

1933-046 Chancery Causes, Andrew Cofes vs Mary Lee Stott, by vc
Dale of Wight County Petition of Andrew Cofes

347

other SURNAMES: Thomas, Booth,
Hill, Vellines, [Greenville Timber
Company], [Lumberland Lumber Company],
Williams, Munford

No.

Know all Men by These Presents: That we J. Walter Stott

principal

and

A. B. Stott

surety

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of One Thousand Dollars to the payment whereof well and truly to be made we bind ourselves and each of us, our and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

And as to this bond we hereby severally waive the benefit of our Homestead Exemption, and also any right, claim or privilege to discharge any liability arising hereunder to the said Commonwealth, or by virtue of the said office or trust for which this bond is given, with coupons detached from the bonds of this State.

IN TESTIMONY WHEREOF, the said J. Walter Stott

principal

and the said A. B. Stott

surety

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

10th

day of

March

A. D. 19 21.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound J. Walter Stott who was appointed as a Special Commissioner by the Judge of the Circuit Court of the County of Isle of Wight by a decree entered on November 3rd. 1920 in the Chancery cause styled as Andrew Cofer Vs Mary Lee Stott, No. 347.

shall faithfully discharge the duties of his office or trust as such Special Commissioner, then the above obligation to be void, or else to remain in full force and virtue.

A. D. 19

.....

.....J. Walter Stott.....[SEAL]

.....

.....A. B. Stott.....[SEAL]

.....

.....[SEAL]

.....Witnesses

.....[SEAL]

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 10th day of March 1921, this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

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

A Copy.

Teste,
Clerk.

Cofer.

Vs. Chancery No. 347.

Stett.

A Copy Of Bond.

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT SEPTEMBER 30TH. 1920.

Andrew Cofer

vs) Chancery. No. 347.

Mary Lee Stott.

The bond required by George F. Whitley, as Special
Commissioner, by decree entered in the above entitled suit,
has been duly executed.

Teste, *Edmondson* Clerk.

7
Copy
of Cy. No 347
Stoll

Copy of Certificate
of Clerk as to execution
of the Court Bond

No.

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

principal ,

and J. Walter Stott,

surety ,

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of one thousand dollars to the payment whereof well and truly to be made we bind ourselves and each of us, our and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

And as to this bond we hereby severally waive the benefit of our Homestead Exemption, and also any right, claim or privilege to discharge any liability arising hereunder to the said Commonwealth, or by virtue of the said office or trust for which this bond is given, with coupons detached from the bonds of this State.

IN TESTIMONY WHEREOF, the said George F. Whitley,

principal ,

and the said J. Walter Stott,

surety ,

have hereunto set their hands and affixed their seals this, the 30th.

day of

September,

A. D. 19 20.,

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound George F. Whitley, who is appointed special commissioner in the suit of Andrew Cofer vs. Mary Lee Stott, docket No. 347, pending in the Circuit Court of the County of Isle of Wight, by decree entered therein on the 7th. day of September, 1920,

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

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

A. D. 19 .

George F. Whitley, [SEAL]

J. Walter Stott, [SEAL]

[SEAL]

_____ Witnesses

[SEAL]

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 30th.

day of September, 1920, this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

Teste, Johnson Clerk.

A copy. Test, Johnson, Clerk

Copied
x of Cy 347
Shall

Copy of Spe Coners
Bond

Filed 9/30/1970

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

Cofey
vs: #347
Stott

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

Cofer
is } # 347
Stott
March TERM 1933. Filed
CLK

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

Cofer

vs: ff 347

Stott

It appearing that by the decree entered herein on
the 30th day of March, 1921 that Geo. F.
Whitley & J.W. Stott, 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 Geo. F.
Whitley, J. W. Stott, 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.

Cofev

347

stelt

C. O. B H 9

p. 72.

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

Andrew Cofer

Complainant

v.

Mary Lee Stott

Defendant

:-----:-----:-----:-----:-----:-----:

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

And it appearing from said report, together with the receipt returned therewith that J. Walter Stott has qualified as Special Commissioner in this cause, and has executed the bond required by the decree entered in this cause on the 3rd day of November, 1920, and that the said George F. Whitley has paid to the said J. Walter Stott, Special Commissioner, the sum of \$862.75, on consideration whereof the Court doth confirm the said report.

And this cause is continued.

Andrew Coper
V2 1347 Inchaney
Mary Lee Stott.

Deere,

1921
Mar. 30.
Enter this.
B.D.W.

Chan. Order Book
8, Page 5-8'

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

ANDREW COFER

COMPLAINANT

VS)

IN CHANCERY #347

MARY LEE STOTT

DEFENDANT

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

And it appearing from the said report that the said Special Commissioner has executed a good and sufficient deed, with SPECIAL WARRANTY, conveying the property in the bill and proceedings mentioned to Andrew Cofer; that the said Special Commissioner has collected from Andrew Cofer the sum of \$875.00, the same being one-fourth of the purchase price for the said property, and being the pro-rata share of the said Mary Lee Stott; that the said Andrew Cofer has paid three-fourths of the cost of this suit, the total of said cost being \$49.00; that the said deed has been delivered to the said Andrew Cofer; that the said Special Commissioner has paid the sum of \$12.25, one-fourth of the said court cost out of the said share of the said Mary Lee Stott; that there is now in the hands of the said Special Commissioner the sum of \$862.75, and that the said Special Commissioner has tendered his resignation as such Special Commissioner, suggesting the appointment of J. Walter Stott, the father of the said Mary Lee Stott, as Special Commissioner in his stead, on consideration whereof the court doth confirm the said report and doth adjudge, order and decree that the resignation of the said George F. Whitley as Special Commissioner

in this suit be and the same is hereby accepted, and that J. Walter Stott be and he is hereby appointed as Special Commissioner in this suit. The Court doth further adjudge, order and decree that the said George F. Whitley pay to the said J. Walter Stott, Special Commissioner, the said sum of \$862.75, but the said amount

before the Clerk of this Court, with security to be approved by said Clerk
not to be paid to the said Special Commissioner until he shall have entered into a bond, payable and conditioned as directed by law in the penalty of \$1000.00,

~~approved by the Clerk of this Court.~~

And the said Special Commissioner is directed to report to Court all of his transactions hereunder.

And this cause is continued.

ANDREW COFER

V3) IN CHANCERY #347

MARY LEE STOTT

DECREE

1920
Nov 3,
Extra Dec.
B. Dec.

C. D. B. Page 24

GEORGE F. WHITLEY

ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

ANDREW COFER

COMPLAINANT

VS)

IN CHANCERY #247

MARY LEE STOTT

DEFENDANT

This cause came on this day to be again heard on the papers formerly read and on the report of A. S. Johnson, Commissioner in Chancery, filed on the 9th day of August, 1920, and on the petition of Andrew Cofer, this day be leave of Court filed, to which report and petition there are no exceptions, and was argued by Counsel.

And it appearing from said report that Andrew Cofer, complainant in this suit, is the owner of a three-fourths ($\frac{3}{4}$) interest and Mary Lee Stott, the defendant, is the owner of a one-fourth ($\frac{1}{4}$) interest in the land in the bill mentioned and described as follows: adjoining the lands of Henry Hall, Peter C. Wrenn, L. L. Vellines, B. P. Chapman and Andrew Cofer, containing 227 acres, more or less; that the said land can not be conveniently partitioned between the parties entitled thereto; that it will be to the interest of the parties in interest for the entire property to be sold and the proceeds derived therefrom to be divided; that it will not be to the interest of the parties to allot a part of the land and sell the residue; that Andrew Cofer, the complainant, will take the entire property and pay the other party such sum of money as her interest may entitle her to; that the annual value of the real estate in the bill and proceedings mentioned is \$40.00 or \$50.00; that the fee-simple value is \$3000.00; that the age of the infant defendant, Mary Lee Stott, is eighteen (18) years; that all the proper and necessary parties to this suit are properly before the Court,

and that there is a deed of trust on the interest of the said Andrew Cofer in the said property in the sum of \$14, 125.00, wherein E. H. Williams is trustee and J. Walter Stott the beneficiary, *and which said deed of trust includes other real estate not mentioned herein* ~~which deed of trust is~~ dated on July 10th, 1920, on consideration whereof the Court doth confirm the said report. And it further ^aappearing to the Court from the said petition of the said Andrew Cofer that the said Andrew Cofer will take the entire property and pay therefor the sum of \$3500.00; that the said Andrew Cofer prays that his interest in the proceeds be accepted as a cash payment on the said purchase price, the Court doth accept the said offer of the said Andrew Cofer and doth adjudge, order and decree that George F. Whitley be, and he is hereby appointed Special Commissioner, for the purpose, to execute a good and sufficient deed, with SPECIAL WARRANTY, conveying the property in the bill and proceedings mentioned to the said Andrew Cofer and to deliver the said deed to the said Andrew Cofer upon the payment by the said Andrew Cofer to the said Special Commissioner three-fourths of the cost of this suit and the amount due Mary Lee Stott for her one-fourth interest in said land.

And the said Special Commissioner is directed to pay out of the proceeds received from said Andrew Cofer the cost of this suit.

The said Special Commissioner shall do no act under this decree until he shall have entered into a bond payable and conditioned as directed by law, in penalty of \$1000⁰⁰ approved by the Clerk of this Court.

And the said Special Commissioner is directed to report to Court his transactions hereunder.

And this cause is continued.

ANDREW COFER

VS) IN CHANCERY

MARY LEE STOTT

DECREE

1970
Sept. 7.
enter this.
B.W.

copy page 15

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

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

ANDREW COFER

PLAINTIFF

VS

IN DEBILITY

MARY LEE STOTT, a infant under the age of
twenty one years

DEFENDANT

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

This day came the complainant, Andrew Cofer, and by leave of Court filed his bill of complaint against Mary Lee Stott, an infant defendant under the age of twenty one years; and upon motion of the complainant, the Court doth appoint E. H. Williams, a discreet and competent attorney, at law, practicing in this Court, guardian ad litem for the infant defendant, Mary Lee Stott, to defend her interest therein; and, on motion of the said guardian ad litem, leave is given him to file his own answer, and the answer of the infant defendant to the said bill of complaint, which is accordingly filed, to which said answers the said complainant replied generally; and, on motion of said complainant this case is placed upon the docket. Whereupon, this cause came on to be heard upon the bill of complaint, and upon the answers of the guardian ad litem and the infant defendant by the said guardian ad litem, and upon the general replications to said answers: on consideration whereof, the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this Court, who will inquire into and report to Court the following inquiries:

1st. Of what real estate the said parties are seized and possessed, with a description of said land, its condition, the improvements thereon, the quality of the timber *thereon*, with the value thereof,

and where located.

2nd. Whether the said land can be conveniently divided between the parties entitled thereto; and if the same can not be conveniently divided, whether it will be to the interest of the said parties for the same to be sold and the proceeds divided between the said parties according to their respective interest; or by an allotment of a part and the sale of the residue.

3rd: And if the same can not be conveniently divided, whether any party will take the entire property and pay therefor to the other party such sums of money as his or her interest may entitle him or her.

4th: The annual and fee-simple values of the real estate in the bill and proceedings mentioned, and the respective interest of the parties entitled thereto, and how the same were acquired, and the age of the infant defendant.

5th: Whether or not there are any liens against the said land for delinquent taxes or otherwise, and whether or not there ^{are} any liens against the interest of any party in the said land.

6th: Whether all the proper and necessary parties are properly before the Court.

Which several enquireis the said Commissioner shall make and report to Court, together with any matter specially stated or deemed pertinent by himself or required by any party in interest to be stated together with the testimony taken by him.

ANDREW'S WORTH

VS. IS CHAMBERY 347

MART LEE STOTT

Decree of Reference

1920
July 14
Entered this.
B.H.S.

C.O.B. 8 page 7

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

ANDREW COFER

COMPLAINANT

VS) IN CHANCERY

MARY LEE STOTT

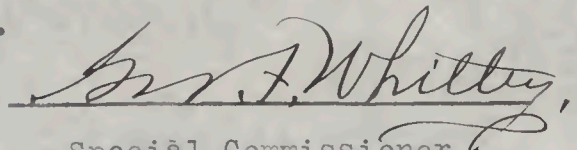
DEFENDANT

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

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

That pursuant to a decree entered in this cause on the 3rd day of November, 1920, J. Walter Stott has qualified as Special Commissioner in this cause, and has executed the bond required by said decree, and that the undersigned Special Commissioner has paid to the said J. Walter Stott the sum of EIGHT HUNDRED SIXTY TWO and 75/100 (\$862.75) DOLLARS, as is evidenced by a receipt filed herewith.

Respectfully submitted.


Special Commissioner

Andrew Coper

172 4th Chancery #347,
Mary Lee Stott.

Special Commissioner
Report

June 7/21

RECEIVED of George F. Whitley, Special Commissioner,
the sum of SIGHT HUNDRED SIXTY TWO and 75/100 (\$862.75) DOL-
LARS, the amount in his hands as Special Commissioner in the
suit of Andrew Cofer v. Mary Lee Stott.

J. Walter Stott
Special Commissioner,

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

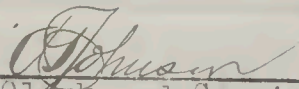
Cofer

vs) Chancery.

Stott.

Received of George F. Whitley, Special Commissioner,
to pay the costs in the above suit, as follows:

Commissioner's fee,.....	\$25.00
Clerk fees,.....	7.50
Writ tax,.....	1.50.



Clerk and Commissioner.

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

ANDREW COFER

COMPLAINANT

VS)

IN CHANCERY #347

MARY LEE STOTT

DEFENDANT

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

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

That pursuant to a decree entered in this
cause on the 7th day of September, 1920, your Commis-
sioner has executed a good and sufficient deed, with
SPECIAL WARRANTY, conveying the property in the bill
and proceedings mentioned, to Andrew Cofer; that he
has collected from the said Andrew Cofer three-fourths
($\frac{3}{4}$) of the cost of this suit, also the sum of EIGHT
HUNDRED AND SEVENTY FIVE (\$875.00) DOLLARS, one-fourth
($\frac{1}{4}$) of the purchase price of the said property, and has
delivered to the said Andrew Cofer the said deed; that
the accrued cost in this suit is as follows:

Writ tax and taxed attorney's fee	\$16.50
Clerk's fee	7.50
Commissioner's fee	<u>25.00</u>
TOTAL	\$49.00

that your Commissioner has paid out of the said \$875.00
the sum of \$12.25, one fourth of the said court cost,
leaving a balance in hand of \$862.75.

Your Commissioner respectfully tenders his res-
ignation as Special Commissioner in this suit, and would
suggest that J. Walter Stott, the father of the infant
defendant, Mary Lee Stott be appointed Special Commission-

er in his stead.

Respectfully submitted.

Geo. F. Whitley.

Special Commissioner

ANDREW COFER

VS) IN CHANCERY #347

MARY LEE STOTT

Special Commissioner's
Report

1950
Nov 3
Filed B.R.W.

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

107, 6

19 Dec

Mr G. F. Whitley

S. J. Mac

General Insurance

Loans and Investments

NOTARY PUBLIC

If You Have Money to Loan

If You Want to Borrow

File Your Needs With Me

MAIN STREET

DATE	COMPANY	No. POL.	AMOUNT	RATE	TIME	PREMIUM
July 24	AGRICULTURAL "Steel"					25
	EQUITABLE					
	HARTFORD					
	WILLIAMSBURG CITY					
	S. U. & NATIONAL					
	NEWARK					
	LONDON ASSURANCE					
	AM. U. FIRE					

The depositions of J. A. Munford et als., taken before me, A. S. Johnson, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, responsive to a decree entered, on the 29th. day of July, 1920, in the suit pending in the Circuit Court of the County of Isle of Wight, Virginia, No. 347, styled, generally, Cofer vs. Stott.

Mr. J. A. Munford being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. J. Andrew Munford, Forty one years of age, live in Isle of Wight County and am a farmer.

Q. The Bill in this suit refers to the tract of land, known as the "Booth" tract, of which the late Ella T. Vellines died siezed and possessed—are you acquainted with the piece of land mentioned? Yes sir, I live in about a half mile of it and have resided in the immediate neighborhood all my life.

Q. Please describe the tract of land the best you can? A. There are twenty or twenty five acres of land not grown up, open and about twelve acres, or ten acres, of this, under fence, and in cultivation, or being scratched. The balance is in wood land, and the timber was cut off by Surry Lumber Company this year, and about half of it burnt over. There will be no timber there of any value for the next twenty years to come except for firewood. It is about eight miles from Smithfield, the nearest transportation point. That part of the land which is clear could be, with considerable work, made good land. There are no buildings at all upon it.

Q. Who does this piece of land adjoin? Adjoins Henry Hall, Peter C. Wrenn and L. L. Vellines on the Northerly side; B. P. Chapman and myself on the Easterly side; B. P. Chapman and the Thomas land on the Southerly side; and L. L. Vellines and Andrew Cofer on the Westerly side.

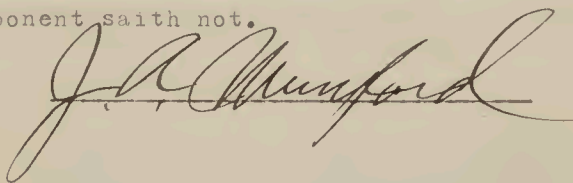
Q. The Bill states that this piece of land is at present owned by Andrew Cofer and Mary Lee Stott, the latter being an infant. Andrew Cofer is the owner of three fourths and Mary Lee Stott is the owner of the remaining fourth—can the piece of land be conveniently divided among the parties who own it? I do not think so— it would be worth more to the infant to sell it and divide the money. I believe it would be far to the interest of all pargies to sell it and divide the proceeds.

Q. Would it be to the interest of the parties to sell a part and allot a part? A— No. It would be to their interest to sell it all as a whole.

Q. What is the annual value of this tract of land? A. Not over fifty dollars a year.

Q. What is its fee simple value? A. Not over three thousand dollars at the very outside .

And further this deponent saith not.



J. Walter Stott being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. J. Walter Stott, I am sixty five years of age, live in Smithfield, Isle of Wight County, Virginia, and am a meat packer?

Q. Are you acquainted with the tract of land of which the late Ella T. Vellines died siezed and possessed, in this County, and if so give a general description of it? I was present when Mr. Munford gave his testimony, and he has given as good a description of it as I would give. As a matter of fact I agree with him fully as to the convenience of a division and as to the value of the land.

Q. Are you related to either party to the suit? A. Yes sir I am the father of the defendant.

Q. And you think it would be to the advantage of all the parties to sell the property and divide its proceeds? A. Yes sir I certainly do. It is going back all the time.

Q. What is the age of Mary Lee Stott, the infant defendant? Eighteen years of age.

Q. Do you know of either party who would like to take the whole property and pay the other for his or her share? A. Mr. Cofer would, like to have the whole of the property and pay for the share of the infant defendant, so I have understood from Mr. Cofer.

Q. If Mr. Cofer offers to pay, less the costs of this suit, for the share of the infant defendant at the rate of three thousand dollars, do you think her interest will be well taken care of. A. I certainly do.

And further this deponent saith not.

J. Walter Stott

A. B. Stott being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. My name is A. B. Stott, I am sixty four years of age, live in Isle of Wight County, and am a farmer?

Q. Please state whether or not you are acquainted with the tract of land known as the Booth tract, of which the late Ella T. Vellines died siezed and possessed. A. I am, have been all my life.

Q. Please state what, in your opinion, is its annual and fee simple value? A. The annual value is about forty dollars and the fee simple value about three thousand dollars, I reckon.

Q. Can it be conveniently divided among the parties who own it? A. It cannot, the best way to handle it would be to sell it and divide the money.

Q. Will the interest of the infant defendant be best subserved by a sale and division of the proceeds if it should bring as much as three thousand dollars? A. I certainly do.

And further this deponent saith not.

A. B. Stott

L. L. Veilines being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. My name is L. L. Veilines, I am sixty years of age, live in Isle of Wight County, and am a farmer and merchant.

Q. Are you acquainted with the tract of land, in Isle of Wight County, of which the late Ella T. Veilines died seized and possessed? A. Yes sir, she was my sister. I have known it all my life.

Q. The Bill states that it is owned by Andrew Cofer and Mary Lee Stott, an infant. Can this tract of land be conveniently divided among the parties entitled to share therein? A. No it cannot, it should be sold and the money divided. This is the only fair and convenient way I know of.

Q. Could a part be allotted and the residue sold to advantage? A. No, it cannot.

Q. What is a fair fee simple and what a fair annual value of the tract of land mentioned. A. It should rent for about forty dollars a year and three thousand dollars is a good price for it.

And further this deponent saith not,

L. L. Veilines

J. Walter Stott, recalled.

Q. Mr. Stott, it is noted that in the will of the late Ella T. Vellines she devises to Jno. W. Stott, junior, in the first clause thereof, a tract of land designated as "Booths", and in the second clause a tract of land to Thomas Carlisle Stott designated as "Henry's". In the codicil to her will she devises all of her real estate, without any special designation, to John Walter Stott, junior, Thomas Carlisle Stott, George Ben Stott and Mary Lee Stott. In the proceedings of this suit the tract of land mentioned is called "Booths"—what has become of the tract of land called by her as "Henry's"? A. "Henry's" is a part of the Booth tract of land. There were two fields in the Booth tract, or the tract usually called the Booth tract, and she designated one field or tract as "Henry's" from the fact that a negro named Henry then lived there. There is no peculiar history attached to this tract. All the real estate she owned at her death is intended to be covered by this suit.

Q. Are all the children named in the codicil to her will now living? A. all but John Walter Stott, junior, who died the 3rd. of March, 1918.

Q. was he married at the time of his death? A. No, he had never been married. His share in the land passed to me, as his father, I believe, under the statute of descents.

Q. I note that in a certain deed from you and others to Andrew Cofer the name of Mary Lee Stott is assigned thereto. This, I believe, is your wife, your daughter, the defendant in this suit, being named for her mother—am I correct? A. You are correct.

And further this deponent saith not.

J. Walter Stott

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

Andrew Cofer

vs) Chancery. No. 347.

Mary Lee Stott, an infant.

TO HONORABLE B. D. WHITE,

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

The undersigned, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, to whom has been referred the papers in the above entitled cause, for the execution of a decree entered therein on the 29th. day of July, 1920, respectfully reports that on the 9th. day of August, 1920, he proceeded with the execution of the said decree, and in aid thereof too, and reduced to writing, the evidence of J. Walter Stott, J. Andrew Sanford, A. B. Stott and L. L. Vellines, competent witnesses, which is returned herewith as a part of this report, and from such evidence and from the evidence found in the records filed in the Clerk's Office of this court, your Commissioner is informed and reports as follows:

1st. "Of what real estate the said parties are seized and possessed, with a description of said land, its condition, the improvements thereon, the quality of the timber thereon with the value thereof and where located?"
Answer:

Claiborne Booth and wife, by their deed bearing date the 14th. day of February, 1831, of record in said Clerk's Office in Deed Book No. 29, page 274, conveyed to John E. Thomas a certain tract or parcel of land situate, lying and being in the County of Isle of Wight and State of Virginia, containing, by estimation, seven acres, be the same more or less, and in said deed particularly mentioned and described as follows: 'Beginning at a white oak standing in said Claiborne Booth's line; thence along a line of marked trees and now a dividing line between said Claiborne Booth and John E. Thomas, to a pine standing in a branch, and now a corner tree of said Thomas;

thence running along said Thomas line to a stump is said Thomas line;
thence running along said Thomas line to the first station".

Claiborne Booth and wife, by their deed bearing date November 15th. 1853, and of record in Deed Book No. 31, page 283, conveyed to John E. Thomas "one certain parcel or tract of land (reserving the burial ground) situate, lying and being in the County and State aforesaid and bounded by Baykin's Mill Pond, the lands of said Booth not sold, by the land of said Booth called "Whitl-ys", likewise unsold, and then East by the lands of John Holleman, including the tract John Clarke died siezed and possessed, the lands said Booth purchased of said Thomas and likewise a small tract formerly the property of Dick Hill, a free negro, all containing 220 acres, more or less"

The two tracts here mentioned appear to make up the tract herein mentioned as two hundred and twenty seven acres.

John E. Thomas, by his last will and testament bearing date August 15th. 1865, and of record in said Clerk's Office in Will Book No. 29, page 452, admitted to probate March 1st. 1869, devised as follows:
"I give the lands deeded to me by my mother (excepting one half acre where the grave yard is) with the lands I purchased of Claiborne Booth, with the place called Stott, to be sold or equally divided between J. Walter Stott and my daughter's children, by Andrew J. Vellines".

Mary R. Vellines, Leroy L. Vellines, John W. Stott (also known as J. Walter Stott) Arthur B. Stott and Ida M. Stott, by their deed bearing date the 28th. of March, 1887, and of record in Deed Book No. 51, page 246, conveyed to the said Ella T. Vellines their right, title and interest in the tract of land herein mentioned. The parties herein mentioned, except Ida M. Stott, who is the wife of A. B. Stott, are all of the devisees mentioned in the will of the said John E. Thomas.

Ella T. Vellines, by her deed bearing date April 1st. 1904, and of record in Deed Book No. 69, page 420, conveyed to Greenville Timber Company, a corporation, all the timber except oak, ten inches across the stump and over, outside measurement, fifteen inches from the ground, when cut, on the tract of land herein mentioned, allowing therein the period of ten years in which to cut and remove the same.

The Greenville Timber Company, by its deed bearing date the 15th. day of January, 1906, and of record in Deed Book No. 73, page 280, conveyed to Cumberland Lumber Company the timber, rights, privileges and easements conveyed to it in the deed last aforesaid.

Ella T. Vellines, by her deed bearing date the 19th. day of July, 1912, and of record in said Clerk's Office in Deed Book No. 81, page 24, conveyed to Cumberland Lumber Company, all the timber and trees, except oak, on the tract of land herein mentioned, reserving the right to enter the boundaries and enjoy the free use and benefit thereon, and to procure firewood, trash, dirt, timber for ordinary plantation use and for other purposes not hurtful to the timber. Along with said timber is conveyed certain rights, privileges and easements, among which is the right to construct over and across the said land a temporary or permanent railroad, a right of way "of the ordinary width" being conveyed for that purpose. The timber is to be cut down to ten inches across the stump, outside measurement, twelve inches from the ground, seven and two thirds years being given to cut it in, and an extension privilege of five more years, at the rate of \$250. per year. It is in testimony that the timber was cut from this land last year, and there appears to be no clause in the deed here mentioned giving the right to recut.

Ella T. Vellines, in a codicil to her last will and testament, said will bearing date the 30th. day of December, 1914, and said codicil

bearing date 30th. of December, 1914, admitted to probate March 18th. 1916, and entered in Will Book No. 35, page 1, devised the land herein mentioned to John W. Stott, junior, Thomas Carlisle Stott, George Ben Stott and Mary Lee Stott, children of J. Walter Stott, the land herein mentioned.

J. Walter Stott and his wife, Mary Lee Stott, Thomas Carlisle Stott and his wife, Erma Lucille Stott and George Benn Stott, by their deed bearing date the 10th. day of July, 1920, and of record in Deed Book No. 91, page 207, conveyed their interest in the land herein mentioned to Andrew Cofer.

Andrew Cofer, who appears to be an unmarried man, by his deed bearing date July 10th. 1920, conveyed the tract of land herein mentioned to E. H. Williams, in trust to secure to J. W. Stott the payment of the sum of \$14,125.00, payable January 1st. 1921. This deed of trust is not released and is an outstanding lien upon the interest of said Andrew Cofer in the tract of land herein mentioned.

From the testimony of J. Walter Stott, filed herewith, it appears that the said J. Walter Stott, junior, departed this life, intestate, and unmarried on the 3rd. day of March, 1918, and his interest passed on to his father, the said J. Walter Stott, Sr. This being true the land is now in Andrew Cofer and the said Mary Lee Stott, child of the said J. Walter Stott and his wife, Mary Lee Stott, the said Andrew Cofer being the owner of three fourths and the said Mary Lee Stott the owner of one fourth.

The said tract of land contains, according to the deeds aforesaid, two hundred and twenty seven acres, more or less, and according to the testimony of J. A. Munford, filed herewith, joins Henry Hall, Peter C. Wrenn and L. L. Vellines on the northerly side, B. P. Chapman and J. A. Munford on the easterly side, B. P. Chapman and the Thomas land on the southerly side, and L. L. Vellines and Andrew Cofer on the westerly side, twenty or twenty five acres of which is cleared, ten or twelve acres being under fence and in cultivation, the timber having been cut off this year, and about

eight miles from Smithfield, the nearest transportation point, and with no buildings thereon. It appears that there will be no timber upon the said land, of any value, for the next twenty years, except for firewood. That the land under cultivation is not in a high state of cultivation, but very poor.

"2nd. Whether the said land can be conveniently between the parties entitled thereto; and if the same cannot be conveniently divided, whether it will be to the interest of the said parties for the same to be sold and the proceeds divided between the parties according to their respective interest; or, by an allotment of a part and the sale of the residue." Answer: It appears that the only proper method of division is by a sale and a division of the proceeds.

"3rd. And if the same cannot be conveniently divided, whether any party will take the entire property and pay the other party such sum of money as his or her interest may entitle him or her to". Answer, it appears, though as hearsay, that the complainant wishes to take the entire property and pay the defendant for her share therein.

"4th. The annual and fee simple values of the real estate in the bill and proceedings mentioned, and the respective interest of the parties entitled thereto, and how the same were acquired, and the age of the infant defendant". Answer: The annual value is some forty or fifty dollars only, and the fee simple value three thousand dollars at the highest. The respective interest of the parties is given in answer to the first inquiry as well as the acquirement of title. The age of the infant defendant is eighteen years, according to the testimony of her father, J. W. Stott.

"5th. Whether or not there are any liens against the said land for delinquent taxes, or otherwise, and whether or not there are any liens against the interest of any party in the said land". Answer: This inquiry is fully responded to in the abstract of title under the first inquiry herein.

"6th. Whether all the proper and necessary parties are properly before the Court". Answer: it so appears.

Your Commissioner, in conclusion, respectfully directs the Court's attention to the character of witnesses in this matter. They are, unusually strong. It appears that the interest of the infant defendant will be well taken care of if Andrew Cofer, the complainant, will take the interest of the infant defendant, upon the basis of three thousand dollars, that is to say seven hundred and fifty dollars, and your commissioner recommends that a deed be given to him for her interest in the event that the hearsay testimony is borne out by the facts which it indicates.

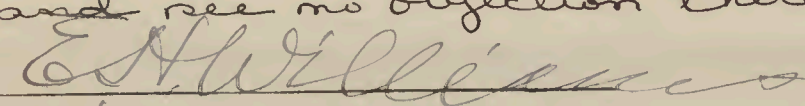
The testimony filed herewith, was taken in the presence of George F. Whitley, counsel for the complainant, and E. H. Williams, the guardian ad litem, and in addition thereto the father of the infant defendant was present; and, while this probably has no legal bearing upon the matter, at the same time he being more than usually qualified to judge such a case by reason of his long experience in matters of a legal or semi-legal nature, it is reasonable to suppose that he is well able to take care of the interest of his own child and would protest against any seeming injustice, or inequality. It is worth something, as a matter of history, to know that she not only had the protection of the Court, in a formal manner, but that proper parental care was exercised, which, too often, is absent.

August 9th. 1920.

Respectfully submitted,


Commissioner in Chancery.

Commissioner's fee \$25.00

I have examined this report
and see no objection thereto.

Guardian ad Litem

4

Coper

n } Cy. No 344

Stoll

Commissioners
Report

Filed Aug 9th 1920

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

A.S. JOHNSON, CLERK

Writ tax and taxed attorney fee,
Clerk fees,
Commissioner's fee,

\$ 16.50
7.50
25.00

\$ 49.00

Taxed costs Cofer vs. Stott.

Johnson Paid
Oct. 27/20.

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

ANDREW COFER,

PLAINTIFF

VS

IN CHANCERY

MARY LEE STOTT

DEFENDANT

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

The answer of Mary Lee Stott, an infant under the age of twenty-one years, by E. H. Williams, a competent attorney at law, her guardian ad litem, assigned to her in this writ; and the answer of the said E. H. Williams, guardian ad litem, for the said infant defendant, to the bill of complaint exhibited against her by Andrew Cofer in the Circuit Court for the County of Isle of Wight.

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

E. H. Williams
Guardian ad litem

Mary Lee Stace

BY E. H. Williams

Guardian ad Litem

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

Submitted and sworn to before me in my County
aforesaid by E. H. Williams, guardian ad litem, as afore-
said, this 28th day of July, 1920.

My commission expired on the 17th day of July
1923.

Given under my hand this 29th day of July,
1920.

A. S. Barrett, J.P.

Commissioner in the Court

FILED
JUL 30 1920
CLERK OF COURT

8

ANDREW COOPER

VS) IN CHAMBER

MARY IRE STOTT

Answer of Guardian ad litem

1420
July 14
M. H. B. W.

347
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[Handwritten signature]

es

es

[Handwritten signature]

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

ANDREW COFER

COMPLAINANT

VS) IN CHANCERY #347

MARY LEE STOTT

DEFENDANT

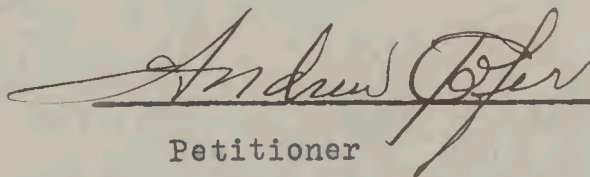
TO THE HONORABLE B. D. WHITE, JUDGE OF THE SAID COURT:

Your petitioner, Andrew Cofer, respectfully
represents the following:

That he is plaintiff in the above styled suit
and that he is the owner of a three-fourths ($\frac{3}{4}$) interest
in the property in the bill and proceedings mentioned;
that he is willing to purchase the entire property; that
he will pay \$3500.00 cash for the said property.

your petitioner prays that his offer of purch-
ase of the said property be accepted and that his inter-
est in the proceeds be accepted as a cash payment on the
said \$3500.00

Respectfully submitted.


Petitioner

4/2

ANDREW COFER

VS) IN CHANCERY #347

MARY LEE STOTT

Petition of Andrew Cofer

Filed 4/7/92

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

ANDREW COFER,

PLAINTIFF

VS

IN CHANCERY

MARY LEE STOTT, an infant under the age of
twenty one years,

DEFENDANT

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

Complaining, sheweth unto the Court, your complainant Andrew Cofer, the following case:

That your complainant is the owner of a three-fourths interest, and the said Defendant is the owner of a one-fourth interest in the following property:

That certain tract of land situate in Hardy Magisterial District in the County of Isle of Wight, adjoining the lands of P. P. Chapman, L. L. Vellines, the lands formerly belonging to the J. C. Thomas estate and the lands belonging to your complainant.

Your complainant here states that the said real estate, in as he believes, susceptible to partition among the parties entitled thereto; but if it be not then your complainant desires the same to be sold and the proceeds divided among your complainant and the defendant according to their respective rights; should the property be not divisible among the parties entitled thereto, your complainant believes and here states that the interest of those who are entitled to the said real estate or its proceeds will be promoted by sale of the whole of said real estate or by the allotment of part and sale of the residue.

In tender consideration whereof and in as much as your complainant is remediless in the premises save by the aid of a Court of equity where matter of this character are alone and properly cognizable, your complainant prays that a proper guardian ad litem be assigned Mary Lee Stott to defend her interest in this suit, who shall answer this bill; that said real estate be divided among the several parties entitled

thereto; and your complainant's portion thereof be allotted to him, and in case the said real estate to be partitioned, can not be conveniently partitioned, that the same be exposed to sale, and the proceeds be divided among the parties entitled thereto; that all proper orders and decrees may be made and proper inquiries be directed; and that all such other further and general relief be afforded your complainant as the nature of his case may require, or of equity shall seem meet. And notice is hereby given that proper counsel fees will be asked for in the progress of this suit. And your complainant will ever pray etc.

Andrew Cofer

By

Geo. F. Whitley

Counsel

Geo. F. Whitley, pp

ANDREW COOPER

VA) IN CHANCERY 347

MARY ELIZABETH STOTT

BILL

1970
July 29.
Fleet & Bates

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