1933-027 Chancery Causes. J. Waverly Thomas v Nannie J. Thomas VS 192
Isle of Wight County J. O. Thomas's ctors v al
Petition of J. Waverly Thomas, ctor of J. O. Thomas

2 Plats in Oversize Box 2

other SURNAMES: Joyner, Chapman, Betts, Newman, [Texas Company]

ISLE OF WIGHT COUNTY

No. 192

Thomas

vs.

Thomas

Rule to Decree of the 6th of July 1921 dismissed
J Waverly Thomas
3/Feb/33
J Waverly Thomas

Plat of property on main street taken by George F. Whitley, Jr.
Feb. 3, 1959
Returned Feb. 19, 1959
G.F.W. Jr.

THE FIDELITY AND DEPOSIT COMPANY OF MARYLAND

WRITES BONDS OF ALL KINDS

R. A. EDWARDS, Agent -:- ISLE OF WIGHT, VA.

BOND NUMBER	DATE DUE	PREMIUM DUE
		$

Annual Premium Notice

Principle

_____

_____

Notice is hereby given that the annual premium, for the ensuing year, is due and payable on or before date covering this bond in the penalty $..... on your behalf as.....

.....

Prompt payment will be appreciated. Remember premiums continue to accumulate until bond is ordered canceled.

Received Payment.....

.....AGENT

Plat #1

Loaned to Bank

of Smithfield

1/21/36

to have copied

~~See D.T.~~

See Cr. D. B 7

pg 218

This Deed,made this 26th day of September,1914,between Nannie J.Th mas, party of the first part,and J.Waverly Thomas,party of the second part, all of Isle of Wight C unty,Virginia ;

WHEREAS,the late J.O.Thomas,by his last will and testament,devised and bequeathed one-third of his estate to the said Nannie J.Thomas and one-third to the said J.Waverly Thomas ,but provided that if wither should die without issue that the share of such an one should go to the survivor or the two ; and

WHEREAS,each of the said parties desiring that their respective share of the said estate should be free from such a contingent remainder,and should be held by each of them in fee-simple and unconditionally,and to that end have agreed together each to make conveyance to the other all of their right,title and interest,contingent or otherwise,in the share of the other

NOW THEREFORE THIS INDENTURE WITNESSETH,that in consideration of the above premises and of the conveyance this day made to the said Nannie J. Thomas by the said J.Waverly Thomas,the said party of the first part here by conveys,releases and relinquishes unto the said J.Waverly Thomas,his heirs or assigns,in fee-simple,all of the right,title and interest of the said Nannie J.Thomas,whether vested,contingent or otherwise,in and to the one-third of the estate of the late J.O.Thomas,which was devised and be-queathed to the said J.Waverly Thomas by the will of the said J.O.Thomas.

Witness the following signature and seal the day and year first above written.

_____(Seal.)

VIRGINIA: Isle of Wight County,to-wit:-

I,_____,a notary public in and for the county aforesaid in the state of Virginia,hereby certify that Nannie J. Thomas whose name is signed to the writing above bearing date the 26th day of September 1914,has acknowledged the same before me in my county aforesaid. My commission expires on the____day of_____191 .

Given under my hand this _____day of _____1914.

_____

Notary Public.

1

Thomas, et als
vs. } Exhibit "F"
Thomas' Executors
et als.

Filed
In the CLERK'S OFFICE of the
CIRCUIT COURT,
OF THE
COUNTY OF ISLE OF WIGHT
this 16 day of Oct 1914
Jas. E. Johnson Clk

THIS DEED, made this 26th day of September 1914, between J. Waverly Thomas and Gertrude Thomas, his wife, of Isle of Wight County, Virginia, parties of the first part, and Nannie J. Thomas of said county and state, party of the second part.

WHEREAS, the late J. C. Thomas by his last will and testament devised and bequeathed one-third of his estate to the said J. Waverly Thomas and one-third to the said Nannie J. Thomas, but provided that if either should die without issue that the share of such an one should go to the survivor of the two, and

WHEREAS, each of the said parties desiring that their respective share of the said estate should be free from such a contingent remainder, and should be held by each of them in fee-simple and unconditionally, and to that end have agreed together each to make conveyance to the other all of their right, title and interest, contingent or otherwise, in the share of the other.

NOW THEREFORE THIS INDENTURE WITNESSETH, that in consideration of the above premises and of the conveyance this day made to the said J. Waverly Thomas by the said Nannie J. Thomas, the said parties of the first part hereby convey, release and relinquish to the said Nannie J. Thomas, her heirs or assigns, in fee-simple, all of the right title and interest of the said parties of the first part, whether vested, contingent or otherwise, in and to the one-third of the estate of the late J. C. Thomas which was devised and bequeathed to the said Nannie J. Thomas by the will of the said J. C. Thomas.

Witness the following signatures and seals the day and year first above written.

_____(SEAL.)

_____(SEAL.)

6 — 92

Thomas et al

vs. } Exhibit "2"

Thomas' Executors et als.

Filed

In the Clerk's Office of the

CIRCUIT COURT

OF THE

COUNTY OF WRIGHT

this 16 day of Oct 1914

Ira A. Johnson Clk.

LIST OF PROPERTY BELONGING TO THE ESTATE OF J. O. THOMAS, DECEASED, SELECTED BY HIS DEVISEES AND LEGATEES, WITH THE APPRAISED OR AGREED VALUE OF SAME.

(1) PROPERTY SELECTED BY J. WAVERLY THOMAS.

The Four Square Farm and Sam Thomas Farm,		31,250.
All the tangible personal property as shown by appraisement except the last nine items on the list and one-third of the hogs and 5. proceeds of sale of three calves sold since appraisement and credited to estate,		2,741.69
Lot No. 3, in Smithfield where he lives,		4,000.
15 Shares of Bank of Smithfield stock,		2,467.50
25 Shares of Mer. & Farmers Bank Stock,		986.25
6 Shares of Smithfield Water Co. stock,		477.00
		$41,922.44

(2) PROPERTY SELECTED BY NANNIE J. THOMAS.

The Bracey Farm,	4390.	
Water front lot in Smithfield between Farmers Union and P. D. Gwaltney, Jr.	750.	
Lot No. 1, where she lives,	7000.	
Lot No. 2, occupied by Mrs. W. A. Edwards	3500.	
Lot No. 4, occupied by C. S. Hart,	3750.	
Lot No. 11, occupied by J. E. Drewry,	2000.	
Lot No. 7 " " H. J. Wilcox,	2700.	
Lot No. 8 " " J. A. Nelms,	3000.	
Lot No. 10, " " M. F. Jordan	5500.	
One-third of the hogs and the last nine items on list of tangible per. property	230.51	
10 shares of Bank of Smithfield stock,	1645.	
38 shares Mer. & Farmers stock, (bank)	1499.10	
4 " of Home Telephone Co. stock,	173.	
4 " " Smithfield Water Co. "	318.	36,455.61

(3) PROPERTY SELECTED BY MARTHA J. NEWMAN (NEE JOHNSON)

The Gibbs Farm,	3000.	
Lot #5 where W. T. Seward lives,	4000.	
Lot #12, Clarke's stables,	4000.	
Lot #6, where J. R. Moore lives	2700.	
10 shares of Citizen's Bank Norfolk, stock	2150.	
6 Shares Home Telephone Co. stock	259.50	
1 Bond of G. A. Barlow, without interest, interest to be adjusted when assigned,	3000.	19,109.50

(4) PROPERTY SELECTED FOR JULIUS O. THOMAS, INFANT.

The Castle Farm,	5900.	
The Horne Farm	1650.	
Lot #224, on 26th Street Newport News,	2700.	
Lot #226, " " " " "	2700.	
Lot #126 on 7th St. " "	3000.	
Lot #9 in Smithfield where W. H. Adams lives	2700.	
5 Shares Bank of Smithfield Stock	822.50	
13 " Mer. & Farmers Bank "	512.85	
2 " Home Telephone Co. "	86.50	
2 " of Smithfield Water Co. stock	159.00	
1 bond of G. A. Barlow, without interest, interest to be adjusted when assigned,	3000.00	23,230.85
Total valuation of distribution in kind		$120,718.40

5 - 192

Thomas. et als

vs. } Exhibit "D"

Thomas' Executors
et als.

Filed

In the CLERK'S OFFICE of the
CIRCUIT COURT
OF THE
COUNTY OF ISLE OF WIGHT
this 16 day of Oct 1914
Test. C. Johnson, Clk

TO THE HONORABLE B. D. WHITE, JUDGE OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VA. AND TO MISS NANNIE THOMAS J. W. THOMAS, J. C. PARKER, GUARDIAN FOR MARTHA J. NEWMAN, NEE JOHNSON, AND J. W. THOMAS, GUARDIAN FOR JULIUS THOMAS.

We, the undersigned, selected by agreement between the devisees and legatees of the late J. O. Thomas, to make an appraisement, on valuation, of all of the property belonging to the estate of the late J. O. Thomas, hereby beg leave to report that we have carefully inspected and examined all property belonging to said estate of which we have any acknowledgment or which has been called to our attention by any of the parties in interest and after careful consideration beg to report the following list of property, together with the valuation placed by us upon each item thereof.

TANGIBLE PERSONAL PROPERTY.

14	Cows at $30.00	$ 420.00
3	Yearlings $16.66 2/3	50.00
1	Bull	25.00
10	Calves $12.50	125.00
5	Mules	1060.00
1	Horse	35.00
1	Disc Harrow	5.00
1	Peanut weeder	5.00
1	Lot Drain Pipe	100.00
7	Cultivators	7.00
3	Double Oliver Plows	18.00
1	Bull Tongue Plow	1.00
6	Single Plows	6.00
1	Lot Plow Casting	2.00 1799.00
1	Seed Sower	.75
1	Cant Hook	.50
33	Hoes	8.25
1	Peanut Picker	150.00
3	Carry Logs	10.00
6	Flat Plows	4.50
1	Double wagon	25.00
1	Peanut Planter	800
3	Carts & Wheels	30.00
8	Sets Harness	12.00
4	Axes	2.00
1	Roller	2.00
1	Wheel Jack	.50 263.50
		2062.50

Barrels Corn		205.2.50
8 Stacks Fodder		$ 16.00
20 Loads Hay		100.00
1 Drag		5.00
9 single Trees	15 cts.	1.35
2 Double Cultivators		30.00
1 Vice		2.50
1 Hog Caldron		15.00
1 Corn Sheller		5.00
1 Hay Press		37.50
1 Fan Mill		2.50
10 Bu. Soja Beans		15.00
1 Post Hole Digger		.50
1 Wire Strecher		1.50
1 Pair Balances		.50
3 Bu. Clover Seed		12.00
3 Rolls Wire		21.00
20 Breed Sows		250.00
75 Shoats		300.00 816.35
25 Shoats		62.50
1 Sulky Rake		5.00
1 Stork Cutter		18.00
1 Set Scales		10.00
1 Lot Iron Pots		6.00
40 Hens	50 cts.	20.00
3 Milks Coolers		1.50
1 Wheel Barrow		1.50
2 Grind Stones		1.50
1 Cart Wheels		2.50
1 Wagon		12.50
1 Cold Blast Stove		6.00
1 Saw Horse 50 cts. 1 Wood Saw 50 cts.		1.00
1 Axe 50 cts. 1 Prong Hoe 20 cts.		.70
1 Broken Hoe 20 1 Weed Hoe 20 cts.		.40
1 Grub Hoe		.25 149.35
		3017.20

REAL PROPERTY

Farms

Four square	Farm	1198 A.	$30000.00
Castle	Farm	580 A.	5900.00
Gibbs	Farm	183 A.	3000.00
Bracey	Farm	319 A.	4390.00
Sam Thomas	Farm	250 A. 388.	2500.00
[illegible] Horn	Farm	140 A.	1650.00

UNIMPROVED REAL PROPERTY IN SMITHFIELD

Thomas & Mason Street S. E.

Lot No. 1		1800.00

Thomas Street S. E. Side

Lot No. 2	Block "B"	700.00
Lot No. 3		600.00
Lot No. 4		450.00
Lot No. 5		300.00
Lot No. 6		200.00
Lot No. 7		200.00
Lot No. 8		200.00

Mason St. Between Thomas & Woodley Sts.

Lot No. 1	Block "G"	1500.00
Lot No. 2		1200.00
Lot No. 3		500.00
Lot No. 4		250.00

Thomas Street N. W. Side adjoining Woodley St. Lots

Lot No. 16		1000.00
Lot No. 15	Block "C"	1000.00
Lot No. 14		780.00
Lot No. 13		400.00
Lot No. 12		350.00

Lot No. 11		$ 350.00
Woodley St. S. E. Running to Gwynn St.		
Adjoining Thomas St. Lots.		
Lot. No. 10		400.00
Lot No. 9	Block "C"	400.00
Lot No. 8		350.00
Lot No. 7		450.00
Lot No. 6		500.00
Lot No. 5		300.00
Mason & Woodley St. Lots adjoining Pine St. Lots		
Lot No. 1	Block "D"	150.00
Lot No. 2		150.00
Lot No. 3		150.00
Lot No. 4		150.00
Woodley St. N. W. to Gwynn		
Lot No. 16	Block "D"	150.00
Lot No. 15		250.00
Lot No. 14		350.00
Lot No. 13		300.00
Lot No. 12		350.00
Lot No. 11		350.00
Pine St. S. E. to Gwynn		
Lot No. 10		250.00
Lot No. 9	Block "D"	250.00
Lot No. 8		150.00
Lot No. 7		100.00
Lot No. 6		75.00
Lot No. 5		75.00
Woodley N. Side from Commerce from Gwynn		
Lot No. 1	Block "G"	100.00
Lot No. 2		75.00
Vacant Lot adjoining Lot No. 5 & Stable Lot		150.00

Lot No. 3	$ 100.00
Lot No. 4	150.00
Lot No. 5	150.00
West Mason Street next Adams	
Lot No. 1	$ 500.00
Block "A"	
Lot No. 2	300.00
Lot No. 3	100.00
Lot No. 4	50.00
Thomas Gwynn & Woodley Sts. Lots.	
Lot No. 1	300.00
Block "F"	
Lot No. 2	400.00
Lot No. 3	400.00
Woodland to Pine adjoining Marsh	1000.00
Marsh W. S. of Road running to Woodland Line	1000.00
Water Front No. 1 Between the Property of the Farmer's Union and P. D. Gwaltney Jr.	750.00
Water Fron No. 2 Between P. D. Gwaltney Jr. Co.'S Storage House and Toll House	1200.00
Vacant Lot between Lot No. 3 & Lot occupied by M. F. Jordan	500.00
IMPROVED REAL PROPERTY IN SMITHFIELD.	
Lot No. 1 Miss Nannie Thomas	7000.00
Lot No. 2 Mrs. W. A. Edwards	3500.00
Lot No. 3 J. W. Thomas	4000.00
Lot No. 4 C. S. Hart	3750.00
Lot No. 5 W. T. Seward	4000.00
Lot No. 6 J. R. Moore	2700.00
Lot No. 7 H. J. Wilcox	2700.00
Lot No. 8 J. A. Nelms	3000.00

Lot No. 9 W. H. Adams		$2700.00 —
Lot No. 10 M. F. Jordan		5500.00 —
Lot No. 11 J. E. Drewry		2000.00 —
Lot No. 12 C. J. Clarke		4000.00 —

IMPROVED REAL PROPERTY IN NEWPORT NEWS VA.

No. 224 26th. St.		2700.00 —
No. 226 26th. St.		2700.00 —
No. 126 27th. St.		3000.00 —

INTANGIBLE PERSONAL PROPERTY?

30 shares stock Bank of Smithfield	$164.50	4935.00 —
76 shares stock Merchants & Farmers Bank		2999.53 —
12 shares stock Home Telephone Co.	$43.27	519.27 —
2 Bonds G. A. Barlow	3000.00	6000.00 —
1 Bond W. R. Presson		1100.00 +
1 Bond J. E. Bradshaw		3300.00 +
6 Bonds T. C. Chapman & Others		6000.00 +
3 Bonds J. L. Hall		2700.00 +
1 Note R. W. Stallings		120.26 +
1 Note J. R. Jordan		125.00 +
1 Note J. J. Thomas & wife		150.00 +
10 shares stock Citizens Bank of Norfolk Va.		2150.00 —
Certificate of Deposit in Bank of Smithfield		9000.00 +
12 shares stock Smithfield Water Co. @ $79.51		954.12 —

Total 168335.38

We especially report that in placing valuation upon the farms included in the above list, we took each farm as it was shown by the land book of Isle of Wight County, stating each farm on the land book. Except that to Four Square we have added a part containing thirty acres which was purchased by J. O. Thomas from the Round Hill Property, and three Acres known as the Old Mill Property, purchased from L. L. Vellines But in making the valuations we have not been goverened by the number of acres, but have gone on each tract, gone partly around the lines, and have based the values on the facts as a whole, considering character of soil, how the land lies, building etc.

In making the said valuations we have not taken in consideration any crops growing upon the farms at this time nor any expenditures on account of said crops made during the current year.

Respectfully submitted,

D. W. Inman

B Rothschild

E S Beers

In 4-192

Thomas, et als

vs. Exhibit "C"

Thomas' Executors

et als.

Filed

In the CLERK'S OFFICE of the

CIRCUIT COURT

OF THE

COUNTY OF ISLE OF WIGHT

this 7/6 day of Oct 1914

Fred. A. Johnson, Clk

WHEREAS, Julius O. Thomas, deceased, by his last will and testament devised and bequeathed his entire estate to be divided as follows: one-third (1/3) to his son, J. Waverly Thomas, one-third (1/3) to his daughter. Nannie J. Thomas, and the remaining one-third (1/3) to Martha W. Johnson and Julius O. Thomas, his grand-children, share and share alike; and

WHEREAS, it is the intention and desire of the parties hereto that the estate shall be equally divided between them as expressed in said will; and

WHEREAS, it is their desire to avoid extended and expensive litigation in a construction of the will as it involves certain possible contingencies and limitations contained in the said will:

THIS AGREEMENT, THEREFORE, WITNESSETH: That in consideration of the premises and the mutual agreements of the parties hereto, it is agreed-

1. That J. Waverly Thomas and Nannie J. Thomas will execute a conveyance or conveyances, the one to the other, conveying, releasing and relinquishing each to the other, his or her right, title or interest, whether the same be contingent or otherwise, under the will of the said Julius O. Thomas, in and to the one-third (1/3) share of the other as shall be determined as hereinafter provided;

2. It is agreed that three appraisers be appointed as follows: one to be selected by J. Waverly Thomas, one to be selected by Nannie J. Thomas, and the third to be selected by the guardians of the infants above named, and in the event that they may not agree on the third appraiser. the third appraiser shall then be appointed by the two appraisers to be selected as above. When the said appraisers shall be selected, as aforesaid, it shall be their duty as soon as practicable to

go upon the premises, view the real estate of which the said Julius O. Thomas died seized and possessed, and assess and appraise the true value thereof according to their judgment and opinion, having due regard to quality and quantity. When they shall have made an appraisement it shall be reduced to writing, signed in duplicate by the appraisers, and one copy thereof duly delivered to each, or their attorneys;

3. As soon as practicable after the appraisement provided for in the preceding section, and after the report of said appraisers shall be delivered to the parties as aforesaid, the parties hereto hereby agree to determine a fair and equitable division of the said real estate between them and the said infants, and to report and recommend the same to the Circuit Court of Isle of Wight County, Virginia; and the parties hereto further agree that a friendly chancery suit shall be instituted in the proper court to carry out and confirm the partition and division of the said estate when so agreed, if the same shall be found satisfactory and meets the approval of the court; and in the event no agreement is reached by the parties as to the division of the said estatd, then a friendly chancery suit shall be instituted for the division and partition of said real estate by the court, the parties hereto agreeing to execute such conveyances and instruments of writing as shall be necessary to carry out the provisions of this agreement and the decrees of the said court.

4. It is further agreed that as rapidly as practicable the personal estate of the said Julius O. Thomas, deceased, shall be divided between the parties as directed in the said will, that is to say, one-third (1/3) shall be paid to J. Waverly Thomas, one-third (1/3) to Nannie J. Thomas, and one-third (1/3) to the guardians of the infants, share and share alike.

Witness the following signatures and seals this _____ day of October, 1913.

Nannie J. Hamm (Seal)

J. Woody Hamm (Seal)

3-192

Thomas. il als

v. } Exhibit "B"

Thomas' Executors

il als.

Filed

In the CLERK'S OFFICE of the

CIRCUIT COURT.

OF THE

COUNTY OF ISLE OF WIGHT

this 7/6 day of Oct. 1914

Jos. A. Johnson. Clk.

334

1192

COPY

I, J. O. Thomas of the town of Smithfield, County of Isle of Wight, and the State of Virginia, do hereby make, ordain, publish, and declare this Instrument of Writing to be my last will and testament, hereby revoking any and all others that may at any time heretofore have been made by me.

Item 1. It is my will, wish, and desire that all of my just debts and funeral expenses be paid in a reasonable and proper time after my death.

Item 2. I hereby nominate, constitute and appoint my son J. Waverly Thomas, and my daughter Nannie J. Thomas Executors of this my last will and testament, and should they fail to agree, then they will settle all difficulties as is hereinafter provided in Item 6. And I request and direct the Court that my Executors may be allowed to qualify as such without giving any surety or security whatsoever. I hereby fully authorize and empower my Executors to sell any part or parcel of my personal property or real estate at any time and in any manner, and on any terms, as may be agreed upon as fit and advisable, and to deliver the personal property to the purchaser, and to make to the purchaser or purchasers of any real estate a good, sufficient and perfect deed for the same. And I give full and perfect power and authority to my said Executors to collect any bond, stock, note, account, or any interest on the same, all rents for any house and lot in the town of Smithfield, or in the City of Newport News, or of any farm in the County of Isle of Wight, to do any and all necessary or desirable repairs upon the same, to sell any and all real estate wheresoever situated and to make a good, sufficient, and perfect deed for the same, and to do any and all other and further thing, or things that may be deemed necessary and proper for the management of my estate, or the division of the same between the parties entitled thereto in the next item of this, my last will and testament. This management and division of

my estate demands the fullest and amplest power and authority, and whatever power and authority that is necessary, proper, or desirable, for that management and division is here and now and herein conferred and bestowed upon my said Executors.

Item 3. It is my desire that my estate be kept entire, for the present at any rate. But I give them power to sell any part or parcel of any real estate as a whole, or in part or parts, in lot or lots as they may deem advisable. I give, bequeath, and devise unto my daughter, Nannie J. Thomas one-third interest in the whole of my estate. I give, bequeath, and devise unto my son J. Waverly Thomas one-third interest in the whole of my estate. And the remaining one-third interest I give, bequeath, and devise unto my two grand-children, Martha W. Johnson and Julius O. Thomas, share and share alike, to be paid to each of them respectively, when, and on the condition and proviso, that they each and respectively reach the age of twenty-two years, the interest of each in the share of each to be paid to Nannie J. Thomas, the Guardian of each in the meantime, until the said grand-children may die, or until each shall reach the age of twenty-two years. If either of my children die without issue then his or her share to revert to the others, but with this exception: if my son should die without issue and leaving a wife then I direct that his wife shall receive the income from the share of my said son for and during her life. If either of my grandchildren should die before attaining the age of twenty-two years, or die without issue, then his or her share shall revert to the others.

Item 4. I nominate, consitute and appoint my daughter Nannie J. Thomas, guardian for each of my said grandechildren, namely, Martha W. Johnson and Julius O. Thomas and direct that she shall act as such without security of any kind whatsoever being required of her. And I give her full, complete, and perfect power ## and authority to receive, to hold, to manage

and control any and all of the property of any, and of every kind belonging to my said grandchildren just as she sees fit and proper. with the full, perfect and complete right. power and authority to sell any personal or real estate, or any portion of the same to which either of my grand-children may be entitled at any time and for any price she may see fit, and to make to the purchaser, or purchasers, of the real estate a good and sufficient deed or deeds for any part or parcel of the land so sold by her as guardian as aforesaid. I direct the said Nannie J. Thomas as guardian for my grand-children to make such report to Court of her transactions as such guardian for the said grand-children as is usual and required by law of all fiduciaries.

Item 5. I very sincerely hope that some one of my children or grand-children, may be able to hold, and to own, my "Four Square" property by the bounds that I will now give it, viz commencing at a corner tree on the swamp near Gibb's, a corner between me and Isaac Holloway, thence up the said swamp in a Northerly direction to the road, thence in the said direction in a straight line to a corner in the swamp between Williford's and the estate of William M. Crocker, thence in an easterly direction along a line of marked trees separating the lands of William M. Crocker and Four Square to the mill pond including the mill and land, thence up the lane to the Round Hill gate, thence up the said Round Hill lane to the corner of the fence, thence along the said fence in a Westerly direction to a branch, thence in a Southerly direction down the said branch to another branch, thence up the last named branch in a Westerly direction along the lands of Isaac Holloway to the point of beginning, comprising some thousand acres more or less.

Item 6. In the event of a disagreement between my son, J. Waverly Thomas, and My daughter, Nannie J. Thomas, Executors as aforesaid, as to the time, terms, place. day and conditions

of the sale of any of my property, then it is my wish, will, order, and direction that they call in T. B. Wright as an umpire between them, whose decision and award shall be final and binding between them and shall be made compulsory by any of the remedies at law or in equity that may be applicable and necessary. And if the said T. B. Wright should die or decline to act as such umpire, then I request the Circuit Court of the County of Isle of Wight, Virginia, on the request or petition, in writing, signed and acknowledged before a Notary Public of either the said J. Waverly Thomas of the said Nannie J. Thomas, or of both of them so to do, to appoint an umpire to decide all points of difference between them as to the property to be sold, and the time, terms, place, and conditions of sale, or of any other matter that may arise, and that the award when made, may be enforced in any manner that the said Court may deem requisite and appropriate.

Witness the signature and seal of the said J. O. Thomas on this, the 26th. day of May, A. D. 1910.

J. O. Thomas, (SEAL)

Signed, sealed, published, and declared by J. O. Thomas as and for his last will and testament in the presence of us, who in his presence, at his request, and in the presence of each other have hereunto subscribed our names as witnesses.

A. R. Whitehead

J. Walter Stott.

I write this as a codacil to my last will my grand daughter Martha W. Johnson being of tender age and this being her first year at shhool, I want her sent three more years all expenses paid out of my estate Board, Tuition, Books, Music, Traveling expenses and fifty dollars a year as pin money. Nannie J. Thomas or some other friend to select the school. Given under my hand and seal this 16th day of Jany. 1912.

J. O. Thomas.

(COPY)

2 — 192

Copy of
J. A. Thomas' Will

Exhibit "A"

Thomas et als
vs
Thomas' Executor
et als

Filed
In the Clerk's Office of the
CIRCUIT COURT.
OF THE
COUNTY OF ISLE OF WIGHT
this 26 day of Oct 1914
Dpt. A Johnson Clk

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

MARCH 6th 1933.

J. W. Thomas et als

vs: # 192

J. O. Thomas's executors

It appearing that by the decree entered herein on the 6th day of July, 1921, that J. Waverly Thomas, executor, 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 J. Waverly Thomas executor ~~Special Commissioner~~ be summoned to appear before this Court at half past ten o'clock A. M. on Tuesday, 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.

G.W. Thomas et als
- 92
J.D. Thomas Estate

C.D. B #9
P-73

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

J. Waverley Thomas and Nannie J. Thomas,

vs.

J. Waverley Thomas and Nannie Thomas, Executors of J. O. Thomas, deceased, and Martha Johnson Newman, and J. O. Thomas, the last two being infants under twenty-one years of age.

Plaintiffs.

Defendant.

This cause came on this day to be again heard upon the papers formerly read and upon the petition of J. Waverley Thomas, the surviving Executor of J. O. Thomas, deceased, this day filed by leave of Court, and was argued by court.

On consideration whereof, it appearing to the Court from said petition that Nannie J. Thomas, the co-executor with J. Waverley Thomas, of J. O. Thomas, deceased, has departed this life, and it further appearing to the Court from the said petition that the Texas Company has offered to purchase that part of the real estate of which J. O. Thomas died seized and possessed, and which was not divided in kind by the decree entered herein on the 26th day of October, 1914, hereinafter described, for the sum of Twenty-One Hundred Dollars; the court being of the opinion that said sum is a good price for the said property, doth accept the said offer of the said Texas Company to purchase the same, and doth adjudge, order and decree that J. Waverley Thomas, surviving Executor of J. O. Thomas, deceased, do after having received from the said Texas Company, the said sum of Twenty-One Hundred Dollars ($2100.00), convey to it by deed with special warranty, that certain piece or parcel of land, situated in the town of Smithfield, Virginia, and bounded and described as follows: Bounded North by the North line of the property now under lease to the Texas Company, running generally East at right angles with the East side of the causeway or Commerce Street extended, to mean low water mark Eighty-five (85) feet, more or less; thence

South down Pagan River, Seventy-Five (75) feet; thence West with a line meeting said causeway or Commerce Street extended, at right angles, Eighty-Five (85) feet, more or less; thence North along the East side of said causeway, or Commerce Street, extended, Seventy-Five (75) feet to the point of beginning; and that the said Executor deposit the said sum of Twenty-One Hundred Dollars ($2100.00) to his credit as such Executor, and pay out of the same any unpaid taxes on said property, and hold the residue of said sum subject to the further order of this Court. And the said Executor will make report of his proceeding under this decree to the Court.

#192

IN THE CIRCUIT COURT OF
ISLE OF WIGHT COUNTY:

J. WAVERLEY THOMAS ET AL.

vs.

J. WAVERLEY THOMAS AND NANNIE THOMAS, EXECUTORS OF J. O. THOMAS, DECEASED, AND MARTHA JOHNSON NEWMAN, AND J. O. THOMAS, THE LAST TWO BEING INFANTS UNDER TWENTY-ONE YEARS OF AGE.

DECREE.

Book 8.
Page 791

640

LAW OFFICES OF
FRANK L. CROCKER
LAW BUILDING
PORTSMOUTH, VIRGINIA

In the Ci rcuit Court of Isle of Wight County.

J Waverley Thomas et al.

v

J. Waverley Thomas et als executors etc.

The joint and separate answer of J. Waverley Thomas and Nannie J. Thomas executors of J. O. Thomas, deceased/ to a bill of complaint exhibited against them and others in said court by J. Waverley Thomas and Nannie J. Thomas in their own right.

For answer to the said bill these defendants says: that they believe the allegation so f the said bill to be true and that they unite in the prayer of the said bill.

These respondents further say that they will render a statement of their transactions as executors of the estate of J. O. Thomas deceased to the court at the proper time.

And having answered etc.

J. Waverly Thomas

Nannie J. Thomas

Executors of J. O. Thomas deceased.

Jno. Stanley

C. Robertson p.q.

10 — 192

Hamms, Jr. &c

vs.

Hamms' Executors

et als,

Answer of Executors

of J. O. Hamms'

Filed

In the CLERK'S OFFICE of the

CIRCUIT COURT,

OF THE

COUNTY OF ISLE OF WIGHT

this 26 day of Oct 1914

Geo. A. Johnson Clk

In the Circuit Court of Isle of Wight County.

J. Waverley Thomas et al.

v

J. Waverley Thomas et als executors etc.

The answer of Martha Johnson Newman, an infant under twenty one years of age but over fourteen years of age, in proper person to a bill of complaint exhibited against her and others in the said court by J. Waverley Thomas and Nannie J. Thomas.exxxx

For answer to said bill of complaint this defendant in proper person says:

That she believes the allegations of the bill to be true and that she joins in the prayer of the bill that the estate of the said J. O. Thomas deceased be divided among the parties entitled thereto as set out in the said bill and that her interest in the same may be set apart to her to be held as set out in said bill. She prays that this honrable court will fully protect her interests in the premises.

And having answered etc.

Martha Johnson Newman

D. C. Parker p. d.

9— 192

Thomas, &c
vs.
Thomas' Executors
&c.

answer of Martha
J. Newman &c
Esther Jensen

Filed
In the CLERK'S OFFICE of the
CIRCUIT COURT,
OF THE
COUNTY OF ISLE OF WIGHT
this 16 day of Oct 1914
Test A. J. Jensen Clk

In the Circuit Court of Isle of Wight County.

J. Waverley Thomas et al.

v

J. Waverley Thomas et als executors etc.

The joint and spearate answer of Martha Johnson Newman and Julius O. Thomas, infants under twenty one years of age, by George F. Whitley, their guardian ad litem, to a bill of complaint exhibited against them and others by J. Waverley Thomas and another in said court.

For answer to said bill of complaint these defendants by their said guardian ad litem say: that being of tender years they are unable to properly judge of their rights in the premises and respectfully submit the protection of their interests in the matter to this honorable court.

And having answered etc.

Martha Johnson Newman
Julius O. Thomas
infant defendants

By Geo. F. Whitley.

thier guardian ad litem.

Subscribed and sworn to before me by Geo. F. Whitley this 6th day of October 1914

J. R. Ramsey Jr.
Notary Public

My Commission Expires Dec. 17th, 1917.

8 — 192

Thomas, Pl'ff

vs

Thomas' Executors
Pl'ffs.

answer of infant
defendants by
their Guardian ad litem

Filed
In the CLERK'S OFFICE of the
CIRCUIT COURT,
OF THE
COUNTY OF ISLE OF WIGHT
this 16 day of Oct. 1914
Test. A S Johnson Cl'k

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

J. Waverley Thomas and Nannie J. Thomas,	)	Plaintiffs.
vs.	)	
J. Waverley Thomas and Nannie Thomas, Executors of J. O. Thomas, deceased, and Martha Johnson Newman, and J. O. Thomas, the last two being infants under twenty-one years of age.	) In Chancery.	Defendants.

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

Your petitioner J. Waverley Thomas, surviving Executor of J. O. Thomas, deceased, respectfully shows unto your honor the following case.

That Nannie J. Thomas, his co-executor has departed this life, that Martha Johnson Newman and J. O. Thomas are now over twenty-one years of age.

That under the will of J. O. Thomas, deceased, his Executors were authorized and empowered to sell any part or parcel of his real estate at any time and in any manner and on any terms as may be agreed upon as fit and advisable, and to make good and sufficient deeds to the purchasers.

That by a decree entered in this cause on the 26 day of Oct, 1914, a greater part of the real estate of which J. O. Thomas died seized and possessed, was partitioned among those entitled thereto. There was, however, unimproved real estate in the town of Smithfield, Virginia, which was not divided in kind, but was by said decree directed to be held subject to the further order of the Court.

That the Texas Company has offered to purchase, for the sum of Twenty-One Hundred Dollars ($2100.00), cash, that portion of said undivided real estate in the town of Smithfield, bounded and described as follows: Bounded North by the North line of the property now under lease to the Texas Company, running generally East at right angles with the East side of the causeway or Commerce Street extended,

to mean low water mark Eighty-Five (85) feet, more or less; thence South down Pagan River, Seventy-Five (75) feet; thence West with a line meeting said causeway or Commerce Street extended, at right angles, Eighty-Five (85) feet, more or less; thence North along the East side of said causeway, or Commerce Street, extended, Seventy-Five (75) feet to the point of beginning.

Your petitioner believes this to be a good price for the said property and asks that said offer be accepted and that he be authorized to convey the said property to the said Texas Company.

All of which is respectfully submitted this 27th day of June, 1921.

J. Waverly Thomas,

Surviving Executor of J. O. Thomas, deceased.

14 #-192

IN THE CIRCUIT COURT OF
ISLE OF WIGHT COUNTY.

J. WAVERLEY THOMAS ET AL.

vs.

J.WAVERLEY THOMAS AND NANNIE THOMAS, EXECUTORS OF J. O. THOMAS, DECEASED, AND MARTHA JOHNSON NEWMAN, AND J.O. THOMAS, THE LAST TWO BEING INFANTS UNDER TWENTY-ONE YEARS OF AGE.

PETITION OF J. WAVERLEY THOMAS, EXECUTOR.

1031
July 6
Filed

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

July 6 1924
Filed

Teste, R. A. Edwards Clerk.

LAW OFFICES OF
FRANK L. CROCKER
LAW BUILDING
PORTSMOUTH, VIRGINIA

TO THE HONORABLE R. D. WHITE JUDGE OF THE CIRCUIT COURT OF

ISLE OF WIGHT COUNTY, VIRGINIA.

Your complainants, J. Waverly Thomas and Nannie J. Thomas, humbly complaining showeth unto your Honor the following case.

On the 27 day of March 1912, J. C. Thomas, residing in Smithfield, Isle of Wight County, Virginia, departed this life leaving a large quamity of property both real and personal, and leaving as his heirs at law your complainants, his two children, and Martha W. Johnson and Julius C. Thomas, his two grand-children.

On the 2d day of April 1912, the last will and testament of the said J. C. Thomas was admitted to probate in the Office of the Clerk of the Circuit Court of Isle of Wight County, Va., a copy of which will is herewith filed, marked exhibit "A", and prayed to be read as a part of this bill. That your complainants, who were named as Executors of said will, have duly qualified as such Executors, and have in part administered the said estate as will appear from their account as such executors when the same shall be rendered in accordance with the direction of this court.

The said will, as it will appear to the Court upon an examination of same, bequeaths and devises one-third of the estate of the said decedent to your complainant, Nannie J. Thomas, one-third to your complainant J. Waverly Thomas, and the remaining one-third to the said grand-children Martha W. Johnson and Julius C. Thomas, share and share alike upon certain conditions and provisos as set forth in said will.

According to the construction of the said will of your complainants, the shares of the said grand-children will be contingent in each of the same until they attain the age of twenty-two years, at which time the share of each of said infants will become absolute and unconditional; and that the shares of your compalainants are each contingent upon the leaving of issue at the time of their respective deaths by your complainants, and that the interest

of your complainants until that time in the said estate is contingent.

Your complainants, therefore, desiring that each of their interest shall be made absolute and free from any contingency have entered into an agreement with each other, a copy of which is herewith filed, whereby your complainant J. Waverly Thomas agrees to convey, release and relinquish to your complainant Nannie J. Thomas, all of his right, title and interest, whether the same be contingent or otherwise, in and to the one-third of the estate of the said J. O. Thomas which was devised and bequeathed to the said Nannie J. Thomas, and the said Nannie J. Thomas on her part has agreed to convey, release and relinquish to the said J. Waverly Thomas all of her interest, whether same be contingent or otherwise in the one-third of the estate of the said J. O. Thomas which was devised to the said ~~Nannie~~ Waverly J. Thomas under the said will, a copy of said agreement being hereto filed marked exhibit "B", and prayed to be read as a part of this bill.

Your complainants further show unto the Court that in accordance with the terms of the said agreement Messrs. V. W. Joyner, B. F. Chapman and C. S. Betts was selected to appraise and value all of the property of the said J. O. Thomas which had not already been disposed of and administered by your complainants as Executors, and the said parties have made such appraisment, a copy of which is herewith filed and marked exhibit "C", and prayed to be read as a part of this bill.

In further compliance with the terms of said agreement your complainants, together with the said Martha W. Johnson, who has married one Myron A. Newman, and with your complainant J. Waverly Thomas acting as guardian for Julius C. Thomas and J. C. Parker for the said Martha J. Newman, have agreed upon a partial division of the said property in kind, a deduction of $1250.00 having been made by agreement from the valuation placed upon two of the farms left by said decedent, namely, the Four Square Farm and the Sam Thomas Farm, because of some discrepancy in acreage, and a list of the property

selected by each of the devisees and legatees of the said J. O. Thomas in kind, with the valuation of same, is herewith filed, marked exhibit "D", and prayed to be read as a part of this bill.

Your complainants further show that in accordance with said agreement the said J. Waverly Thomas has made a deed to Nannie J. Thomas, conveying, releasing and relinquishing to her all of his right, title and interest, whether the same be contingent or otherwise, in and to that portion of the property of the said J. O. Thomas selected by her in kind as shown in said exhibit "D", and in the remainder of her undivided share of the said estate, a copy of which deed is herewith filed marked exhibit "E", and prayed to be read as a part of this bill, and the said Nannie J. Thomas has executed a deed to the said J. Waverly Thomas, conveying, releasing and relinquishing to him all of her interest, contingent or otherwise, in the protion of the property of the said J. O. Thomas selected by the said J. Waverly Thomas as shown by said exhibit "D", and in the remainder of his undivided portion of said estate, a copy of which deed is hereby filed marked exhibit "F", and prayed to be read as a part of this bill.

In accordance with the terms of said agreement your complainants have brought this suit for the purpose of having the court confirm the construction of the will of the said J. O. Thomas which has been agreed upon between your complainants and the guardians for the said infants, of having the court confirm and ratify the partition of the said estate of the said J. O. Thomas so far as the same has been made in kind as shown by the said exhibit "E", and for the purpose of having the court direct that the remainder of the said estate shall be administered by your said complainants as Executors, and ~~exhibited~~ distributed according to the terms of the said will, paying the shares of each of your complainants to each of same to be held by them in fee-simple and unconditionally, in accordance with the terms of the agreement between them.

In tender consideration whereof, and for as much as your com-

plainants are remedyless save in a court of equity where such matters are heard and determined, your complainants pray that they themselves as Executors of the said J. C. Thomas, together with the said Martha J. Newman and Julius C. Thomas, infants, and Gertrude Thomas, wife of J. Waverly Thomas, be made parties defendants to this bill and required to answer same; that a proper guardian ad litem be appointed for the said infant defendants, and required to represent their interest in this suit; that the court confirm and make binding the division in kind of the property of the said J. C. Thomas so far as same has been agreed upon between the devisees and legatees named in his said will as shown by exhibit "E" above referred to, and that the title of each of your complainants be made unconditional and in-fee in accordance with the terms of the agreement and deeds between your complainants; that an account of the transactions of your complainants as Executors of the said J. C. Thomas shall be taken, and that the remainder of the estate of the said J. C. Thomas not already administered and distributed, nor divided in kind, shall be disposed of as rapidly as possible and divided in accordance with the terms of the said will between the devisees and legatees named therein, such division to be made and taken in connection with the partition in kind of part of said estate as set forth in exhibit "E" , the interest of each one to be charged with the value of the property taken in kind as shown by said exhibit "E", and that the shares of each of the devisees and legatees be paid to them to be held in fee-simple and unconditionally except in so far as the said infants each have a contingent interest in the share of the other as set forth in said will; and that all such other and further orders may be made and relief may be granted as to equity may seem meet, or as the nature of this case may require.

Your complaintants hereby give notice that the court will be asked to allow proper fees to counsel representing the various interests connected with this estate, ~~said~~ fees, to be paid out of

the funds belonging to J. Waverly Thomas and Julia O. Thomas, & Jessie Jno C. Parker & the part out of the funds belonging to Martha J. Newman, a Jessie Jno C. Parker as per 1st Schedule of the funds belonging to Nannie J. Thomas ~~the funds belonging to the estate~~, and your complaintants will

ever pray, etc.

NANNIE J. THOMAS,

J. WAVERLY THOMAS,

By Thos L Combs

J O Parker

THEIR ATTORNEYS.

J. Waverley Thomas

Nannie J. Thomas

1 — 192

Thomas, et als.

} Bill in Equity

Thomas' Executors et als.

Filed
In the Clerk's Office of the
CIRCUIT COURT,
OF THE
COUNTY OF ISLE OF WIGHT
this 16 day of Oct 1914
Dyst. E. Johnson, cc

J. C. PARKER,
ATTORNEY AT LAW
FRANKLIN, VA.

PLAT SHOWING
PROPERTY OF J.O. THOMAS EST.
NORTH MASON STREET,
SMITHFIELD, N.C.
SCALE 1" = 30'
MAY - 1914

Plat No II (2)

NORTH MASON STREET

J.O. THOMAS EST. (SEE THOMAS ADDT.)
J.O. THOMAS EST. #4. (H.H. ALLEN'S) 1122
J.O. THOMAS EST. #3. (J.A. ALLEN'S) 1124
J.O. THOMAS EST. #2. (H.S. WILCOX) 1128
J.O. THOMAS EST. #1 (U.N. ALLEN'S) 1359
J.O. THOMAS EST. (OLD HOTEL PROPERTY) (W.T. EDWARDS)
J.O. THOMAS EST. (C.S. HART) 1824

MAIN STREET

J.O. THOMAS EST. (SEE THOMAS ADDT.) #5
J.O. THOMAS EST. (C.W. THOMAS) #6
J.O. THOMAS EST. (MRS. EDWARDS) #7
J.O. THOMAS EST. (MISS NANNIE THOMAS) 1392 #8

MORRIE COMPANY

SAM THOMAS TRACT

AREA 388.11 ACRES

FOUR SQUARE TRACT NO. 2

AREA 218.80 ACRES

FOUR SQUARE TRACT NO. 1

AREA 736.67 ACRES

CASTLE TRACT

AREA 585.64 ACRES

The following tracts of land
Namely:
The Castle tract, Sam Thomas tract,
Four Square tract # 2 & Four Square tract # 1
Comprising the property of the J. O. Thomas Est.
Isle of Wight County, Va.

PLAT SHOWING PROPERTY
OF
J. O. THOMAS ESTATE
ISLE OF WIGHT COUNTY — VIRGINIA

SCALE 1 IN. = 50 FT.

Surveyed & Plotted by Brinkley & Nunnally
Civil Engineers — Suffolk, Va.
1914.

Plat No. 1

12

J. Maverley, Thomas et ux
to
Thomas Exum

Plat No 1
Land with dower
Received Oct 26/91

Ref. Edwards
Clerk of Court
Isl. of Wight
Va