD.

SUFFOLK, VA., 1915 190---

I hereby certify that the order of which the annexed is a copy has been published in THE SUFFOLK HERALD in the manner prescribed by law---once a week for four successive weeks. beginning Oct 22 1915 and ending

H. Kendrick

By H. Kendrick

Editor Herald

Oct. 1-5t.

The Quinine That Does Not Affect The I
Because of its tonic and laxative effect, LA
TIVE BROMO QUININE is better than ordi
Quinine and does not cause nervousness
ringing in head. Remember the full name
look for the signature of E. W. GROVE.

RESTAURANT

Where

of foods fresh from the markets
restaurant complete

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

March 10 1915

Filed
Teste, Edw. Johnson Clerk.

VIRGINIA, IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR
THE COUNTY OF ISLE OF WIGHT, ON THE 21ST. DAY OF OCTOBER
1915.

C. P. Holland and Blanche T. Holland.....Complainants
vs.

Novella Phillips, C. Phillips, Winston Stokes,
Vara Davis Seward Davis, Eva Joyner, George
Joyner, Matthew Clary, Davy Clary, William Stokes
Garfield Stokes, and Annie Stokes, the last named
defendant being under the age of twenty-one years...Defendants.

The object of this suit is to have partition of and to
determine the respective interests of the above named parties
in that certain tract of land, situate in the County of Isle
of Wight, in the State of Virginia, containing 140 acres, more
or less, and described as follows: Beginning at a blackgum
on the north side of a path known as the Trump Town Road and
in a lane between the lands of J. W. Lawrence and Anna H. Lawre-
nce, running in a southerly direction to the Trump Town Road
thence along said road in a westerly direction about twenty
feet to a cedar post; thence in a southerly direction along a
line of chopped trees to a sweet gum cornering on the lands
of B. F. Nelms and J. Q. Parr; thence along the original line to
the point of beginning, and bounded by the lands of B. F. Nelms
C. W. Turner, A. J. Edwards, J. W. Lawrence and others; it be-
ing the same land conveyed to John W. Stokes and others by deed
January 1st, 1901, and recorded in the Clerk's Office of the
Circuit Court of Isle of Wight County, in Deed Book No. 66,
page 200.

And it appearing by proper affidavit filed, that Gar-
field Stokes is not a resident of the State of Virginia, it is
ordered that the said Garfield Stokes do appear in the Clerk's
Office of this Court within fifteen days after due publication
of this order in the Suffolk Herald, published at Suffolk, Vir-
ginia, and do what is necessary to protect his interest in this
suit; and that this order be published and posted according to
law.

*A Copy
Int. J. H. H. Clerk*

A copy of the above order was posted at the front door of the
Courthouse, and a copy sent to Suffolk Herald for publication
October 21st. 1915.

Teste, *A. Johnson* Clerk.

Holland et al

n of Cy 219

Thurps, et al

Copy order of Publication

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT

Oct 21 1895

Filed
W. H. Johnson Clerk

C. P. Holland et al.....Complainants.

vs.

Novella Phillips et al.....Defendants.

STATE OF VIRGINIA,

City of Suffolk, to-wit:

This day personally appeared before me, E. E. Everett, a notary public in and for the city of Suffolk, in the State of Virginia, C. P. Holland and made oath upon his best information and belief that Garfield Stokes is not a resident of the State of Virginia.

C. P. Holland

Subscribed and sworn to before me this 21st day of October, 1915.

E. E. Everett

N.P.

2

Holland et al

vs Cy 219

Thompson et al

Affidavit for order
of execution

VIRGINIA, DEPT. OF JUSTICE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT

Oct 21 1915

Filed

Teste, *[Signature]* Clerk

NOTION

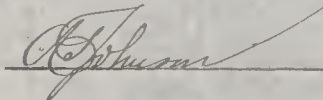
Affidavit for Order of Public

COMMONWEALTH OF VIRGINIA:

To the Sheriff of the County of Surry, Greeting:

We command you that you summon Winston Stokes (Dendron), to appear at the office of the Clerk of the Circuit Court for our County of Isle of Wight, at the rules to be holden for said Court, at the Court-house of said County, on the third Monday in November, 1915, to answer C. P. Holland and Blanche T. Holland a bill in chancery exhibited against them; and have then and there this writ;

Witness, A. S. Johnson, Clerk of said Court, at the Courthouse, this 21st day of October, 1915.

 Clerk.

George F. Whitley)

Everett & Hutton)p/q

Holland et ux

vs) Chancery. No. 219

Phillips et als.

subpoena

Executed in the County of
Surry, Virginia on the 5th
day of November, 1915 by de-
livering to Winston Stokes
a true copy of the within
process in person.

C. E. Rowell

Deputy for
B. D. Edwards, Sheriff.
of Surry County, Va.

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

11/10

1915

Filed

Teste,

W. Johnson

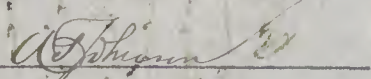
Clerk.

Commonwealth of Virginia,

To the Sgt. of the City of Norfolk, Greeting:

We command you that you summon Novella Phillips, C. Phillips, Annie Stokes and William Stokes (211 Scott Street) to appear at the Clerk's Office of the Circuit Court of our County of Isle of Wight, at the rules to be holden for said courthouse, on the third Monday in November, 1915, to answer a bill filed against them by C. P. Holland and Blanche T. Holland, and have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court, at the Courthouse of said County, October 21st. 1915.



Geo. F. Whitley)
Everett & Hutton) p.q.

Holland et al

vs) Cy. No. ~~220~~ 219

Phillips et al

Original process copies to
be served in Norfolk.

not finding Novella
Phillips, & Phillips,
Annie Stokes and
William Stokes, nor
any member of this
family over the age
of sixteen years, at
their usual place of
abode, I executed in
the City of Norfolk on
this 30th day of October
1915 by locking up
for each of them on
their front door of
said abode.

C. L. Higgins Sheriff
City of Norfolk
by C. L. Higgins
Deputy
sergt. fee 2.00 paid
C. L. Higgins

VIRGINIA: CLERK'S OFFICE OF THE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT

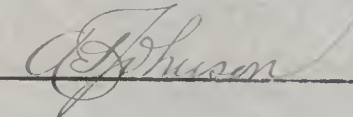
11/3 1915
Returned filed
Teste, A. Johnson Clerk.

COMMONWEALTH OF VIRGINIA:

To the Sheriff of the County of Isle of Wight, Greeting:

We command you that you summon Vara Davis, Seward Davis, Eva Joyner, George Joyner, Matthew Clary, Davy Clary, to appear at the office of the Clerk of the Circuit Court for our County of Isle of Wight, at the rules to be holden for said Court, at the Court-house of said County, on the third Monday in November, 1915, to answer C. P. Holland and Blanche T Holland a bill in chancery exhibited against them; and have then and there this writ:

Witness, A. S. Johnson, Clerk of said Court, at the Courthouse this 21st day of October, 1915.

 Clerk.

George F. Whitley)
Everett & Hutton) p/q

RECEIVED BY THE CLERK OF THE COURT

TO THE CLERK OF THE COUNTY OF WIGHT, VIRGINIA

FOR THE PURPOSE OF SERVING A TRUE COPY OF THE SAME

ON THE PERSONS OF THE DEFENDANTS IN THE ABOVE ENTITLED CASE

AND TO RETURN TO THE CLERK OF THE COURT A TRUE COPY OF THE SAME

WITHIN THE TIME SPECIFIED IN THE SUBPOENA

HEREIN REFERRED TO, AND TO SIGN A RETURN THEREON

AND TO RETURN TO THE CLERK OF THE COURT A TRUE COPY OF THE SAME

WITHIN THE TIME SPECIFIED IN THE SUBPOENA

HEREIN REFERRED TO, AND TO SIGN A RETURN THEREON

AND TO RETURN TO THE CLERK OF THE COURT A TRUE COPY OF THE SAME

WITHIN THE TIME SPECIFIED IN THE SUBPOENA

HEREIN REFERRED TO, AND TO SIGN A RETURN THEREON

Holland et ux

vs) Chancery No. 219

Phillips et als

Subpoena

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

Nov 22 1915

Received Herein

Teste, *[Signature]* Clerk.

I executed the within summons this the 20th, day of October 1915,
in the County of Isle of Wight by serving a true copy of the same
on Vara Davis, Seward Davis, Eva Joyner, George Joyner, Matthew
Clary and Davy Clary in person.

[Signature]
Sheriff of Isle of Wight County.

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

C. P. HOLLAND AND BLANCHE T. HOLLAND,

Complainants,

v.

NOVELLA PHILLIPS, C. PHILLIPS, WINSTON STOKES, VARA DAVIS, C. WARD DAVIS, EVA JOYNER, GEORGE JOYNER, MATTHEW CLARY, DAVY CLARY, WILLIAM STOKES, GARFIELD STOKES, AND ANNIE STOKES, the last named defendant being under the age of twenty-one years,

Defendants.

The answer of Novella Phillips, C. Phillips, Winston Stokes, Vara Davis, C. Ward Davis, Eva Joyner, George Joyner, Matthew Clary, Davy Clary, William Stokes and Garfield Stokes, to a bill in equity filed against them and another in the Circuit Court of Isle of Wight County by C. P. Holland and Blanche T. Holland

These respondents saving and reserving to themselves the benefit of all exceptions which might be had or taken to the said bill, for answer thereto, or to so much thereof as they are advised it is material they should answer, answer and say,

1st. That it is true that Delia Stokes died during the year 1905, leaving as her children and heirs at law the persons named in complainants' bill, among whom are your respondents Novella Phillips, Winston Stokes, Vara Davis, Eva Joyner, Matthew Clary, William Stokes, and Garfield Stokes.

2d. Your respondents deny that according to the said deed that the said Abner Stokes owned a one-half interest in the said land, but on the contrary they say that by the said deed John W. Stokes, Delia Stokes and Abner G. Stokes were jointly seized of the said land in equal interests, that is to say, an undivided one-third in each, and

that upon the death of the said Delia Stokes her interest therein, subject to the curtesy of her husband, John W. Stokes, descended to her children, and that your respondents and the said Annie Stokes, an infant, are the fee simple owners of an undivided one-third of the said land, subject to the curtesy interest of John W. Stokes therein.

3d. Your respondents know nothing of the conveyance from John W. Stokes and Abner Stokes to complainants and call for strict proof thereof, as well as for every other allegation in the said bill which is not expressly admitted herein.

4th. These respondents say that it would be greatly detrimental to their interest that a sale of the property should be had now and the curtesy interest of John W. Stokes commuted, and they must earnestly insist that the same be not done. They further say that the said land is susceptible of partition in kind among the parties, and that these respondents are perfectly willing that their shares may be assigned together.

And now having answered the complainants' bill, these defendants pray to be dismissed with their reasonable costs, etc.

Avilla Phillips
C. Phillips
Winston Stokes
Vera Davis
Edward Davis
Eva Joyner
George Joyner
Mathias Clay
Dory Clay
William Stokes
Gordon Stokes

By Samuel

Swetznay, A.D.

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

C. P. HOLLAND AND

BLANCHE T. HOLLAND,

v.

NOVELLA PHILLIPS ET ALS.

Answer of
Novella Phillips et als.

FILED
IN THE COURT OF THE COUNTY
OF ISLE OF WIGHT

July 2 1916

Filed

Ed Johnson Clerk

JOHN N. SEBRELL, JR.
ATTORNEY AND COUNSELLOR AT LAW
SEABOARD BANK BUILDING
NORFOLK, VIRGINIA

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

C. P. Holland and Blanche T. Holland.....Complainants.

vs.

Novella Phillips et als.....Defendants

The answer of Annie Stokes, an infant under the age of twenty-one years, by Hugh L. Holland, a discreet and competent attorney at law, her guardian ad litem assigned to defend her in this suit, and the answer of the said Hugh L. Holland, guardian ad litem of the said infant defendant, to a bill of complaint exhibited against the said infant and others by C. P. Holland and Blanche T. Holland in the Circuit Court of the County of Isle of Wight.

For answer to the said bill the said infant defendant by her said guardian ad litem answers and says that being of tender years she does not know what her true interests are in relation to the subject matter of the said bill, nor does she know whether the statements therein contained are true or not. She confides the protection of her interest therein to the care of the court. And the said guardian ad litem of the said infant defendant for answer to the said bill answers and says that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the infant defendant. And now, having fully answered, this defendant prays to be hence dismissed, with her costs, etc.

Annie Stokes,

By

Hugh L. Holland
Guardian ad Litem.

Hugh L. Holland
Guardian ad Litem of infant defendant.

STATE OF VIRGINIA,

City of Suffolk, to-wit:

Sworn to before me in my city aforesaid by Hugh L. Holland,
Guardian ad litem as aforesaid, this the 8 day of December, 1915.

H. E. Green N.P.

C. P. Holland et al.

vs.

Novella Phillips et als.

Answer of Guardian ad Litem.

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

C. P. HOLLAND ET AL COMPLAINANTS.

vs.....PETITION

NOVELLA PHILLIPS ET ALS.....DEFENDANTS.

Your petitioners, C. P. Holland and Blanch T. Holland, complainants in the above-styled suit respectfully represent that they have bought all of the right, title and interest of certain parties in and to the land in the bill and proceedings mentioned and to the proceeds of the sale thereof, and that same have been conveyed to the said C. P. Holland, as follows:

FIRST: Winston W. Stokes and Virginia Stokes to C. P. Holland, by their deed dated July 27th, 1920, and duly recorded in the clerk's office of the circuit court of Isle of Wight, County, Virginia, on September 8th, 1920, in Deed Book number 91, page 263, a certified copy of which said deed is hereto attached, marked "EXHIBIT- A", and made a part of this petition.

SECOND: Vara P. Davis, Arilla M. Clary, and David Clary to C. P. Holland, by their deed dated August 23rd, 1920, and duly recorded in the clerk's office of the circuit court of Isle of Wight County, Virginia, on September 8th, 1920, in Deed Book number 91, page 265, a certified copy of

which said deed is attached hereto, marked "EXHIBIT- B", and made a part of this petition.

THIRD: Annie Green and Bennie Green to C. P. Holland, by their deed dated September 2nd, 1920, and duly recorded in the clerk's office of the circuit court of Isle of Wight County, Virginia, in Deed Book number 91, page 264, on September 8th, 1920, attached hereto, marked "EXHIBIT-C", and made a part of this petition.

Your petitioners state that all of the right, title and interest and claims of the aforesaid parties have been conveyed to the said C. P. Holland as above-set out; that all of the said conveyances have been made since the institution of this suit and since the making and filing of the report of A. S. Johnson, commissioner in this cause, said report being dated March 6th, 1916, and filed October 11th, 1917.

Your petitioner, C. P. Holland respectfully states that he is entitled to the rights of all of the above parties and respectfully prays that all of the said rights be decreed to him by the court in this suit.

Respectfully submitted this 20th day of
October, 1920.

C. P. Holland
& Blanche T. Holland
by H. G. Holland their
att'y

C. P. HOLLAND ET AL...
COMPLAINANTS

vs. PETITION

NOVELLA PHILLIPS ET ALS...
DEFENDANTS.

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

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

Holland et als.

vs) Chancery. 219

Phillips, et als.

TO HONORABLE B. D. WHITE,

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

You petitioner, Surry Lumber Company, a corporation
duly organized and chartered under the laws of the State of
Virginia, respectfully submits the following case:

That on the 26th. day of January, 1906, John W.
Stokes, Abner G. Stokes and Delia Stokes, conveyed to it
certain timber, timber rights, privileges and easements,
for which it paid the sum of five hundred and twenty five
dollars, the time to cut said timber, and to exercise
said rights, privileges and easements, being the term of
ten years, with the privilege of five additional years
upon the payment of the sum of thirty one dollars and fifty
cents for each year it might use the same, said deed being
of record in the Clerk's Office of the Circuit Court of
the County of Isle of Wight in Deed Book No. 73, page 298,
as of the 26th. day of January, 1906.

That it is advised that Delia Stokes has departed
this life; and that since her death, the said John W. Stokes,
and his second wife, and Abner Stokes, and his wife, have
conveyed their interest in said land to C. P. Holland, as
will appear by their certain deeds bearing date October 15th.
1915, and of record in said Clerk's Office in Deed Book No.
83, page 595 and 596, respectively:

That the first payment under the extension granted

in said deed of 26th. January, 1906, to your petitioner, will soon fall due, to-wit: on the 26th. day of January, 1916; but that it does not know to whom said payment ought to be made: It, therefore, submits, herewith, its check, for the said sum of thirty one dollars and fifty cents, payable to the Clerk of this Court, and respectfully petitions the Court to make proper distribution thereof, to the parties entitled to share therein, as may be determined by the Court in the Chancery proceedings now pending therein, in which said C. P. Holland et al. is complainant, and Novella Phillips et als., are defendants:

Your petitioner further respectfully states to the Court, that should said suit not be completed, and the rights of the parties therein determined here the second or other payments fall due, that it is ready and willing to make the further payments due, or to become due, to any person or persons to whom the Court shall direct, for such period of time as it exercises such rights, privileges, etc.

And your petitioner will ever pray, etc.

SURRY LUMBER COMPANY.

Holland et al

n^o 219

Phillips et al

Section of Survey L^{ts}
Co

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

11/27

1915

Filed

Teste,

Edmondson

Clerk.

TO THE HONORABLE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

C. P. Holland and Blanche T. Holland.....Complainants.
vs.
Novella Phillips, C. Phillips, Winston
Stokes, Vara Davis, C. Ward Davis, Eva
Joyner, George Joyner, Matthew Clary,
Davy Clary, William Stokes, Garfield
Stokes, and Annie Stokes, the last named
defendant being under the age of twenty-
one years.....Defendants.

Your Complainants, C. P. Holland and Blanche T. Holland, humbly
complaining, respectfully represent:

That Anna H. Lawrence and husband on the 1st. day of January, 1901,
conveyed by deed duly recorded in the Clerk's Office of the Circuit Court
of Isle of Wight County in Deed Book No. 66, Page 200, to John W. Stokes,
Delia Stokes and Abner G. Stokes the following described land:

All that certain tract of land situated in the County of Isle of Wight,
in the State of Virginia, containing 140 acres, more or less, and de-
scribed as follows: Beginning at a blackgum on the north side of a path
known as the Trump Town Road and in a lane between the lands of J. W.
Lawrence and Anna H. Lawrence, running in a southerly direction to the
said Trump Town Road, thence along said road in a westerly direction about
20 feet to a cedar post, thence in a southerly direction along a line of
chopped trees to a sweet gum cornering on the lands of B. F. Nelms and
J. Q. Parr, thence along the original line to the point of beginning, and
bounded by the lands of B. F. Nelms, C. W. Turner, A. J. Edwards, J. W.
Lawrence and others; it being a portion of the tract of land conveyed
to Anna H. Lawrence by James F. Whitley by deed dated May 28, 1887, and
recorded in the Clerk's Office of the Circuit Court of Isle of Wight County,
in Deed Book 52, Page 54.

That during the year 1905, the said Delia Stokes died leaving her
husband, John W. Stokes, and the following children as her only heirs at
law: Novella Phillips, who married C. Phillips; Winston Stokes; Vara
Davis, who married C. Ward Davis; Eva Joyner, who married George Joyner;
Matthew Clary, who married Davy Clary; William Stokes; Garfield Stokes;
and Annie Stokes, who is under the age of twenty-one years.

That in the month of October, ¹⁹¹⁵_A, the said John W. Stokes and Abner G.
Stokes conveyed their interest to your complainant, C. P. Holland by
deed duly recorded in said Clerk's Office.

That the said Abner Stokes owned a one-half interest in said land
as will appear by the original deed, marked Exhibit A, filed with this
bill and asked to be read as a part of the same, thus making your com-
plainant, C. P. Holland, the owner of three-fourths of said land and the
life-right of John W. Stokes in the one-fourth owned by his wife Delia

Stokes, the mother of the children named above by the said John W. Stokes.

That the said property could not be conveniently divided in kind, that the interests of those who are entitled to the said real estate, or its proceeds, will be promoted by a sale of the whole of the same, or by an allotment of part and a sale of the residue.

In consideration whereof, and forasmuch as your complainants are remediless in the premises save by the aid of a court of equity, they pray that the said Novella Phillips, C. Phillips, Winston Stokes, Vara Davis, C. Ward Davis, Eva Joyner, George Joyner, Matthew Clary, Davy Clary, William Stokes, Garfield Stokes, and Anna Stokes may be made parties defendant to this bill and required, but not on their oaths, to answer the same, the oaths being hereby waived, the said adults in their own proper person and the infant by guardian ad litem; that a proper guardian ad litem be appointed in this cause for said infant, who shall also answer this bill; that proper process issue; that the said estate be divided among the parties entitled thereto, or else, if it cannot be so divided, that it may be sold and the proceeds divided among the parties entitled thereto according to their respective rights; that all proper orders and decrees may be made, accounts taken and enquiries directed; and that your complainants may have all such further, other and general relief in the premises as the nature of ~~their~~ case may require, or to equity shall seem meet.

C. P. Holland

Blanche J. Holland

Complainants.

Everett Hutton

Counsel.

4

C. P. Holland et al
vs: Bill
Novella Phillips et al.
~~~~~

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

Novm 12 19 15  
Filed  
Teste, [Signature] Clerk.

LAW OFFICES  
**Everett S. Hutton**  
SUFFOLK, VA.

Second November Rules, 1915: Process returned showing service upon all resident defendants, decree nisi as to them. Continued for order of publication as to Garfield Stokes, the non resident defendant. Bill filed.

Third November Rules, 1915: Cause set for hearing as to defendants upon whom process has been duly served, and continued for printer's certificate on O.P. as to non resident defendant.

December 9th. 1915: Printer's certificate filed, showing completion of order of publication November 12th. 1915: Order of publication now being executed cause set for hearing as to all parties defendant.

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

R. A. EDWARDS, CLERK

April 25th, 1921.

Dear Mr Holland,

The Commissioners report in the case of Holland Vs. Stoakes which I had been unable to locate for some time came to life here today among some of the Court papers. I herewith enclose the same in order that you may place same with the papers.

Very Respty, *R. A. Edwards.*

If the Judge has the papers you can return this to me and I will hold it.

Robert J. Cull

HUGH L. HOLLAND  
ATTORNEY AT LAW  
SUFFOLK, VIRGINIA

Dec. 16th, 1920-

Mr. R. A. Edwards, Clerk,  
Isle of Wight, Va.,

Dear Mr. Edwards:-

IN RE: HOLLAND VS. PHILLIPS:

I have just received a letter from Judge White that decree has been entered in this suit. Will you be kind enough to let me have all of the original papers including this last decree at once, as I want to proceed to have this decree executed by the commissioners named. I will remit to you promptly the amount of postage necessary to send these papers by registered mail.

Thanking you in advance to let me have these papers at once, I am,

Yours very truly,



HLH:B

Dear Mr Holland,

Presuming that I was to do this, I have made four copies of the last decree and have had same served upon the four commissioners, three of whom have already accepted service to appear on the date and at the place mentioned in the decree. Sidney Johnson told me that they would have to be served by the Sheriff unless I could get them to accept, but I knew that they would accept and have three written acceptances. Find the papers herein that you ask for, you will note the charges from the stamps used etc.

Respty, R. A. E.

No.

Know all Men by These Presents: That we John N. Sebrell and Hugh L. Holland,  
And S.E. Everett principals,

and

U. S. Fidelity & Guaranty Co. surety,

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of ~~Three~~ 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 John N. Sebrell and Hugh L. Holland & S.E. Everett principals,  
have ~~set~~ <sup>their</sup> hand and affixed ~~his~~ <sup>their</sup> seal;

and the said

U. S. Fidelity & Guaranty Co.

surety,

by

Richard L. Woodruff

, 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

, its said agent and attorney

in fact, this, the

8<sup>th</sup>

day of

March

A. D. 1921,

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound John N. Sebrell and Hugh L. Holland appointed Special Commissioners, by the Circuit Court of the County of Isle Of Wight, State Of Virginia, in the Chancery cause, docket No. 219, styled, generally, C. P. Holland et als, Vs. Novella Phillips et als, by decree entered therein on the 8th day of February 1921,

shall faithfully discharge the duties of his office or trust as such Special Commissioners,

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

Seal

John N. Sebrell [SEAL]  
Hugh L. Holland. Seal  
S.E. Everett. Seal  
U. S. Fidelity & Guaranty Co. Seal  
By Richard L. Woodruff.

Its duly authorized agent and attorney in fact.

Attest: Richard L. Woodruff.

Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 8<sup>th</sup>  
day of March 1921, this bond was duly executed and acknowledged by the obligors to the same  
and ordered to be recorded.

R. L. Woodruff. Clerk.

A Copy.

Teste R. L. Woodruff. alv

Holland et als.

Vs. Chancery No 219

Phillips et als.

A Copy Of Bond.

In the Clerk's Office of the Circuit..... Court of the County  
of Isle Of Wight,

C. P. Holland et als. Plaintiff , )

~~vs~~ *vs* } *chancery*.

Novella Phillips et als. Defendant . )

I, R. A. Edwards, Clerk of the said Court, do certify that the  
bond required of the Special Commissioners <sup>viz, J. N. Sebrell, H. L. Holland, & S. E. Everette</sup> by the decree rendered in said cause on the 8th day  
of February 1921, has been duly given.

Given under my hand as Clerk of the said Court, this 9th day of March, 1891.

*Teste. R. A. Edwards. Clerk*

This Deed, made this 2 ond day September, in the year one thousand nine hundred and twenty, between Annie Green and Bennie Green her husband, of the City of Norfolk,-Va. of the first part and C. P. Holland of the City of Suffolk,-Va. of the second part.

WITNESSETH: That in consideration of the sum of One Hundred Dollars the receipt of which is hereby acknowledged. The said parties of the first part do grant unto the said party of the second part with General Warranty, all that certain tract of land, situated in the County of Isle of Wight, Virginia, containing by estimation One Hundred and Forty Acres, more or less, and described as follows; Beginning at Black Gum on the North side of a path known as the Trump Town Road in a lane between the lands of J. W. Lawrence and Anna H. Lawrence, runnning in a Westerly direction to the Trump Town Road, thence along the said road in a Westerly direction about twenty feet to Cedar Post, and thence in a **Southerly** direction along a line of chopped trees to a Sweet Gum, cornering on the land of B. F. Nelms and J. Q. Parr and thence along the original line to the point of beginning. The said land being bounded by the land of B. F. Nelms, C. W. Turner, A. J. Edwards, J. W. Lawrence & others. It being the same land conveyed to Delia Stokes and others by Deed dated Jan. 1st 1901, duly recorded in the Clerks Office of the Curcuit Court of Isle of Wight County, in Deed Book No. 66 page 200, the said Annie Green being one the Lawfull heirs of the said Delia Stokes. The said **grantors** also convey and sell to the said grantee for the consideration aforesaid all their rights and tittle in and too the Estate of Delia Stokes, both Real and Personal of every kind and description whatsoever.

The said parties of the first part covenant that they have the right to convey the said lands to the Grantee, that they have done no act to encumber the said lands, that the grantee shall quiet possession of the said lands, free from all encumbrances and that they the said parties of the first part will execute such further assurances of the land as may be requisite.

Witness the following signatures and seals.

Annie Green (SEAL)

Bennie Green (SEAL)

STATE OF VIRGINIA:

CITY OF NORFOLK :

I, Charles A. Francis a Notary Public in and for the City of Norfolk aforesaid, in the State of Virginia, do certify that Annie Green and Bennie Green whose names are signed to the writing here-to annexed, bearing date on the 2 ond day of September 1920, have acknowledged the same before me in my City aforesaid. Given under my hand this 3 day of September 1920.

My commision excoires on June 25<sup>th</sup> 1923

Charles A. Francis Notary Public.

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight  
September 8th 1920, at nine o'clock A.M., this deed was received and with the certificate annexed, admitted to record.

Teste, & Johnson Clerk.

300

Jamie Green and Bennie Green

To

BTS

C. P. Holland.

*9 am*  
Virginia Clerk's Office of the Circuit Court of  
the County of Isle of Wight

*Sept 8* 19*20*  
Recorded In D B No. *91* Page *2.64*

|                   |         |            |
|-------------------|---------|------------|
| State Tax, - - -  | \$..... | <i>50</i>  |
| Clerk, - - -      | \$..... | <i>150</i> |
| Comr. Revenue - - | \$..... | <i>100</i> |
| Total - - -       | \$..... | <i>300</i> |

WILLIAM S. HOLLAND  
ATTORNEY AT LAW  
SUFFOLK, VIRGINIA

This Deed, Made this 23 day of August in the  
year one thousand nine hundred and Twenty between  
Vara P. Davis (not married) of the City  
of New-Port-News, Va., Anilla M. Clary of the  
City of Norfolk-Va., David Clary of the City of  
Newport News, husband of Anilla M. Clary parties of the first part, and  
C. P. Holland of the City of Suffolk, Va.,

part IV of the second part.

Witnesseth: That in consideration of the sum of Five (\$5.)  
Dollars, and other good, legal, and  
valuable considerations,

the said parties of the first part

do grant unto the said party of the second part

with General Warranty, all  
of that tract of land situated in the County of Isle of Wight, Virginia,  
containing by estimation one hundred and forty acres, more or less, and  
described as follows: Beginning at a Black Gum, on the North side of  
a path known as Trump Town Road in a lane between the lands of J. W.  
Lawrence, and Anna H. Lawrence, running in a Westerly direction about  
twenty feet to a cedar post, thence in a Southerly direction along  
a line of chopped tress to a sweet Gum, cornering on the lands of B.  
F. Helms and J. Q. Par, thence along the original line to the point  
of beginning. The said land is bounded by the lands of B. F. Helms,  
C. W. Turner, A. J. Edwards, J. W. Lawrence, and others. It being  
the same land conveyed to Delia Stokes and others by deed dated January,  
1901, and recorded in the Clerk's Office of the Circuit Court of Isle  
of Wight County, Virginia, in Deed Book No. 66, page 200, the said  
grantors being heirs of the said Delia Stokes mentioned in the said deed.  
It is the intention of the said grantors to convey to the said C. P.  
Holland all their right, title, and interest to the said land herein  
conveyed, and also all the rights of every kind and description in  
estate of the said Delia Stokes.

The said parties of the first part

covenant that they have the right to convey the said land to the grantee; that they have done no act to encumber the said land; that the grantee shall have quiet possession of the said land, free from all encumbrances, and that they the said parties of the first part, will execute such further assurance of the said land as may be requisite.

Witness the following signature<sup>s</sup> and seal<sup>s</sup>:

Nora P. Davis

[ SEAL ]

Carilla M. Clary

[ SEAL ]

Witness: Alvena Ellis



David<sup>his</sup> Clary  
mark

[ SEAL ]

[ SEAL ]

State of Virginia,

*City of*

of *Newport News* to-wit:

I,

*James E. Pungear Jr.*

a Notary Public in and for the City of

*Newport News, Va.*

for the

aforesaid, in the State of Virginia, do certify that

*Vara P. Davis & David Clary*

whose name *S. Davis*

signed to the foregoing

writing, bearing date on the

*23<sup>rd</sup>*

day of

*August*

19*20*

have

acknowledged the same before me in my

*City*

aforesaid.

Given under my hand, this

*23<sup>rd</sup>*

day of

*August*

19*20*

Commission Expires *Sept. 11<sup>th</sup> 1920*

*James E. Pungear Jr.*

MEMO.—To be acknowledged before any officer authorized to take acknowledgments.  
If acknowledged before a notary public the certificate should contain the  
date of expiration of the commission of the notary.

State of Virginia,  
City of Norfolk,

to wit:---

I, William N. Grubb, a Notary Public for the Corporation aforesaid, in the State of Virginia, do hereby certify that Arilla M. Clary, whose name is signed to the foregoing writing, bearing date of the 23rd day of August, 1920, has acknowledged the same before me in my corporation aforesaid.

Given under my hand and seal this 24th day of August, 1920.

*Wm. N. Grubb*

Notary Public.

My Commission Expires 12/17/21

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight September 8th., 1920 at nine o'clock A. M. this deed was received and with the certificate annexed, admitted to record.

Teste,

to-wit:

*John*

Clerk.

In the office of \_\_\_\_\_ the \_\_\_\_\_ day of

191

, this deed was presented and, with the certificates annexed, admitted to record at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Teste:

Clerk.

Vara P. Davis et al.

to

Deed  
of Bargain and Sale

C. L. Holland

Sept. 8 1890 191

Presented in office and, with Certificate,  
admitted to record at 9 o'clock A. M.

Johnson Clerk.



Court of

Recorded, Deed Book 91

Page 265 and

Fee, \$ 50

Tax, \$ 150

Comm \$ 100

\$ 300

War Tax

50

350

**This Deed,** Made this 27th day of July in the  
year one thousand nine hundred and twenty between  
Winston W. Stokes and Virginia Stokes  
his wife

part of the first part, and  
C. P. Holland, of Suffolk, Virginia.

part V of the second part.

**Witnesseth:** That in consideration of the sum of Five (\$5.)

Dollars, and other good and valuable  
considerations; Cash in hand paid, the receipt where of is hereby  
acknowledged.

the said parties of the first part.

do grant unto the said party of the second part,

with General Warranty, all  
of that tract of land, situated in the County of Isle of Wight,  
Virginia, containing by estimation one hundred and forty (140) acres,  
more or less, and described as follows: Beginning at a Black Gum, on  
the North side of a path known as Trump Town Road in a lane between  
the lands of J. W. Lawrence, and Anna H. Lawrence, running in a Westerly  
direction about twenty feet to a cedar post, thence in a Southerly  
direction along a line of chopped trees to a sweet Gum, conering on the  
lands of B. F. Nelms and J. Q. Parr, thence along the original line to  
the point of beginning. The said land bounded by the lands of B. F.  
Nelms, C. W. Turner, A. J. Edwards, J. W. Lawrence, and others. It  
being the same land conveyed to J. W. Stokes and others by Deed dated  
January 1st, 1901 and recorded in the Clerk's Office of the Circuit  
Court of Isle of Wight County, Virginia, in Deed Book No. 66, page 200,  
the said Winston Stokes being one the heirs of Delia Stokes in said  
deed. It is the intention of the grantors herein to convey to the  
said C. P. Holland all their right, title, and interest of every kind  
and description to the said property above described, including all  
the accude claims due the grantors to any and all extensions in  
which to cut and remove the timber.

The said parties of the first part,

covenant that they have the right to convey the said land to the grantee; that they have done no act to encumber the said land; that the grantee shall have quiet possession of the said land, free from all encumbrances, and that they the said parties of the first part, will execute such further assurance of the said land as may be requisite.

Witness the following signatures and seals:

Winston W. Stokes, [ SEAL ]

Virginia Stokes, [ SEAL ]

[ SEAL ]

[ SEAL ]

State of Virginia,

County of Surry to-wit:  
I, E. M. Richardson, Notary Public

for the County aforesaid, in the State of Virginia, do certify that  
Winston W. Stokes Virginia Stokes  
whose names are signed to the foregoing  
writing, bearing date on the 27 day of July 1920, have  
acknowledged the same before me in my County aforesaid.

Given under my hand, this 30 day of July 1920

My Commission Expires  
Nov. 2nd, 1920.

E. M. Richardson

~~It is to be remembered that before any officer authorized to take acknowledgments  
acknowledged before a notary public the certificate should contain the  
date of expiration of the commission of the notary.~~

Virginia: Clerk's Office of the Circuit Court of the County of Isle  
of Wight September 8th., 1920 at nine o'clock A.M. this deed was re  
ceived and with the certificate annexed, admitted to record.

Teste,

John Clerk.

to-wit:

In the office of \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_  
1921, this deed was presented and, with the certificates  
annexed, admitted to record at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Teste:

\_\_\_\_\_ Clerk.

299

Virginia Stationery Co.  
Engravers and Printers  
Richmond, Va. } Form No. 100

Ministon W. Stokes  
and  
Virginia Stokes

to

Deed  
of Bargain and Sale

C. P. Holland

Septem 8 1910

Presented in office and, with Certificate,  
admitted to record at 9 o'clock A.M.

A. S. Johnson Clerk.

Circuit Court of Isle of Wight

Recorded, Deed Book 91

Page 263 and

Fee, - 24¢ \$ 50

Tax, - 15¢ \$ 150

Comm \$ 100

\$ 3.00

TO A. S. JOHNSON, ESQ., CLERK OF THE CIRCUIT COURT OF ISLE  
OF WIGHT & UNIV.

G. P. Holland and Blanche T. Holland.....Complainants.  
vs.

Novella Phillips, C. Phillips, Winston Stokes,  
Vera Davis; ~~Edward~~ <sup>Seward</sup> Davis, Eva Joyner, George  
Joyner, Matthew Clary, Davy Clary, William  
Stokes, Garfield Stokes, and Annie Stokes,  
the last named defendant being under the age of  
twenty-one years.....Defendants.

Issue summons to First (First Monday) Rules in November, 1915.

George F. Whitley  
Everett Stutton D.A.

1  
C. F. Holland et al.  
v. *h Cy 249*  
Novella Phillips et als

RECORDED

CLERK'S OFFICE OF THE  
CIRCUIT COURT OF THE COUNTY  
OF ISLE OF WIGHT

*Mar 1* 19*15*

*Filed*

Teste, *[Signature]* Clerk.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT  
APRIL 26TH 1933.

Holland Stals

vs: # 219

Phillip Stals

.           It appearing, pursuant to a decree entered herein  
on the 6th day of March, 1933, that the parties, or their Counsel,  
have been notified by the Clerk of this Court of the terms of  
said decree, and no good cause having been shown, it is ordered  
that this cause be removed from the docket, with leave to reins-  
state the same as provided in Section 6172 of the Code as  
Amended.

Holland et al.

to # 219 ✓

Phillip et al.

March TERM 1933 Filed

CLK

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT  
MARCH 6th 1933.

Holland et als

vs: # 219

Phillips et als

IT APPEARING that this cause has been on the docket of this Court for more than two years, and that no order has within said period been entered herein, it is therefore ordered, pursuant to the provisions of Section 6172 of the Code of Virginia, as amended, the Clerk of this Court be directed to notify the parties to this cause, if known, or their counsel of record, at his or their last known address, in writing, at least fifteen days before the 25th day of April, 1933, so that on said day all parties named have an opportunity to be heard, and that, except for good cause to then be shown, this cause will be removed from the docket for failure to prosecute the same to a final decree.

Holland Lab  
n# 219  
Phillips Lab.

CO. B #9

Page 79



VIRGINIA:

IN THE CIRCUIT COURT OF ISIE OF WIGHT COUNTY.

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C. P. HOLLAND ET AL,

Plaintiffs,

v.

NOVELLA PHILLIPS ET ALS,

Defendants.

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This day this cause came on to be heard on the papers formerly read, and on the report of Hugh L. Holland and John N. Sebrell, Jr., Special Commissioners, this day filed by leave of court, and was argued by counsel.

On consideration whereof, it appearing to the court that the bid of C. P. Holland of Three Thousand Dollars (\$3,000.00), in addition to the costs and expenses of this suit and sale to be borne by the said C. P. Holland, is a fair and reasonable one, and that all the parties, who are adults, agree to the acceptance of the same, the court doth adjudge, order and decree that the said offer be accepted, and that the said sale of the said land to C. P. Holland upon such consideration be confirmed and made binding between the parties; and the said Hugh L. Holland and John N. Sebrell, Jr., Special Commissioners, will proceed to collect from the said C. P. Holland the sum of \$3,000.00 and the expenses of this suit and sale, including the costs as shall be taxed by the Clerk of the Court, the commissions of the Special Commissioners, the costs expended by said Commissioners in advertising and conducting the sale, auctioneer's fees, fees for drawing deed, and a fee of \$ 100.<sup>00</sup> to Wm. S. Holland, attorney for the plaintiff, and a fee of \$ 100.<sup>00</sup> to John N. Sebrell, Jr., attorney for the defendants. After collecting the said amount

the said Special Commissioners will execute a deed to the said C. P. Holland, conveying the said property, with special warranty of title. And the said Special Commissioners, out of the amount thus collected, shall pay the costs aforesaid, and the balance shall be distributed as follows: five sixths ( $5/6$ ) to C. P. Holland; one-twenty-fourth ( $1/24$ ) to Novella Phillips, or her attorney; one-twenty-fourth ( $1/24$ ) to Eva Joyner, or her attorney; one-twenty-fourth ( $1/24$ ) to William H. Stokes, or his attorney; and the remaining one-twenty-fourth ( $1/24$ ) to Garfield Stokes, or his attorney. And the said Commissioners will report to court.

And it being suggested to the court that during the pendency of this suit, the said C. P. Holland has collected the rents and profits arising from the said real estate, the court doth further adjudge, order and decree that it be referred to one of the Commissioners in Chancery of this court to ascertain, make and inquire and report to the court, first, an account of the rents and profits received by said C. P. Holland from the said land, what credits, if any, the said C. P. Holland should be allowed as a credit thereon, and what amount should be paid by the said C. P. Holland, if any, to the other parties in this suit. And the said Commissioner in Chancery will make his report to court.

And the said Special Commissioners are further directed to collect the money due from Surry Lumber Company for the sale of timber and to distribute the same in manner directed above.

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

C. P. HOLLAND ET AL,  
Plaintiffs,

v.

NOVELLA PHILLIPS ET ALS.,  
Defendants.

DECREE.

*1922  
Jan 31  
Entered  
P.W.C.*

*We consent:  
Wm S. Holland - atty.  
for pfs.  
Jno. G. Phelps - atty.  
for Defendants.*

JOHN N. SEBRELL, JR.  
ATTORNEY AND COUNSELLOR AT LAW  
SEABOARD BANK BUILDING  
NORFOLK, VIRGINIA

*Book 8, Page 101*  
HAMPTON ROADS PAPER CO., NORFOLK

Copy

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

C. P. HOLLAND ET AL,

Plaintiffs,

v.

NOVELLA PHILLIPS ET ALS,

Defendants.

This day this cause came on to be heard on the papers formerly read, and on the report of Hugh L. Holland and John N. Sebrell, Jr., Special Commissioners, this day filed by leave of court, and was argued by counsel.

On consideration whereof, it appearing to the court that the bid of C. P. Holland of Three Thousand Dollars (\$3,000.00), in addition to the costs and expenses of this suit and sale to be borne by the said C. P. Holland, is a fair and reasonable one, and that all the parties, who are adults, agree to the acceptance of the same, the court doth adjudge, order and decree that the said offer be accepted, and that the said sale of the said land to C. P. Holland upon such consideration be confirmed and made binding between the parties; and the said Hugh L. Holland and John N. Sebrell, Jr., Special Commissioners, will proceed to collect from the said C. P. Holland the sum of \$3,000.00 and the expenses of this suit and sale, including the costs as shall be taxed by the Clerk of the Court, the commissions of the Special Commissioners, the costs expended by said Commissioners in advertising and conducting the sale, auctioneer's fees, fees for drawing deed, and a fee of \$\_\_\_\_\_ to \_\_\_\_\_, attorney for the plaintiff, and a fee of \$\_\_\_\_\_ to John N. Sebrell, Jr., attorney for the defendants. After collecting the said amount

the said Special Commissioners will execute a deed to the said C. P. Holland, conveying the said property, with special warranty of title. And the said Special Commissioners, out of the amount thus collected, shall pay the costs aforesaid, and the balance shall be distributed as follows: five sixths ( $5/6$ ) to C. P. Holland; one-twenty-fourth ( $1/24$ ) to Novella Phillips, or her attorney; one-twenty-fourth ( $1/24$ ) to Eva Joyner, or her attorney; one-twenty-fourth ( $1/24$ ) to William H. Stokes, or his attorney; and the remaining one-twenty-fourth ( $1/24$ ) to Garfield Stokes, or his attorney. And the said Commissioners will report to court.

And it being suggested to the court that during the pendency of this suit, the said C. P. Holland has collected the rents and profits arising from the said real estate, the court doth further adjudge, order and decree that it be referred to one of the Commissioners in Chancery of this court to ascertain, make and inquire and report to the court, first, an account of the rents and profits received by said C. P. Holland from the said land, what credits, if any, the said C. P. Holland should be allowed as a credit thereon, and what amount should be paid by the said C. P. Holland, if any, to the other parties in this suit. And the said Commissioner in Chancery will make his report to court.

J. M. Bones

\$10.00

Antiques & Co

J. M. Bones  
auctioneer

Holland

Phillips

HUGH L. HOLLAND  
ATTORNEY AT LAW  
SUFFOLK, VIRGINIA

\$12.85

Received of Hugh L. Holland, for Hugh L. Holland,  
John N. Sebrell Jr., and S. E. Everett, Special Commissioners  
in suit of HOLLAND ET ALS VS. PHILLIPS ET ALS payment of the sum  
of TWELVE and 85/100 DOLLARS, for printing hand-bills used in  
advertisement of property.

Dated this 20th day of April, 1921.

  
\_\_\_\_\_  
S. E. Everett

IN THE CIRCUIT COURT OF  
ISLE OF WIGHT COUNTY.

C. P. Holland et al     )     ... Complainants  
vs.                         )     IN CHANCERY.  
Novella Phillips et als)     ... Defendants.

This cause came on this day to be again heard upon the papers formerly read, and on the petition of C. P. Holland and Blanche T. Holland, praying to be made parties hereto in the place and stead of Winston W. Stokes and Virginia Stokes, his wife; V ara P. Davis (unmarried), Arrilla M. Clary and David Clary, her husband, Annie Green and Bennie Green, her husband, and on the report of J. N. White, T. B. Wright, L. L. Vellines and J. W. Babb filed in the clerk's office of this Court on the 25th day of January, 1921, and was argued by counsel: and it appearing from the said petition that the said C. P. Holland has purchased the interests of Winston W. Stokes and Virginia Stokes, his wife, Vara P. Davis (unmarried, Arrilla M. Clary and David Clary, her husband, Annie Green and Bennie Green, her husband in the real estate described in these proceedings, and that they, the said C. P. Holland and Blanche T. Holland, his wife, should be made parties hereto, it is therefore ordered that they be henceforth proceeded against as parties *Respondent* ; and it also appearing from the said report of the said commissioners (who were duly sworn), and from the report of Commissioner, A. S. Johnson . that the real estate hereinafter described, and mentioned and described in these proceedings, cannot be conveniently divided among the parties entitled thereto according to their respective interests, and that it would be to the best interest

of all parties that the said real estate be sold and the proceeds thereof divided according to the respective interest of the parties, and it also appearing from the report of Commissioner Johnson, that all the proper and necessary parties are properly before the Court, and that there are no liens against the said real estate and also that it would be to the interest of all parties that the said real estate be sold and the proceeds divided, and that the interest of the said C. P. Holland and Blanche T. Holland, his wife is an undivided five-sixths ( $5/6$ ) interest in said property and the interest of Novella Phillips, Eva Joyner, William Stokes and Garfield Stokes is an undivided one-twenty-fourth ( $1/24$ ) interest each, making the four last named parties together owners of an undivided one-sixth ( $1/6$ ) interest in said property.

On consideration whereof, the Court doth confirm the said reports of said commissioners and of Commissioner Johnson, and doth adjudge, order and decree that the said real estate be sold upon the premises, the same being described as follows:, to-wit:

" All that certain tract of land situated in the County of Isle of Wight, in the State of Virginia, containing one hundred and forty (140) acres, more or less, and described as follows: Beginning at a blackgum on the North side of a path known as the "Trump Town Road" and in a lane between the land of J. S. Lawrence and Anna H. Lawrence, running in a southerly direction about twenty (20) feet to a cedar post, thence in a westernly direction along a line of chopped trees to a sweet gum cornering on the lands of B. F. Nelms and J. Q. Parr, thence along the original line to the point of beginning, and bounded by the lands of B. F. Nelms, C. W. Turner, A. J. Edwards, J.W.

Lawrence and others; it being a portion of the tract of land conveyed to Anna H. Lawrence by James F. Whitley by deed dated May 28th, 1887, and recorded in the clerk's office of the circuit court of Isle of Wight County, Virginia, in Deed Book number 52, page 54, and, being the same land conveyed to John W. Stokes, Delia Stokes and Abner Stokes by a deed duly executed by Anna H. Lawrence and husband on the 1st day of January, 1901, and recorded in said clerk's office in deed book number 66, page 200, and the Court doth, for the purpose of said sale appoint John N. Sebrell, Jr. <sup>S.E. Everett</sup> and Hugh L. Holland, <sup>any two of whom may</sup> who after having qualified and advertised the time, place and terms of sale for ten days shall sell the said real estate on the following terms, to-wit: / one-third cash and the residue payable in twelve months and twenty-four months after the date of sale, with interest from said date, <sup>the same to be returned by the purchaser</sup> the title to said property to be retained until the entire purchase money is paid in full and conveyance directed by the Court, or if the purchaser elect so to do, he may pay the whole of the purchase money in cash. The highest bidder at said sale shall deposit with said Special Commissioners (~~on the one or more~~ <sup>or three</sup> qualified to act) at the time of said sale, at least fifteen per cent of the amount of his bid, and should he fail so to do, then said Special Commissioners shall forthwith, at the same time and place, proceed to again sell the said property; <sup>after making said deposit,</sup> and should he, fail to comply with the terms of sale within <sup>ten</sup> days from the date of sale, then said deposit shall, in addition to any other remedy, be forfeited to the parties to this cause, and should said purchaser not pay cash for said property then he shall have the improvements on said real estate insured for three-fourths of their value and

assign the policy of insurance to said Special Commissioners as additional security for the deferred payments; the taxes for ~~the~~ year 1921 shall be apportioned between the said Special Commissioners and the purchaser and possession of said property shall be given the purchaser as of the day of sale.!

~~And the said Special Commissioners shall take the bonds of the purchaser for the credit installments and return said bonds with their report,~~ but the said Special Commissioners (or such as may qualify) shall not proceed to act under this decree until they, ~~or some one of them~~ shall enter into bond before the clerk of this Court, payable to the Commonwealth of Virginia, in the penalty of three thousand (\$3000.00) dollars with surety to be approved by said clerk, and conditioned upon the faithful discharge of their duties hereunder or under any further decrees in this cause.

And this cause is continued.

Chancery  
# 219  
Isle of Wight Cir Ct.

C..P. HOLLAND ET AL  
COMPLAINANTS.

vs. DECREE.

NOVELLA PHILLIPS ET ALS  
DEFENDANTS.

1921<sup>st</sup>  
Feb. 8<sup>th</sup>  
Entered  
BDA.

Chancery Order Book  
#8. Page 46.  
R.A.E.  
cel

HUGH L. HOLLAND  
ATTORNEY AT LAW  
SUFFOLK, VIRGINIA

aff'd 8/4/21

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

C. F. HOLLAND AND BLANCHE T. HOLLAND,

Complainants,

v.

DECREE.

NOVELLA PHILLIPS, C. PHILLIPS,  
WINSTON STOKES, VARA DAVIS, C. WARD  
DAVIS, EVA JOYNER, GEORGE JOYNER,  
MATTHEW CLARY, DAVY CLARY, WILLIAM  
STOKES, GARFIELD STOKES, and ANNIE  
STOKES, the last named defendant  
being under the age of twenty-one  
years, . . . . .

Defendants.

This cause came on this day to be further heard on the papers  
formerly read, and on the report of A. S. Johnson, Commissioner in  
Chancery, dated March 6, 1916, <sup>and</sup> filed October 11, 1917, the excep-  
tions of the defendants to the said report, and the petition of  
C. P. Holland and Blanche T. Holland, this day filed by leave of  
court, and was argued by counsel.

On consideration whereof, <sup>Sustain the exceptions to said report and</sup> the Court doth order that L. L.  
Vellines, T. B. Wright, J. W. Babb, and J. N. White, who are here-  
by appointed Special Commissioners for the purpose, any three of  
whom may act, after having first been fully sworn, shall proceed to  
lay off and divide the real estate in the bill and proceedings  
mentioned into two parts, one part containing, in value, five-  
sixths ( $5/6$ ) of the said land, and the other containing one-sixth  
( $1/6$ ) in value. In making such partition, the said Commissioners  
shall have regard to quantity, quality and value, and shall assign  
five-sixths ( $5/6$ ) of the said land having regard to such quantity,  
quality and value to C. P. Holland, and the other one-sixth ( $1/6$ )  
to Novella Phillips, Eva Joyner, Williams Stokes and Garfield  
Stokes.

In making partition of the said land, if the said Commissioners shall be of opinion that it is advisable to do so, they may divide <sup>the</sup> same according to such natural or artificial boundaries as may be necessary or more convenient, and in the event that such partition would assign more land in value to either of the parties than their share entitled them to, the said Commissioners shall allow a certain sum in money to be paid as owelty of partition.

If the said Commissioners shall find that the said land can not be conveniently divided ~~in kind, in value,~~ they shall so report to Court. *Said Commissioners shall meet on said*

*land at ten o'clock A.M. on Wednesday, December the 22d, if said day be not fair, then at the same hour on the first fair day thereafter, and shall make report to the Court of their proceedings.*

*A Copy Test.*

*CCS*

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

C. F. HOLLAND ET AL,

Complainants,

v.

NOVELLA PHILLIPS ET ALS,

Defendants.

DECREE.

*Appt. Comm.*

*1920*

*Dec. 2*

*Enter this  
M.H.*

*we have seen this:*

*John N. Sebrell, Jr.  
H. H. Holland*

*Chancery order Book 8  
Page 30*

JOHN N. SEBRELL, JR  
ATTORNEY AND COUNSELLOR AT LAW  
SEABOARD BANK BUILDING  
NORFOLK VIRG'NIA

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

Holland, et als.,

v) Chancery, No.219.

Phillips, et als.

On motion of the complainants, the Court doth appoint Hugh L. Holland, a discreet and competent attorney at law, practicing in this Court, as guardian ad litem to the infant defendant, Annie Stokes; and on like motion, leave is granted the said guardian ad litem to file the answer of said infant defendant, and his own answer, to the bill filed in this cause; and, said answers are, accordingly, filed: and, on motion of the adult defendants, leave is granted them to file their joint and separate answers to said bill; and, the same are, accordingly, filed: to which answers the complaints replied generally: and, thereupon this cause came on this day to be heard upon the bill filed in this cause, the answer of said infant defendant, by her said guardian ad litem, and the answer of said guardian ad litem; and upon the joint and separate answers of the said adult defendants, and upon general replications of said answers: on consideration, whereof, the Court doth adjudge, order and decree, that the papers in this cause be referred to one of the Commissioners of this Court, who is directed to inquire into and report:

1. Whether the real estate in the bill mentioned can be conveniently divided among the parties entitled thereto.

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

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

4. If the said property cannot be divided among the parties, and no party will take the entire property, and pay therefor to the others such sums as they may be entitled to, and, if there cannot be an allotment of a part and a sale of the residue, whether it would be to the interest of all parties to sell said property and distribute the proceeds among those entitled thereto.

5. Whether there are any taxes due on said land, or any other liens against the same, or the interests of any of the parties.

6. The fee simple and annual values of said land.

7. Whether all the proper parties in interest are before the Court.

8. Any other matter deemed pertinent by said commissioner.

9. A description of said land, and the respective interests of the parties therein, and how the same were acquired.

Holland et al  
vs) Chancery--219  
Phillips, et als.

Note for decree

1916  
mar 6

Enter,

J.D.W.

Chancery Order Book No. 7,

page, 332

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

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C. P. HOLLAND ET AL., Plaintiffs,

v.

NOVELLA PHILLIPS ET ALS, Defendants.

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TO HONORABLE B. D. WHITE, Judge of the said Court:

The undersigned Special Commissioners would respectfully report to the court that in obedience to a decree entered on the 8th day of February, 1921, they duly advertised for sale the land in the bill and proceedings mentioned, as shown by a copy of poster herewith filed as a part of this report. On the day advertised for sale, your Special Commissioners, Hugh L. Holland and John N. Sebrell, Jr., appeared at the appointed place and time, having employed an auctioneer, who was also present, and waited for a considerable period of time for bidders to arrive, but not a single bidder appeared, and there was no one present save your Commissioners, the auctioneer, and two parties to the suit. Under the circumstances, your Commissioners deemed it futile to put the land up for sale.

Your Commissioners received from C. P. Holland, the plaintiff in the case, an offer of Three Thousand Dollars (\$3,000.00), with the costs and expense of the suit to be paid by him. Your Commissioners have consulted the parties in interest, who are all adults, and they think that the offer should be accepted, and direct your Commissioners to so report to the court. Your Com-

-2-

missioners, therefore, recommend that the offer of C. P. Holland of \$3,000.00 cash, and the expenses and costs of this suit and sale, be accepted.

Respectfully submitted,

Hugh J. Holland

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

C. P. HOLLAND ET AL.,  
Plaintiff,

v.

NOVELLA PHILLIPS ET ALS.,  
Defendants.

Report of  
Special Commissioners.

JOHN N. SEBRELL, JR  
ATTORNEY AND COUNSELLOR AT LAW  
SEABOARD BANK BUILDING  
NORFOLK, VIRGINIA

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

Holland

vs Chancery. No. 219.

Phillips et als.

TO HONORABLE B. D. WHITE,

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

The undersigned, appointed commissioners, by decree entered in the above entitled cause, on the 2nd. day of December, 1920, pending in the Circuit Court of the County of Isle of Wight, respectfully reports to the Court that, as required in said decree, they met upon the premises mentioned, on the 22nd. day of December, 1920, to execute the said decree, and now report that they believe it is impracticable and inconvenient to lay off and to divide the said tract of land, mentioned in this proceeding, so as to assign to the complainant five sixths, and to the defendants, who own the tract of land mentioned, jointly with him, the remaining one sixth, without material injury to the whole tract, or to assign any part to the said defendants, or to the complainant, and to award owelty of partition therefor. They, therefore, recommend that the whole place be sold for division; and that they believe the fair market value of same to be the sum of forty two hundred dollars.

Your commissioners were duly sworn before proceeding with the duties defined by the said decree.

Respectfully submitted,

(Signed) Jas. N. White

(Signed) T. B. Wright

(Signed) L. L. Vellines

(Signed) J. W. Babb

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

Holland

vs) Chancery. No. 219.

Phillips et als.

TO HONORABLE B. D. WHITE,

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

The undersigned, appointed commissioners, by decree entered in the above entitled cause, on the 2nd. day of December, 1920, pending in the Circuit Court of the County of Isle of Wight, respectfully reports to the Court that, as required in said decree, they met upon the premises mentioned, on the 22nd. day of December, 1920, to execute the said decree, and now report that they believe it is impracticable and inconvenient to lay off and to divide the said tract of land, mentioned in this proceeding, so as to assign to the complainant five sixths, and to the defendants, who own the tract of land mentioned, jointly with him, the remaining one sixth, without material injury to the whole tract, or to assign any part to the said defendants, or to the complainant, and to award owelty of partition therefor. They, therefore, recommend that the whole place be sold for division; and that they believe the fair market value of same to be the sum of forty two hundred dollars.

Your commissioners were duly sworn before proceeding with the duties defined by the said decree.

Respectfully submitted,

Gar. A. White  
B. D. Wright  
L. L. Bellinger  
J. W. Hall

C.P.HOLLAND ET AL

vs. REPORT OF COMMISSIONERS

NOVELLA PHILLIPS ET ALS

*Filed Jan 25<sup>th</sup> 1921.*

*For R. G. Edmund.*  
*als*