

1933-023

Chancery Causes

James E. Avis & al vs John H. Avis

Isle of Wight County

W.

H. Chapman, admr of W.

H. Darden vs James E. Avis

Folder 1
367

& al

Petition of Ella Mae Darden, widow of W. H. Darden & al

other surnames: Spivey, Carr, Duke,
Wagner, Ashburn, Godwin, Johnson,
Stephens, Prentiss, [Duke & Smith],
Smith, Rhodes, Holloway, Saunders,
Bradshaw

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

AVIS ET ALS

VS) CHANCERY NO. 367.

AVIS.

TO HONORABLE B. D. WHITE,

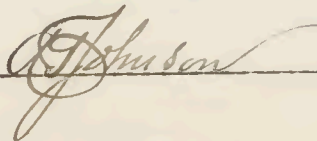
JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF
WIGHT.

The undersigned, appointed Special Commissioner in the above entitled cause, by decree entered therein on the 6th. day of September, 1921, respectfully reports to the Court that on the 21st. day of September, 1921, he executed the bond required of him by said decree, and, at once advertised, and had posted the advertisements, for the sale of the real estate in the bill and proceedings of this suit mentioned, and as therein directed; and, on the 21st. day of October, 1921, in accordance with said advertisement, offered the said real estate for sale, at Colosse Station, in the County of Isle of Wight, Virginia, and at which sale the home place of Thomas M. Darden, of one hundred and sixty one acres, was struck off to Hardy Darden, he having made the last and highest bid therefor, at the sum of eighteen hundred and twenty five dollars; and the Mill Site was struck off to J. E. Turner, he having made the last and highest bid therefor, at the sum of seven hundred dollars.

It will be observed from the report of R. A. Edwards, Commissioner in Chancery, filed herein on the 26th. day of August, 1921, that the fee simple value of the home place is from thirty five hundred to four thousand dollars and the fee simple value of the Mill Site is one hundred dollars. These values

being considered as fair, your commissioner cannot recommend a conveyance of the home tract of land for the sum and price bid therefor, but does recommend confirmation of the sale of the Mill Site. The reason for the high bid for the Mill Site, it is beleived, is becaused of the fact that the bidder owned a major portion of the land which would be covered by the waters of the mill pond, when at high water mark, and desires to have control thereof. Both of the bidders have made the required deposit of ten per cent of their respective bids, and the said J. E. Turner offers to pay cash for the Mill Site upon delivery to him of a deed therefor.

Respectfully submitted.



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Avis et als.

vs) Chancery. No. 367.

Avis.

Report of Special Commissioner.

Filed Oct 26, 1921.

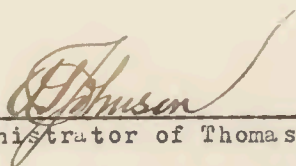
A.S. JOHNSON
ATTORNEY AT LAW
ISLE OF WIGHT C.H., VA.

An account of sales of the personal estate of Thomas M. Darden, deceased, made on the 28th. day of February, 1921, by A. S. Johnson, administrator, at the residence, in Isle of Wight County, Virginia, of said Thomas M. Darden.

1	cart and wheels,	Hardy Darden	1.25 ✓
1	bed, stead and mattress,	Hardy Darden-	7.50 ✓
1	gun,	J. B. Johnson,	25 ✓
1	gun	Hardy Darden,	25 ✓
1	mole trap and cot,	Ludloe Spivey	75 ✓
1	crate and contents,	George Beale,	15 ✓
4	chairs,	T. W. Holland,	50 ✓
1	sugar bucket,	Hardy Darden	50 ✓
1	sugar bucket,	Elisha Duck,	30 ✓
1	basket, tray and can,	Hardy Darden	55 ✓
1	saw frame,	Thomas Duck,	2.50 ✓
2	chairs,	L. D. Boone,	40 ✓
1	table,	Hardy Darden	1.10 ✓
1	lot plunder in shop,	J. E. Avis,	1.05 ✓
1	plow and cotton planter,	Hardy Darden	.25 ✓
1	2 in 1 cultivator,	J. R. Carr,	10.00 ✓
1	mowing machine,	Moses Darden	9.50
1	disc harrow,	Hardy Darden,	50.00 ✓
1	peanut planter,	Hardy Darden,	10.50 ✓
1	corn and bean planter,	J. A. Pope,	8.00 ✓
1	turn plow,	B. H. Duck,	4.50
1	old buggy, wheels, etc.	J. E. Avis,	2.75 ✓
7	pigs	L. L. Hedgepeth,	7.00
4	shoats,	J. H. Wright,	18.00 ✓
1	sow,	P. B. Butler,	14.50 ✓
1	lot of harness & S. trees,	T. W. Holland,	.75 ✓
1	wire grass devil,	R. R. Rhodes,	.30 ✓
1	pr. cart wheels,	Hardy Darden	.60 ✓
1	road cart,	J. E. Avis,	.50 ✓

1	keg paint,	Moses Darden	4.25 ✓
1	iron back band,	George Beale,	.50 ✓
1	fertz sower,	Dewey Douglass,	5.50 ✓
1	turn plow,	E. J. Claud,	1.50 ✓
1	mule,	Moses Darden	40.00 ✓
1	cow and calf,	T. H. Hall,	22.50 ✓
1	cow and calf,	T. H. Hall,	25.50 ✓
1	heifer,	Dol Johnson	18.00 ✓
1	cotton plow,	Hardy Darden	1.05 ✓
1	pea weeder,	B. R. Edwards,	3.00 ✓
1	safe,	B. R. Edwards,	1.50 ✓
1	table,	B. R. Edwards,	.10 ✓
1	lot cotton,	C. E. Spivey,	9.19 ✓
1	lot cotton,	R. R. Rhodes,	5.46 ✓
1	bowl,	J. B. Babb,	.05 ✓
1	lot meat	Moses Darden,	37.30 ✓
1	wood compass,	George Beale	<u>.15 ✓</u>
			<u>\$ 329.75</u>

Accepted,


 Administrator of Thomas M. Darden.

Appraisement of the personal estate of Thomas M. Darden, deceased, made on the 28th. day of February, 1921.

2	Guns	50
1	Bedstead, mattress and tick	10 00
1	Lot old tables	1 00
1	Spring cot & lot and chair	1 00
1	Saw machine	1 00
1	Table joint	75
1	Fifty Sower	2 00
1	Iron back band	1 00
1	Turn. plow	25
1	Misc harrow	15 00
1	Mowing machine	15 00
1	2 in 1 Cultivator	10 00
1	Spur tooth harrow	1 00
1	Corn. bean planter	5 00
1	Turn plow	1 00
1	peanut planter	5 00
1	Lot hames & single trees	50
1	wire grass denre	1 00
1	for cart wheels	1 00
1	Lot old wheels & axle, & old buggy	5 00
7	light	7 00
4	Shovels	10 00
1	Sow	12 50
1	16 g roof paint	6 00
1	Mish. collar hames & bridle	45 00
3	Cows & two calves	60 00
1	Cart and wheels	1 00
1	pea weeder	1 00
		229 50

I accept this as my inventory and appraisement.

E. Johnson
Administrator.

W. J. Simon
J. L. Lottan
E. B. Rhoder
J. M. Arton
J. B. Johnson

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

Avis, et als.

vs) Chancery. No. 367.

Avis.

TO HONORABLE B. D. WHITE,

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

The undersigned, one of the Commissioner's in chancery of the Circuit Court of the County of Isle of Wight, to whom has been referred the papers in this cause for the execution of a decree entered therein on the 25th. day of May, 1921, respectfully reports to the Court that on the 20th. day of August, 1921, at the office of A. S. Johnson, Attorney at Law, at Isle of Wight, Virginia, in this County, he proceeded, in the presence of A. S. Johnson, attorney for both the complainants, and the defendant, to the execution of said decree, and then and there took the evidence of A. L. Saunders, W. J. Bradshaw and J. E. Avis, reduced the same to writing, all of which is returned herewith, and from which, together with the pleadings in this cause and the records filed in the Clerk's Office of this Court, he is informed and reports as follows:

That the said Thomas M. Darden departed this life on the on the 7th. day of January, 1921. That when he died he was seized and possessed of certain real estate, in the County of Isle of Wight, State of Virginia, two tracts, one listed at one hundred and sixty one and a fifth acres, of the assessed value of \$1600.00, and one third of an acre of the value of \$20.00. The first tract mentioned is the home place of said Thomas M. Darden, at Boaz, lying on both sides of the Virginian Railroad, and is bounded by the lands of J.E. Barrett, Dick Holland, E. A. Watkins and others. The annual value of this tract of land is some two hundred and fifty or three hundred dollars a year, and the fee simple value thereof, according to the evidence submitted herewith, is thirty five hundred to four thousand dollars. The second tract mentioned is the Mill site, and is of no annual value and of the fee simple value of not over a hundred dollars. This land was conveyed to said Thomas M. Darden (the first tract mentioned) by two separate deeds, one from Exum Stephens and wife, bearing date February 9th. 1881, of record in D.B. No. 43, page 404, and conveys seventy acres, more or less. and the other deed was

made by R. R. Prentis, trustee for Duke & Smith, and bears date the 6th. of June, 1887, and is of record in Deed Book No. 51, page 366, and conveys ninety to one hundred acres of land. The mill site was conveyed to Thomas M. and Hardy Darden by John J. Rhodes and wife, by their deed bearing date the 2nd. day of July, 1892, of record in Deed Book No. 73, page 106, the said Hardy Darden having conveyed his interest therein to said Thomas M. Darden by deed bearing date the 6th. of October, 1905, of record in Deed Book No. 73, page 107. This mill is known as Darden's Mill. Thomas M. Darden, by his deed bearing date the 14th. of August, 1909, conveyed to H. G. Holloway a lot of land, from the Home tract, at Boaz, on the said Virginian Railroad, 50 feet square. Both of the tracts of land, or all of them, herein mentioned, lie in Windsor Magisterial District, of the County of Isle, of Wight, Virginia.

The parties entitled to share in the said real estate are as follows: (a): John H. Avis, James E. Avis, Hardy Darden, W. H. Darden and Nannie Spivey, one share, they being the children of Magdalene, sister of the said Thomas M. Darden. (b) Martha S. Carr, a daughter of Polly, a sister of said Thomas M. Darden, being entitled to one share. (c) Martha Lelia Wagner, John A. Ashburn, and Cora Ashburn, are entitled to one share, they being the children of Barbara, a sister of the said Thomas M. Darden. (d) Leonard Darden and Otelia Godwin, children of Richard Darden, a brother, are entitled to one share. The said Barbara Ashburn and the said Richard Darden having died before the said Thomas M. Darden, there is no courtesy or dower attaching to the shares of their several children in this estate. These parties are, with the exception of John H. Avis, residents of the Counties of Nansemond and Isle of Wight, in the State of Virginia, the said John H. Avis being a resident of the State of Florida. All of them are adults.

The real estate in the bill and proceedings of this suit mentioned cannot be conveniently divided among the several parties entitled to share therein; that it does not appear that any party desires to take the same and pay the others for their shares; that it will not be to the interest of any party to allot part and sell the residue, but that the only fair method is to sell the whole and divide the proceeds.

That there are no liens, of record, against the said land, for delinquent taxes, or otherwise.

That all the proper parties are before the Court.

That A. S. Johnson, on the 11th. day of February, 1921, administered upon the estate of the said Thomas M. Darden, and on the 28th. day of February, 1921, had an appraisement made of his chattel estate and on the same day sold the same, said appraisement and account of sales being returned herewith, as a part of this report, and from the said account of sales it appears that the said A. S. Johnson has in his hands, or has had in his hands, belonging to said estate, the sum of three hundred and twenty nine dollars and seventy five cents. The said Administrator has not yet made up an account of his expenditures, but which, he states to your commissioner, he will do before the expiration of twelve months from the day of his administration.

Respectfully submitted,

R. A. Edmonson
Commissioner in Chancery.

Commissioner's fee, \$ 20.00

A. Lee Saunders, witness, \$ _____

W. J. Bradshaw, witness, \$ _____

A. Lee Saunders being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. Lee Saunders, I am fifty seven years of age, I reside at Windsor, in Isle of Wight County, Virginia, I am or have been a farmer, but I rent my land now, and I do some lumber business.

Q. Are you acquainted with the land, in Isle of Wight County, of which the late Thomas M. Darden died siezed and possessed? I am.

Q. In your opinion can this property be conveniently divided among the several parties entitled to share therein, and I now read to you their names? Ans. No sir it cannot be. The only method I know to dispose of it and make a proper division would be to sell the whole and divide the proceeds.

Q. What, in your opinion is this estate, or the land belonging thereto, worth? Ans. The tract of land upon which Mr. Darden lived at the time of his death, I think should be worth some thirty five hundred or four thousand dollars. The mill property is worth something like a hundred dollars, or such matter.

Q. What, in your opinion should the land and the mill property rent for per annum? Ans. From two hundred to two hundred and fifty dollars a year for the land, or the home place, and the mill property has no rental value for the simple reason that the mill is not in running condition.

And further this deponent saith not.

A. Lee Saunders.

W. J. Bradshaw being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? Ans. Wiley J. Bradshaw, I am fifty years of age, live in Windsor, Isle of Wight County, Virginia, and do a little farming and some lumber business.

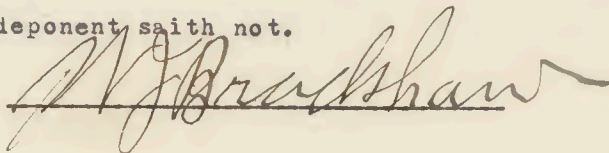
Q. Are you acquainted with the land of which the late Thomas M. Darden died siezed and possessed? Ans. Yes sir, I have been upon the land last Monday, with Mr. A. Lee Saunders, last Monday, for the purpose of being able to put an estimate upon its value.

Q. In your opion what is the farm worth and what is the mill property worth, bot the annual and fee simple values? Ans. It should rent for two hundred and fifty or three hundred dollars a year. The mill property has no rental value in its pres-

condition. The farm should be worth, fee simple value, from thirty five hundred to four thousand dollars. I would not like to give over a hundred dollars for the mill property.

Q. Can, in your opinion, this property be conveniently divided among the several parties entitled to share therein? Ans. No sir, there are too many of them in interest.

And further this deponent saith not.



J. E. Avis being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? Ans. J. E. Avis, I am sixty five years of age, live in Isle of Wight County, Virginia, and am a farmer.

Q. Please state if you knew Thomas M. Darden, who resided at Boaz, on the Virginian Railroad, in this County? Ans. Yes sir, he was my uncle.

Q. Please state whether or not he is living? Ans. He is dead, he died the 7th. of January, 1921.

Q. Was he ever married? Ans. No sir.

Q. Who are his heirs at law? Ans. He had three sisters and three brothers, namely; Magdalene, Polly, Barbara, Richard, Jack and Henry. Jack and Henry died during the Civil War, were never married and had no children. Magdalene died some ten or twelve years ago and left her surviving the following named children: John H. Avis, James E. Avis, Hardy Darden, W. H. Darden, and Nannie Spivey, all being of age and are residents of the County of Isle of Wight, Virginia except John H. Avis, who, I understand, is a resident of Florida. She had another, a boy, who died in his infancy, about two years older than me. Polly is dead, died some eighteen or twenty years ago leaving one child, Martha S. Carr, a resident of this County, wife of Joann T. Carr (of M.) She had another child who died many years ago, unmarried and without issue. Barbara married T. J. Ashburn, and left her surviving the following named: Martha Lelia Wagner, John A. Ashburn and Cora Ashburn. All of them are of age and are residents of the County of Nansemond, in the State of Virginia. There was another son, Jefferson, who died in August 1920, having never married, and died without issue. Richard Darden died about thirteen years or more years ago leaving him surviving two children, Leonard Darden, now of Suffolk, Virginia, and Otelia Godwin, wife of M. H. Godwin, of Chuckatuck, Virginia.

Richard Darden had another child, Annie, who died some four years ago. She was never married and died without issue.

Q. When did Barbara Ashburn die? Ans. She died about eighteen or nineteen years ago.

Q. Where does the Thomas M. Darden farm property lie? Ans. It is on both sides of the Virginian Railroad, in the County of Isle of Wight, close to the Nansemond line, and is bounded by the lands of J. E. Barrett, Dicky Holland, E. A. Watkins and others, and there are about a hundred and fifty or sixty acres of the land.

Q. What, in your opinion, is the value of the land, the farm land? Ans. I would not want to give more than three thousand dollars for the place and two hundred and fifty dollars would be good rent for it the way things are now.

Q. What is the mill property worth? Ans. I would not give more than a hundred dollars for it and there is no rental value to it in its present condition.

Q. Do you know any party in interest who wishes to have the proper, any or all of it, and pay the others for their shares? Ans. No, some of the parties in interest may like to have it but I believe the best thing to do is to sell it at auction and let all have the same chance at it.

And further this deponent saith not.

J. E. Avis

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Avis et als

vs

Chancery. No. 367

Avis.

Report of Commissioner in Chancery.

Filed August 26th. 1921.

May 23, 1921.

The Herald Printing Corp.,
Suffolk, Virginia.

Gentlemen:-

In re, Avis v. Avis.

I am in just in receipt of a copy of the order of publication in this case, with your bill, which is for \$10.52. When I sent this order to you for printing, I took pains to say that I did not feel disposed to pay over \$6.00 at the outside, for such service. ~~A bill for~~ for this amount, in a suit of this kind, is too much to be reasonable, and I am not going to pay this bill unless the Judge says so, and only then, after making every reasonable effort to avoid it I can. Had it been your intention to have charged more than the amount of \$6.00, you should have told me so, and I would have either had an order entered dispensing with the publication, or I would have had it published in some paper which makes no such charge. I must think there is some error.

Yours very truly,

J/W

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, APRIL 25th, 1921.

J. E. Avis, Hardy Draden, W. H. Darden, Nannie Spivey, Martha S. Carr, Lelia Wagner, John A. Ashburn, Cora Ashburn, Leonard Darden and Otelia Godwin,

vs.

J. H. AVIS—Chancery.

The object of the above suit is to have partition of the land, in the County of Isle of Wight and State of Virginia, of which Thomas M. Darden died siezed and possessed, and to have proper distribution of his personal estate; and, an affidavit having been filed in the Clerk's office of this court, asserting that J. H. Avis, the defendant, is not a resident of the State of Virginia, it is ordered that the said J. H. Avis appear here within ten days after due publication hereof, and do what is necessary to defend his interests herein.

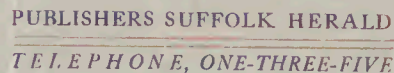
A. Copy, Teste,

R. A. EDWARDS, Clerk.

A. S. Johnson, p.q.



*Makers of Catalogues
Booklets &
Programmes
of Distinction*



525 Main Street
SUFFOLK, VIRGINIA

Sold To

Mr A. S. Johnson
John F. Wright
Accounts payable on 10th of month following purchase. A Statement is issued

Your order No. _____

TERMS: Accounts payable on 10th of month following purchase- A Statement is issued the first of the month

1921							
Apr	29	Tr	ad	3 1/2	in	(Avis Vs Avis)	263
May	6	"	"	3 1/2	"	"	263
	13	"	"	3 1/2	"	"	263
	20	"	"	3 1/2	"	"	263
							1052

Aris, et al
 v f Cy. No 367
 Aris

Copy of order of
 Publication

Filed

Apr. 25-1921.

R. W. Edmunds
 clk

720
VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE
COUNTY OF ISLE OF WIGHT, APRIL 25TH. 1921.

J. E. Avis, Hardy Darden, W. H. Darden, Namie Spivey, Martha S.
Carr, Lelia Wagner, John A. Ashburn, Cora Ashburn, Leonard Dar-
den and Otelia Godwin
vs) Chancery. No. 367
J. H. Avis.

The object of the above suit is to have partition of
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of Virginia, it is ordered that the said J. H. Avis appear here
within ten days after due publication hereof, and do what is
necessary to defendahis interests herein.

A copy,

Teste, R. A. Edwards, Clerk.

A. S. Johnson, p.g.

I, R. A. Edwards, Clerk of the Circuit Court of the County of
Isle of Wight, in the State of Virginia, do hereby certify that
a copy of the foregoing was this day posted at the front door
of the Courthouse of said County, a copy sent to Suffolk Herald
for publication, and a copy mailed to J. H. Avis, Lake Stearns,
Florida.

Given under my hand this 25th. day of April, 1921.

R. A. Edwards, Clerk.

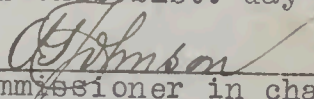
IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

James E. Avis, Hardy Darden, W. H. Darden, Nannie Spivey, Martha
S. Carr, Lelia Wagner, John A. Ashburn, Cora Ashburn, ~~Wesley Ann~~
~~Darden~~, Leonard Darden and Otelia Godwin
vs) Chancery. No. 367

J. H. Avis.

This day personally appeared before me, J. E. Avis, one
of the complainants in the above entitled cause in chancery, in
the Circuit Court of the County of Isle of Wight, and made
oath that the defendant, J. H. Avis, is not a resident of the
State of Virginia, and that his last known address, was Lake
Stearns, Florida.

Given under my hand this 21st. day of April, 1921.


Commissioner in chancery of the
Circuit Court of the County of
Isle of Wight, Virginia.

Anis et al

n { Cy. No 367

Anis

Fied.

1/20/21.

R.A. Edwards

Affidavit for arrest
of Publication

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

Avis et als.

v) Chancery. 367.

Avis et als.

The defendants, J. M. Avis, Nannie Spivey, Hardy Darden, Martha S. Carr and J. H. Abis, for plea to the petition filed in this cause by W. H. Chapman, administrator of W. H. Darden, deceased, say:

That if the petitioner, or the decedent, W. H. Darden, has had any cause of action or suit against the defendants, or the personal representative of Thomas M. Darden, or the estate of Thomas M. Darden, for and concerning any of the matters in the said petition mentioned, or the account filed therewith, which these defendants, in no sort, admit, the petitioner and W. H. Darden, deceased, are guilty of laches in ascertaining their claim, and the said claim is barred by the statute of limitations for such cases made and provided, and that these defendants rely upon laches and the statute of limitations as a defense to the petitioner's demands; that the petitioner alleges in his petition and exhibit filed therewith, that the several items and accounts claimed therein extend over a period from August, 1919, until January 7th, 1921, the date of the death of the said Thomas M. Darden; that the alleged claim of the petitioner had accrued at the date of the said Thomas M. Darden's death; that A. S. Johnson qualified as administrator of Thomas M. Darden, deceased, on the 11th day of February, 1921; that the alleged cause of action in the said petition of W. H. Chapman, administrator, in this suit filed, is alleged to have been founded upon an oral contract, and that the right of action of petitioner and the right of the petitioner to prove the claim against the estate of Thomas M. Darden, his heirs or personal representatives, did not continue longer than four years from the date of the death of the said Thomas M. Darden, as hereinabove set out, and that the said right

of action or right to prove the claim of the petitioner did not accrue within four years next before the filing of the said petition by W. H. Chapman, administrator, or serving or suing out process against these defendants to appear and answer said petition; and that the right to prove the claim of the petitioner against the estate of Thomas M. Darden in any suit or proceeding did not in any case or event continue longer than five years from the date of the death or the date of the qualification of the personal representative of said Thomas M. Darden, deceased, and the said right of action did not accrue to the said petitioner at any time within five years next preceeding the filing of the said petition, or next before serving or suing out process against these defendants to appear and answer the said petition; nor did these defendants, nor did the personal representative of Thomas M. Darden, deceased, at any time within five years next before the said petition was exhibited or process served on or issued out against these defendants to appear and answer the same, promise or agree to come to any account for, to make satisfaction, or to pay any sum or sums of money for or by reason of the said matters charged in said petition and account. And this these defendants are ready to verify.

All of which matters and things these defendants do aver and plead in bar of the petition of W. H. Chapman, Administrator, and pray the judgment of this court whether they shall be compelled to make any further answer to said petition, and pray to be hence dis issued, with their reasonable costs by them in this behalf expended.

J. E. Davis

Nannie Spivey

Hardy Darden

Martha S Carr

J. H. Davis

By A. J. Brown, Counsel.

Virginia: Circuit Court
of Isle of Wight County.

Avis et als

v) Chancery. 367

Avis.

Plea.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

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

J. E. Avis et als.

v) Chancery. 367.

J. H. Avis. et als.

The joint and separate answer of J. E. Avis, Mannie Spivey, Hardy Darden, Martha S. Carr and J. H. Avis, to a petition exhibited against them in the above entitled cause by W. H. Chapman, administrator of W. H. Darden, deceased, in the Circuit Court of the County of Isle of Wight, Virginia.

These defendants now, and at all times hereafter, saving and reserving unto themselves, and each of them, all benefits and advantages of exception or otherwise, that can or may be taken to the many errors, and other imperfections in the petition contained, for answer thereto, or to so much thereof as these defendants are advised it is material or necessary for them to answer, or for any of them to answer, jointly and severally answering, answer and say:

(1) That these defendants have never heard, or have been informed, save by the petition of the said W. H. Chapman, administrator, whether the said W. H. Chapman has duly qualified as administrator of the estate of W. H. Darden, deceased, but these defendants believe that it is true that the said W. H. Chapman has so qualified as in the said petition is alleged.

(2) These defendants admit all the allegations contained in paragraph two (2) of the said petition, except that portion of said paragraph which states that there is pending a partition suit under the style of Avis against Avis, the object of said suit being to settle the estate of the said Thomas W. Darden; and further say that the object of said suit of Avis v. Avis is not to settle the estate of Thomas W. Darden, but is merely a partition suit for the purpose of dividing land and if not susceptible of convenient di-

fision, to sell the lands of th said Thomas M. Darden, deceased; that the said suit is not a creditor's suit, nor filed on behalf of any creditor with the right of other creditors to intervene in said suit.

(3) But these defendants deny each and every and all of the allegations of paragraphs three (3), four (4), and five (5) of the said petition of W. H. Chapman, administrator of W. H. Darden, deceased, and call for and demand strict proof of each and every allegation contained in the said paragraphs of said petition.

(4) These defendants deny any obligation on the part of Thomas M. Darden, his estate, administrator, personal representatives or heirs, to pay the account filed with the said petition of W. H. Chapman, administrator, and further say that none of the services as set out in said account and exhibit filed with the petition were ever performed by the said W. H. Darden or any of the members of his family. That the charges made for the alleged services as set out in said exhibit and account are exorbitant and unreasonable, and made to cover practically all the assets of the estate of said Thomas M. Darden, deceased; that the said Thomas M. Darden was the uncle of said W. H. Darden, and that any services performed or rendered unto Thomas M. Darden by the said W. H. Darden, or any of the members of his family, were rendered gratuitously, and without any hope, expectation or promise of remuneration or pay; that the said W. H. Darden and his counsel abandoned said claim and all right, if any, thereunder, during the life time of the said W. H. Darden.

(5) These defendants also rely upon laches and the statute of limitations as a defense to petitioner's demands, claim and account, and further say, that Thomas M. Darden died on January 7th. 1921, and that the alleged claim of W. H. Darden had accrued at the date of the death of the said Thomas M. Darden; that A. S. Johnson qualified as the administrator of Thomas M. Darden, on the 11th. day of February, 1921.

(6) That the alleged cause of action in said petition of

W. H. Chapman, administrator, in this suit filed, is alleged to have been founded upon an oral contract, and that the right of action of the petitioner and the right of the petitioner to prove the claim against the estate of the said Thomas M. Darden, or his personal representatives, did not continue longer than four years from the date of the death of the said Thomas M. Darden as hereinabove set out; and that the said right of action, or right to prove the claim of the petitioner did not accrue within four years next before the filing of the said petition by W. H. Chapman, administrator, or next before serving or suing out process against these defendants to appear and answer said petition, and that the right to prove the claim of the petitioner against the estate of Thomas M. Darden in any suit or proceedings did not in any case or event continue longer than five years from the qualification of the personal representatives of Thomas M. Darden, deceased, and said right of action did not accrue to the said petitioner at any time within five years next before the filing of the said petition, or next before serving or ^{suing} out process against these defendants to appear and answer the said petition; nor did these defendants, nor did the personal representatives of Thomas M. Darden, deceased, at any time within five years next before the said petition was exhibited or process served on or issued out against these defendants to appear and answer the same, promise or agree to come to any account for, or make satisfaction, or to pay any sum or sums of money for or by reason of the said matters and things charged in said petition and account. This, these defendants are ready to verify.

And now having fully answered these defendants pray to be hence dismissed with the reasonable costs by them in this behalf expended.

W. H. Chapman

J. E. Avis
Nannie S. Sperry
Hardy Darden
Martha S. Darden
J. E. Avis

Virginia: Circuit Court
of Isle of Wight County.

Avis et als.

v) Chancery. 367.

Avis.

Answer of J.E.Avis, Mannie
Spivey, Hardy Darden and
J. H. Avis.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut.

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

J. B. Avis, et als

v.

J. H. Avis.

The joint and separate answer of J. A. Ashburn, Cora Ashburn, Otelia Godwin, Lelia Wagner and Leonard Darden to a petition exhibited against them in the above entitled cause by W. H. Chapman, Administrator of W. H. Darden, deceased, in the Circuit Court of Isle of Wight County.

These defendants now and at all times hereafter saving and reserving unto themselves, and each of them, all benefits and advantages of exceptions and otherwise, that can or may be taken to the many errors, and other imperfections in the petition contained, for answer thereto, or to so much thereof as these defendants are advised it is material or necessary for them, or any of them, to make answer thereto, severally answering, say:

(1) That these defendants have never heard or been informed, save by the petition of the said W. H. Chapman, Administrator, whether the said W. H. Chapman has duly qualified as Administrator of the estate of W. H. Darden, deceased, but these defendants believe that the said W. H. Chapman was so qualified as in the said petition is alleged.

(2) These defendants admit all of the allegations contained in paragraph TWO (2) of the said petition, except that portion of said paragraph which states that there is pending a partition suit under the style of Avis against Avis, the object of said suit being to settle the estate of the said Thomas M. Darden; and further say that the object of the said suit of Avis against Avis is not to settle the estate of the said Thomas M. Darden, but is merely a partition suit for the purpose of dividing land and if not

conveniently divided, to sell the lands of the said Thomas M. Darden, deceased; that the said suit is not a creditor's suit, nor filed on behalf of any creditor with the rights of other creditors to intervene in said suit.

(3) But these defendants deny each and every and all of the allegations of paragraphs THREE (3) FOUR (4) and FIVE (5) of the said petition of W. H. Chapman, Administrator of W. H. Darden, Deceased, and call for and demand the strict proof of each and every allegation contained in the said paragraphs of said petition.

(4) These defendants deny any obligation on the part of Thomas M. Darden, his estate, administrator, personal representatives or heirs, to pay the account filed with said petition of W. H. Chapman, Administrator, and further say that none of the services as set out in said account and exhibit were ever performed by the said W. H. Darden, or any of the members of his family. That the charges made for the alleged services as set out in said exhibit and account are exorbitant and unreasonable, and made to covert practically all of the assets of the estate of Thomas M. Darden, deceased; that the said Thomas M. Darden was the uncle of W. H. Darden, and that any services performed or rendered unto Thomas M. Darden by the said W. H. Darden or any of the members of his family were rendered gratuitously, and without any hope, expectation or promise of remuneration or pay; that the said W. H. Darden and his counsel abandoned said claim and all right, if any, thereunder during the lifetime of the said W. H. Darden.

(5) These defendants also rely upon laches and statute of limitations as a defense to the petitioner's demands, claims and account, and further say, that Thomas M. Darden, died on January 7th, 1921, and that the alleged claim of W. H. Darden had accrued at the date of the said Thomas M. Darden's death; that A. S. Johnson qualified as the Administrator of Thomas M. Darden, deceased, on the 11th day of February, 1921.

(6) That the alleged cause of action in the said petition of W. H. Chapman, Administrator, in this suit filed, is alleged to have been founded upon an oral contract, and that the right of action of the petitioner and the right of the petitioner to prove the claim against the estate of Thomas M. Darden, his personal representatives, did not continue longer than four years from the date of the death of the said Thomas M. Darden as hereinabove set out; and that the said right of action, or right to prove the claim of the petitioner did not accrue within four years next before the filing of the said petition by W. H. Chapman, Administrator, or ^{next before} serving or suing out process against these defendants to appear and answer said petition, and that the right to prove the claim of the petitioner against the estate of Thomas M. Darden in any suit or proceeding did not in any case or event continue longer than five years from the qualification of the personal representatives of Thomas M. Darden, deceased, and said right of action did not accrue to the said petitioner at any time within five years next before the filing of the said petition, or ^{next before} before serving or suing out process against these defendants to appear and answer the said petition; nor did these defendants, nor did the personal representatives of Thomas M. Darden, deceased, at any time within five years next before the said petition was exhibited or process served on or issued out against these defendants to appear and answer the same, promise or agree to come to any account for, or to make satisfaction, or to pay any sum or sums of money for or by reason of the said matters charged in said petition and account. *This the defendants are ready to verify.*

And now having fully answered the petition of W. H. Chapman, Administrator, these respondents pray to be hence dismissed with their reasonable costs by them in this behalf expended.

J. A. Ashburn,
Cora Ashburn,
Alilia Godwin,
Lelia Wagon,
Leonard Darden.
Chas B Godwin Counsel.

Chas B Godwin
 Solicitor for defendants.

VIRGINIA: IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.
J. E. Avis, et als v. J. E. Avis
DEFENDANTS' ANSWER
VIRGINIA CLERKS OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT <i>Due 9th</i> 1926 <i>Filed 10/30 a.m.</i>
CHARLES B. GODWIN, Jr. ATTORNEY AND COUNSELLOR AT LAW SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

J. E. Avis, et als

v.

J. H. Avis

These defendants, J. A. Ashburn, Cora Ashburn, Otelia Godwin, Lelia Wagner and Leonard Darden for plea to the petition filed in this cause by W. H. Chapman, Administrator of W. H. Darden, deceased, say:

That if the petitioner or the decedent, W. H. Darden, has had any cause of action or suit against the defendants, the personal representatives of Thomas M. Darden, or the estate of Thomas M. Darden, for and concerning any of the matters in the said petition mentioned or account filed therewith, which these defendants do in no sort admit, the petitioner and W. H. Darden, deceased, are guilty of laches in ascertaining their claims, and the said claim is barred by the statute of limitations for such cases made and provided, and that the defendants rely upon laches and the statute of limitations as a defense to the petitioner's demands; that the petitioner alleges in his said petition and exhibit filed therewith, that the several items and accounts claimed therein extended over a period from August, 1919, until January 7th, 1921, the date of the death of the said Thomas M. Darden; that the alleged claim of the petitioner had accrued at the date of the said Thomas M. Darden's death; that A. B. Johnson qualified as administrator of Thomas M. Darden, deceased, on the 11th day of February, 1921; that the alleged cause of action in the said petition of W. H. Chapman, Administrator, in this suit filed, is alleged to have been founded upon an oral contract, and that the right of action of the petitioner and the right of the petitioner to prove the claim against the estate of Thomas M. Darden, his heirs or personal representatives, did not continue longer than four years from the date of the death of the said Thomas M. Darden, as hereinabove

set out, and that the said right of action or right to prove the claim of the petitioner did not accrue within four years next before the filing of the said petition by W. H. Chapman, Administrator, or serving or suing out process against these defendants to appear and answer said petition; and that the right to prove the claim of the petitioner against the estate of Thomas M. Darden in any suit or proceeding did not in any case or event continue longer than five years from the qualification of the personal representatives of Thomas M. Darden, deceased, and said right of action did not accrue to the said petitioner at any time within five years next before the filing of the said petition, or ~~not~~ before serving or suing out process against these defendants to appear and answer the said petition; nor did these defendants, nor did the personal representatives of Thomas M. Darden, deceased, at any time within five years next before the said petition was exhibited or process served on or issued out against these defendants to appear and answer the same, promise or agree to come to any account for, or to make satisfaction, or to pay any sum or sums of money for or by reason of the said matters charged in said petition and account.

All of which matters and things these defendants do aver and plead in bar of the petition of W. H. Chapman, Administrator, and pray the judgment of this court whether they shall be compelled to make any further answer to said bill, and pray to be hence dismissed, with their reasonable costs in this behalf expended. *The defendants are ready to verify.*

J. A. Ashburn
Cara Ashburn
Otelia G. Lewis
Lelia Wagoner
Leonard Darden

By

Chas. B. Godwin
Counsel

Chas. B. Godwin Jr.
Solicitor for the defendants.

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

J. E. Avis, et als

v.

J. H. Avis

SPECIAL PLEA

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

Dec. 8th 1922

Filed 10:30 a.m.

CHARLES B. GODWIN, Jr.
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

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

AVIS ET ALS

VS) CHANCERY. No. 367.

AVIS.

The answer of J. H. Avis to a Bill in equity filed against him by J. E. Avis and others, in the Circuit Court of the County of Isle of Wight, Virginia.

This respondent, saving and reserving, etc., for answer to the said Bill of Complainant, answers and says:

That he believes that it will be to the interest of all parties interested to have partition of the land of which the said Thomas M. Darden died siezed and possessed, as provided by law.

And now having fully answered he prays to be hence dismissed with his reasonable costs, etc.

J. H. Avis

Answer under oath waived.

3

Oris et aul

n } *Chamary*

Anis

Answer of J. H. A. N. S.

Filed in open Court
May 24-1921

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

Avis et als

v) Chancery. 367.

Avis.

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

Your petitioners, Ella Mae Darden, widow of W. H. Darden, deceased, and Anne Mae Darden, Thomas Darden, William Darden and Dorather Darden, infant children and only heirs at law of W. H. Darden, deceased, by Ella Mae Darden, their next friend, represents to the Court that subsequent to the institution of this suit, W. H. Darden, on the 21st. day of May, 1925, departed this life, intestate, leaving him surviving the said Ella Mae Darden his widow, and the children aforesaid, as his only heirs at law; that they are advised that there is a debt due the estate of W. H. Darden, deceased, to be paid from the funds arising out of the subject matters of this suit; and that there will be money coming to them from the sale of the property covered by this suit; that the shares or parts coming to the children, aforesaid, both from the debt due the estate of W. H. Darden and from the distribution under the said suit, will amount to less than five hundred dollars due to each of them: Your petitioners pray that they may be made parties plaintiff to this suit, and that the same be, henceforth, proceeded against them as such; and that the money coming to your petitioners be paid, direct, to the said Ella Mae Darden, or her attorney, as to her share therein; and that the shares of the infant defendants be paid to her, or her attorney, without the intervention of any guardian, to be used for the education, maintenance and support of said infants.

And your petitioners will ever pray, etc.

Ella Mae Darden, and Anne Mae Darden, Thomas Darden, William Darden and Dorather Darden
by Ella Mae Darden their next friend
By Angie J. Holland their attorney.

avis et als

0.—

avis et als

Petition of Ella
May Darden et als

We consent to the
filing of this petition
~~Attest~~
C. Soderberg

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

W. H. Chapman, Adm'r of the Estate of
W. H. Darden, deceased.

vs..... Petition.

Estate of Tom Darden, deceased.

Your petitioner, W. H. Chapman, respectfully shows unto your Honor:

1. That he has duly qualified in the Clerk's Office of the Circuit Court of the County of Isle of Wight, as administrator of the Estate of the late W. H. Darden, on the 16th. day of September, 1926, as shown by a copy of his certificate of qualification herewith filed marked Exhibit 1.
2. That there is at this time, pending in the Circuit Court of said Isle of Wight County, a partition suit, the object of said suit being to settle the estate of the said Tom Darden, that all of the parties are properly before the court, proper process having been served in each case, and that the style of said partition suit is Avis vs. Avis.
3. That the said Tom Darden or Thomas M. Darden did during the last sixteen and one half months prior to his death, live in the home of the said W. H. Darden, and that most of that time he was ill and in a helpless condition, necessitating very great care and attention, that said care and attention was furnished, at the request and wish of the said Tom Darden or Thomas M. Darden, by the the said W. H. Darden or the members of his family. That the sixteen months mentioned above extended from August 1919, to the time of the death of the said Tom Darden or Thomas M. Darden, on January 7, 1921, during which time the said Tom Darden or Thomas Darden, was practically an invalid, and for the last eight or nine months of his life, was confined to his bed, and required constant attention both day and night, by both W. H. Darden and his wife.
4. That by reason of the care and attention mentioned in the preceeding paragraph the said W. H. Chapman, Administrator of the estate of the late W. H. Darden, is justly due the sum of TWO THOUSAND FORTY (\$2040.00 DOLLARS, according to an itemized statement filed herewith and marked Exhibit 2.

5. That the said services were authorized and sanctioned by the said Tom Darden or Thomas M. Darden, during his life time and at the time of his going to the home of the W. H. Darden to live, and be cared for by the said W. H. Darden, and family. That a reasonable compensation was promised the said W. H. Darden, by the said Tom Darden or Thomas M. Darden.

6. Your petitioner therefore asks that James E. Avis, Hardy Darden, Nannie Spivey, Martha S. Carr, Lelia Wagner, John A. Ashburn, Cora Ashburn, Leonard Darden, and Otelia Godwin, be made parties defendants to this petition, and required to answer the same, but not under oath, answer under oath being expressly waived, that your Honor will order the proceeds of the estate of the late Tom Darden or Thomas M. Darden, be administered according to law, and that bill hereinbefore mentioned be paid out of the proceeds of said estate, to your petitioner, and that such other and further relief may be granted as may be requisite.

W. H. Chapman
Administrator of W. H. Darden, Deceased.

Hugh C. Holland

p. q.

for counsel

W.H.Chapman, Adm'r of the estate
of W.H.Darden, deceased.

vs.....Petition.

Estate of Tom Darden or Thomas
M. Darden.

*Filed as per the
direction - 10/20/26.
R. A. Edwards
clerk.*

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

*Recd & paid 9/23/26
H. L. E.*

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

TO HONORABLE B. D. WHITE,

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

Humbly complaining, your complainants, James E. Avis,
Hardy Darden, W. H. Darden, Nannie Spivey, Martha S. Carr, Lelia
Wagner, John A. Ashburn, Cora Ashburn, Leonard Darden and Otelia
Godwin, sheweth unto the Court the following case: That Thomas M.
Darden, on the ____ day of _____, 192____, departed this life,
a resident of the County of Isle of Wight, intestate, seized and
possessed of certain real estate and personal property, in the
said County of Isle of Wight, the said real estate consisting of
a tract of land of _____ acres, be the same more or less, sit-
uate, lying and being in Windsor Magisterial District, in the County
of Isle of Wight, and State of Virginia, near Boaz Station, on the
Virginian Railroad; and a certain grist mill, mill site and the
franchises, rights and easements thereto belonging, situate in said
Magisterial District, in the said County and State; that the said
Thomas M. Darden was never married; and the following named persons
are entitled to whatever may be left of his estate after paying his
debts, to wit: James E. Avis, J. H. Avis, Hardy Darden, W. H. Darden
(sometimes called Moses), and Nannie Spivey, children of Magdalena
Darden, a deceased sister of the said Thomas M. Darden: Martha S.
Carr, a daughter of Polly Darden, a deceased sister of said Thomas
M. Darden: Martha Lelia Wagner, who was Ashburn, John A. Ashburn,
and Cora Ashburn, children of Barbara Ashburn, who was Darden, a de-
ceased sister of the said Thomas M. Darden: Leonard Darden and Otelia
Godwin, children of Richard Darden, a deceased brother of said Thomas
M. Darden.

That the said real estate is, as they believe, susceptible of partition among the parties entitled thereto; but should it not be divisible, complainants believe, and here state, that the interests of those who are entitled to the said real estate, or ^{to} its proceeds, will be promoted by a sale of the whole of the same, or by an allotment of part and the sale of the residue:

In consideration whereof, and forasmuch as your complainants are remediless in the premises, save by the aid of a Court of Equity, where such matters are alone and properly cognizable, they pray that the said J. H. Avis be made party defendant to this bill, and required, but not upon oath, to answer the same, oath to such answer being hereby waived; that proper process issue; that the said real estate be divided among the parties entitled thereto, or if it cannot be so divided, that it may be sold and proceeds divided among the several parties entitled to share therein, as the law provides; that proper process issue; that all proper orders and decrees may be entered, inquiries and accounts made, taken, and stated; and that all such further, other and general relief, in the premises, may be granted to your complainants, as the nature of their case may require, or to equity shall seem meet.

Notice is hereby given that the court will be asked to allow a reasonable fee to counsel for the complainants conducting this suit, for services rendered by him as such, out of any funds arising from the subject matter hereof.

James E. Avis

Harvey Darden

H. H. Darden

Nannie Spivey

Mortko S. Carr

By A. Johnson

Lillie Wagner

John A. Ashburn

Lora Ashburn

Leonard Darden

Otelia Godwin

their COUNSEL.

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Arise et al

v { Cy. No 367

Arise et al

Bill of Complaint

Filed in Open Court.
Ordered to docket
May 25, 1921

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

Avis et als.

v) Chancery. 376. Report of administrator and special commissioner.

Avis.

To Honorable B. D. White,

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

Report is made of payment and distribution of funds which have come into the hands of the administrator of the estate of Thomas M. Darden, and special commissioner, directed to sell the real estate of the said Thomas M. Darden, covered by this suit, by decree entered herein on the 7th. day of March, 1927.

By report of Commissioner Edwards, filed herein on the 21st. day of February, 1927, and confirmed by the said decree, it appears that the administrator had collected, on account of sale of the chattel estate, \$148.40; and it further appears from the said report that there was due to the administrator, on account of purchases of the chattel estate, \$180.70, made up as follows: Hardy Darden \$73.55: W. H. Darden, \$91.05: and B. R. Edwards, \$16.10, all of whom have presented claims against the estate, which appear proper, in excess of the amount of their purchases. For convenience the administrator has charged himself with the unpaid sums, and has credited himself by payment of the whole amounts of the claims so presented, which balances the account. The administrator should, therefor, be charged with \$314.67 on account of sales of chattels; and the special commissioner should be charged with the total amount of the land sales, which is \$2575.00. In addition to these amounts there was collected, on account of interest on the funds while lying idle in the bank, \$135.82, all of which sums aggregate \$3039.92 to be accounted for by the administrator and special commissioner, and is accounted for as follows:

Amount paid out by administrator as shown by the report of Commissioner Edwards above mentioned	\$ 314.67
Amount paid out by the special commissioner, for costs of suit, as shown in the said report,	85.87
Paid to A. S. Johnson, assignee of Hardy Darden,	285.78

Paid to A. S. Johnson, assignee of Hardy Darden, assignee of C. F. Fowler,	43.15 ✓
Paid to W. H. Johnson, of Jesse,	10.34
Paid to C. B. Godwin, Jr., attorney for John A. Ashburn,	67.95 ✓
Paid to John H. Wright,	8.00
Paid to C. L. Holland,	24.33
Paid to Hugh L. Holland, attorney for estate of W. H. Darden, in full settlement for personal services ren- dered to Thomas M. Darden,	400.00 ✓
Paid to administrator, commission on sale of chattels,	16.45 ✓
Paid writ tax in suit,	1.50 ✓
Paid clerk fees in suit,	25.00 ✓
Paid Commissioner in chancery fee, for taking evi- dence and making report filed Feb. 21st. 1927,	25.00 ✓
Paid Phlegar & Tilghman, court reporters, for tak- ing evidence and transcript of record, in the claim of W. H. Darden, adjudicated in suit,	33.40 ✓
Paid A. S. Johnson, counsel for complainants, fee for conducting suit, allowed by the court,	108.00 ✓
Paid A. S. Johnson taxed attorney fee,	15.00 ✓
Paid A. S. Johnson for drafting deeds for land conveyances and revenue stamps affixed thereto	23.00 ✓
Paid A. S. Johnson, Special Commissioner, his commission on land sales,	60.50 ✓
Paid R. A. Edwards, premiums of special commissioner's bond,	21.32 ✓
Paid W. H. Chapman and J. A. Johnson, criers at land sales, (Two sales)	15.00 ✓
Reserved to pay O. L. Owens for preaching Thomas M. Darden's funeral sermon (cannot locate Mr. Owen)	10.00
Reserved to pay B. R. Edwards for difference between claim presented by him against Thomas M. Darden's es- tate and amount of his purchases,	48.00
Paid to the heirs of Thomas M. Darden, entitled to the balance, they being J. H. Abis, J. E. Avis, Hardy Darden, W. H. Darden Nannie Spivey, Martha S. Carr, Martha Lelia Wagner, John A. Ashburn, Cora Ashburn, Leonard Darden and Otelia Godwin, each the sum of \$127.06, being their respective shares in said bal- ance, said amounts being paid to their attorneys, or assignee, and aggregating	1397.66

3039.92

Vouchers for disbursements listed above filed herewith.

It will be noted that O. L. Owen and B. R. Edwards have not been located. O. L. Owen, soon after delivering the sermon of Thomas M. Darden, went to Texas, and no one seem to know just where he is, but he may yet be located. B. R. Edwards has been written to several times, at address given to the commissioner, but he has not responded, although none of the letters have been returned.

Respectfully submitted,

_____, Special Commissioner.

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

Avis et als

v) Chancery. 367

Avis

Report of Administrator
and Special Commissioner

Filed _____

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

VIRGINIA

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

J.E. Avis, Hardy Darden, W.H. Darden's Admr.
Nannie Spivey, Martha S. Carr, Lelia Wagner,
John A. Ashburn, Cora Ashburn, Leonard Darden,
and Otelia Godwin.....Plaintiffs

vs) Chancery #367 Exceptions to Report of R.A. Edwards
Commissioner in Chancery

J.H. Avis.....Defendant

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

The undersigned, W.H. Chapman, administrator of W.H. Darden, deceased, Ella May Darden, widow of W.H. Darden, deceased, and Annie May Darden, Thomas Darden, William Darden and Dorether Darden children and heirs at law of W.H. Darden, deceased hereby take, note and file exceptions to the report of R.A. Edwards, Commissioner in Chancery, dated on the ____ day of _____, 1927 and filed on the ____ day of _____, 1927 as follows:

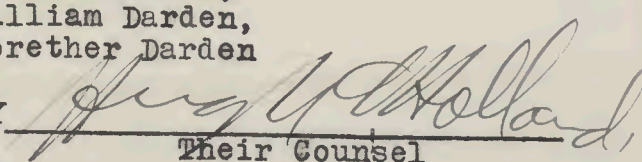
Said report of Commissioner in Chancery R.A. Edwards does not show the dates on which the proceeds of the sale of the real and personal property came into the hands of A.S. Johnson, administrator and special commissioner, respectively. The undersigned contends that said A.S. Johnson both as administrator and special commissioner should be charged up and required to pay interest at the rate of 6% per annum on the funds in his hands from the time such funds were received by him. The undersigned are informed that the other distributees of these funds also make the same contention. There is no reason why these funds should not have been paid out promptly after they were received.

The undersigned also refer to page 7 of the said report of the Commissioner in Chancery R.A. Edwards from which the inference would be that , John H. Avis, James E. Avis, Hardy Darden, W.H. Darden and Nannie Spivey, children of Magelene, sister of Thomas M. Darden, would receive one-fourth of the estate of Thomas M. Darden, deceased; that Martha S. Carr, daughter of Polly, who was sister of Thomas M. Darden, would receive one-fourth of the estate; that Martha Lelia Wagner, John A. Ashburn and Cora Ashburn, children of Barbara sister of Thomas M. Darden, deceased, would receive one-fourth of the estate; and Leonard Darden and Otelia Godwin, children of Richard Darden, a brother of Thomas M. Darden, would receive one ^{fourth} share of the estate. It is submitted that all of the said distributees and heirs are nieces and nephews of Thomas M. Darden, deceased, consequently of the same degree of relationship to the intestate, and that this distribution should be made under the terms of Section 5266 of the Code of Virginia. The above named nieces and nephews, respectively are eleven in number and each should receive one-eleventh of this estate. W.H. Darden, one of the nephews of Thomas M. Darden, deceased, died after the death of said Thomas M. Darden, deceased, so that his widow and children would inherit one-eleventh of the estate of Thomas M. Darden, deceased , being the share to which he (W.H. Darden) was entitled in his life time. The death of W.H. Darden after the death of Thomas M. Darden, deceased could not affect this distribution because he had inherited his share before his death.

These exceptions are dated this 25th day of February, 1927.

W.H. Chapman, Administrator
Ella May Darden,
Annie May Darden,
Thomas Darden,
William Darden,
Dorether Darden

BY


Their Counsel

J.E. Avis et al.....Plaintiffs

vs..Chancery #367 Exceptions to
Report of R.A. Edwards
Commissioner in Chancery

J.H. Anis.....Defendant

Filed 7/28/27 R.A.E.

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

A. S. JOHNSON
Attorney and Counselor at Law
ISLE OF WIGHT, VA.

Smithfield, Va. July 5 1921 No. 58

Bank of Smithfield

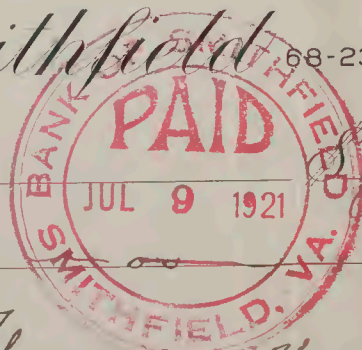
SMITHFIELD, VA.

68-233

Pay to the
order of

J. E. Davis

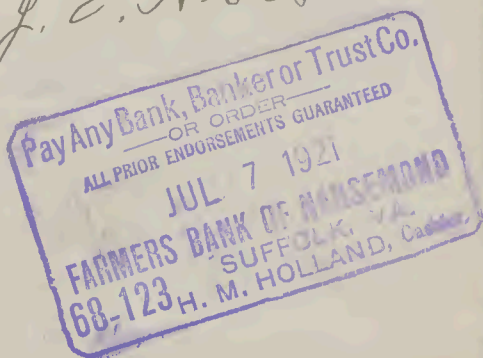
Eighty Six



\$500
Dollars

James. Adner Thos M Darden

J. E. Avis



WINDSOR DISTRICT

Land.....Page____Line____

Personal Property...Page_____Line_____

Income.....Page.....Line.....

To W. E. LAINE, Treasurer of ISLE OF WIGHT COUNTY, VIRGINIA, Dr.

No. 339

**Local Rate on Intangibles
(Classes 6, 1, 5, 3 and 2)
for Roads, 30c on \$100**

Valuation

Rate of
State Tax
on \$100

State Tax

[illegible]

Local Lexies

**Total
Tax and
Levies**

Real Estate..... 161 Acres \$ 1600 \$.25 \$ 400 \$ 2 20 \$ 3520

Real Estate.....	<u>1/3</u>	Acres	<u>20</u>	<u>.25</u>	<u>3</u>	<u>2</u>	<u>20</u>	<u>44</u>
------------------	------------	-------	-----------	------------	----------	----------	-----------	-----------

Real Estate.....	Acres	.25	2	20
------------------	-------	-----	---	----

Real Estate.....	Acres.....	.25	2	20
------------------	------------	-----	---	----

Tangible Property.....	.25	2	20
------------------------	-----	---	----

Class 4 (Money).....20.....NO NE.....NO NE.....

Class 6 (Bonds of Counties, Cities and Towns of this State).....	.35	30
--	-----	----

Class 1 (Bonds, Notes and other evidences of debt)..... Value \$	.80	1,000	9	30	2
--	-----	-------	---	----	---

[illegible][illegible][illegible]

Income.....	1% up to \$3,000; 2%	NO	NE	NO	NE
-------------	----------------------	----	----	----	----

[illegible]

State Poll (or Capitation) Tax.....	1	50	NO	NE	1	50
-------------------------------------	---	----	----	----	---	----

CREDITS

Total Taxes and Levies.....	\$	4	0	5		\$	3	5	6	4	\$	3	4	6	4
-----------------------------	----	---	---	---	--	----	---	---	---	---	----	---	---	---	---

Date _____

Account

Amount

Received payment:

Five Per Cent. Penalty..... 7 9/10

Total Taxes, Levies and Penalty... \$ 47.67

Treasurer.

LOCAL RATES—REAL ESTATE AND TANGIBLE PROPERTY

County and District

County Levy.....	\$	.60
County School Levy.....		.30
County Road Levy.....		.10
District School Levy.....		.65
District Road Levy.....		.50
Poor Levy.....		.05

Total.....\$ 2.20

FRANKLIN, VA., Jan 8 /1921

192

Mr J.E.Avis

TO W. J. M. HOLLAND & SON, DR.

Funeral Directors

MEMORIAL STONES AND MONUMENTS

PICTURE FRAMES MADE TO ORDER-SHEET MUSIC

1921

Jan	7	To (1) B.B.C. Casket & Box			
		: " (1) Hearse Trip	\$	85.00	

PAID

W.J.M.Holland & Son

Feb 15 /1921

for Account

PAY FEDERAL RESERVE BANK OF RICHMOND
OR ORDER PRIOR ENDORSEMENTS GUARANTEED
NATIONAL STATE & CITY BANK
OLD DOMINION TRUST CO.
68-5 STATE & CITY BANK TRUST CO. 68-5
RICHMOND, VA.

JUL 26 1922

68-3 PAY TO THE ORDER OF 68-3
ANY BANK BANKER OR TRUST CO. 68-3
PRIOR ENDORSEMENTS GUARANTEED
FEDERAL RESERVE BANK OF RICHMOND

Pay Any Bank, Banker or Trust Co.

OR ORDER

ALL PRIOR ENDORSEMENTS GUARANTEED

JUL 25 1922

FARMERS BANK OF HANSEMOND

68-123 SUFFOLK, VA.
H. M. HOLLAND, Cashier



FARMERS BANK, INC.

68-567

5

WINDSOR, VA.

July 21

19 22

PAY TO THE
ORDER OF

J. E. Avis

\$ 89 ³⁰/₁₀₀

Eighty Nine and 30/100

DOLLARS

No. _____

EVERETT WADDEY CO., RICHMOND VA

E. Thuesen

any

J. E. AVIS
COLOSSE, VA.

July 6 - 1922

Mr A. S. Johnson
Isle of Wight Va

Dear Sir

You can send me check
for this bill if you will

One Ton. 7% - - -	39 00
one . . . 5% - - -	34 00
6 Bags Sand Plaster	6 30
Ten Dollars in money	10 00
	89 30

This money I have paid out
some time ~

Yours Truly
J. E. Avis

22-a
Statement of the
Transactions of A.S.
Johnson - Admstr.
Thos. M. Jordan's Est.
Filed with R. A. Egan.
Com. 2/21/27.

CARRSVILLE, VA.

April 8, 1921

Mr. J. M. Dordens Estate

TO DR. GAVIN RAWLS, DR.

1920

1921

Medical attention to self in last illness	22 00
---	-------

I hereby certify to the correctness of the above account
Gavin Rawls

Estate of Thomas M. Darden,

To John H. Wright,.....Dr.

To 300 bricks,

\$ 3.00

To chain on wagon,

5.00

\$ 8.00

Estate of Thomas L. Darden,

To C. L. Holland,.....Dr.

To farm share of guano used in 1921,

\$24.33

Mr. Holland had bills which showed
the above amount to be one third of
guano charged to him.

B. R. Edwards presents accounts against the estate as follows:

Board of horse,	\$ 72.00
Labor, for Mr. Darden,	15.60
Corn for hogs, fed after Mr. Darden died,	10.00
Labor for estate,	20.00

He claims to owe Mr. Darden,	18.50
He owes administrator,	16.10
He owes for corn, bought of Mr. Darden	35.00

Balance due <i>Edwards</i> ~~the estate,~~	<u>48.00</u>
---	--------------

\$117.60\$117.60

PR Edwards

House board for J. M. Warden
 from April 20, 1920 till Sept. 16
 1920 at \$18 per month

Time = 4 mos. 26 days.

For 4 mos at \$18 = 72

" 26 days per day = 26 at \$18 per mo

26 days at 60¢ = 15.60

\$72 + 15.60 = \$87.60 = board for house.

During this time he furnished me
 2½ bbls corn at \$10 per bbl and
 10 worth long feed

2½ bbls corn at 10 per bbl = 25

\$25 + 10 = 35

\$87.60 - 35 = 52.60 = Amt. J. M. Warden

owes me for house board.

Suffolk, Va.

Attention and feed for 7 m. Warden
stock from Jan. 3, 1921

Corn for pigs, 2 lbs at 5¢ per lb. \$1.00

Attending to all stock for 8 wks \$2.50 =

\$2.50 x 8 = \$20.00

\$20 + \$10 = \$30 = Amt. for trouble
and feed.

M. *Thos. M. Darden*

TAXES AND LEVIES, 1920

WINDSOR DISTRICT

Land.....Page.....Line.....
 Personal Property...Page.....Line.....
 Income.....Page.....Line.....

To W. E. LAINE, Treasurer of ISLE OF WIGHT COUNTY, VIRGINIA, Dr.

No. **291**

LOCAL RATES—REAL ESTATE AND TANGIBLE PROPERTY

County and District

County Levy.....\$.70
 County School Levy.....\$.30
 County Road Levy.....\$.10
 District School Levy.....\$.50
 District Road Levy.....\$.55
 Poor Levy.....\$.05
 Total.....\$ 2.20

No.	Local Rate on Intangibles (Classes 6, 1, 5, 3 and 2) for Roads, 30c. on \$100	Valuation	Rate of State Tax on \$100	State Tax	Rate of Local Levies on \$100	Local Levies	Total Tax and Levies
Real Estate.....	<i>16 1/3</i> Acres	\$ <i>1400</i>	\$.25	\$ <i>3 50</i>	\$ 2 20	\$ <i>30 80</i>	
Real Estate.....	<i>1/3</i> Acres	<i>50</i>	.25	<i>12</i>	2 20	<i>1 10</i>	
Real Estate.....	Acres		.25		2 20		
Real Estate.....	Acres		.25		2 20		
Tangible Property.....		<i>275</i>	.25	<i>69</i>	2 20	<i>6 05</i>	
Class 4 (Money).....			.20		NO NE	NO NE	
Class 6 (Bonds of Counties, Cities and Towns of this State).....			.35		30		
Class 1 (Bonds, Notes and other evidences of debt).....	Value \$		.80		30		
Class 5 (Shares of Stock).....	Value \$		.80		30		
Class 3 (Fiduciary).....			.80		30		
Class 2 (Capital).....			.85		30		
Income.....			{ 1% up to \$3,000; 2% on excess NONE }	NO NE	NO NE	NO NE	
State Poll (or Capitation) Tax.....				1 50	NO NE		

CREDITS

Total Taxes and Levies.....\$ *5 81*.....\$ *37 95*.....\$ *43 76*

Date	Account	Amount
		\$

Received payment:

5-21-21

Five Per Cent. Penalty.....

2 19

Total Taxes, Levies and Penalty...

45 95

W E Laine

C. J. Darden

Treasurer.

COUNTER CHECK

Smithfield, Va., Novem 14 1923 No.

Bank of Smithfield 68-233
SMITHFIELD, VA.

Pay to the order of O. S. Barnett, Agt

5 Ten — 00 —

Bond Premium. Jm Sorden. Adm



Dollars

J. Sorden

Wm Sorden
Wm Sorden

A. S. Bennett agt
H. S. Bennett,

PAY TO THE ORDER OF
THE BANK OF AMERICA
AT NEW YORK
NEW YORK, N.Y. 100-234

COUNTER CHECK

Smithfield, Va., May 16 1921 No.

Bank of Smithfield

68-233

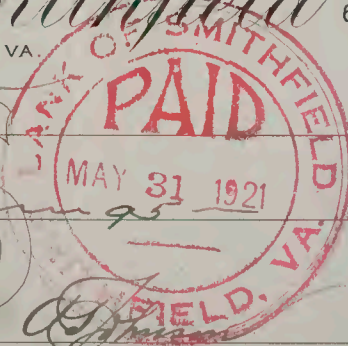
SMITHFIELD, VA.

Pay to the
order of

C. T. Jaynes. D. T.

in Forty five

1470 taxes



\$45.95

Dollars

Adm. of Jas. M. Vandoren

C. Joyner, Jr. DT,
 The Citizens Bank of Norfolk,
 Norfolk, Va. or Order
 ALL PRIOR ENDORSEMENTS GUARANTEED
BANK OF WINDSOR,
 WINDSOR, VA.
 E. T. LEATHERS, Cashier

Pay Federal Reserve Bank of Richmond
 to Order of *[Signature]* \$100.00
CITIZENS BANK
 NORFOLK, VA.
 68-94 MAY 10 1934 68-94
 FEDERAL RESERVE BANK OF RICHMOND
 ANY BANK, 34 WALL STREET, N.Y. CO.
 FEDERAL RESERVE BANK OF RICHMOND
 68-94

COUNTER CHECK

Smithfield, Va., April 13 1921 No.

Bank of Smithfield

68-233

SMITHFIELD, VA.

Pay to the
order of

A. B. Barrett

Eight

\$10.00

Ten

APR 14 1921

Dollars

from on JMD Adams bond

Esq. JMD Adams

or afc

W^h Barrett afc.

RECEIVED
JAN 10 1888
LIBRARY OF THE
BOSTON PUBLIC LIBRARY

COUNTER CHECK

Smithfield, Va., April 13 1921 No.

Bank of Smithfield

68-233

SMITHFIELD, VA.

Pay to the order of D. J. Mood

\$2.50

Two

Dollars

Notes of sale

Johnson. Cash for McDowell



L. Mood

COUNTER CHECK

Smithfield, Va., Apr 4th 1921 No. 1

Bank of Smithfield

68-233

SMITHFIELD, VA.

Pay to the order of

J. M. Conner

Five

5

PAID
APR 11 1921

\$ 5.00

Dollars

Auctioneer

J. M. Darden

John Jones

Pay The Citizens Bank of Norfolk,
Norfolk, Va. or order
ALL PRIOR ENDORSEMENTS GUARANTEED
BANK OF WINDSOR,
Windsor, VA. Cashier
F. T. LEATHERS.

68-34 APR 17 1937
CITIZENS BANK OF NORTOLK
FEDERAL RESERVE BANK OF NORTOLK
RECEIVED
APR 17 1937
FEDERAL RESERVE BANK OF NORTOLK
RECEIVED
APR 17 1937

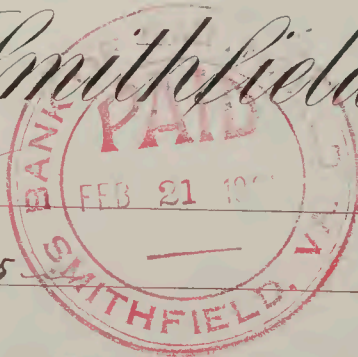
Smithfield, Va. Feb 11 1971 No. 2019

The Bank of Smithfield

68-233

Smithfield, Va.

Pay to the
order of R. A. Edwards. Cash



\$ 325

Three hundred and 25

Dollars

Invoice Tax & Charge to Mrs M
Warden Adams

Gorman

5078

R. G. Edwards.

Smithfield, Va..

Feb 17 1921

M. Alfred Johnson, Adm.
J M Darden Ex

IN ACCOUNT WITH

D. J. MOOD

THE PRINTER

Sal. Bills

\$ 2.50

D. J. MOOD

THE PRINTER

SMITHFIELD, VA.

The convenience of a Job Printing plant in town cannot be over-estimated. There are times when you need printing, and I am prepared to do that printing, and do it quickly, neatly, and satisfactorily. All kinds of Job Work—

Visiting Cards
Letter Heads
Note Heads
Bill Heads
Envelopes
Circular Letters
Dodgers
Receipt Books
Post Cards
Wedding Invitations
Etc., Etc.

If I have not mentioned your particular need, phone, or come to see me, about it. Office in the Old Masonic Building on Mason Street.

\$ 94 ⁴⁰/_{xx}

SUFFOLK, VA., Oct 10 1917

On demand DAYS AFTER DATE 0 PROMISE TO PAY, WITHOUT OFFSET, UNTO

John Ashburn, OR ORDER, NEGOTIABLE AND PAYABLE AT THE

FARMERS BANK OF NANSEMOND
SUFFOLK, VA.

Twenty four ⁴⁰/_{xx} DOLLARS

for value received; and it is agreed upon by the parties hereto that the interest on this Note shall be payable in advance; and we, principal and endorsers, hereby waive the benefit of our Homestead Exemption as to this debt.

Thos. M. Barber

Paid 50⁰⁰/₁₁ April 23 - 1918

If you cut potash, be sure to get the
best of the other elements. You
will find them in ATLANTIC.

1000 Jan 1901
Rec'd from
Holland M. Co.
of L.
for services
O. H.

2.

Collosse, Va.,

Oct 21

1921

Ms

J. M. Horden

In Account With

W. H. JOHNSON, of Jesse

Dealer in

GENERAL MERCHANDISE

Buyer of All Kinds Country Produce

1919	To B. P.	24 02	
7-30	B. Cash		7 50
12-8	1		6 00
6-30	1		18
		~~11034~~	~~75.68~~

Collosse, Va.,

Oct 21 1921

Mr

J. M. Hardin

In Account With

W. H. JOHNSON, of Jesse

Dealer in

GENERAL MERCHANDISE

Buyer of All Kinds Country Produce

1919				
1920				
7-24	20	5 #	sug y Edwards	55
1 1	1		shoe	7.50
1 30	1	2 pair	shoe by H. H. H. H.	5.50
1 1	1		Pants	2.50
9-12	1		Talc	1.5
1 22	1		skirting	6.00
10-16	1		cracker	10
1920				
5-7	1	3 #	staple	24
6-8	1		rice	18
1 30	1		fruit	13
7 19	1	2	cracker	20
7-20	1	2	11	20
1 26	1	1	11	10
8-12	1	2	11	20
10-21		2	11	20
11-15	1		Bol on nutie	13
1921				
11-1	1	2	by jar	14

\$24.02

* HARDY DARDEN, *

GENERAL MERCHANDISE,

—BUYER OF—
COUNTRY PRODUCE
 COTTON & PEANUTS.

Colosse, Va.

Aug 29 1921

MR. H. S. Johnson
 I submit to you my
 my claim against uncle
 Sam's Est

16 Tons Melle Roofing	
950 Ps Sugar	\$ 153 00
Wash Duro on	
Buildings	5350
Nails	300
85 Window Glass	850
Lumber	250
Riggers	200
I Home Claim	219 50
B R Edwards	5060
14 Bgs Land Plaster	27010
112 Per Bg	1568
Hardy Darden	\$ 28578

An account of sales of the personal estate, delivered to the administrator, of Thomas M. Darden, deceased, made by A. S. Johnson on the 28th day of February, 1921.

Articles sold	Purchaser	Amount
1 gun	J. B. Johnson	.25
1 mole trap and cot,	Ludlow Spivey,	.75
1 crate and contents	George Beale,,	.50
4 chairs,	T. W. Holland,	.15
1 sugar bucket,	Elisha Duck,	.30
1 saw frame,	Thomas Duck,	2.50
2 chairs,	L. D. Boone,	.40
1 two-in-one cultivator,	J. R. Carr,	10.00
1 corn and bean planter,	J. A. Pope,	8.00
4 sshoats,	J. H. Wright,	18.00
1 sow	P. B. Butler,	14.50
1 lot harness and S. trees,	T. W. Holland	.75
1 16-tooth harrow	R. R. Rhodes,	.30
1 iron back band,	George Beale	.50
1 fertilizer sower,	Dewey Douglas,	5.50
1 turn plow,	E. J. Claud,	1.50
1 blk cow and calf,	T. H. Hall,	22.50
1 red cow and calf,	T. H. Hall,	25.50
1 heifer,	Dol Johnson	18.00
1 lot cotton	C. E. Spivey	9.19
1 bowl,	J. B. Babb	.05
1 lot cotton	R. R. Rhodes	5.46
		\$144.60
1 lot plunder in shop	J. E. Avis,	1.05
1 old buggy and wheels,	J. E. Avis,	2.75
		\$3.80
1 cart and wheels,	Hardy Darden	1.25
1 bed-stead, mattress and tick	"	7.50
1 gun	"	.25
1 sugar bucket,	"	.50
1 basket, tray and can,	"	.56
1 table	"	1.10
1 plow and cotton seeder	"	.25
1 disc harrow	"	50.00
1 peanut planter	"	10.50
1 pair cart wheels,	"	.60
1 cotton plow,	"	1.05
		\$73.55
1 mowing machine,	Moses (W.H.) Darden	9.50
1 keg paint,	"	4.25
1 mule	"	40.00
1 lot meat	"	37.30
		\$91.05
1 turn plow,	B. R. Edwards,	4.50
1 pea weeder,	"	3.00
1 safe,	"	1.50
1 table	"	.10
7 pigs,	"	7.00
		\$16.10

B. R. Edwards,	\$ 87.60
B. R. Edwards,	30.00
To be credited with \$35.00 paid by Darden	

Hardy Darden	285.78
W. H. Johnson of Jesse,	10.34
C. F. Fowler,	49.14
O. L. Owens (funeral expense)	10.00
John Ashbur, (note)	94.40
Jno. H. Wright,	8.00
C. L. Holland,	24.33
W. H. Darden,	2040.00

tsixzanzaxenationsx

Sale pf land to J. E. Turner,	\$700.00
Sale of land to Hardy Darden	1875.00

No counsel fee of special commissioner's fees have been paid, and no other costs of suit than those mentioned.

285.78
73.55

212.23

An account of the transactions of A. S. Johnson, as adminisitor
of the estate of Thomas M. Darden, deceased.

Chattel estate sold:

Article	Purchaser,	Amount	
1 gun	J. B. Johnson,	.25	
1 mole trap and cot,	Ludlow Spivey	.75	
1 crate and content,	George Beale,	.50	
4 chairs,	T. W. Holland.	.35	
1 sugar bucket,	Elisna Duck,	2.50	
1 saw frame,	Thomas Duck,	.40	
2 chairs,	L. D. Boone,	10.00	
1 cultivator,	J. R. Carr	8.00	
1 corn and bean planter,	J. A. Pope,	18.00	
4 shoats,	J. H. Wright,	14.50	
1 sow,	P. B. Butler,	.75	
1 lot harness an d S.trees,	T. W. Holland,	.30	
1 harrow,	R. R. Rhodes,	.50	
1 iron back band,	George Beale,	5.50	
1 fertilizer sower,	D. Douglas,	1.50	
1 turn plow,	E. J. Claud,	22.50	
1 blk. cow and calf,	T. H. Hall,	25.50	
1 red cow and calf,	T. H. Hall,	18.00	
1 heifer,	Doll Johnson,	9.19	
1 lot cotton,	C. E. Spivey,	.05	
1 bowl,	J. B. Babb,	5.46	
1 lot cotton,	R. R. Rhodes,	1.05	
1 lot shop plunder,	J. E. Avis,	2.75	\$148.00
1 old buggy,	J. E. Avis,		

Collections in cash were made covering the foregoing items. The remaining items were not paid for and are to be charged to the purchasers, who are heirs of the estate.

1 cart and wheels,	Hardy Darden	1.25	
1 bed stead, mattress and tick,	Hardy Darden,	7.50	
1 gun,	Hardy Darden,	.25	
1 sugar bucket,	Hardy Darden,	.50	
1 basket, tray and can,	Hardy Darden,	.55	
1 table,	Hardy Darden,	1.10	
1 plow and cotton planter	Hardy Darden,	.25	
1 disc harrow,	Hardy Darden,	50.00	
1 peanut planter,	Hardy Darden,	10.50	
1 pr. cart wheels,	Hardy Darden,	.60	
1 cotton plow,	Hardy Darden,	1.05	73.55
1 mowing machine,	W. H. Darden,	9.50	
1 keg paint,	W. H. Darden	4.25	
1 mule,	W. H. Darden	40.00	
1 lot meat,	W. H. Darden,	37.30	91.05

E. R. Edwards, who files a claim against the estate, purchased the following articles, which are to be offset against his claim.

1 turn plow,	B. R. Edwards,	4.50
--------------	----------------	------

1 pea weeder,	B. R. Edwards,	3.00
1 safe,	B. R. Edwards,	1.50
1 table,	B. R. Edwards,	.10
7 pigs,	B. R. Edwards,	7.00 \$16.10

Total Sale - 329.10

Total amount collected by administrator,	\$148.40
To be charged to share of Hardy Darden	73.55
To be charged to share of W. H. Darden,	91.05
To be charged to B. R. Edwards	16.10

329.10

Items paid by administrator,

Clerk fee on qualification,	\$ 3.25
J. M. Cones, auctioneer,	5.00
Notices of chattel sale,	2.50
Bond premium of administrator, (1st.)	10.00
Bond premium of administrator, (2nd.)	10.00
1920 taxes,	45.95
1921 taxes,	41.67
Burial expense,	85.00
J. E. Avis account,	89.30
Dr. Gavin Rawls,	22.00 \$314.67

Claims presented against the estate and not paid.

Hardy Darden,	285.78
W. H. Johnson (of Jesse)	10.34
C. F. Fowler,	43.15
O. L. Owen,	10.00
John Ashburn,	94.40
John H. Wright,	8.00
C. L. Holland,	24.33
B. R. Edwards,	64.10

The foregoing accounts appear to be just.

540.10

W. H. Darden presented an account of \$2040.00 which was refused to be filed or paid.

Vouchers for payments made by administrator attached, as are the claims against the estate.

Report made to R. A. Edwards, Commissioner in Chancery.

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

J. E. Avis, Hardy Darden, W.H. Darden's Admr.
Nannie Spivey, Martha S. Carr, Lelia Wagner,
John A. Ashburn, Cora Ashburn, Leonard Darden,
and Otelia Godwin. Plaintiffs

vs) Chancery #367

J. H. Avis Defendant

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

The undersigned, one of the Commissioners in Chancery of the Circuit Court of the County of Isle of Wight, to whom has been referred the papers in this cause for the execution of a decree, entered therein on the 18th day of November, 1926, respectfully reports to the Court that on the 8th day of December, 1926, at his office at Isle of Wight, Va, proceeded in the presence of A.S. Johnson, attorney for certain of the plaintiffs, as well as the defendant, J.H. Avis, C. B. Godwin, attorney, for certain of the plaintiffs, and Hugh L. Holland attorney for W.H. Darden's Admr, all parties to this cause being represented by counsel, (the said W.H. Darden, who was one of the original plaintiffs in this cause having died since its institution, and W.H. Chapman, of the County of Isle of Wight, having become the administrator of the said W.H. Darden's Estate), after having given notice to all parties in interest, service of said notice having been accepted by the respective attorney's, which said acceptance of said service is attached hereto and made part of this report, took the evidence of Mrs W.H. Darden, Wm.J. Darden,

J.P. Carr, C. H. Duck, Jesse Turner, C. E. Rhodes, A.S. Johnson, administrator of Thos. M. Darden, deceased, and special commissioner in this cause, John Ashburn, W.H. Darden and M. W. Darden, which was reduced to writing, a stenographic report of which is returned herewith filed with the papers in this cause, and from which evidence so taken and pleadings filed, he is informed and reports as follows:

Q. On consideration whereof the Court doth adjudge, order and decree that papers in this cause be referred to one of the Commissioners of this Court, who shall ascertain and report the debts due by the Estate of Thos. M. Darden, deceased, and particularly the amount justly due and owing the Estate of the late W.H. Darden, from the said estate of Thos. M. Darden, and any other matter deemed revelant.

A. Your Commissioner is informed and herewith reports that the main question arising in this cause at this time appears to be what is due the estate of W.H. Darden by the estate of Thos. M. Darden, for services rendered the late Thos. M. Darden, in the way of nursing, maintenance and support, whil the said Thos. M. Darden was making his home at the residence of the late W.H. Darden, who was formerly a party to this cause, now deceased, and whose administrator is now a party to this cause, he having filed his petition,

notice of which was given to all parties in interest, and upon which petition the decree hereinbefore referred to, which was entered on November 18th, 1926, was based, however, by consent of all parties in interest, through their counsel, Your Commissioner was requested and herein undertakes to report on all unsettled matters pertaining to this cause in order that a final decree directing final payment of cost and making proper distribution of the remainder may be entered.

In the matter of the amount due W.H. Darden's Estate for service rendered the late Thos. M. Darden, after the taking of much testimony and the studying of same, as well as giving considerable time to the studying of the account filed covering said services, Your Commissioner had about arrived at what he considered an equitable amount as being due the said W.H. Darden's Estate, when he was advised by counsel for both plaintiffs and defendant, that a compromise agreement had been reached, by which the estate of W.H. Darden, was to receive from the estate of Thos. M. Darden, the sum of four hundred dollars, the said estate of W.H. Darden, was to pay out of the said \$400.00 to be received by them, one half of the cost of the Court, stenographer in taking the evidence and furnishing the record in the cause, which said compromise agreement your commissioner believes to be fair, and just, and herewith recommends that the same be accepted by the Court.

It appears from the report filed by A.S. Johnson, Special Commissioner in this cause, as well as report filed by A.S. Johnson, administrator, that the following items represent the amount that has been received by him from sale of real estate and chattel property, of which Thos. M. Darden, died seized and possessed, to-wit;

A tract of land sold to J. E. Turner, by
Special Commissioner\$700.00

A tract of land sold to Hardy Darden by
Special Commissioner\$1875.00

By sale of chattel property by administrator \$329.10

Total sales as per statements attached \$2904.10

Of the above amount there remains uncollected by the administrator from sale of chattel property the sum of \$180.70, thereby causing the amount of \$2723.40 to be in the hands of the said A.S. Johnson, however, the amount of \$180.70 uncollected is due and owing as follows: \$73.55 due by Hardy Darden, one of the heirs of Thos. M. Darden against whose share the above amount is chargeable with, \$91.05 due by W.H. Darden, one of the heirs of Thos. M. Darden against whose share the said amount is chargeable, the said W.H. Darden being dead as aforesaid, the share due him would be payable to his administrator, less the amount owing by him and the amount of \$16.10 due by B. R. Edwards which is to be collected and accounted for. (XX) (See Note)

The following items have been paid out by administrator A.S. Johnson, as follows, vouchers for which are returned by him to your commissioner and filed with his said administrators account, with papers in this cause:

Cost of qualification	\$3.25
To paid auctioneer sale of chattels.....	5.00
To paid notice of chattel sale	2.50
Premium on administrators bond (1 yrs).....	10.00
Premium on administrators bond (2 yr).....	10.00
To paid 1920 taxes	45.95
To paid 1921 taxes.....	41.67
To paid burial expenses Thos. M. Darden.....	85.00
To paid J. E. Avis account	89.30
To paid Dr. Gavin Rawls account	22.00

Paid out by Special Commissioner, Johnson.

To order of publication	6.00
To premium on Special Commissioner bond, 1st yr.	12.00
To paid Comr. in Chancery making report, Aug, 1921.....	25.00
To paid for first notice of land sale.....	5.50
To paid for second notice of land sale	6.75
To paid second year bond premium	10.66
To paid third year bond premium	10.66
To paid 1922 taxes on funds in hand	1.10
To paid 1923 taxes on funds in hand.....	1.20
To paid 1924 taxes on funds in hand	4.00
To paid 1925 taxes on funds in hand.....	3.00

Total amount paid out.....\$400.54

By subtracting the amount already paid out of \$400.54 from the above amount of \$2725.40, leaves a difference in the hands of the administrator and special commissioner together, amounting to \$2322.86, however, it appears as hereinbefore stated that the sum of \$180.70 still uncollected is either to be collected and added to the amount of balance in hand or taken care of in the distribution. (See Note).

Your Commissioner further reports that there are accounts outstanding against the estate of Thos. M. Darden, which he has a list of as follows; and which he believes to be all of the accounts against the estate, except as herein after stated, to-wit:

Hardy Darden, account.....	\$285.78
W.H. Johnson of Jesse, account.....	10.34
C.F. Fowler, account.....	43.15
O.L. Owens, account ,,,,,,.....	10.00
John Ashburn, note	94.40
(subject to credit of \$50.00 as of May 23, 1918.)	

John H. Wright, account	\$8.00	
C.L. Holland, account	24.33	
B. R. Edwards, account.,.,.,.....	64.10	(See Note)
Total account listed as unpaid by the admr.	540.10	

The account of W.H. Darden, which was presented against the administrator, amounting to \$2040.00, and which the administrator says was not accepted, & filed by him, is not listed with the above accounts for the reason that a compromise agreement has been entered into concerning the same as hereinbefore set forth.

In addition to the unpaid accounts above listed there remains unpaid the following fees and costs, the exact amount of which Your Commissioner is not advised, thereby making it impossible for your commissioner to ascertain and report the exact balance subject to distribution as per request of some of the parties in interest, to-wit: Counsel fees, Special Commissioner's fees, draft of deeds, war tax on deeds, Criers fee, Clerk's fees, and bond premiums on special commissioners bonds, now unpaid, as well as account of Commissioner in Chancery for this report.

Your Commissioner wishes also to report that vouchers for the amounts paid out by special commissioner Johnson, are returned by him and attached to his special commissioner's report, which is to be presented to the Court along with this report.

Your Commissioner is informed and herewith reports that the following named persons are entitled to share in the distribution of the proceeds from the estate of the said Thos. M. Darden, as follows (as set forth in the report of the Commissioner in Chancery filed in this cause on the 26th day of Aug, 1921, reference to which may be had) John H. Avis, Jas. E. Avis, Hardy Darden, W.H. Darden, and Hennie Spivey, one share, they being the children of Magelane, sister of the said Thos. M. Darden, Martha S. Carr, a daughter of Polly, who was a sister of Thos. M. Darden, one share, Martha Delia Wagner, John A. Ashburn and Cora Ashburn, the children of Barbara, a sister of Thos. M. Darden, one share, Leonard Darden and Otelia Godwin, children of Richard Darden, a brother of Thos. M. Darden, one share. The said Barbara Ashburn and the said Richard Darden having died before the said Thos. M. Darden, there is no courtesy or dower attaching to the shares of their several children in this Estate.

Your Commissioner wishes to further report that at this time, when this report was about completed, that it was discovered that the itemized account of the transaction between B.R. Edwards and the estate of Thos. M. Darden, which is attached to administrator Johnson's report, and which shows a balance due in favor of the said Thos. M. Darden's Estate, was in error, and that after giving credit to the said B. R. Edwards of the amount of \$16.10 for articles purchased by the said B. R. Edwards at the sale of Thos. M. Darden Estate, that there is still a balance due the said B. R. Edwards from the estate of Thos. M. Darden of \$43.00, as is now shown by the corrected bill of the said B.R. Edwards.

Having nothing further to report which is deemed revelant
to this cause, Your Commissioner, herewith submits this,
his report.

Respectfully,

P. A. Edwards
Commissioner in Chanc ry

Fee \$ _____

Avis

vs { Chancery # 367

Avis

Commissioner in
Chancery - Report.
Filed Feb. 21. 1927

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



Herald Printing Corp.

Makers of Catalogues
Booklets &
Programmes
of Distinction



PUBLISHERS SUFFOLK HERALD
TELEPHONE, ONE-THREE-FIVE

525 Main Street
SUFFOLK, VIRGINIA

Sold To

Mr A. S. Johnson
John F. Wright

Your order No.

TERMS: Accounts payable on 10th of month following purchase- A Statement is issued the first of the month

1921

April 29
To May 20

To Ad 4 times Avis to Avis

600

REC'D. PAYMENT
HERALD PRINTING CORP.
By *E. A. Morrison*

Avis et als

vs) Chancery No.367

Avis.

Received of A. S. Johnson, Special Commissioner, ^{#1200} premium on his
bond as such with Fidelity and Deposit Company of Maryland. (first
premium)

R. A. Edwards, Agent.

November 15th., 1921.

Avis et als

vs) Chancery No. 367.

Avis.

Received of A. S. Johnson the sum of \$25.00, my fee as Commissioner
in Chancery for making report on decree of inquiries in above
styled suit.

R. A. Edwards

November 15th., 1921.

A. S. JOHNSON
Attorney and Counselor at Law
ISLE OF WIGHT, VA.

Smithfield, Va., May 19 1922 No. 544

Bank of Smithfield 68-233
SMITHFIELD, VA.

Pay to the order of Smithfield Trust
Five 50/100 Dollars \$ 5.50

Aris v Aris Sub notes

PAID
MAY 22 1922
A. S. JOHNSON

Smithfield Times
By W F Bennett

Smithfield, Va., May 6 1923 No.

Bank of Smithfield

68-233

SMITHFIELD, VA.

Pay to the order of Kernal Printing Corporation \$6.75

— Six and 75/100 — Dollars

Notes of sale

Johnson Spe Cener
Anis & Anis

Pay Any Bank, Banker or Trust Co.
OR ORDER
ALL PRIOR ENDORSEMENTS GUARANTEED

MAR 7 1923

FARMERS BANK OF NANSEMOND
SUFFOLK, VA.

100-123

H. M. HOLLAND, Cashier.

142

PAY TO THE ORDER OF
Farmers Bank of Nansemond,
SUFFOLK, VA.

Herald Printing Corporation

\$10.00

Nov 17, 1922

Received of A. S. Johnson, ^{Spec Comm}~~Attorney~~, the sum of

Ten ~~in~~ 66/100 — Dollars,

in payment for..... premiums on bond of Special Com-.....

missioner in District of Columbia

R. A. Edwards

FIDELITY AND DEPOSIT COMPANY
OF MARYLAND

FIDELITY *and* SURETY BONDS *and* BURGLARY INSURANCE
BALTIMORE



1923

Jan. 10 A.S. Johnson, Special Commissioner
Avis Vs. Avis

In account with

R. A. EDWARDS, AGENT
Fidelity and Deposit Company of Maryland
P.O. Isle of Wight, Va. BONDS OF ALL KINDS

Premium on second year bond.....10.66

LOCAL RATES—REAL ESTATE AND TANGIBLE PROPERTY
County and District

County Levy.....	.50
County School Levy.....	.40
County Road Levy.....	.10
District School Levy.....	.65
District Road Levy.....	.35
Poor Levy.....	.05
Total.....	\$ 2.05

TAXES AND LEVIES, 1922

WINDSOR DISTRICT

M. S. Johnson S. C.
J. E. Laine vs. S. H. Laine
To W. E. LAINE, Treasurer of ISLE OF WIGHT COUNTY, VIRGINIA, Dr.

Land.....Page.....Line.....

Personal Property...Page.....Line.....

Income.....Page.....Line.....

No. **736**

Local Rate on Intangibles
(Classes 1, 6)..... for Roads 20c. on \$100
(Classes 5, 2)..... for Roads 30c. on \$100

Valuation

Rate of
State Tax
on \$100

State Tax

Rate of
Local Levies
on \$100

Local Levies

Total
Tax and
Levies

Real Estate..... Acres \$
Real Estate..... Acres
Real Estate..... Acres
Real Estate..... Acres
Tangible Property.....
Class 4 (Money).....
Class 6 (Bonds of Counties, Cities
and Towns of this State).....
Class 1 (Bonds, Notes and other
evidences of debt)..... Value \$
Class 5 (Shares of
Stock)..... Value \$
Class 2 (Capital).....
Income.....
Bank Stock.....
Stock Mdse.....
State Poll (or Capitation) Tax.....

W. E. LAINE, Treas.
NOV 20 1922
Statement rendered

2 05 \$
2 05 \$
2 05 \$
2 05 \$
2 05 \$
NO NE.. NO NE..
20
20
30
30
NO NE.. NO NE..
85
25
NO NE..
1 50

CREDITS

Total Taxes and Levies..... \$ 1 10

Date	Account	Amount
		\$

Received payment:

Five Per Cent. Penalty.....

Total Taxes, Levies and Penalty.....

Treasurer.

M.

A. S. Johnson & Co.

TAXES AND LEVIES, 1923

WINDSOR DISTRICT

Land.....Page.....Line.....

Personal Property.....Page.....Line.....

Income.....Page.....Line.....

To W. E. LAINE, Treasurer of ISLE OF WIGHT COUNTY, VIRGINIA, Dr.

No. 689

LOCAL RATES—REAL ESTATE AND TANGIBLE PROPERTY

County and District
 County Levy.....\$.25
 County School Levy......50
 County Road Levy......25
 District School Levy......50
 District Road Levy......30
 Poor Levy......08
 Sinking Fund for School Purposes......15
 Total.....\$ 2.03

Local Rate on Intangibles		Valuation	Rate of State Tax on \$100	State Tax		Rate of Local Levies on \$100		Local Levies		Total Tax and Levies
Class 1.....for Roads, 20 cents on \$100	Classes 5, 2.....for Roads, 30 cents on \$100									
Real Estate.....Acres \$			.25	\$		2	03	\$		\$
Real Estate.....Acres			.25			2	03			
Real Estate.....Acres			.25			2	03			
Real Estate.....Acres			.25			2	03			
Tangible Property.....		600	.25		120	2	03			
Class 4 (Money).....			.20			NO	NE		NO	NE
Class 6 (Bonds of Counties, Cities and Towns of this State).....			.35			NO	NE		NO	NE
Class 1 (Bonds, Notes and other evidences of debt).....Value \$			.35					20		
Class 5 (Shares of Stock), Value \$			.80					30		
Class 2 (Capital).....			.85					30		
Income.....			1% in excess of \$3			NO	NE		NO	NE
Bank Stock.....			NONE		NO	NE		85		
Stock Mds.....			NONE		NO	NE		25		
State Poll (or Capitation) Tax.....					150	NO	NE			150

CREDITS

Date	Account	Amount
		\$

Total Taxes and Levies.....\$

Received Payment:

Five Per Cent. Penalty.....

Total Taxes, Levies and Penalty.....

Treasurer.

M.

A. S. Johnson & Co.

avis vs avis

To W. E. LAINE, Treasurer of ISLE OF WIGHT COUNTY, VIRGINIA, Dr.

TAXES AND LEVIES, 1924

WINDSOR DISTRICT

Land.....Page.....Line.....

Personal Property...Page.....Line.....

Income.....Page.....Line.....

No.

706

LOCAL RATES—REAL ESTATE AND TANGIBLE PROPERTY

County and District

County Levy.....\$.50

County School Levy.....\$.50

County Road Levy.....\$.10

District School Levy.....\$.50

District Road Levy.....\$.30

Poor Levy.....\$.05

Sinking Fund for School Purposes.....\$.15

Total.....\$ 2.10

Local Rate on Intangibles
Class 1.....for Roads, 20 cents on \$100
Classes 5, 2.....for Roads, 30 cents on \$100

Valuation

Rate of
State Tax
on \$100

State Tax

Rate of
Local Levies
on \$100

Local Levies

Total
Tax and
Levies

Real Estate.....Acres \$

\$.25

\$

\$ 2 10

\$

\$

Real Estate.....Acres

.25

2 10

Real Estate.....Acres

.25

2 10

Real Estate.....Acres

.25

2 10

Tangible Property.....

.25

2 10

Class 4 (Money).....

.20

NO NE

NO NE

Class 6 (Bonds of Counties, Cities and Towns
of this State).....

.35

NO NE

NO NE

Class 1 (Bonds, Notes and other
evidences of debt)..... Value \$

.35

20

Class 5 (Shares of Stock), Value \$

.80

30

Class 2 (Capital).....

.35

30

Income.....

1% up to
\$3,000; 2%
on excess

NO NE

NO NE

Bank Stock.....

NONE

NO NE

35

Stock Mds.....

NONE

NO NE

25

State Poll (or Capitation) Tax.....

NONE

NO NE

CREDITS

Date

Account

Amount

Total Taxes and Levies

Received Payment:

Five Per Cent. Penalty.....

Total Taxes, Levies and Penalty.....

Treasurer.

RECEIVED
PAYMENT
DEC 1 1924
W. E. LAINE, TREAS.
150

150

400

M. A. S. Johnson S.C.

avis vs avis

To W. E. LAINE, Treasurer of ISLE OF WIGHT COUNTY, VIRGINIA, Dr.

TAXES AND LEVIES, 1925

WINDSOR DISTRICT

Land.....Page.....Line.....

Personal Property...Page.....Line.....

Income.....Page.....Line.....

No.	Local Rate on Intangibles Class 1.....for Roads, 20 cents on \$100 Classes 5, 2.....for Roads, 30 cents on \$100	Valuation	Rate of State Tax on \$100	State Tax	Rate of Local Levies on \$100	Local Levies	Total Tax and Levies
	Real Estate.....Acres	\$	.25	\$	\$ 2 30	\$	\$
	Real Estate.....Acres		.25		2 30		
	Real Estate.....Acres		.25		2 30		
	Real Estate.....Acres		.25		2 30		
	Tangible Property.....	1500	.25	375	2 30		
	Class 4 (Money).....		.20		NO NE	NO NE	
	Class 6 (Bonds of Counties, Cities and Towns of this State).....		.35		NO NE	NO NE	
	Class 1 (Bonds, Notes and other evidences of debt).....Value \$		.35		20		
	Class 5 (Shares of Stock), Value \$		.80		30		
	Class 2 (Capital).....		.85		30		
	Income.....		{ 1% up to \$3,000; 2% on excess		NO NE	NO NE	
	Bank Stock.....		NONE	NO NE	85		
	Stock Mds.....		NONE	NO NE	30		
	State Poll (or Capitation) Tax.....			150	NO NE		150
	CREDITS		Total Taxes and Levies.....\$				\$ 300
	Date	Account	Amount	Received Payment:		Five Per Cent. Penalty.....	
			\$			Total Taxes, Levies and Penalty.....	

Treasurer.

LOCAL RATES—REAL ESTATE AND TANGIBLE PROPERTY

County and District

County Levy.....\$.50
 County School Levy.....\$.80
 County Road Levy.....\$.80
 District School Levy.....\$.80
 District Road Levy.....\$.80
 Poor Levy.....\$.05
 Sinking Fund for School Purposes.....\$.15

Total.....\$ 2.30

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

Avis et als.

v) Chancery. 367.

Avis.

TO HONORABLE BENJAMIN DEY WHITE,

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

The undersigned, special commissioner in this cause, respectfully reports to the Court that, in obedience to the decree entered herein on the 26th. day of October, 1921, he collected from J. E. Turner, seven hundred dollars, covering the purchase price on the "Mill Site" of Thomas M. Darden, and on the 15th day of November 1921, executed and delivered to the said J. E. Turner, a deed for said property, that being the date on which the collection of seven hundred dollars was made, as aforesaid.

That, in obedience to the decree entered herein, on the 23rd. day of July, 1923, he made a deed for the "Home Tract" of Thomas M. Darden, to Hardy Darden, who finally paid the purchase price for said land and took his deed on the 11th. day of March, 1925, and paid the purchase price of \$1875.00.

That out of the funds coming to the hands of the special commissioner, from the sources mentioned, he has paid the costs as follows:

Order of publication,	\$ 6.00 ✓
1st. bond premium,	12.00 ✓
Fee of Commissioner in Chancery Edwards,	25.00 ✓
1st. notices of land sale,	5.50 ✓
2nd. land sale notices,	6.75 ✓
Second bond premium,	10.66 ✓
Third bond premium,	10.66 ✓
1922 tax on fund in hand,	1.10 ✓
1923 tax on fund in hand,	1.20 ✓
1924 tax on fund in hand,	4.00 ✓
1925 tax on fund in hand,	3.00 ✓

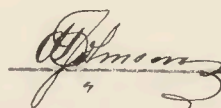
There yet remains unpaid, as costs in this suit, 85.87

counsel fee, special commissioner's fee, for drafts of deeds to purchasers, war tax on deeds, crier's fees and clerk's fees.

The undersigned is, also, administrator of the personal estate of Thomas M. Darden, and a statement of his transactions as such is also submitted to the Court, at the same time as this report.

Some little time after the first land sale herein mentioned and the sale of the chattel estate, W. H. Darden, one of the heirs to the property of the said Thmoas M. Darden, presented a claim for services rendered the deceased, amounting to \$2040.00, which he, as administrator, refused to pay, and advised the said W. H. Darden that he could no longer represent him in the suit, and that he should obtain counsel, if he chose, to look after the claim. At the time of the institution of the suit the undersigned was counsel for all the parties, except the defendant, J. H. Avis, and after the institution of the suit J. H. Avis was located and directed the undersigned to act as his counsel. Under the circumstances your commissioner refused to proceed further with the suit until the claim of W. H. Darden had been settled with in one way or the other. Late-ly that has been done, by way of compromise, as will be reported to the Court by the Commissioner in Chancery to whom the papers in this cause have been referred for an accounting.

Respectfully submitted,

 _____, Special Commissioner.

Circuit Court of Isle of
Wight County, Virginia.

Avis et als.

v) Chancery. 367

Avis.

Report of Special Com-
missioner.

2/21/27

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

Mrs. & Miss

Chuckatuck Virginia

May 3, 1828

Mr. A. S. Johnson

Isle of Wight

Va.

Dear Sir,

Your letter recd.
but you failed to enclose
paper to sign.

I am willing for you to
go ahead and settle estate
as it is.

Respt.

Mrs. Mills Godwin

Middle Va.
May 16. 1925

Mr A. S. Johnson
Dear Sir -

In reply to yours May 9th
will say I lost the paper
you sent me to sign. I'm
writing you and asking you
to go ahead and have a
judge to confirm the sale
of Thomas M. Darden estate.

Respectfully

John Ashburn

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

Avis et als

v) Chancery. No. _____

Avis et als.

TO HONORABLE B. D. WHITE,

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

The undersigned, a party in interest in the land of
which Thomas M. Darden died siezed and possessed, respectfull-
ly requests that the sale made to Hardy Darden by A. S. Johnson,
Special Commissioner, on the 15th. day of December, 1922, for
eighteen hundred and seventyfive dollars, be confirmed.

Leonard S. Darden

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

Avis et als

v) Chancery. No. _____

Avis et als.

TO HONORABLE B. D. WHITE,

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

The undersigned, a party in interest in the land of which Thomas M. Darden died siezed and possessed, respectfully requests that the sale made to Hardy Darden by A. S. Johnson, Special Commissioner, on the 15th. day of December, 1922, for eighteen hundred and seventy five dollars, be confirmed.

J. E. Avis

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

Avis et als.

v) Chancery. No. 367.

Avis.

TO HONORABLE B. D. WHITE,

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

The undersigned, special commissioner in this cause, respectfully reports to the court:

That pursuant to the decree entered herein on the 6th. day of September, 1921, he offered for sale, at public auction, at Colosse Station, on the 21st. day of October, 1921, the one hundred and sixty one and a fifth acre tract of land mentioned in these proceedings, which was struck off to Hardy Darden for the sum of \$1825.00, he being the highest bidder, and which sale the court, by decree entered herein on the 26th. day of October, 1921, refused to confirm, for the reason that in the commissioner's report, filed in this suit on the 26th. day of August, 1921, it appears that the piece of land herein mentioned, was worth from thirty five hundred to four thousand dollars.

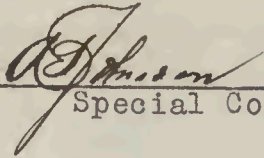
It will be distinctly recalled that during the years 1920 and 1921, real estate went "out of sight" the value being based upon what a man would pay for it rather than what it would produce, the prices being inflated, like everything else, following the wild inflation caused by war prices. During this period of inflation the testimony was taken, upon which is based the

commissioner's report, but before the date of sale there had been a sharp decline in real estate, everywhere, the "bottom having dropped out". It was not then ascertainable whether or not prices would again, within a reasonable period of time, rise. In fact the change was so sudden that it dazed the financial world, and from which it has not yet recovered.

The decree entered October 6th. directs the commissioner to again sell the tract of land herein mentioned, which he attempted to do on the 15th. day of December, 1921, at which sale the same Hardy Darden was the last and highest bidder, having then bid the sum of \$1875.00. This bid being only a small bit above the former bid, your commissioner tried to get Hardy Darden, who seemed to be the only person who wanted the property, to raise his bid, which he declined to do. Anticipating that the court would be slow to confirm such a sale, your commissioner has obtained a statement from J. W. Babb, W. J. Bradshaw and A. Lee Saunders, real estate dealers, two of whom were used as witnesses in the hearing before the commissioner, and in which they state that they believe the sale should be confirmed to Hardy Darden for \$1875.00. In addition to this every party to the suit, save one, has requested confirmation. W. H. Darden would make no such request, but stated that he did not object to its confirmation. Your commissioner represents the defendant, J. H. Avis, and for his client assents to such confirmation. The place is very low, needs attention, being in a run down condition when Thomas M. Darden died, and is in such shape that no one is going to make any great attempt to put it in shape unless they own it. It is impossible to get a tenant to improve it. Labor is scarce and good tenants are hard to find, and the property, under normal conditions, cannot enhance in value, and your commissioner recommends that sale be confirmed and deed directed to be made to Hardy Darden, who states that he wishes to pay the whole of the purchase price in cash.

Viewing the matter from every angle, and having consulted with sound minded people of the neighborhood, your commissioner can come to no other conclusion than that the property should be conveyed to Hardy Darden, his bid therefor, though appearing to be very low, is reasonable.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "R. D. Johnson", is written over a horizontal line.

Special Commissioner.

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

AVIS ET ALS

V) Chancery. No. 367.

AVIS ET ALS.

TO HONORABLE B. D. WHITE,

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

The Thomas M. Darden farm, mentioned in these proceedings, and which was estimated to be worth, as shown by the Commissioners Report filed herein on the 26th. day of August, 1921, from \$3500 to \$4000, was, on the 21st. day of October, 1921, offered for sale, at public auction, the last and highest bid therefor being made by Hardy Darden, and which was eighteen hundred and twenty five dollars. This bid, we are advised, the court refused to confirm: the said proper, it appears, was, again, on the 15th. day of December, 1922, offered for sale by public auction, and the said Hardy Darden then became the last and highest bidder, having bid the sum of eighteen hundred and seventy five dollars.

While both of these bids are much below the estimated value, as shown by the Commissioner's report aforesaid, it is true that at the time to value was placed upon said land, the price of any kind of land, in this vicinity was much more than it is to day. At the time of the filing of the report aforesaid, land was selling for unprecedented prices due to the inflation following the wave of high prices prevailing during and at the end of the late war. Just about the time of the filing of said report, and after the evidence therein was submitted, a very rapid decline began, in the value or price of land, and it has been declining ever since, and at this time, and at the time of both of the sales mentioned above, there has

been no market for it, in but very few instances. Nearly all of the sales of land made since late in the year 1921, have been sacrifices, as compared with the former prices.² In many instances land, which was pledged, under deeds of trust, for payments of loans, have sold much below the loan value. In view of these conditions, and the fact that the land herein particularly mentioned is not increasing in fertility, that the buildings thereon are very poor, and no better market for land being in sight, it is the opinion of the undersigned that the sale of the land to Hardy Darden, made on the 15th. day of December, 1922, for the sum of eighteen hundred and seventy five dollars, be confirmed. Nothing better is in sight, and there is no demand for land in this neighborhood, and no money to buy it with if one wanted it, to pay such prices as have prevailed during the years 1918, 1919, 1920, and a part of 1921. We can see no advantage in holding. Because of the prevailing high prices for labor in the industrial centres, at this time, practically all the farm labor is leaving this community, and this, of course, depresses the value of land. We cannot, of course, reckon as to how long such a condition will prevail. This condition would have influence, if it lasted, upon a future sale of the property.

Respectfully submitted,

J. W. Balk
W. Bradshaw
A. Lee Sanders

The undersigned, parties in interest in the subject matter of this suit, agree with the gentlemen whose names are signed to the foregoing report, and we do petition that the sale to Hardy Darden, made on the 15th. day of December, 1922, be confirmed, as we can see no prospects for a better sale:

Respectfully submitted,

Martha J. Over
Mamie Spivey

-11~
Virginia: Circuit Court
of Isle of Wight County

Avis et als

v) Chancery. No. 367.

Avis

Special Commissioner's
report.

Filed July 23 1923.

R. A. Earns & Co.

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

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

After 5 days return
to P. O. Box 15.
Walters, Va.



Stenographer

Report in Court

Learning, soon in

File No. 116

Mr. R. A. Edwards, Clerk.

Isle of Wight, Va.

ISLE OF WIGHT COUNTY

No. 367

J. E. Avis & others

vs.

J. H. Avis & others

Depositions in drawer
marked as such.

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT
SEPTEMBER 21ST. 1921.

I, R. A. Edwards, Clerk of the Circuit Court of the County of Isle of Wight, in the State of Virginia, do hereby certify that A. S. Johnson, named as Special Commissioner in the chancery cause in said court depending, the general style of which is Avis et als. vs. Avis, and the docket number being 367, has executed the bond required of him by decree entered in said cause on the 6th. day of September, 1921.

Teste, R. A. Edwards, Clerk.

Avis et als.

vs) Chancery. No. 367.

Avis.

Clerk's certificate of execution
of bond of special commissioner,
required by decree of Sept. 6, 1921.

Filed Sept. 21st. 1921.

Aris 7 1/2 et co

no 367

Aris

A copy.

Fried 9-21-21.

Is it R A R arms
col

No.

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

principal ,

and **Fidelity and Deposit Company of Maryland**

surety ,

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

A.S.Johnson

principal ,

has hereto set his hand and affixed his seal;

and the said

Fidelity and Deposit Company of Maryland

surety ,

by

R.A.Edwards

, its duly authorized

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

by the signature of the said

R.A.Edwards

, its said agent and attorney

in fact, this, the **21**

day of

September

A. D. 19 21

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound **A.S.Johnson**, who was by a decree entered by the Circuit Court of the County of Isle of Wight September 6th, 1921, in the suit of **James E. Avis et als Vs J. H. Avis** , Chancery No. 367, appointed a Special Commissioner, in the aforesaid suit then and there pending.

shall faithfully discharge the duties of his office or trust as such **Special Commissioner**

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

A.S.Johnson [SEAL]

Fidelity and Deposit Company of Maryland

By **R.A.Edwards**

Its duly authorized agent and attorney in fact.

SEAL

Attest: **R.A. Edwards**

Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the day of **September** 19 **21** this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

R.A.Edwards Clerk.

A Copy

R. A. Edwards
clerk

Thomas M. Dardens Estate to W. H. Darden

Dr.

To	16 1/2	Months Board & @	\$25.00 Per Month	\$41250
"	16 1/2	" Washing @	1000 " "	16500
"	8	" Nursing and attention @	\$50.00	40000
"	8 1/2	" Nursing Day & Night @	125.00	106250

				\$2040.00

The above account is for nursing and board and washing for the late Thomas M. Darden during his last illness and extends from August 1919 to his death in last January. ^{7, 1921} ~~when he died~~. he was practically an invalid during the entire time and for the last eight or nine months was confined to his bed and required constant attention day and night and took almost my entire time as well as that of my wife. The above claim is correct and just to the best of my Knowledge and belief.

Given under my hand this 14 Th day of March 1921

W H Darden
mark

Subscribed to and sworn to before me W. J. Rhodes a Notary Public
this 14 Th day of March 1921

W J Rhodes

N. P.

My Com expires Jan 1 1924

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

I, R. A. Edwards, Clerk of the Circuit Court of the County
of Isle Of Wight, do hereby certify that on the 16th day
of September, 1926, W. H. Chapman, duly qualified
in my said Court as Administrator of the Estate of W. H. Barden, deceased,
and gave bond as such, according to law.

Given under my hand, this 16th day of September, 192 6.

R. A. Edwards, Clerk.

[illegible]

Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group (CG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG). The subjects were divided into two groups: the control group (CG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG).

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

Avis

vs: #367

Avis

It appearing that by the decree entered herein on
the 7th day of March, 1927, that _____
A. S. Johnson, Special Commissioner
herein was directed to report his proceedings in this cause;
and it further appearing that no report has been filed as
directed,

IT IS THEREFORE ORDERED that the said _____
A. S. Johnson Special Commissioner be summon-
ed to appear before this Court at half past ten o'clock A. M.
on Tuesday, ^{May 30} ~~April 25~~ 1933, to show cause, if any he can, why
he should not be proceeded against for his failure to report
his proceedings as required by said decree.

avis

is 367.

avis

C. O. B #9

P-76.

✓

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

Avis et als.

v) Chancery. ³ 67.

Avis.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of A. S. Johnson, Special Commissioner in this cause, and, also as administrator of the estate of Thomas M. Darden, deceased, this day, by leave of court, filed, and to which there is no exception, and was argued by counsel:

And it appearing from the said report that the said special commissioner and administrator has paid the costs of administration, and debts against the estate of said Thomas M. Darden, amounting to \$314.67, itemized shown by report of Commissioner Edwards filed, herein on the 21st. day of February, 1927, together with the vouchers covering same; and costs of this suit, amounting to \$85.87, in part, as shown by the same report, confirmed by decree entered on the 7th. day of March, 1927; and that he has, in obedience to decree entered on the 7th. day of March, 1927 disbursed the surplus or balance remaining in his hands amounting to \$2639.38 as of the 7th. day of March, 1927, as follows:

To Assignee of Hardy Darden, claim against estate of Thomas M. Darden,	\$ 285.78
To assignee of Hardy Darden, assignee of C. F. Fowler, claim against estate of Thomas M. Darden,	43.15
To W. H. Johnson, of Jesse, claim against estate of Thomas M. Darden,	10.34
To C. B. Godwin, Jr., attorney for John A. Ashburn, claim against estate of Thomas M. Darden,	67.95
To John H. Wright, claim against estate of Thomas M. Darden,	8.00
To C. L. Holland, claim against estate of Thomas M. Darden,	24.33
To Hugh L. Holland, counsel for administrator of W. H. Darden, for claim against estate of Thomas M. Darden,	400.00
To A. S. Johnson, administrator, commission on sale of chattel estate,	16.45
To R. A. Edwards, writ tax in suit,	1.50
To R. A. Edwards, clerk fees,	25.00
To R. A. Edwards, Commissioner fee,	25.00
To Phlegar & Tilghman, stenographer's fees,	33.40
To A. S. Johnson, counsel for the complainants in this suit,	108.00
To A. S. Johnson, taxed attorney fee,	15.00
To A. S. Johnson, special commissioner's fee,	60.50
To A. S. Johnson, drafting deeds to purchasers of land, and revenue stamps thereon,	23.00

To R. A. Edwards, premium on bond of special commissioner, 21.32
 To W. H. Chapman and J. A. Johnson, crying at land sales (2) 15.00
 To the heirs of Thomas M. Darden, their attorneys or assign-
 ee, their respective shares as follows:

J. H. Avis, .	127.06
J. E. Avis,	127.06
Hardy Darden,	127.06
W. H. Darden's estate,	127.06
Nannie E. Spivey,	127.06
Martha S. Carr,	127.06
Martha Lelia Wagner,	127.06
John A. Ashburn,	127.06
Cora Ashburn,	127.06
Leonard Darden,	127.06
Otelia Godwin,	127.06

and reserved to pay claims of O. L. Owen, \$10.00 and B. R. Edwards, \$48.00, they being not located, the said disbursements and distributions being supported by proper vouchers, and which, together with the amounts reserved to pay claimants against the estate of said Thomas M. Darden, make a total sum of \$3039.32, the total amount coming into the hands of the said administrator and special commissioner: upon consideration whereof it is adjudged, ordered and decreed that the said report be and is, hereby confirmed. And it is further adjudged, ordered and decreed that the said A. S. Johnson, special commissioner, shall make another effort to locate the said O. L. Owen and B. R. Edwards, and if located to pay to them the several amounts due to them, and to make his report to the court before or at the next term of this court.

Virginia: Circuit Court
of Isle of Wight County.

Avis et als.

v) Chancery. 367

Avis

Note for decree

Enter this

Char. order Pt 9
page 110-

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

Avis et als.

v) Chancery. _____

Avis.

This cause came on this day to be again heard upon the papers formerly read; and upon the report of A. S. Johnson, Special Commissioner, filed herein on the 21st day of February, 1927; and upon the report of R. A. Edwards, Commissioner in Chancery, filed herein on the 21st day of February, 1927; no exceptions having been filed to the report of the said special commissioner, but exceptions having been filed to the report of the commissioner in chancery, as to the method of distribution of the assets of the estate of Thomas M. Darden, deceased, it being contended in said exception that the estate should be distributed per capita and not per stirpes, inasmuch as all of the distributees stand in the same relationship to the deceased Thomas M. Darden, *and upon the petition of Ella Mae Darden, widow of T.M. Darden, deceased, and Annie Mae Darden, daughter of T.M. Darden, deceased, by leave of court and* and was argued by counsel: And it appearing from the report of the said special commissioner that he has executed and delivered to Hardy Darden, the purchaser, a deed for the "Home Place" of the said Thomas M. Darden, the purchase price therefor having been collected on the 11th. day of March, 1925, at which time said deed was delivered; that the aggregate amount the said special commissioner has collected from the sale of real estate, in this proceeding is \$2575.00; that he has paid out of the amount so collected, as proper costs in this proceedings, and taxes, for which he has filed vouchers with his report, *in the sum of \$85.87* on consideration whereof, it is adjudged, ordered and decreed that the report of the said special commissioner be, and is, hereby, confirmed:

And it appearing from the report of R. A. Edwards, Commissioner in Chancery, filed herein as aforesaid, that the said A. S. Johnson, as administrator of the estate of the said Thomas M.

Darden's, Thomas Darden, William Darden and Anne Mae Darden, heirs and next of kin of T.M. Darden, deceased, by leave of court and

Darden, has collected from the sale of the chattel estate, the sum of \$148.40; that there remains uncollected from the sale of a part of the chattel estate, from Hardy Darden, one of the distributees of said estate, the sum of \$73.55; from W. H. Darden, another distributee of said estate, the sum of \$91.05; and from B. R. Edwards, a creditor of said estate, the sum of \$16.10; that the said A. S. Johnson, administrator, has paid out, on account of the costs of administration, taxes and other indebtedness of said estate, the sum of \$314.67; that the funds which have come into the hands of the said special commissioner and administrator belong to the same parties and in the same proportions, after the payment of the indebtedness of said estate, and the costs of this suit; that the balance of both funds, as aforesaid, should be distributed to and among the heirs of the said Thomas M. Darden per stirpes and not per capita, and as to which method of distribution exceptions have been filed as aforesaid: On consideration whereof, it is adjudged, ordered and decreed that the report of the said commissioner in chancery be, and is, hereby, confirmed except as to the method of distribution: and it is further adjudged, ordered and decreed that the said A. S. Johnson, special commissioner and administrator, as aforesaid, shall, out of the funds in his hands as such, pay the costs of this suit, and costs of administration, up to and including final decree herein, a counsel fee to said A. S. Johnson ^{\$108.22} for conducting this suit so far as it relates to the sale of the land of the said Thomas M. Darden, and the distribution of his personal estate; that he shall then pay the indebtedness of the estate of the said Thomas M. Darden, including all taxes due and unpaid, which indebtedness shall include the sum of four hundred dollars, the amount agreed upon by the attorneys representing the several parties to this suit, and half of the ^{standing order} costs incurred by the administrator of the said W. H. Darden in and about the prosecution of his claim, for services, against the estate of the said Thomas M. Darden; and the balance then remaining in his hands as such special commissioner and administrator he shall pay to the heirs of the said

Thomas M. Darden, the parties to this suit, in like amounts, they being the nephews and nieces of said Thomas M. Darden, and stand in the same relation to the said Thomas M. Darden, save and except the share of W. H. Darden.

And it appearing from the petition, this day filed, of Ella Mae Darden, widow of W. H. Darden, deceased, and by Annie Mae Darden, Thomas Darden, William Darden and Dorather Darden, *by Ella Mae Darden, their next friend,* that W. H. Darden, one of the complainants in this suit, departed this life, intestate, on the 21st. day of May, 1925, leaving him surviving as his widow, and his only heirs at law, the said Ella Mae Darden, and Annie Mae Darden, Thomas Darden, William Darden and Dorather Darden; that all of the said children are under the age of twenty one years; that the funds arising out of the subject matters of this suit, and the indebtedness adjudged to be due the estate of the said W. H. Darden will not be sufficient to make the shares or amounts due to any of the said children as much as five hundred dollars: Upon consideration whereof, it is further adjudged, ordered and decreed that the said Ella Mae Darden, widow of W. H. Darden, deceased, and the said Annie Mae Darden, Thomas Darden, William Darden and Dorather Darden, be made parties complainant to this suit, which shall be, henceforth, proceeded with showing them to be complainants; that the said A. S. Johnson, both as special commissioner and as administrator, out of the funds in his hands, shall pay that part accruing to the estate of the said W. H. Darden, to said Ella Mae Darden, or to her attorney, the part accruing to the said children to be used by her in the support, education and maintenance of said children.

And the said special commissioner and administrator shall make report to the court of his distributions hereunder, and return therewith the vouchers for such.

24

Virginia: Circuit Court of
Isle of Wight County.

Avis et als.

v) Chancery. _____

Avis.

*Note for decree
to be entered March 7-
1927*

*We consent to the entry
of the within Decree
Chas. S. Godwin atty
for J. & Holland atty
John - Gray*

1927

Mar 7.

*Enter this
B.S.W.*

*Book 8
Page 372*

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY,

J.E. Avis et als.

vs.....Decree

J.H. Avis

again
papers formerly read
This cause came on this day to be heard upon the complainant's bill and exhibits therewith; and was argued by counsel.

On consideration whereof, ~~and the complainant asking it,~~ the Court doth adjudge, order and decree, that *papers in this cause be referred to one of the commissioners of this Court who shall ascertain and report the debts due by the estate of Thomas M. Darden and particularly the* the account due the estate of W.H. Darden, which is filed along with the petition of the complainant, W.H. Chapman, administrator of the estate of W.H. Darden, deceased ~~be referred to one of the commissioners in chancery of this Court and that he ascertain and report to the Court the amount justly due and owing the estate of the late W.H. Darden from the estate of Thomas M. Darden: and any other matter deemed relevant.~~ *said* *and any other matter deemed relevant.*

J.E. Avis et als.

vs.....Decree

J.H. Avis

Decree.

*1976
Mar. 19th
Enter Higgins
P.D.W.*

Same

*Book 7
page 350*

*Cogn. Hearing
Dec 6th 76 11:45 am*

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY,

J.E. Avis et als.

vs.....In Chancery

J.H. Avis

This day came W.H. Chapman, administrator of the estate of W.H. Darden and asked leave to file his petition herein, which leave being given, said petition is accordingly filed, and it is ordered that the parties of this cause other than the petitioner be summonsd to the first day of the next term to answer the allegations of the petition.

15

J.E. Avis

vs. In Chancery

J.H. Avis

1476
of 20
inter. this
1974

Book 8
page 346

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

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

Avis et als.

v) Chancery. No. 367.

Avis.

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

And it appearing from said report that he did, on the 15th. day of December, 1922, expose the one hundred and sixty one and a fifth acre tract of land herein mentioned, to sale, at Collosse Station, as directed by the decree entered herein on the 26th. day of October, 1921; that at said sale Hardy Darden was the last and highest bidder, having bid the sum of \$1875.00; that it appears from the evidence filed with the said special commissioner's report, this day filed, that taking into consideration the changed condition in finances, and the variance in price of real estate since the filing of the commissioner's report on the 26th. of August, 1921, that the bid of \$1875.00 is a fair price for the said property; and further, that all the parties to the said suit, save one, have consented to confirmation of sale at said price; and, that said Hardy Darden wishes to pay cash therefor: the court doth adjudge, order and decree that the said A. S. Johnson, special commissioner as aforesaid, shall collect from the said Hardy Darden the sum of \$1875.00 for said property, and make to him a proper deed, with special warranty covenant, conveying the same to him.

And the said special commissioner is directed to

report to court his proceedings hereunder.

And this cause is continued.

12
Virginia: Circuit Court of
Isle of Wight County.

Avis et als

v) Chancery. No. 367.

Avis.

Note for decree.

Enter July 23 1923.

12/15/23

C.O.B. 8, page 156

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

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

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

Avis et als

vs) Chancery. No. 307.

Avis.

~~TO HONORABLE B. J. WHITE,~~

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

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

And it appearing from the said report that the said Special Commissioner, on the 21st. day of September, 1921, executed the bond required of him as such, by the decree entered herein on the 6th. day of September, 1921, and, as directed by the said decree, advertised the sale of the property therein mentioned, and, in pursuance to such advertisement, on the 21st. day of October, 1921, at Colossee Station, in Isle of Wight County, Virginia, exposed the real estate in this suit mentioned to sale, at public auction, and at which sale the one hundred and sixty one and a fifth acre tract, the home place of the late Thomas M. Darden, was struck off to Hardy Darden, he having made the last and highest bid therefor, at the sum and price of eighteen hundred and twenty five dollars, and that the Mill Site was struck off to J. E. Turner, he having made the last and highest bid therefor, at the sum and price of seven hundred dollars; and, it further appearing, from the report of R. A. Edwards, Commissioner in Chancery, filed herein on the 26th. day of August, 1921, in response to the inquiries directed in the decree entered herein on the on the 25th. day of May, 1921, that the fee simple value of the said home tract of land is from thirty five hundred to four thousand dollars, and that the fee simple tract of the said Mill Site is one hundred dollars, on consideration

whereof, it is adjudged ordered and decree that the sale of the said home tract of land be not confirmed, but that the sale of the said Mill Site be, and is, hereby, approved and confirmed.

And it further appearing from the report of the said A. S. Johnson, Special Commissioner as aforesaid, that each of the purchasers herein mentioned, have deposited with him ten per cent of their respective bids, and that the said J. E. Turner desires to pay for the Mill Site in cash, it is further adjudged, ordered and decreed that the cash deposit made by Hardy Darden, the last and highest bidder for the Home Place, be returned to him, and that upon the payment, by the said J. E. Turner, of the whole of his purchase price, for the Mill Site, to the said Special Commissioner, that a good and sufficient deed, with covenant of special warranty, be executed and delivered, conveying to him the said Mill Site.

And it is further adjudged, ordered and decreed that the said Special Commissioner shall, again, advertise the said Home tract of land of the said Thomas M. Darden, for sale, after giving notice as required by the decree of the 6th. of September, 1921, or he may receive private bids therefor, which private bids, if any are received, shall be submitted to the Court.

And this cause is continued.

10

Avis et als.

vs) Chancery. No. 367.

Avis.

Note for decree

To be entered Oct. 26th 1921.

B. H. W.

Entered in Chancery Order Book No.

8, page 91

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

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

Avis et als.

vs) Chancery. No.367.

Avis.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of R. A. Edwards, Commissioner in Chancery, filed herein on the 26th. day of August, 1921, to which there is no exception, and was argued by counsel: and it appearing from said report that Thomas M. Darden departed this life on the 7th. day of January, 1921, siezed and possessed of two tracts of land, according to the records filed in the Clerk's Office of this Court, one known as the "HomePlace", of one hundred and sixty one and a fifth acres, of the assessed value of \$1600.00 and of the fee simple value of \$3500.00 or \$4000.00, and one known as the "Mill Site" of the assessed value of \$20.00 and of the fee simple value of about \$100.00; that the annual value of the first mentioned tract is \$250.00 or \$300.00, and that the second tract mentioned has no annual value; that both of said tracts are situate in Windsor Magisterial District of the County of Isle of Wight, State of Virginia, the home tract being adjacent to the lands of J. E. Barrett, Dick Holland, E. A. Watkins and others, and the Mill site being what is known as Dardens Mill, the latter containing one third of an acre; that the said real estate passes and descends to the nephews and nieces of the said Thomas M. Darden, as follows: To John H. Avis, James E. Avis, Hardy Darden, W. H. Darden and Nannie Spivey, children of a deceased sister of said Thomas M. Darden, one share; to Martha S. Carr, a daughter of a deceased sister of said Thomas M. Darden, one share; to Martha Lelia Wagner, John A. Ashburn and Cora Ashburn, children of a deceased sister of said Thomas M. Darden, one share; and to Leonard Darden and Otelia Godwin, children of a deceased brother of said Thomas M. Darden, one share; that all of said parties are adults, and all residents of the State of Virginia except said John H. Avis, who is a resident of the State of Florida; that the said real estate is not divisible, conveniently, among the several parties entitled to share therein, and that the only convenient method of division is a sale of the whole and a division of the proceeds, as provided by law; that there are no liens of record, against said real estate, for delin-

quent taxes, or otherwise; that all the parties necessary to this cause are properly before the court; that the evidence taken by said Commissioner in Chancery has been reduced to writing, signed by the witnesses, and is returned with said report as a part thereof; that A. S. Johnson, on the 11th. day of February, 1921, was appointed and duly qualified as administrator of the estate of the said Thomas M. Darden, and has filed with said Commissioner the appraisement of the chattel estate of the said Thomas M. Darden, and an account of sales of the same, which amounts to the sum of \$329.75: Upon consideration whereof it is adjudged, ordered and decreed that the said report of R. A. Edwards, Commissioner as aforesaid, be, and is, hereby, confirmed; and that A. S. Johnson, who is hereby appointed a special commissioner for that purpose, do expose to sale, at public auction, after advertisement thereof for twenty days, by posters, posted at ten or more public places in this County, the real estate herein mentioned, in separate parcels, one third to be paid in cash, within ten days from the date of sale, and the balance in two equal installments, payable in one and two years from date of sale, to be evidenced by the bond or bonds of the purchaser or purchasers, to bear interest from date of sale at the rate of six per centum per annum, and to be secured by deed to be drawn and recorded at the cost of the purchaser, of trust or deeds of trust upon said real estate, which shall be the first lien ~~existing~~ thereupon, said bonds to be made payable to said special commissioner; or his successor, but with the right to the purchaser or purchasers to pay cash if it is so desired. As much as ten per cent of the bid or bids made at such sale shall be paid at the time of sale, in cash, and in the event of failure of the purchaser or purchasers to do so then the said special commissioner shall, forthwith, at the same time and place, again expose the said lands for sale. In the event that the terms of sale are not complied with such cash payments as shall be made shall be forfeited to this cause, but shall bar no remedy that may be applied for the enforcement of the collection of the balance due under the terms of sale. In the event that cash is not paid then the said special commissioner shall require that the improvements upon the said lands be insured, in some good and solvent insurance company, for three fourths of their value, and the policy or policies of insurance to be made payable to the trustee in the deeds of trust securing the deferred payments, as his interest may appear.

But the said special commissioner shall do no act under this decree

until he shall have entered into and acknowledged a bond in the penalty of \$4000-,
payable and conditioned as the law directs in such cases, with ^{Surety} ~~security~~ deemed
sufficient by the ^{said} Clerk ~~of this court before whom it shall be executed.~~

It is further adjudged, ordered and decreed that the inventory and
appraisement and the account of sales, filed with the said report of the Commiss-
ioner in Chancery, shall be, by the Clerk of this Court, duly entered of record
in the current fiduciary record in his office.

And the said special commissioner shall make report to court of his
proceedings under this decree.

14

Avis et als.

vs) Chancery. No. 367.

Avis.

Note for decree

To be entered September 6th. 1921.

Entered in Chancery Order Book No.

8, page 85

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

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

J. E. Avis, Hardy Darden, W. H. Darden, Nannie Spivey, Martha S. Carr, Lelia Wagner, John A. Ashburn, Cora Ashburn, Leonard Darden, and Otelia Godwin,.....Complainants
vs) Chancery. No. 367.
J. H. Avis.

This day came the complainants, J. E. Avis, Hardy Darden, W. H. Darden, Nannie Spivey, Martha S. Carr, Lelia Wagner, John A. Ashburn, Cora Ashburn, Leonard Darden and Otelia Godwin, and, by leave of Court, filed their Bill of Complaint; and, likewise, by leave of Court, came the defendant, J. H. Avis, and filed his answer to said Bill of complaint; and, thereupon, this cause is ordered to be docketed. Whereupon, this cause came on to be heard upon the said Bill of Complaint, and upon the answer of the defendant, filed thereto, and upon general replication to said answer: *and was argued by counsel* Upon consideration whereof, it is adjudged, ordered and decreed that this cause be referred to one of the Commissioners in Chancery of this Court, who shall inquire into and report to the Court:

1. When the said Thomas M. Darden departed this life, what real estate he was seized and possessed of, at the time of his death, a description of same, its location, and the annual and fee simple values thereof.

2. Who are the parties entitled to share in said real estate, and their ages and residences.

3. Whether or not the said real estate can be conveniently divided among the several parties entitled to share therein.

4. If the same cannot be conveniently divided, whether any party will take the entire property and pay the other parties en-

titled to share therein, such sums of money as their interests may entitle them to.

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

6. If there are any liens against the said real estate, on account of delinquent taxes, or otherwise.

7. If all the proper parties to this cause are before the Court.

8. If any one has administered upon the estate of the said Thomas M. Darden, and if so who and when; and whether or not the debts of said decedent have, or have not been paid, together with an account of the personal estate of the said decedent, and how the same has been administered.

Which several inquiries the said Commissioner shall make, and to the Court report, as well as any matter specially stated, deemed pertinent by the said Commissioner, or required by any party to be so stated.

Any evidence taken by the said Commissioner shall be reduced to writing and returned to the Court with his report hereunder.

And this cause is continued.

5

Ariv et al

x f lq. No 367

Ariv

Note for decree

To be entered

May 25th 1927

WCS,

E. J.

Chan. Dr. 18.

Page 66

E. J. U.

For value received I hereby assign all my right, title and interest
in and to the estate of Thomas M. Darden, deceased, both as creditor
and as distributee, for A. S. Johnson.

Hardy Darden

Colosse. Va.

Sept 4 1922

W. A. Johnson

— To HARDY DARDEN, ~~Dr.~~
GENERAL MERCHANDISE,

— BUYER OF —
COUNTRY PRODUCE
COTTON & PEANUTS.

TERMS:

*Please Pay Hardy Darden
\$43¹⁵ This is the
amount due me by
Estate of J. M. Darden
Est for Fuster 1325*

C. H. Fowler

Calus recd Sept 3-1922

Mrs H. L. Johnson

Dear Sirs

End of Night

I am sending
you a order on
Cit. for this Mt
Dine from Sam Darden
Est I took this order from
him to get a settlement
So please Record this to
my Credit to Sed Est

Yours truly
Handy Darden

Receipt of the following items is hereby acknowledged:

Amount due to Hardy Darden from estate of Thomas M. Darden, payable to me as assignee of Hardy Darden,	\$ 285.78
Amount due to C. F. Fowler by estate of Thomas M. Darden, ordered to be paid to Hardy Darden, and payable to me as assignee of said Hardy Darden,	43.15
Commissions payable to administrator on sale of chattels,	16.45
Counsel fee, allowed by the court,	108.00
Taxed attorney fee,	15.00
Draft of the deeds to the purchasers of land and revenue stamps required to be put thereon,	23.00
Commissions due special commissioner on land sales,	60.50

*Wm. H. Hardy Darden,
Assignee of Hardy Darden,
Adm of Estate of*

Received of A. S. Johnson, Special Commissioner in the suit of Avis et als
v. Avis, Circuit Court of the County of Isle of Wight, the share of Hardy
Darden in the surplus from sale of personal and real estate covered by
said suit.



Assignee of Hardy Darden.

OFFICE OF THE
GENERAL MANAGER

Received of A. S. Johnson, Special Commissioner, in the suit of Avis et
als v. Avis, Circuit Court of the County of Isle of Wight, Virginia, the
following shares in the surplus from sale of real and personal estate

Share of J. H. Avis	\$ 127.06
Share of J. E. Avis,	127.06
Share of Martha S. Carr,	127.06
Share of Nannie E. Spivey,	127.06



Attorney for J. H. Abis, J. E. Avis,
Martha S. Carr and Nannie E. Spivey.

PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST CO.
All Prior Endorsements Guaranteed
JUN 8 1927

AMERICAN BANK & TRUST CO.
65-125
E. E. JONES

ANY BANK, BANKER OR TRUST CO.
OR COUNTRY
PRIOR ENDORSEMENTS GUARANTEED
HUGHES & FROST CO.
446 Suffolk, Va.
AMERICAN BANK & TRUST CO.

Pay to the order of
Norfolk National Bank of
Commerce & Trusts
68-36 of Norfolk, Va. 68-36
A. E. WHARTON, Cashier

3

No. _____

BoS

Pay to the
order of

100.00
27.02
1.05
6.01
Hugh L. Holland, Attorney

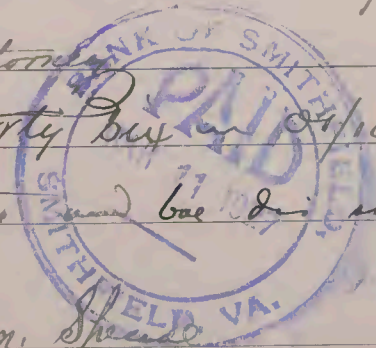
Smithfield, Va., March 4th 1927

\$436.⁰⁰

Four hundred thirty six and 00/100 - Dollars

For claim of W.H. Darden & his dependents and also for his share

To the
Bank of Smithfield,
Smithfield, Va.



Edmund Spence

C. Godwin J. aef

BY ANY BANK, BANKER OR TRUST CO.
OR ORDER
ALL PRIOR ENDORSEMENTS GUARANTEED

MAR 10 1927

Norfolk National Bank of
Commerce & Trusts

68-36 of Norfolk, Va. 68-36

A. E. WHARTON, Cashier

BY ANY BANK, BANKER OR TRUST CO.
ALL PRIOR ENDORSEMENTS GUARANTEED

NORFOLK NATIONAL BANK OF
COMMERCE & TRUST CO.
NORFOLK, VA.
CASHIER



PAY TO THE ORDER OF
NORFOLK NATIONAL BANK OF
COMMERCE AND TRUSTS
NORFOLK, VIRGINIA
PHLEGAR & TILGHMAN

PAY ANY BANK, BANKER OR TRUST CO.
OR ORDER
ALL PRIOR ENDORSEMENTS GUARANTEED

MAY 16 1927
Norfolk National Bank of
Commerce & Trusts
68-36 of Norfolk, Va. 68-36
A. E. WHARTON, Cashier

No. ③

Smithfield, Va. March 7 1927

Bo S

Pay to the
order of

Phlegar

and Tilghman

\$ 33.40

Thirty Three and 40/100

Dollars

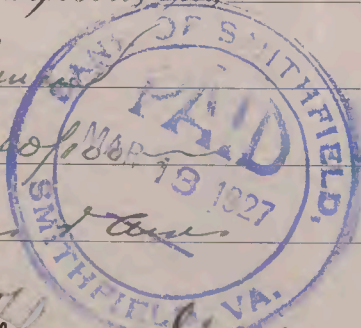
For 1/2 fee in taking evidence and fees

To the

Bank of Smithfield,
Smithfield, Va.

5
68-233

J. M. Mun, Special



H. K. Chapman

IN THE CASE OF
BANK OF AMERICA
SOUTH CAROLINA
W. F. SHIVERS & CO.

No. _____

Smithfield, Va., March 9. 1927

BoS

Pay to the
order of

W. H. Chapman

\$10.00

— Ten — 00/100 —

Dollars

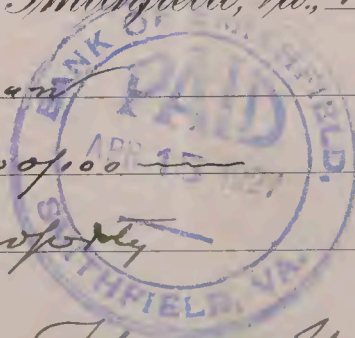
For paying Thomas M. Darden property

To the Bank of Smithfield,

$\frac{5}{68-233}$

Smithfield, Va.

Johnson. Special



Pay to the Order of
BANK OF SMITHFIELD
SMITHFIELD, VA.

R. A. EDWARDS, Clerk of Court
ISLE OF WIGHT COUNTY

No. _____

Smithfield Va. _____ 1927

BoS

Pay to the
order of

R. A. Edwards. 6641

\$ 72.82

Seventy Two — 87/100 —

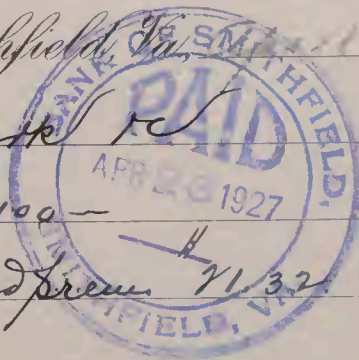
Dollars

For the day 15°: Clear 25°: Cloud 75°: Bond Premium 71.32. Arise & Arise

To the Bank of Smithfield,
Smithfield, Va.

5
68-233

Johnson. Special



\$5.00

Received of A. S. Johnson, Special Commissioner in the suit
of Avis et als v. Avis et als, five dollars, my fee for selling tract of Thomas
M. Darden land to Hardy Darden.

James A. Johnson

\$8.00

Received of A. S. Johnson, Special Commissioner in the suit
of Avis et als. v. Avis \$8.00 in settlement of my claim against estate of Thomas
M. Darden.

Jno. H. Wright

\$10.34

Received of A. S. Johnson, Special Commissioner in the suit
of Avis et als. v. Avis et als, \$10.34, to settle my account against estate of
Thomas M. Darden.

A. S. Johnson affense

\$24.33¹

Received of A. S. Johnson, Special Commissioner in the
suit of Avis et als. v. Avis et als \$24.33 in settlement of my claim against estate
of Thomas M. Darden,

C. L. Holland Per wife

Received of A.S.Johnson, Special Commisssuoner and Administrator of the estate of Thomas M. Darden, the sum of \$400.00, whach represents the settlement of a claim of W.H.Dardens' Estate, against the estate of Thomas M. Darden, out of which sum there is to be paid to Phlegar & Tilgham, Court Reporters, the sum of \$33.40, which is half of the amount due said reporters for evidence taken at Isle Of Wight, in Re: Avis et als vs. Avis et als.

The further sum of \$36.01, which represents the distributive share of W.H.Darden, after deducting \$91.05, for a claim due the Estate of Thomas M. Darden, by the late W.H.Darden for articles of Personal Property bought at the sale of the property of Thomas M. Darden, deceased. The distributive share of the said W.H.Darden being \$127.06.

The sums mentioned above represent all of the claims in any and all manner or kind against the estate of the late Thomas M. Darden, deceased.

Ella, Mac ^{Luc} Darden
Mort

Collossee, Virginia.
March 10, 1927.

Wits
Jas. A. Johnson