

1933-028 - Chancery Causes : H.
De Wight County H.
+ 2

M. Munford vs Mary E. Munford val
M. Munford vs Carrie M. Drewry, E. L. Drewry

Folder 1
464

Other SURNAMES : TURNER, Darden
Saunders, Edwards, Bradshaw,
Atkins, Porter, Wilson

C. C. Atkins, being duly sworn deposes and says as follows:

Please state your name, age, residence and occupation?

Chester C. Atkins, age 33, residence of Isle of Wight, Virginia, and a farmer.

Q. Are you acquainted with the tract of land in Isle of Wight County of which M. T. Munford, died, siezed and possessed?

A. Yes.

Q. How long have you known it?

A. I have lived adjoining to it most of my life.

Q. How much of the tract of land is clear and how much in wood land?

A. About half is clear and under cultivation.

Q. What County is this tract of land in?

A. Isle of Wight and near the County Court House.

Q. What is a fair annual value for the land mentioned?

A. Around One Hundred (\$125) Dollars a year.

Q. What is the fair fee simplw value?

A. Two Thousand to twenty-one or twenty-two hundred dollars, there is little of no demand for farm land in this section at this time.

Q. It is shown by the bill filed in this suit there are seven equal interest in the land, six of which are owned by H. M. Munford, and one owned by the children of Sallie Bradshaw, who are William Bradshaw, Pearl Bradshaw, Hinton Bradshaw, Raby Bradshaw and Alton Bradshaw?

Q. Can this piece of land be conveniently and advantageously divided among the parties entitle to shares therein?

A. No, the only conveniently and advantageous way to make divisions would be to either sell the whole and divide the money or to sell to some party in interest the share or shares of the others at a price based upon the fair market value of the land.

W. F. Porter, being duly sworn deposes and says:

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

A. W. F. Porter, 60 years of age, reside in Isle of Wight County near the Court House and am a farmer.

Q. Are you acquainted with the tract of land of which M. T. Munford, died, sêized and possessed, if so how near are you to it and how long have

you been acquainted with it?

A. I reside within two miles of it and have known it as long as I have known of anything.

Q. State what is its annual and what is its fee simple value?

A. Its annual value is around One Hundred Twenty Five (\$125) Dollars and its fee simple ^{value between} is ~~xxxxx~~ Two Thousand and Twenty-one Hundred.

Q. ~~Did~~ The bill filed in this suit state that H. M. Munford owns six-sevenths (6/7) of the land and the heirs of Sallie Bradshaw owns the other seventh. This being true can the property be divided among the parties entitled thereto with convenience and advantage either as a whole or can any distinct or any independent portion be so divided?

A. No, The only way to divide it without destroying the value is to make a sale of the whole or to sell the interest of some to others in interest.

Q. Do the infant defendants, who are the heirs of Sallie Bradshaw, reside upon the land?

A. No.

Q. Have they ever resided upon the land?

A. No.

Q. Do you know where they live?

A. Yes.

Q. Where do they live?

A. In Nansemond County near Providence Church.

Q. With whom do they live?

A. Their father.

Q. Is he married or single?

A. Married.

Q. If H. M. Munford will pay to the infant defendants a sum of money equal to the value of their interest based upon the price you have named for the land, will or will not their interest be properly protected by such transaction?

A. Yes, I think so.

Q. Have you been personally acquainted with the children of M. T. Munford?

A. Yes, Who are they John F. Munford who was a son by the first wife.

The children by the last wife are J. B. Munford, J. D. Munford, Lelia M. Turner, Carrie M. Drewey, Lois E. Saundres, Lola L. Edwards and

H. M. Munford.

Q. Do you know when M. T. Munford died?

A. Yes, He died sometime around 1901 or 1902.

Q. Do you know when Sallie Bradshaw died?

A. Yes, She has been dead about two years.

F. L. Wilson, being duly sworn deposes and says:

Q. State your name, age, residence, and occupation?

A. F. L. Wilson, 40 years old, reside in Isle of Wight County.

Q. Are you acquainted with the land of which M. T. Munford, died, seized and possessed?

A. Yes.

Q. State what, in your opinion is the annual and fee simple or simple value?

A. It did probably rent for One Hundred Twenty-five (\$125) Dollars a year and I believe it is worth two Thousand or Twenty-one Hundred Dollars. There seems to be two interest in this land, one party owning Six-sevenths ($6/7$), and the infant defendants named in the bill owning one-seventh ($1/7$): This being true, can the land be divided among the parties with convenience and advantage? No, It Should be sold and the proceeds of the sale divided, or if any party will take the entire and give the others for their shares the interests of all the parties would be promoted by such disposal and further deponent saith not.

H. M. Munford being duly sworn deposed and says:

Q. State your name, age, residence and occupation?

A. H. M. Munford, 38 years of age, and resides upon the land mentioned in this suit and am a farmer.

Q. Are you the H. M. Munford who is named as a complainant in this suit?

A. Yes.

Q. Are you willing to take the share in the land mentioned which appears to belong to the defendants and pay them therefore, according to the value placed upon it by the testimony before the Commissioner?

A. Yes, I am willing to give its children Three Hundred (\$300) Dollars for the One-seventh ($1/7$) interest owned by them and pay their part of the cost of this suit.

Q. How long has your father been dead?

A. Around Twenty-five (25) years.

Q. How long has your sister Sallie Bradshaw been dead?

A. About Two (2) years.

Q. What are the names of the choldre left by your sister Sallie?

A. Pearl, Hinton, Raby and Alton.

Q. How old are they?

A. I do not know their exact ages but the oldest is around 13 or 14 years oad.

Q. With whom do they reside?

A. Their father, William Bradshaw.

Q. Where does he live?

A. Over in Nansemond County near Providenve Church.

Q. In what state is Namsemond County?

A. In Virginia.

Q. Is he married or single?

A. He has married again. And further this deponent saith not.

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

H. M. Munford

v) Chancery.

Carrie M. Drewry, et als.

To Honorable Benjamin Day White,

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

The undersigned, to whom has been referred the papers in this cause for answer to certain inquiries made in the decree entered herein on the 1st. day of October, 1927, respectfully reports that on the 5th. day of December, 1927, in the presence of Mr. A. B. Johnson, of Johnson and Stephens, counsel for the complainant, and George F. Whitley, counsel for William Bradshaw and the infant defendants, being guardian ad litem for the infant defendants, took the testimony of C. C. Atkins, F. L. Wilson, and W. F. Porter, competent witnesses, reduced the same to writing, all of which is returned with this report; that from the evidence taken as aforesaid, the pleadings in this cause, and the records in the Clerk's Office of this Court, your commissioner is informed and reports: that H. M. Munford died, intestate, seized and possessed of a tract of land, in Isle of Wight County, Virginia, near to the courthouse of the said county, containing seventy five acres, more or less, about half of which is open and the other in woods, and which adjoins the lands of the estate of J. J. Atkins, The Bank of Smithfield, Elizabeth V. Helms and others; that the annual value of such land is one hundred and twenty five dollars; that the fee simple value thereof is from two thousand dollars to twenty one hundred dollars; that the parties in interest are, H. M. Munford, who owns six sevenths of said land; and the infant children of Ballie Bradshaw, deceased, who was Munford, namely, Pearl

Bradshaw, Hinton Bradshaw, Baby Bradshaw and Alton Bradshaw, who own one seventh, subject to the curtesy right of their father, William Bradshaw, said curtesy right being the use of one third of the share of his wife for life; that the said real estate cannot be conveniently and advantageously divided among the parties entitled to share therein; that it will be to the interest of the infant defendants to accept the offer made by H. M. Munford for their share, as shown by his testimony filed herewith, which is three hundred dollars, in cash, free from any cost; that there are no liens against the said property, for delinquent taxes, or otherwise, or against the interest of any party entitled to share therein; that the proper parties to this suit, at the present time, are H. M. Munford, the complainant, and William Bradshaw, and the infant defendants heretofore named.

The defendants to the original and amended bill, namely, Carrie M. Drewry, E. L. Drewry, Lola L. Edwards, Joel Edwards, are not interest in the subject matter of this suit, and are not necessary parties thereto, having been eliminated by decree entered herein on the 1st. day of October, 1927.

It is recommended that the offer of H. M. Munford, for the interest of the infant defendants, that is to say, the sum of three hundred dollars, and he to pay the entire cost of this proceeding, is fair, and should be accepted.

Respectfully submitted,

R. A. Edwards

Commissioner in Chancery.

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Virginia: Circuit Court of
Isle of Wight County

H. E. Mumford

v) Chancery.

Carrie M. Drewry et als.

Commissioner's Report

Filed Dec. 5. 1927

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

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

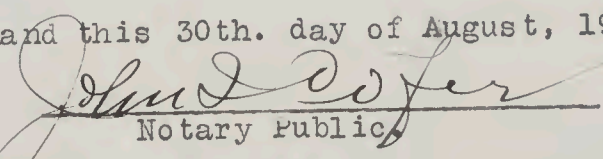
H. M. Munford

v) Chancery. 464.

Carrie M. Drewry et als.

The testimony of Lelia M. Turner, John H. Turner and H. M. Munford, taken before me, John I. Cofer, a Notary Public for the County of Isle of Wight, in the State of Virginia, on the 30th. day of August, 1927, in the presence of A. S. Johnson, of Johnson and Stephens, counsel for the complainant, H. M. Munford, and George F. Whitley, counsel for the defendants, Carrie M. Drewry, E. L. Drewry, Lola L. Edwards, Joel Edwards and William Bradshaw, and also guardian ad litem for the infant defendants, Pearl Bradshaw, Hinton Bradshaw, Raby Bradshaw and Alton Bradshaw, to be read as evidence in the suit in chancery, pending in the Circuit Court of the County of Isle of Wight, State of Virginia, under the general style of H. M. Munford v. Carrie M. Drewry, et als, docket number 464.

Given under my hand this 30th. day of August, 1927.


Notary Public

My commission expires

Sept. 2, 1930.

Lelia M. Turner being duly sworn, deposes and says:

Q. Please state your name, age, and residence? A. Lelia M. Turner:
I am forty seven years of age: I reside in Isle of Wight County:

Q. Are you any relation to M. T. Munford, who died, some years ago,
a residence of Isle of Wight County, and who owned a farm near
the Courthouse of the said County? A. I am his daughter.

Q. When did he die? A. He died, I think, in April of the year 1900.

Q. Did he leave any other children? Ans. Yes, he left eight. They
were John R., a son by a former marriage: Lelia M. (myself), J. B.,
a son, Carrie M., H. M., a son, Sallie, Lois, and Lola, the last
seven named being children by his last wife, Mary Emily Munford,
formerly Mary Emily Britt.

Q. How old are these children now? Ans. All of them are over twenty
one years of age. Sallie died two years ago last January.

Q. Did Sallie leave any children? Ans. She left five children. One
of them died about two months after she did.

Q. Can you give me their names and ages? Ans. I can give you their
names, but I do not know their ages. The oldest is about sixteen years
old. Their names are, in the order of their ages, Pearl, Hinton,
Baby and Alton. The youngest is about six years old.

Q. How old was the one who died? A. About two months old.

Q. Who was the husband of Sallie Bradshaw? Ans. William Henry Brad-
shaw.

Q. Who are the children of your sister living with now? Ans. With
their father, near Myrtle in Nansemond County, Virginia.

Q. Tell me the names of your brothers and sisters, in full, if you
can, and who of them are married and who of them are single. Ans.

Carrie M. is the wife of E. L. Drewry, and lives in this County.

Lola L. is the wife of Joel Edwards and lives in this County.

James Robert, is married and resides in Petersburg.

Lois, married W. G. Saunders, and resides in Smithfield, of this
County.

Lola, married Joel Edwards, and they reside in this county.

Lelia M. (myself) who married John H. Turner, live in this County.

John F., a child by a former wife, who resides in Newport News.

Q. Did you mother live after the death of your father, and if so when did she die? Ans. Yes, she died April 4th. 1926.

Q. Did your father leave a will? A. No sir.

Q. Did your mother leave a will? A. No.

Q. Did your father, or mother leave any property? Ans. My father left a small farm near Isle of Wight County Courthouse, on the road leading from the Courthouse to Central Hill, of about seventy five acres, and adjoins the lands now of the estate of John J. Atkins, the estate of Wm. T. Murphy, the land of Elizabeth V. Nelms, and the Bank of Smithfield.

Q. Did he leave any other property? Ans. He left a little personal property, such as household and kitchen furniture, a couple of horses, some plows, and other farming implements.

Q. What property did your mother leave? Ans. She left some personal estate worth about thirteen hundred dollars.

Q. Have any of the children disposed of their interest in your father's real estate? Ans. Yes, about two years after my father's death, my half brother John F. bought the Jim Turner place, about four miles from the courthouse on the Windsor Road, and he wanted to get his interest out of his father's land to help pay for that. Mother sold a part of the timber on the land to L. J. Darden for two hundred dollars, and out of it she paid John one hundred and twenty five dollars for his share in the land which father left.

Q. Do you know who John made the deed to for his interest in your father's land? A. I have always thought, till recently, that his deed was made to my father's estate, but have lately found that it was made to Mama.

Q. Did you mother, in her life time, at any time, so far as you know, claim to have any other interest in the land that a dower interest? Ans. No. She did not. She did not, I am sure, know that she

was named in the deed from John. It was intended that his interest should come to and be the property of us all as was the rest.

Q. Have you any interest in the land now? Ans. No, I have conveyed my interest to my brother, H. M. Munford.

Q. Did you convey that interest before or after your mother's death? A. Before she died.

Q. Did any of the rest of you convey their interest at the same time? Ans. Yes, about the same time? Yes, all of them conveyed their interest to my brother H. M. at or about the same time that I conveyed mine.

Q. Did you or did you not, at the time you made that conveyance know that the deed from your half brother John was made, to your mother instead of to your father's estate? A. I did not.

Q. Did any of the other children know that it was so made? Ans. I do not think they did. If they did no one ever said anything about it in my presence nor have I ever heard of it. When I made a deed to my brother for my interest in the land I thought that I was giving him all the interest I had or would ever have in the land. I did not think that my mother had any other interest than a dower interest, and I knew that when she died there would be nothing left of that.

Q. Was there any discussion about the conveyances of the several interests to your brother, about the time they were made, in the family, and when your mother was present? Ans. Yes, there was a great deal of such talk.

Q. Did your mother take any definite position in the matter? Ans. Yes, she always contended that she wanted her dower cut off and assigned to her.

Q. Where did she live at that time? Ans. She lived on this little farm.

Q. Who lived with her? Ans. My brother, H. M. and his wife and family.

Q. How long had he lived there? Ans. All his life.

Q. Who worked the farm? Ans. My brother H. M. worked it.

Q. Have you ever, or has your mother, so far as you know, understood

that she took any interest in the place from your half brother John?

Ans. No.

Q. How old were you children at the time this interest of John was purchased, as you say, with the money received from the sale of the timber? Ans. There were only two of us who were twenty one years of age, J. B. and myself.

Q. Do you know what became of the money received for the sale of the timber and which was not paid to John? Ans. Yes, she paid John one hundred and twenty five dollars of it, and the balance ~~was used to~~ after deducting the costs of the deed, she divided by taking one third of it, and the rest she divided into seven parts and to J. B. and myself, who were twenty one years of age and not at home, she paid each a part, and the rest, so I have understood she kept.

Q. With whom were the other children living at that time? Ans. With her, upon the same farm, and all of the girls lived there till they were married, and Herbert lived with her till she died and lives there now.

Q. How much money did you and J. B. get from your mother out of the sale of the timber? Ans. six dollars and a quarter each, as my memory serves.

And further this deponent saith not.

Lelia M. Turner

John H. Turner being duly sworn, deposes and says:

Q. Please state your name. age, residence and occupation? Ans. My name is John H. Turner, I am forty seven years of age, reside in the County of Isle of Wight and am a farmer.

Q. Are you any relation to any party to this suit? Ans. I married Lelia M.

Q. When were you married? Ans. I was married on the 29th. of January, 1902.

Q. Do you recall anything about the sale of the timber on the land of Mrs. Turner's father to L. J. Darden, and if so state whether or

not you know anything about the disposal of the money paid therefor?

Ans. Yes sir, I know what went with it.

Q. Tell us what went with it? Ans. She paid John one hundred and twenty five dollars, for his interest in the land of Mr. M. T. Munford, and then she paid the expense of the deed, which I think was five dollars, and I reckon she then paid the recording fees, and then she took a third of it as her part, and she then paid the two children where was twenty one six dollars and a quarter a piece, and she kept the rest of it herself.

Q. How many of the children were twenty one years of age at that time, and who were they? Ans. Two, besides John, Bud (J.B.) and my wife.

Q. How often, after your marriage, did you see Mrs. Munford? Ans. We lived a little over a mile from her, and I suppose we averaged once a week to see her, or some of us, until she died.

Q. Did she talk any, in your presence, about the time that several of the children conveyed their interests to Doc (H.M.)? Ans. She spoke of the place often, and she insisted that her "thirds" be set off to her.

A. Did you ever hear a word from her indicating that she had, or thought she had, any other interest in the land than a dower interest? Ans. I never have in my life.

And further thid deponent saith not.

John H. Turner

H. M. Munford being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? Ans. My name is H. M. Munford, (they call me "Doc" for short), I am thirty eight years of age, and live in Isle of Wight County, near the Courthouse.

Q. Are you any relation to M. T. and Mary E. Munford? Ans. I am their child.

Q. Do you recall anything in connection with the sale of some timber from your father's land to L. J. Marden, or any one else, about the year 1902, or at any other time? Ans. Yes sir, I know that some timber

was cut about that time. I know that Mr. Darden gave me all the board ends I wanted to make Bee Gums.

Q. Do you know ~~what~~ became of the money paid for the timber? Ans. All I know is that I heard my mother state that she paid my brother John for his part of the place and gave the children their part of the rest.

Q. Has any one else, at any time, cut any timber from the place? Ans. No sir.

Q. Where do you reside now? Ans. I live upon this same land, been living there all my life.

Q. Where did your mother live prior to her death, all the time between the death of your father and the time she died? Ans. Upon the same place and in the same house that I lived with my family.

Q. Can you tell when your sister Carrie was married? Ans. I think about six years after my father's death.

Q. Where did she live from the time of your father's death until the time of her marriage? Ans. At home with my mother and myself.

Q. When was your sister Lola married? Ans. She has been married about sixteen or seventeen years.

Q. Where did she live between the time of your father's death and the time of her marriage? Ans. There with us, mother and myself.

Q. When was your sister Sallie married? Ans. some eighteen or twenty years ago. She also lived with my mother and myself till she was married.

Q. When did you learn of the fact that the conveyance of your brother John's interest in your father's land named your mother, Mary E. Munford, as the grantee. Some time after I purchased the interests of the other children and had the deed therefor, and after I had filed a suit for partition.

Q. What did you purchase from your brother and sisters? Ans. I purchased, or understood that I was purchasing, from them, each of them, a one seventh undivided interest in the land which my father left, subject to my mother's dower.

Q. Did you know, or ever hear, that your mother had any other than a dower interest in the land? Ans, No, I did not know, nor did I hear,

and I believe that if she had had any idea that she had any I would have heard of it. She never mentioned in my presence anything about any other interest in the land than her dower, and she mentioned it to me and talked with me of it, very often. When my brothers and sisters made their deeds to me she insisted that she have her dower cut off, and I tried to tell her there was no need for her to worry, that I bought it with the intention of taking care of her and us as long as she lived. She was old and weak and notional in her last days.

And further this deponent saith not.

Test. [Signature]

H. M^{rs} Mumford
mathe

Virginia: Circuit Court
of Isle of Wight County

H. M. Munford

v) Chancery. 464.

Carrie M. Drewry, et als.

Depositions of wit-
nesses.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

Commonwealth of Virginia,

To the Sheriff of ^{NANSEMOND CO.,}~~NEW WIGHT COUNTY~~ — Greeting:

WE COMMAND YOU, That you summon **William Bradshaw,**

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules
to be holden for the said Court on the Third Monday in July, 1927,
to answer ^{an amended} bill in chancery, exhibited against him and others.
in our said Court by **H. M. Munford,**

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 13th
day of July, 1927, and in the 152nd year of the
Commonwealth.

R. A. Edwards Clerk.

Service of within process is hereby accepted.

William Bradshaw,

by Geo. F. Whitley his attorney.

9
H. M. Mumford

vs. }

CHANCERY NO. 464

Carrie Drury et al.

ORIGINAL SUBPOENA

Virginia, Clerk's office of the Circuit
Court of the County of Isle of Wight.

....., 19.....

Returned, entered and filed.

Teste:

..... Clerk

To 2nd
3rd July Rules

1927

Johnson & Stephens p. q.

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—Greeting:

WE COMMAND YOU, That you summon **Carrie M. Drewry, E. L. Drewry,**
Lola L. Edwards, Joel Edwards, and William Bradshaw and George F.
Whitley, Guardian Ad Litem of Pearl Bradshaw, Hinton Bradshaw, Raby
Bradshaw, and Alton Bradshaw, the last named being infants under the
age of twenty one years ,

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules
to be holden for the said Court on the **Third** Monday in **July**, 192**7**,
to answer ^{*an amended*} ~~a~~ bill in chancery, exhibited against **them,**
in our said Court by **H. M. Munford,**

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this **13th**
day of **July**, 192**7**, and in the **152nd** year of the
Commonwealth.

R. A. Edwards Clerk.

Executed the within summons, in Isle of Wight County, as herein directed, this the 13th day of July, 1927, by serving a true copy of the same on Carrie M. Drewry, E. L. Drewry, Lola L. Edwards and Joel Edwards, each in person.

H. H. Chapman,
Sheriff.

H. M. Mumpford

vs.

CHANCERY NO. *464*

Carrie Drewry et al.

ORIGINAL SUBPOENA

Virginia, Clerk's office of the Circuit
Court of the County of Isle of Wight.

....., 19.....

Returned, entered and filed.

Teste:

..... Clerk

To *Third Monday* Rules

July.

1927

Johnson & Stephens p. q.

Subpoena for Chas. H. Johnson & Stephens

I hereby accept due, legal and sufficient service of this summons.

William Bradshaw,

By _____,
His attorney.

Commonwealth of Virginia,

To the Sheriff of ~~Isle of Wight County~~ ^{Nansemond} — Greeting:

WE COMMAND YOU, That you summon **William Bradshaw,**

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules
to be holden for the said Court on the **Fifth** Monday in **August**, 192**5**,
to answer a bill in chancery, exhibited against **him et als.**,
in our said Court by

H. M. Munford,

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this **20th**
day of **August**, 192**5**, and in the **150th** year of the
Commonwealth.

R. A. Edwards Clerk.

H. M. Mumford

vs.

CHANCERY NO. *464*

Mary E. Mumford et al.

ORIGINAL SUBPOENA

Virginia, Clerk's office of the Circuit
Court of the County of Isle of Wight.

3rd August Rules, 19*25*.
Returned, entered and filed.

Teste:

R. A. Edmund Clerk

To *Third Aug -* Rules

Johnson & Stephens 19*25* p. q.

Executed on the *21* day of
Aug. 19*25* within the county of
Gloucester, by delivering a
true copy of the within process,

in writing, to *William*

Bradshaw in person

E. B. Rawles
Sheriff of Gloucester County.

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—Greeting:

WE COMMAND YOU, That you summon Mary E. Munford, Lelia M. Turner,
Carrie M. Drewry, and Lola M. Edwards and Pearl Bradshaw, Hinton
Bradshaw, Raby Bradshaw, and Alton Bradshaw, the last four named being
infants under the age of fourteen years,

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules
to be holden for the said Court on the First Monday in August, 1925,
to answer a bill in chancery, exhibited against them
in our said Court by

H. M. Munford,

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 22nd
day of July, 1925, and in the 150th year of the
Commonwealth.

R. A. Edwards Clerk.

H. M. Mumford

vs.

CHANCERY NO. 464

Mary E. Mumford itals

ORIGINAL SUBPOENA

Virginia, Clerk's office of the Circuit
Court of the County of Isle of Wight.

18th August 1925, 1925.

Returned, entered and filed.

Teste:

R. G. Edwards Clerk

To 15th Aug. Rules

1925

p. q.

Executed the within summons this the 24th day of July 1925, within the
County of Isle Of Wight by serving upon/ Lelia M. Turner, Carrie M. Drewry,
and Lola M. Edwards a true copy of same in person at their residences.

W. H. Chapman, Sheriff.

By F. L. Culver D.S.

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

H. M. Munford,

v. Chancery. No. 464

Mary E. Munford, Lelia M. Turner,
Carrie M. Drewry, Lola L. Edwards, *William Bradshaw*
and, Pearl Bradshaw, Hinton Bradshaw,
Raby Bradshaw and Alton Bradshaw, the
latter four of whom are infants under
the age of twenty one years.

The answer of Pearl Bradshaw, Hinton Bradshaw,
Raby Bradshaw and Alton Bradshaw, infants under the age of four-
teen years, by George F. Whitley, a discreet and competent
attorney at law, practicing in the Circuit Court of the County
of Isle of Wight, State of Virginia, their guardian ad litem,
duly assigned by the said court, to defend them in this suit,
and the answer of the said George F. Whitley, guardian ad litem
to the said infant defendants, to a bill of complaint exhibited
against the said infants, and others, by H. M. Munford, in the
said Circuit Court of the County of Isle of Wight, State of Vir-
ginia.

For answer to the said bill of complaint the said
infant defendants, by their guardian ad litem, answer and say;
that being of tender years they know nothing of what their true
interests are in relation to the subject matter of the said bill,
nor do they know whether the statements contained therein are,
or are not, true. They confide the protection of their interests
to the care of the court.

And the said huardian ad litem of the said infant
defendants for answer to the said bill answers and says: that he
knows nothing as to the truth or falsity of the statements in the
bill contained. He prays full protection for the infant defend-
ants. And now having fully answered these defendants pray to be
hence dismissed, with their costs in this behalf expended etc.

Pearl Bradsahw,

Hinton Bradshaw,

Raby Bradshaw,

Alton Bradshaw,

By, Bert A. Whitley,
Their Guardian ad litem.

Bert A. Whitley,
Guardian ad litem.

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

H. M. Munford,

v). Chancery. No., 464

Mary E. Munford et als.

Answer of guardian ad litem.

JOHNSON AND STEPHENS
ATTORNEYS AT LAW
ISLE OF WIGHT, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

H. M. Munford

v) Chancery. 464.

AMENDED BILL.

Carrie M. Drewry and E. L. Drewry, her husband:
Lola L. Edwards and Joel Edwards, her husband:
William Bradshaw: Pearl Bradshaw: Hinton Bradshaw:
Raby Bradshaw: and Alton Bradshaw, the last four named being infants under the age of twenty one years.

TO HONORABLE BENJAMIN DEY WHITE, JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, VIRGINIA.

Your complainant, H. M. Munford, in this, his amended bill, represents to the Court the following case, and prays for such relief as may be appropriate and equitable:

That some prior to the year 1903, his father, M. T. Munford, departed this life, a resident of the County of Isle of Wight, State of Virginia, intestate, seized and possessed of a certain lot or parcel of land, near the Courthouse of the said County, adjoining the lands of M. T. or Elizabeth Helms, John J. Atkins and others, containing seventy five acres, more or less, which is all the land of which said M. T. Munford died seized and possessed.

That the said M. T. Munford left him surviving a widow, Mary E. Munford, and eight children, to-wit: John F. Munford, a son by a former marriage: Lelia, now the wife of John H. Turner: J.B. Munford, a single man, never having married: Carrie, now the wife of E. L. Drewry: Lois, now the wife of Saunders: Lola, now the wife of Joel Edwards: Sallie, who was, prior to her death, the wife of William Bradshaw:

That since the death of the said M. T. Munford, the said

Sallie Bradshaw has departed this life, intestate, leaving her surviving, her husband, William Bradshaw, and four children, Pearl, Hinton, Roby and Alton Bradshaw, all of whom are infants and unmarried.

That sometime about the latter part of the year 1902 or the early part of the year 1903, John E. Munford desired to dispose of his interest in the said tract of land, and being without funds with which to purchase the same, Mary E. Munford, the widow, sold to one L. J. Darden some timber from the said tract of land for the sum of two hundred dollars, or thereabouts, and out of the sum so received paid the said John E. Munford for his interest in the said tract of land and took a deed therefore, in which she was named as grantee, and from which, so far as the record shows, it appears that she became the purchaser of such interest and that she obtained a fee simple title thereto, which your complainant avers is not true, and that a trust resulted from this transaction, for the benefit of the heirs at law of the said M. T. Munford.

That the fact that the conveyance was made to the said Mary E. Munford, instead of to the estate of M. T. Munford, has recently been ascertained, in fact, since this suit was instituted, and upon a hearing before Commissioner R. A. Edwards, to whom was referred the papers in this cause for answering certain inquiries directed to be made.

That on the 2nd. day of July, 1925, J. B. Munford conveyed to your complainant, his interest in and to the said tract of land as will appear by his deed of that date, entered of record in the Clerk's Office of this Court in Deed Book 97, page 191:

That Lois E. Saunders and W. G. Saunders, her husband, by their deed bearing date the 21st. day of July, 1925, entered of record in the said Clerk's Office in Deed Book 97, page 211, conveyed the interest in and to said tract of land to your complainant, belonging to the said Lois E. Saunders:

That Lelia M. Turner and John H. Turner, her husband, by

by their deed bearing date August 11th. 1925, of record in the said Clerk's Office in Deed Book 97, page 224, conveyed their interest in said tract of land to the said H. M. Munford, your complainant:

That the said Mary C. Drewry, and E. L. Drewry, her husband: and the said Lola E. Edwards and J. D. Edwards, her husband, by their deed bearing date the 29th. day of August, 1925, of record in the said Clerk's Office in Deed Book 97, page 235, conveyed their interest in said tract of land to your complainant.

That at the time the several conveyances to your complainant, hereinabove referred to, were made, the grantors therein were under the impression, and believed, that they were conveying to your complainant a fee simple title to their several interests in said tract of land, and that they had no further or prospective interest therein, being completely ignorant of the conveyance from the said John F. Munford to the said Mary E. Munford, believing, and under the impression, all the time, that the interest of the said John F. Munford had been conveyed to their father's estate or to them.

That during the lifetime and widowhood of the said Mary E. Munford she believed that she was possessed only of a dower interest in said tract of land, and never, at any time, asserted any other or further right therein.

That some time after the institution of this suit, to-wit: on the 4th. of April, 1926, the said Mary E. Munford departed this life, intestate.

That after the death of the said Mary E. Munford, it being discovered that the deed from John F. Munford, referred to above, conveying his interest in said tract of land, named Mary E. Munford as grantee; and, from the record it then appearing that she was possessed, at the time of her death, of a fee simple interest in an undivided one eighth interest in said tract of land, the said J. B. Munford, Lelia M. Turner and Lois E. Saunders, and the husbands of the

said Lelia M. Turner and Lois E. Saunders, executed a quit claim deed to the said H. M. Munford, for any interest that they might appear, of record, to have, in said land, which deed is filed with this bill as "Exhibit A", and is prayed to be taken and read as a part of this bill, and in which they, when they made the conveyances first herein mentioned to the said H. M. Munford, believed that they were conveying to the said H. M. Munford an undivided one seventh interest in the whole of the said tract of land, since, as they believed, the interest of the said John F. Munford had been conveyed to them and the rest of the children of the said M. T. Munford.

That at the time of the death of the said M. T. Munford, all, or nearly all, of his said children were minors, and that he possessed little or no property outside of some household effects and the tract of land aforesaid, with the addition of some poultry and live stock about the place.

That your complainant has requested that the said Carrye M. Drewry and Lola E. Edwards, and their respective husbands, execute to him a quit claim deed for what may appear to be their interest in said tract of land coming from their mother, the said Mary E. Munford, which they have refused to do and still refuse to do.

That the said tract of land, as your complainant believes, either in its entirety, or some distinct or independent portion thereof, is susceptible of partition among those entitled to share therein; but should it not be so susceptible of partition, either in its entirety, or some distinct or independent portion thereof, conveniently and to advantage, that it should be sold and its proceeds be divided among the parties entitled to share therein, who he believes to be himself, and the husband and children of his deceased sister, that is to say, the husband and children of Sallie Bradshaw.

In tender consideration whereof, and forasmuch as your complainant is without remedy in the premises, save in a court of equity

where matters of this kind are along and properly cognizable, he prays that the said Carrie M. Drewry and E. L. Drewry, her husband, Lola E. Edwards and Joel D. Edwards, her husband, and the said William Bradshaw, husband of his deceased sister, Sallie Bradshaw, and Pearl Bradshaw, Hinton Bradshaw, Baby Bradshaw and Alton Bradshaw, all four infants, the children of his deceased sister, Sallie Bradshaw, be made parties defendant to this bill, and required to answer the same, though not under oath, answer under oath being hereby waived, the adult defendants in their own proper person, and the infants by their duly appointed guardian ad litem, who shall be appointed by this court to defend their interests herein; that this cause be remanded to rules for proper process to be issued thereupon, and for maturity; that the deed from John F. Munford to the said Mary E. Munford, aforesaid, be construed to be a trust conveyance, for the benefit of the estate of the said M. T. Munford; that if that be done that the said tract of land be partitioned among the parties entitled to share therein, according to their respective rights, or be sold and the proceeds of such sale be divided between and among the said parties in accordance with their several interests; that proper process issue; that all proper orders and decrees may be made and entered, inquiries directed; and that such other, further and general relief may be granted your complainant in the premises as the nature of the case may require, or to equity and good conscience may seem meet. And your complainant will ever pray, etc.

Notice is hereby given that the court will be requested to allow to Johnson and Stephens, the attorneys for your complainant, a reasonable fee for their services rendered and to be rendered touching the partition of the said tract of land, and that judgment will be asked against the defendants, Carrie M. Drewry and Lola E. Edwards for any costs that may be sustained by your complainant on account of the establishment of the trust herein declared to exist.

Witness
R. A. Edwards

H. M. Munford
int

State of Virginia,

County of Isle of Wight, to-wit:

I, R. G. Eamond, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, State of Virginia, do hereby certify that H. M. Munford, whose name is signed as complainant, to the foregoing bill, has personally appeared before me in my said County, and made oath that the statements therein contained, so far as is made from his own knowledge, are true, and so far as made from information obtained from others he believes to be true.

Given under my hand this 6 day of June, 1927.

R. G. Eamond

Commissioner in Chancery.

Virginia: In the Circuit Court
of Wight County.

E. W. Munford,

v). Chancery. No. 464

Carrie M. Drewry et als.

Amended Bill.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

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

H. M. Munford,

v). Chancery. No. 464

Mary E. Munford, Lelia M. Turner,
Carrie M. Drewry, Lola L. Edwards,
William Bradshaw, and Pearl Brad-
shaw, Hinton Bradshaw, Raby Brad-
shaw and Alton Bradshaw, the latter
four of whom are infants under the
age of fourteen years.

TO THE HONORABLE BENJAMIN DEY WHITE,

Judge of the Circuit Court of the County of Isle of Wight,
State of Virginia:

Your complainant, H. M. Munford, humbly complaining,
showeth unto the court the following cause, to-wit:

(1). That sometime during the year 19 ^{M. S.}, the exact
date of which your complainant does not recall, ~~H. M.~~ Munford,
father of your complainant, departed this life, intestate, leav-
ing him surviving, besides your complainant, the following heirs
at law, to-wit: John R. Munford, a son; Mary E. Munford, his
widow; ^{J. B. Munford, a son} Lelia M. Turner, who was Munford, a daughter; [^] Carrie M.
Drewry, who was Munford, a daughter; Lois E. Saunders, who was
Munford, a daughter; Lola L. Munford, now Edwards, a daughter;
and, Sallie Munford, who was Bradshaw, a daughter; all of whom
are adults over the age of twenty one years.

(2). That since the decease of the said ~~H. M.~~ Munford,
Sr., Sallie Munford, a daughter, who had married one William Brad-
shaw, has departed this life, intestate, leaving her surviving
the following heirs at law, to-wit: William Bradshaw, her husband;
and four children, namely, Pearl Bradshaw, Hinton Bradshaw, Raby
Bradshaw and Alton Bradshaw, all four of whom are infants under
the age of fourteen years.

(3). That at the time of the decease of the said ^{M. S.} ~~H. M.~~
Munford, Sr., he was seized and possess^d of a certain tract, piece
or parcel of land lying, being and situate in the County of Isle

of Wight, State of Virginia, containing seventy five (75) acres, more or less, and bounded by the lands of the estate of John J. Atkins, the lands of Clarence Edwards and Marian Hall, and the lands of the estate of William Murphy.

(4). That by their separate deeds bearing dates the 2nd., day of July, 1925, the 7th., day of July, 1925, and the 11th, day of August, 1925, respectively, and recorded in the Clerk's Office of the Circuit Court of the County of Isle of Wight, State of Virginia in Deed Book Number ninety seven, at page one hundred and ninety one, deed book number ninety seven, at page two hundred and eleven, and deed book number ninety seven, at page 224, respectively John B. Munford, an unmarried person, Lois Esther Saunders, who was Munford, and W. G. Saunders, her husband, and Lelia M. Turner, who was Munford, and J. H. Turner, her husband, respectively, conveyed to your complainant, the said H. M. Munford, all of their right, title and interest in and to that certain tract of real estate, described as aforesaid, of which their father, H. M. Munford, Sr., died seized and possessed of.

(5). Your complainant, believes, and so avers, that the said tract of land is susceptible of partition in kind among the parties entitled thereto, but should it not be susceptible of partition, conveniently, either in its entirety, or of any distinct or independent portion thereof, that a sale may be ordered of the entire tract, or of such distinct or independent portion as cannot be partitioned, and the proceeds arising from such sale be distributed among the parties entitled thereto, according to their respective rights.

IN TENDER CONSIDERATION WHEREOF, and forasmuch as your complainant is without remedy in the premises, save in a court of equity, where matters of this kind are alone and properly cognizable, he prays that the said Mary E. Munford, Carrie M. Drewry, Lola L. Edwards, William Bradshaw, Pearl Bradshaw, Hinton Bradshaw, Raby Bradshaw and Alton Bradshaw may be made parties defend-

ant to this bill and required to answer same, tho not under oath, answer under being hereby expressly waived; that a discreet and competent attorney at law, practicing in this court, be appointed guardian ad litem for the infant defendants Pearl Bradshaw, Hinton Bradshaw, Raby Bradshaw and Alton Bradshaw to represent them and protect their interests in this cause; that the said tract of land be partitioned among the parties entitled thereto, according to their respective rights; that proper process issue; that all proper orders and decrees may be made, and inquiries directed; and, that such other, further and general relief may be granted your complainant as the nature of his case may require and to equity shall seem meet.

And your complainant will ever pray, etc.

Notice is hereby given that the Court will be requested to allow reasonable attorneys fees to Johnson and Stephens, counsel for complainant, for thier services rendered, and to be rendered, in the conduct of this suit, out of any funds that may come under the control of the court.

H. M. Munford, complainant,

By counsel.

Johnson & Stephens. f.c.

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

H. M. Munford,

v). Chancery. No. 464

Mary E. Munford et als.

Bill of Complaint.

JOHNSON AND STEPHENS
ATTORNEYS AT LAW
ISLE OF WIGHT, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

First August Rules, 1925: Process returned, executed upon Mary E. Munford, Lelia Turner, Carrie M. Drewry and Lola Edwards. Decree nisi as to them. Continued as to William Bradshaw. George F. Whitely appointed as guardian ad litem for the infant defendants, Pearl Bradshaw, Hinton Bradshaw, Raby Bradshaw, and Alton Bradshaw. Continued as to William Bradshaw.

Second August Rules, 1925: Answer of guardian ad litem filed: Mary E. Munford, Lelia Turner, Carrie M. Drewry and Lola Edwards not appearing to plead, demur or answer, cause set down for hearing as to them. Continued as to William Bradshaw.

Third August Rules, 1925: Process returned executed upon William Bradshaw. Decree nisi as to him.

Second September Rules, 1925: William Bradshaw not appearing to plead, demur or answer, cause set down for hearing as to him.

(cause goes to Court Docket)

No.

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

principal ,

and H. M. Munford,

suret y ,

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of **three hundred 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 ,

and the said H. M. Munford. suret y ,

have hereunto set their hands and affixed their seals this, the **second** day of

January, A. D. 19 28.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound A. S. Johnson, who has been appointed special commissioner in the suit in chancery, pending in the Circuit Court of Isle of Wight County, Virginia, under the general style of H. M. Munford v. Carrie M. Drewry et als, docket number 464.

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

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

A. D. 19 .

Witness:

R. A. Edwards.

A. S. Johnson [SEAL]

H. M. ^{his} X Munford [SEAL]
mark

[SEAL]

_____, Witnesses.

[SEAL]

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 2nd

day of January, 19 28, this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

R. A. Edwards, Clerk.

H. M. Munford
vs. cy. 464

Carrie M. Drewry

No.

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

principal ,

and H. M. Munford,

surety ,

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

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

principal ,

and the said

surety ,

have hereunto set their hands and affixed their seals this, the

day of

A. D. 19 .

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound A. S. Johnson, who has been appointed special commissioner in the suit in chancery, pending in the Circuit Court of Isle of Wight County, Virginia, under the general style of H. M. Munford v. Carrie M. Drewry et als, docket number 464.

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

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

A. D. 19 .

.....

.....A. S. Johnson.....[SEAL]

.....

.....[SEAL]

.....

.....[SEAL]

....., Witnesses.

.....[SEAL]

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 2nd .

day of January 1928, this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

.....R. A. Edwards.....Clerk.

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H. M. Munford

v) Chancery # 464 Bond
Carrie M. Drewsey et al.

Guid:

R. A. Gambs. At.

Jan 2-1928.

THIS DEED, made this 9th. day of June, 1926, between J. B. Munford (single): Lelia M. Turner, who was Munford, and John H. Turner, her husband: Mary C. Drewry, who was Munford, and E. L. Drewry, her husband: Lois E. Saunders, who was Munford, and W. G. Saunders, her husband: and Lola L. Edwards, who was Munford,, and J. D. Edwards, her husband: parties of the first part, and H. M. Munford, of the County of Isle of Wight and State of Virginia, party of the second part:

WHEREAS, sometime prior to 1903, Matthew Munford, a resident of the County of Isle of Wight, State of Virginia, departed this life, intestate, seized and possessed of certain real and personal property, the real property being a tract, piece or parcel of land, situate, lying and being in the County of Isle of Wight, State of Virginia, containing seventy five acres, be the same more or less, adjoining the lands of John J. Atkins, Elizabeth V. Helms, and others, leaving him surviving a widow, Mary E. Munford, and the following named children: John F. Munford, J. B. Munford, Lelia M. Munford, now Turner, Mary C. Munford, now Drewry, Lois E. Munford, now Saunders, Lola L. Munford, now Edwards, Sallie Munford, lately Bradshaw, and H. M. Munford; and,

WHEREAS, the widow, Mary E. Munford, sold some timber from the said tract of land to one L. J. Darden, and out of the money derived from such sale paid to John F. Munford for his share in both the real and personal estate of the said Matthew Munford, and, in consequence thereof, the said John F. Munford and Sallie P. Munford, his wife, by their deed bearing date the 2nd. day of January, 1903, and which is entered of record in the Clerk's Office of the said County of Isle of Wight, in the State of Virginia, in Deed Book 68, at page 1, conveyed to the said Mary E. Munford, all of their right, title and interest in and to the estate of the said Matthew Munford, both real and personal; and,

WHEREAS, the said conveyance should have been made to the

heirs at law of the said Matthew Munford, herein mentioned, instead of to his widow, the said Mary E. Munford, inasmuch as the money paid for such interest was obtained from a sale of property belonging to said heirs at law; and,

WHEREAS, the said J. B. Munford, by his deed bearing date the 2nd. day of July, 1925, of record in the said Clerk's Office in Deed Book 97, page 191, did grant and convey to the said H. M. Munford all of his right, title and interest in and to the said tract of land; and,

WHEREAS, the said Lois E. Saunders and W. G. Saunders, her husband, by their deed bearing date the 21st. day of July, 1925, of record in the said Clerk's Office in Deed Book 97, page 211, did grant and convey to said H. M. Munford, all of their right, title and interest in and to the said tract of land; and,

WHEREAS, the said Lelia M. Turner and John H. Turner, her husband, by their deed bearing date August 11th. 1925, of record in the said Clerk's Office in Deed Book 97, page 224, did grant and convey to said H. M. Munford, all of their right, title and interest in said tract of land; and,

WHEREAS, the said Mary C. Drewry and E. L. Drewry, her husband, and the said Lola E. Edwards and J. D. Edwards, her husband, by their deed bearing date the 29th. day of August, 1925, of record in the said Clerk's Office in Deed Book 97, page 235, did grant and convey to the said H. M. Munford all of their right, title and interest in and to the said tract of land; and,

WHEREAS, the said parties making the conveyances, as aforesaid, were under the impression that the conveyance of the said John F. Munford and wife, aforesaid, which was made to the said Mary E. Munford, had been made to the heirs at law of the said Matthew Munford, and not to his widow, the said Mary E. Munford, who was the mother of all of the children of the said Matthew Munford herein named save and except the said John F.

munford, who made this conveyance, the said John F. Munford being a child of the said Matthew Munford by a former wife, then deceased; and that they were conveying to the said H. M. Munford, from each of said heirs at law, an undivided one seventh in the whole of said tract of land, subject to the dower right therein of the said Mary E. Munford, and that the said Mary E. Munford had only a dower right therein; and,

WHEREAS, since the conveyances to the said H. M. Munford, as aforesaid, the said Mary E. Munford has departed this life, intestate, leaving her surviving the children of the said Matthew Munford, aforesaid, save and except the said John F. Munford, and none other; and,

WHEREAS, in order to save the expense of litigation to determine the rights of the several parties, the heirs at law of the said Mary E. Munford, in and to said tract of land, or to the interest therein, conveyed to her by the said John F. Munford, as aforesaid, which they construe as a trust, and as belonging to the heirs of the said Matthew Munford, all of their right, title and interest therein having been conveyed to the said H. M. Munford, in their conveyances aforesaid; the said parties of the first part, herein, have agreed to convey to the said H. M. Munford any right, title or interest in the said tract of land which they might, possibly, have as heirs at law of the said Mary E. Munford, derived by reason of the conveyance of the said John F. Munford and wife to her as aforesaid:

NOW, THEREFORE, THIS DEED WITNESSETH: That for and in consideration of the premises, and to the end that the said H. M. Munford may have and enjoy, absolutely and in fee simple, all of the right, title and interests of the said parties of the first part herein, in and to the tract of land herein mentioned, however derived, whether as heirs at law of the said Matthew Munford or the said Mary E. Munford, the said parties of the first part do, hereby, grant, bargain, sell and convey to the said

H. M. Munford, all of their right, title and interest in and to the tract of land herein before mentioned, of which said Matthew Munford died siezed and possessed, adjoining the lands of John J; Atkins, Elizabeth V. Nelms and others, and do, hereby, forever quit claim to any interest therein in favor of the said H. M. Munford.

Witness the following signatures and seals:

_____(SEAL)
Lelia M. Turner (SEAL)
John H. Turner (SEAL)
Lois E. Saunders (SEAL)
W. G. Saunders (SEAL)
H. M. Munford (SEAL)
_____(SEAL)
_____(SEAL)
_____(SEAL)

State of Virginia,

County of Isle of Wight, to-wit:

I, A. S. Johnson, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, State of Virginia, do hereby certify that Lelia M. Turner, John H. Turner, Lois E. Saunders and W. G. Saunders, whose names are signed to the writing hereto annexed, bearing date the 9th. day of June, 1926, have acknowledged the same before me in my said County.

Given under my hand this 10th. day of June, 1926.

A. S. Johnson
Commissioner in Chancery.

State of Virginia,

City of Petersburg, to-wit:

I, B. T. Ritchie, ^{Justice of the Peace} ~~a Notary Public~~ for the
~~County~~ ^{Dinwiddie} ~~City~~ of Petersburg, in the State of Virginia, do hereby certify
that J. B. Munford, whose name is signed to the writing hereto
annexed, bearing date the 9th. day of June, 1926, has acknowledg-
ed the same before me in my said ^{County} ~~City~~.

Given under my hand this 28 day of June, 1926.

B. T. Ritchie ^{J. P.} ~~Notary Public~~.

My commission expires

8-"a"

Quit claim deed.

Lelia M. Turner et als.

to)

H. M. Munford.

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.

H. M. Munford,

v). Chancery. No. 464

Mary E. Munford, Lelia M. Turner,
Carrie M. Drewry, Lola L. Edwards, *William Bradshaw*
and Pearl Bradshaw, Hinton Bradshaw,
Raby Bradshaw and Alton Bradshaw, the
latter four of whom are infants under
the age of fourteen years.

Upon motion of the complainant, by counsel,
George F. Whitley, a discreet and competent attorney at law,
practicing in this court, is hereby assigned as guardian ad litem
for the infant defendants, Pearl Bradshaw, Hinton Bradshaw, Raby
Bradshaw and Alton Bradshaw, to defend their interests herein.

Teste, R. A. Eams, Clerk.

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

H. M. Munford,

v). Chancery. No. 464

Mary E. Munford et als.

Order appointing guardian
ad litem.

JOHNSON AND STEPHENS
ATTORNEYS AT LAW
ISLE OF WIGHT, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

H. M. Munford,

v). Chancery. No. 464

Mary E. Munford,,Lelia M. Turner,
Carrie M. Drewry, Lola L. Edwards, *William Bradshaw*,
and Pearl Bradshaw, Hinton Bradshaw,
Raby Bradshaw and Alton Bradshaw, the
latter four of whom are infants under
the age of fourteen years.

TO THE CLERK OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF
WIGHT, STATE OF VIRGINIA.

Issue process for the above named defendants
to appear at the rules to be holden on the ~~third~~ *First* Monday in
August ~~July~~, 1925, to answer H. M. Munford, a bill in Chancery to be
filed by him against them.

Johnson & Stephens P.Q.

\$7.50, deposit made by the plaintiff to the Clerk in person.

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

H. M. Munford,

v). Chancery. No. 464

Mary E. Munford, et als.

Memorandum.

Filed 7/22/25.

Sup. by PTH 750

JOHNSON AND STEPHENS
ATTORNEYS AT LAW
ISLE OF WIGHT, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

H. M. Munford

v) Chancery. 464.

Carrie M. Drewry et als.

This day came this cause to be again 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 the said special commissioner, appointed by decree entered herein on the 20th. day of December, 1928, has executed the bond required of him by said decree, has collected from H. M. Munford three hundred dollars, and has paid the same to William Bradshaw, for his share and that of his infant children, receipt for which was taken therefor and which is filed with the report of the said special commissioner: On consideration whereof, it is adjudged, ordered and decreed that the said report be, and is, hereby, confirmed.

Nothing further appearing to be done in this cause it is ordered that it be stricken from the docket.

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

H. M. Munford

v) Chancery. 464.

Carrie M. Drewry, et als.

Special commissioner's report.

1933
up to
J.D.W.
Filed
Euler

C.V.B. #9

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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
MARCH 6th 1933.

Munford et als

vs: # 464

Munford et als

It appearing that by the decree entered herein on
the 20th day of December, 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, 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.

Munford et al.
vs # 464
Munford et al.

Book ?

Page 77.

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

H. M. Munford

v) Chancery. 464.

Carrie M. Drewry, et als.

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 5th. day of December, 1927, and to which there is no exception, and was argued by counsel: And it appearing from said report that H. T. Munford died, intestate, possessed of a tract of land, in Isle of Wight County, in the State of Virginia, near the courthouse of the said county, containing seventy five acres, more or less, adjoining the lands of the estate of John J. Atkins, deceased, the Bank of Smithfield, Elizabeth V. Nelms and others; that the annual value thereof is one hundred and twenty five dollars; that the fee simple value thereof is from two thousand dollars to twenty one hundred dollars; that H. M. Munford, the complainant in this suit, is the owner of an undivided six sevenths interest therein, and Pearl Bradshaw, Hinton Bradshaw, Raby Bradshaw and Alton Bradshaw, infant defendants to this cause, are the owners of an undivided one seventh interest therein, subject to the curtesy right of William Bradshaw, their father, therein, which is the right to the use of one third of such interest for life; that the said real estate cannot be conveniently and advantageously divided among the parties entitled to share therein; that the complainant, H. M. Munford has offered three hundred dollars for the one seventh interest owned by the said infant defendants, and further offers to pay the cost of this proceeding; that said offer is fair and that it will be to the interest of the infant defendants to accept the said offer; that there are no liens of record against the said property, for delinquent taxes, or otherwise, or against the interest of any party entitled to share therein; that the said

H. M. Munford, the complainant, and the infant defendants, Pearl Bradshaw, Hinton Bradshaw, Raby Bradshaw and Alton Bradshaw, and the said William Bradshaw, the defendants, are the proper parties to this suit, Carrie M. Drewry, E. D. Drewry, Lola Edwards and Joel Edwards, defendants named in the amended bill, having been eliminated from any interest in the subject matter by the decree entered herein on the 1st. day of October, 1927; that the proper parties to this suit are properly before the court: On consideration whereof, it is adjudged, ordered and decreed that that said report be, and is, hereby, confirmed: And it is further ordered, adjudged, and decreed that A. B. Johnson, who is, hereby, appointed a commissioner for that purpose, do, upon receipt of three hundred dollars from said H. M. Munford, convey to him, the said H. M. Munford, the one seventh undivided interest in the tract of land in the bill and proceedings of this suit mentioned, and hereinbefore described, the conveyance to contain covenant of special warranty. Out of the money paid to the said special commissioner, as herein provided, he shall pay to William Bradshaw for his curtesy right in said land. And it appearing to the Court that all of said infant children are living with their father, the said William Bradshaw, and are of tender years, it is further adjudged, ordered and decreed that the said special commissioner shall pay to the said William Bradshaw the shares of said infant children, to be used by him for their proper maintenance and support. Before the said special commissioner shall do any act hereunder he shall execute a bond, before the clerk of this court, in the penalty of three hundred dollars, payable and conditioned as the law provides in such cases, with surety deemed sufficient by the said Clerk. And the said Commissioner shall make report to the court of his doings hereunder.

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Virginia: Circuit Court of
Isle of Wight County.

H. W. Lunford

v) Chancery.

Carrie M. Drewry

Not for record
Chancery Order B. 8
Page 424

1927
Dec. 20
*Entered for
Record*

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.

H. M. Munford

v) Chancery. 464.

Carrie M. Drewry, et als.

This cause came on this day to be again heard upon the papers formerly read, and upon the depositions of witnesses, taken in the presence of counsel for the complainant and the defendants, and the guardian ad litem for the infant defendants, reduced to writing and filed herein, on the 30th. day of August, 1927; and it appearing from the testimony aforesaid, that M. T. Munford died a resident of the County of Isle of Wight, State of Virginia, seized and possessed of the tract of land in the Bill, the Amended Bill, and proceedings of this suit, mentioned and described, as a tract of seventy five acres, more or less, adjoining the lands of M. T. or Elizabeth Nelms, John J. Atkins and others, lying in said County of Isle of Wight; that he left him surviving a widow, Mary E. Munford, and eight children, to-wit: John F. Munford, a son by a former marriage, Melia, now the wife of John H. Turner; J. B. Munford, Carrie, now the wife of E. L. Drewry; Lois, now the wife of W. G. Saunders; Lola, now the wife of Joel Edwards; Sallie, who was, prior to her death, the wife of William Bradshaw: and H. M. Munford, the complainant, in this suit: that since the death of the said M. T. Munford the said Sallie Bradshaw has departed this life, leaving her surviving four children, to-wit: Pearl Bradshaw, Hinton Bradshaw, Raby Bradshaw, and Alton Bradshaw, all of whom are infants, and a husband, William Bradshaw: that Mary E. Munford, the widow of the said M. T. Munford has, also, departed this life: that some time, to-wit: about two years after the death of the said M. T. Munford, to-wit: about the year 1902, the said Mary E. Munford sold some timber from the said tract of land of which M. T. Munford died

seized and possessed, aforesaid, to one L. J. Darden, who paid two hundred dollars therefor, one hundred and twenty five dollars of which was used to pay off the said John F. Munford for his interest in the said tract of land; that the deed for the interest of the said John F. Munford made Mary E. Munford the grantee therein, probably through ignorance or inadvertence; that the said Mary E. Munford took no further right in the said tract of land than that already held by her, to-wit: a dower interest, because the money paid to the said John F. Munford, for his interest, was from the sale of timber cut from said land: upon consideration whereof, it is adjudged, ordered and decreed that the conveyance from the said John F. Munford to the said Mary E. Munford, for his interest in said land, conferred upon said Mary E. Munford no further right, title and interest in said tract of land than that already held by her, a trust resulting from the transaction between her and the said L. J. Darden in connection with the sale and conveyance of said ^{timber} ~~land~~ for the benefit of the estate of said M. T. Munford:

And it is further adjudged, ordered and decreed that so much of this decree as preceeds this clause, be recorded by the Clerk of this court, in the current deed book of conveyances, in his office, and that reference be made on the page of the book where the same is entered of record to the deed book and page where the deed from the said John F. Munford to the said Mary E. Munford, as aforesaid, is entered of record, and that a notation be made upon the margin of the book where the deed from the said John F. Munford to the said Mary E. Munford is recorded, to the deed book and page where this decree is entered as is herein directed:

And it is also adjudged, ordered and decreed that this cause be referred to one of the commissioners of this court, who shall inquire into and make report to the court as to the following:

Of what land M. T. Munford died seized and possessed, within the jurisdiction of this court, together with the annual and fee simple values thereof:

Who are the parties entitled to share in the said land; their respective interests, how acquired, and their names, ages and residence.

Whether the said real estate, or any distinct or independent part thereof, can be conveniently and to advantage, divided among the parties entitled to the same, or if it cannot be so divided, either in its entirety or any distinct or independent part thereof, whether the interests of the parties will be promoted by a sale of the whole subject matter and a division of the proceeds of the sale among them according to their respective interests.

Whether there are any liens for delinquent taxes, or otherwise, against the said real estate, or against the interest of any party therein.

Who are the proper parties to this suit, and if they are before the Court.

Any matter specially stated, deemed pertinent by the commissioner, or which may be required to be ascertained by any party in interest, and reported to the Court.

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

And this cause is continued.

VIRGINIA: Clerks office of the Circuit Court of the County of
Bedford Wight Oct 1, 1927 at 11 O'clock A.M.
^{deed}
this deed was received and with the certificate annexed, admitted
to record..

Teste R. A. Eames Clerk.

Virginia: Circuit Court
of Isle of Wight County

H. M. Munford

v) Chancery. 464.

Carrie M. Drewry, et als.

Note for decree.

To be entered _____

We have seen this decree.

Johnson & Stephens
Counsel for complainant.

Geo. F. Whitley
Guardian ad litem and coun-
sel for adult defendants.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

Chancery Order No. 8 Page 404

The Linden Printing Company, Hartford, Connecticut

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

H. M. Munford

v) Chancery. 464.

Carrie M. Drewry and E. L. Drewry, her husband:
Lola L. Edwards and Joel Edwards, her husband:
William Bradshaw, Pearl Bradshaw, Hinton Bradshaw, Ruby Bradshaw and Alton Bradshaw, the last four named being infants under the age of twenty one years.

This cause came on this day to be again heard upon the papers formerly read, and upon the amended bill of H. M. Munford, the complainant, this day presented to the Court, and was argued by counsel: On consideration whereof, the said complainant, upon his motion, is allowed to file the said amended bill, and it is, accordingly, adjudged, ordered and decreed that it be filed: And it is further ordered and decreed that the Clerk of this Court issue process against the said Carrie M. Drewry, E. L. Drewry, Lola L. Edwards, Joel Edwards, William Bradshaw, returnable to the Rules to be held on the third Monday in July, 1927, and that George F. Whitley, a discreet and competent attorney at law, practicing in this court be, and is, hereby, assigned as guardian ad litem for the infant defendants, Pearl Bradshaw, Hinton Bradshaw, Ruby Bradshaw and Alton Bradshaw., to defend their interests herein, and who shall answer the said bill of complaint.

And this cause is continued.

Virginia: Circuit Court
Isle of Wight County.

H. M. Munford,

v). Chancery. No. 464

Carrie Drewry et als.

Note for decree.

Chancery Order Book No 8
Page 393.

Enter this :

1927.
July 6th., 1927.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

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

H. M. Munford

v) Chancery. 464.

Mary E. Munford, Lelia M. Turner, Carrie M. Drewry, Lola L. Edwards, and William Bradshaw, adults; and Pearl Bradshaw, Hinton Bradshaw, Raby Bradshaw and Alton Bradshaw, infants, under the age of twenty one years, and George F. Whitley, their guardian ad litem.

This cause, in which H. M. Munford is the complainant, and Mary E. Munford, Lelia M. Turner, Carrie M. Drewry, Lola L. Edwards and William Bradshaw are adult defendants; and Pearl Bradshaw, Hinton Bradshaw, Raby Bradshaw and Alton Bradshaw are infant defendants, under the age of twenty one years, came on this day to be heard upon the bill of complaint, the said adult defendants having been duly served with process as provided for residents of the State of Virginia, who have failed to appear to plead, demur or answer, the said bill of complaint being taken for confessed as to them; and upon the answer of the infant defendants, by George F. Whitley, appointed as guardian ad litem for the said infant defendants by the Clerk of this court, and who is a discreet and competent attorney at law practicing in this court, and upon general replication to said answer, and was argued by counsel: On consideration whereof, the Court doth adjudge, order and decree that this cause be referred to one of the commissioners in chancery of this court, who shall inquire into, and report to court:

1. Of what real estate the said H. M. Munford, Lelia M. Turner, Carrie M. Drewry, Lola L. Edwards, William Bradshaw, Pearl Bradshaw, Hinton Bradshaw, Raby Bradshaw and Alton Bradshaw are jointly seized and possessed, how they derive their titles thereto, what is their respective interest therein, the annual and fee simple values

thereof, and where situate.

2. What liens, if any, of record, against the same, with their priorities and dignities.

3. Whether or not the real estate to which they may be entitled, jointly, can be partitioned, conveniently, among them; and if not whether any distinct or independent part thereof can be conveniently partitioned among them; or if it would be to the interests of the said parties to sell the entire subject and make distribution of the proceeds of such sale according to the respective rights of those entitled to the same. *and whatever all necessary parties are properly before the Court.*

Any matter deemed pertinent to the commissioner, or which may be required by any party in interest to be inquired into shall also be inquired into.

And the said commissioner shall reduce any evidence taken by him, to writing, and return the same with his report upon the inquiries heretofore directed to be made and reported.

And this cause is continued.

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Virginia: Circuit Court
of Isle of Wight County.

H. M. Munford

v) Chancery. 464.

Mary E. Munford et als.

Note for decree.

Enter this Oct. 1st. 1925.

*Book 8
page 293*

JOHNSON AND STEPHENS
ATTORNEYS AT LAW
ISLE OF WIGHT, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

H. M. Munford

v) Chancery. 464.

Carrie M. Drewry, et als.

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

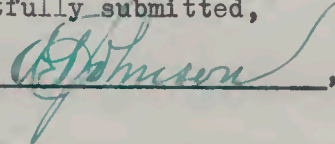
The undersigned, special commissioner, appointed by decree entered herein on the 20th. day of December, 1927, respectfully reports to the court that, after executing the bond required of him by said decree, he collected from H. M. Munford the sum of three hundred dollars, and has paid the same over to William Bradshaw, to cover his courtesy right in the land in the bill and proceedings of this suit mentioned, and the rights of his infant children, as follows:

William Bradshaw,	\$ 69.30
Pearl Bradshaw,	57.67
Hinton Bradshaw,	57.67
Raby Bradshaw,	57.68
Alton Bradshaw,	57.68 \$ 300.00

and has taken his receipt therefor, which is attached to and made a part of this report.

There being nothing further to be done in this cause it can now be dismissed.

Respectfully submitted,

, Special commissioner.

Received of A. S. Johnson, Special Commissioner in the suit of H. M. Munford v. Carrie M. Drewry, et als. pending in the Circuit Court of the County of Isle of Wight, State of Virginia, the following sums, directed to be paid by him to me, for my curtesy right in the subject matter of said suit, and for the infant defendants, therein, being my children, to be applied by me for their maintenance and support, to-wit:

William Bradshaw, curtesy right,	\$ 69.30
Pearl Bradshaw,	57.67
Hinton Bradshaw,	57.67
Raby Bradshaw,	57.68
Alton Bradshaw,	<u>57.68</u>
	\$ 300.00

Wm H. Bradshaw
Wm H. Bradshaw

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Virginia: Circuit Court of Isle
of Wight County.

H. M. Munford

v(Chancery. 464.

Carrie M. Drewry et als.

Refd.

~~Note for decree.~~

~~Enter this~~

*1492
Apr 76
Filed B. H.*

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut