

1933-047 Chancery Causes: Eva Bailey & al vs John W. Bailey
Isle of Wight County

350

other surnames: Williams, Hart,
Anglin, Wright, Payne, Cofer
[A. J. Cofer & Company], Jordan,
Chapman, Berryman, [P. D. Gwaltney,
Junior, Company], Gwaltney, Hayes,
Taylor

VIRGINIA:

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

Eva Bailey, Estelle Williams,
Jett Williams, Gertrude Hart,
Gousy Hart, Rosie Anglin, and
Ben Anglin.....Plaintiffs.

VS) IN CHANCERY

John W. Bailey.....Defendant.

This cause came on this day to be again heard on the papers fromerly read and on the report of payments of E. H. Williams and Parke P. Deans, Special Commissioners, this day by leave of Court filed, to which report there are no exceptions and was argued by counsel:

And it appearing from the said report, and from the vouchers therewith filed, that the said Special Commissioners have disbursed the funds in this suit as follows:

1921

April 5	To amount of purchase price of lot, in Bailey et als. vs. Bailey, sold to J. J. Tynes.....	\$1,030.00	
" "	By pd. D. J. Mood for printing notices of sale.....	\$	3.00
" " " "	Smithfield Times, for order of publication.....		7.35
" " " "	A. S. Barrett, premium on bond.....		8.00
" " " "	writing deed to purchaser..		10.00
" " " "	J. R. Rowell, Jr., for taking acknowledgment.....		1.00
" " " "	revenue stamp on deed.....		1.50
" " " "	5% commission on first \$300.00, of purchase price.		15.00
" " " "	2% commission on \$730.00...		14.60
" " " "	R. A. Edwards, commission for stating account.....		20.00
" " " "	R. A. Edwards, cost of Court up to and including final decree and including taxed Atty. fee.....		24.55
" 9 " "	E. H. Williams, Atty. for the plaintiffs.....		348.00

1921

April 5	By pd.	Parke P. Deans, Atty. for		
		the defendant.....	\$	462.50
" 4	" "	Taxes.....		12.86
" 9	" "	E. H. Williams, Atty. for		
		the plaintiffs.....		101.64

\$ 1,030.00	\$ 1,030.00
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On consideration whereof, the Court confirming the
said report, doth adjudge, order and decree that this cause
be stricken from the docket.

350
Eva Bailey, et als.

VS) IN CHANCERY

John W. Bailey

DECREE

1933
May 30
Entered
Protest

Chan. Order Book 9,
Page 104

E. H. WILLIAMS
ATTORNEY AT LAW
SMITHFIELD, VIRGINIA

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT
MARCH 8th 1933.

Bailey et als.

vs. # 350

Bailey

It appearing that by the decree entered herein on
the 29th day of March, 19 21 that _____
E. H. Williams and Parke P. Deans, 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 E. H. _____
Williams and Parke P. Deans, Special Commissioner be summon-
ed to appear before this Court at half past ten o'clock A. M.
on Tuesday, ^{May 30} ~~April 25~~, 1933, to show cause, if any he can, why
he should not be proceeded against for his failure to report
his proceedings as required by said decree.

Bailey et al

n. - 350

Bailey

C. O. B #9

P-75

↓

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

Eva Bailey, Estelle Williams,
Gertrude Hart, Gousy Hart,
Rosie Anglin, and Ben Agnlin,..... Plaintiffs.

vs. (In Chancery.

John W. Bailey,.....Defendant.

This cause came on this day to be ~~again~~ heard upon the papers formerly read and on the report of sale of E. W. Williams and Parke P. Deans, Special Commissioners, and was argued by counsel.

On considertaion whereof, it appearing to the Court from the said report that the land mentioned and described in these proceedings as the 'Willie Bailey lot' was sold to J. J. Tynes, at public auction, for the sum of One Thousand and Thirty Dollars (\$1,030.00); and it further appearing from the said report that the said J. J. Tynes has paid to the said Commissioners the said sum of One Thousand and Thirty Dollars (\$1,030.00); and it further appearing from the said report that the said land sold for its full value and that confirmation of the sale ~~is~~ recommended by the said Special Commissioners and the Court concurr^{ing} in the said recommendation;

Confirm said report and said sale and do
doth adjudge, order and decree that the said E. W. Williams and Parke P. Deans, Commissioners as aforesaid, do execute and deliver to the said J. J. Tynes, a good and sufficient deed, in fee simple, with covenants of Special Warranty, for the land in the bill and proceedings of this cause mentioned and described as: All that certain House and Lot located near the town of Smithfield, Newport Magisterial District, Isle of Wight County, Virginia, and bounded and described as follows: On the north by the road leading from Smithfield to Isle of

Wight; on the east by the lands of George T. Banks; on the south by the lands of A. J. Cofer and others, and on the west by the lands of Dallas Taylor. The said lot fronting on the said County road fifty (50) feet and running back between parallel lines a distance of one hundred (100) feet to the lands belonging to the estate of A. J. Cofer. It being the same house and lot of which Willie Bailey died seized and possessed.

And the Court doth further adjudge, order and decree that the said Special Commissioners shall, after first paying the costs of this suit, up to and including the final decree, pay to the respective parties to this suit such parts of the said sum of One Thousand and Thirty Dollars (\$1,030) as their respective interest may entitle them to, *as shown by the report of the Commissioners in Saucy heretofore filed.*

And the said Special Commissioners shall make report to Court how they have executed this decree.

Bailey et als,

Vs: In Chancery

Bailey.

Ch O.B. 8
Page 56.

Decree.

1921.

Mar. 29.

Enter this.

B. H. W.

E. H. WILLIAMS

ATTORNEY-AT-LAW
SMITHFIELD, VIRGINIA

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

Eva Bailey, Estelle Williams, Jet Williams, Gertrude Hart,
Gousy Hart, Rosie Anglin and Ben Anglin Plaintiffs
versus
John W. Bailey Defendant.

This cause came on this day to be heard upon the bill of complaint of Eva Bailey, Estelle Williams, Jet Williams, Gertrude Hart, Gousy Hoart, Rosie Anglin and Ben Anglin and the answer of John W. Bailey and was argued by counsel.

On consideration whereof it appearing from the bill of complaint and answer that all the parties hereto are adults and that Willie Bailey died seized and possessed of a certain parcel of land described as follows:

All that certain lot, piece or parcel of land, near the town of Smithfield, and in the County of Isle of Wight, Virginia and bounded on the north by the County Road leading from Smithfield to Isle of Wight Court House; on the east by the lands of Percy Robertson, deceased; on the south by the lands of A. J. Cofer, deceased; and on the west by the lands of Isabell Taylor.

And it further appearing that the said lot is owned in two parcels, one parcel of which or one-half is owned jointly by Eva Bailey, Estelle Williams, Gertrude Hart and Rosa Anglin and the other parcel or one-half is owned by John W. Bailey, and it further appearing that all the parties of interest are willing to a sale at public auction of the same; the Court doth adjudge, order and decree that E. H. Williams and Parke P. Deans who are hereby appointed special commissioners for the purpose, shall after posting notices thereof of the time, place and terms of sale for fifteen days, placed in ten or more public places in Isle of Wight County, proceed to sell at public auction, the lot of land described in the bill and proceedings and heretofore in this decree.

The said sale shall be upon the following terms:
one-third cash and the remainder in two equal instalments, payable respectively in twelve and twenty four months from day of sale, the credit installments to be evidenced by notes of the purchaser, bearing six per cent interest from date of sale, and the title to the property to be retained until the whole of the purchase money be paid and a conveyance directed by court, and the purchaser shall deposit ten per cent of the purchase price with the commissioners on the day of sale, which deposit in addition to any other remedies, shall be forfeited to this cause in the event that the said purchaser shall not within ten days from the day of sale, fully comply with the terms of sale, and unless said purchaser shall make said deposit at the time of sale, then the said special commissioners shall forthwith at the same time and place proceed to again sell said property upon said terms.

And the said commissioners are directed to deposit the said cash installment in the Bank of Smithfield, Smithfield, Virginia to the credit of the court in this cause and to report their proceedings hereunder to the Court, returning therewith a certificate of deposit of such cash.

But the said special commissioners shall have no power to execute this decree until they shall enter into bond before the Clerk of this Court with surety deemed sufficient by him, payable to the Commonwealth of Virginia, in the penalty of two thousand dollars and conditioned for the faithful discharge of their duties hereunder and as hereafter directed.

EVA BAILEY ET ALS.

VS: IN CHANCERY

JOHN W. BAILEY

DECREE.

*McCan sent to the
written decree —
E. H. Williams, Esq.
Smithfield, Va.,*

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VIRGINIA

* See also further, letter to Lansing, ^{NY}~~Pittsburgh~~ dated toward the last days for the filing of said report as required by Law,

v.

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, this day filed by leave of Court, to which no exception is taken, and was argued by counsel:

On consideration whereof* and it appearing to the Court from the said report, that the property mentioned and described herein, and in the bill and proceedings, cannot be conveniently partitioned among the parties entitled to the same, and that the interest of all parties will be promoted by a sale of the said real estate; and it further appearing that Eva Bailey, the widow and Estelle Williams, Gertrude Hart and Rosie Anglin children of Thomas Bailey deceased own one-half interest and that John W. Bailey owns the other one-half interest; and it further appearing that there are two deeds of trust, one to J. R. Jordan Trustee, dated February 12, 1884 to secure K. K. Chapman a certain note for \$115.25 and recorded in Deed Book 47^{at} page 554; and the other to F. R. Berryman Trustee, dated June 13th, 1892 to secure P. D. Gwaltney Jr., and Company a certain bond for twenty dollars, and recorded in Deed Book 57^{at} page 224, ^{both of which} and are ^{and an order is made that to be a lien on said property,} barred by the statute of limitation, the Court doth approve and ^{the said property be sold and that} confirm said report, and doth adjudge, order and decree that E. H. Williams and Parke P. Deans, who are hereby appointed special commissioners for the purpose, shall, after the time, terms and place of sale for ten days, by posters placed in five or more public places in Isle of Wight County, proceeds to sell, at public auction, the land in the bill and proceedings mentioned, as follows:

That certain house and lot located near the town of Smithfield, in Newport Magistrial District, in the County of Isle of Wight and State of Virginia and bounded and described as follows: on the north by the road leading from Smithfield to Isle of Wight Court House, on the east by the lands of George T. Banks, on the south by the lands of A. J. Cofer and Company, and on the west by the lands of Dallas Taylor. The said lot fronting on the said County road fifty (50) feet, and running back between parallel lines a distance of one hundred feet to the lands belonging to the estate of A. J. Cofer.

The said sale shall be for cash, and the purchaser shall deposit ten per cent of the purchase price with the commissioners on the day of sale, which deposit in addition to any other remedy, shall be forfeited to this cause, in the event that the said purchaser shall not within ten days of sale fully comply with the terms thereof, and unless said purchaser shall make said deposit at the time of sale, then the said commissioner shall forthwith at the same time and place proceed to again sell said property upon said terms.

But before the said commissioners shall proceed to execute this decree they shall enter into bond, ^{before the Clerk of this Court,} with surety deemed sufficient by ^{said} the Clerk of the Court payable to the Commonwealth of Virginia in the penalty of eight hundred dollars, and conditioned for the faithful discharge of ^{their} ~~his~~ duties hereunder, and any further decree that may be entered herein.

Bailey et als

v. 350

Bailey

Decree

1920

Dec. 20.

Enter this

BDW.

Chancery order Book 8
Page 38.

E. + V.

IN THE CIRCUIT COURT OF 1312 OF 1887 COUNTY, VIRGINIA:

Eva Bailey, Estelle Williams, Jet Williams,
Gertrude Hart, Goust Hart, Rosie Anglin
and Ben Anglin

Plaintiff

versus

John W. Bailey

Defendant.

This cause came on this day to be heard upon the bill of complaint and amended bill of complaint of Eva Bailey, Estelle Williams, Jet Williams, Gertrude Hart, Goust Hart, Rosie Anglin and Ben Anglin and the answer of John W. Bailey, and was argued by counsel.

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

Whether the real estate in the bill mentioned can be conveniently divided among the several parties entitled thereto,

If the same cannot be conveniently divided, whether any party will take the entire property and pay therefor to the other parties ^u such sums of money as their interest therein may be entitled then to.

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

What real estate the parties to this suit are entitled, the location and description thereof, how their title was acquired, and their respective interest therein, and the annual and fee simple values of said real estate.

Whether there are any liens against the real estate on account of delinquent taxes or otherwise.

Whether all the proper parties are before the Court, their ^{residence} ~~ages~~, and residences, of the infant defendants.

Which several inquiries, the said commissioner shall

make, and to the Court report, together with any matter specially stated, deemed pertinent by himself or required by any party to be so stated, and return to the Court with his report the evidence taken by him.

By consent of all parties, by counsel here entered of record it is ordered that this cause be made a vacation cause, and that all such orders and decrees may be entered in vacation as in term time.

Bailey et als.

v. { 350

Bailey

Decree

Enter this.

1920

Nov. 3.

Enter this,

B.D.W.

C. U. B. 18. Page 25.

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

SEPTEMBER TERM, 1920.

EVA BAILEY, ESTELLE WILLIAMS, JET WILLIAMS, GERTRUDE HART,
GOUSY HART, ROSIE ANGLIN, AND BEN ANGLIN,,,,Plaintiffs.

Vs(In Chancery,

JOHN W. BAILEY,..... Defendant.

-----oOo-----

This cause came on this day by consent to be heard
upon the Complainants' bill, and the Defendant's answer
thereto; and was argues by counsel.

On consideration whereof, the Court doth adjudge, orde
r, and decree that the cause be referred to one of the
Commissioners of this Court who is directed to enquire^{into} and
report to the Court as follows:

First: Whether the real property in the bill mentioned
can be conveniently divided in kind between the several
parties entitled to share therein.

Second: If the same cannot be conveniently divided in
kind whether any party will take the entire property and
pay therefor to the other parties such sums of money as
their interest therein may entitle them to.

Third: And if the same cannot be conveniently divided
in kind, and if no party will take the entire property and
pay the others for their shares, whether the interest of
those who are entitled to the said property or its proceed
s will be promoted by a sale of the entire property, or by
the allotment of part and sale of the residue.

Fourth: Whether or not all the parties having an int-

erest in the said land are parties to this suit and their respective interest therein.

Fifth: Whether or not there are any liens against the said land or the interest of any party therein by deed of trust, judgment, or otherwise.

Which several inquiries the said Commissioner shall make and to the Court report, together with any matter especially stated, deemed pertinent by himself, or required by any party to be so stated.

Sept 1920

M. Thomas H. Bailey
Smithfield

TAXES AND LEVIES, 1920

NEWPORT DISTRICT

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

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

No. 42

LOCAL RATES—REAL ESTATE AND TANGIBLE PROPERTY

County and District

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

Local Rate on Intangibles (Classes 6, 1, 5, 3 and 2) for Roads, 30c. on \$100		Valuation	Rate of State Tax on \$100	State Tax	Rate of Local Levies on \$100	Local Levies	Total Tax and Levies
Real Estate.....	<u>Set</u> Acres	\$ <u>500</u>	\$.25	\$ <u>1 25</u>	\$ 2 20	\$ <u>11 00</u>	\$ <u>12 25</u>
Real Estate.....	Acres		.25		2 20		
Real Estate.....	Acres		.25		2 20		
Real Estate.....	Acres		.25		2 20		
Tangible Property.....			.25		2 20		
Class 4 (Money).....			.20		...NO NE..	...NO NE..	
Class 6 (Bonds of Counties, Cities and Towns of this State).....			.35		30		
Class 1 (Bonds, Notes and other evidences of debt)..... Value \$			.80		30		
Class 5 (Shares of Stock)..... Value \$			.80		30		
Class 3 (Fiduciary).....			.80		30		
Class 2 (Capital).....			.85		30		
Income.....			{ 1% up to \$3,000; 2% on excess ...NONE..	...NO NE..	...NO NE..	...NO NE..	
State Poll (or Capitation) Tax.....				<u>1 50</u>	...NO NE..		
CREDITS		Total Taxes and Levies.....		\$ <u>1 25</u>		\$ <u>11 00</u>	\$ <u>12 25</u>
Date	Account	Amount	Received payment		Five Per Cent. Penalty.....		
		\$			Total Taxes, Levies and Penalty...		\$ <u>12 86</u>
<u>June 4 1921</u>			<u>J. E. Bailey</u>		Treasurer.		

OFFICE OF
E. H. WILLIAMS
Attorney-at-Law
SMITHFIELD, VIRGINIA

Smithfield, Va., April 5 1921

Received of

P. P. Deane & E. H. Williams
Attorneys at Law Baileys Station
Richmond, Va. 100.00 Dollars
for the fee

\$ 101 ⁶⁴/₁₀₀

E. H. Williams
Attorney at Law

COUNTER CHECK

Smithfield, Va., 4/5 — 1921 No.

Bank of Smithfield

SMITHFIELD, VA.

68-233

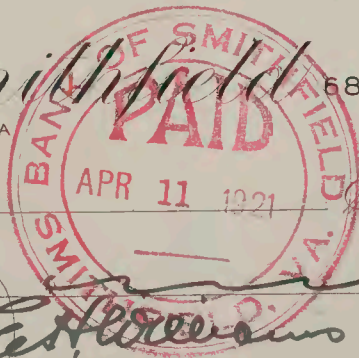
Pay to the
order of

Park D. Deane

Twenty & 80/100

1/2 Cents & 42 for writing

Due —



\$1980

Est. H. H. H. H. H.

Park Deane

Dollars
Sp. C. H. H. H. H.
Bailey

Bailey —

John H. H. H.

Pay The Citizens Bank of Norfolk,
Norfolk, Va. or Order

ALL PRIOR ENDORSEMENTS GUARANTEED

BANK OF WINDSOR

Windsor, VA.

F. T. LEATHER

60-33 APR 7 1961
CITIZENS
Federal Reserve Bank of New York
New York, N.Y.
60-33 APR 7 1961
CITIZENS
Federal Reserve Bank of New York
New York, N.Y.
60-33 APR 7 1961
CITIZENS
Federal Reserve Bank of New York
New York, N.Y.

COUNTER CHECK

Smithfield, Va. 4/5 1921 No.

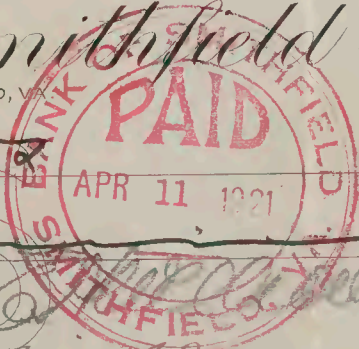
Bank of Smithfield

68-233

SMITHFIELD, VA.

Pay to the
order of

R. A. Edwards



\$44.55

Forty-four & 55/100
Dollars & Cents 7/100

Payable at order of Bailey

Edwards } *J. L. Lewis*
Smithfield Co. } *Bailey at*
Smithfield, Va. } *Bailey*

R. A. Edwards

COUNTER CHECK

Smithfield, Va.

4/5

1921

No.

Bank of Smithfield

68-233

SMITHFIELD, VA

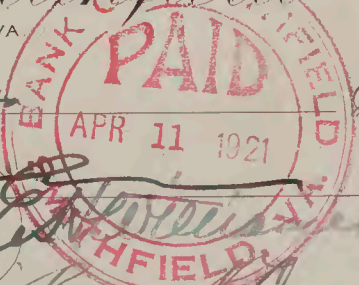
Pay to the order of

Will R. Landon

Seven & 35/100

Order Pub. Bailey et al

V. Bailey



\$7 35

Will R. Landon

Bailey et al

Bailey

Will A Gardner

FOR DEPOSIT
PAY TO THE ORDER OF
The National Bank of Commerce
of Norfolk, Va.
ACCOUNT OF
LEDGER-DISPATCH CO.
E. L. SLOAN,
Treasurer

1927
National Bank of Commerce
of Norfolk, Va.
Jan 10 1927
1927
National Bank of Commerce
of Norfolk, Va.
Jan 10 1927

COUNTER CHECK

Smithfield, Va. 4/5 1921 No.

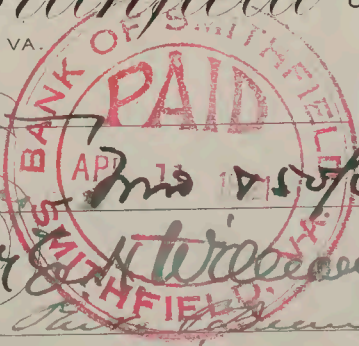
Bank of Smithfield 68-233
SMITHFIELD, VA.

Pay to the order of

Porter P. Deane

\$462⁰⁰

Four Hundred & Sixty
Two and no. W. Bailey
in Bailey's - Y. Bailey



Two Hundred Dollars
W. Bailey
Bailey & Co
Bailey

Parke, D. D.

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

60-34 APR 24 1921
CITIZENS
BANK OF WINDSOR
WINDSOR, VA.
1921

Smithfield, Va., 4/5 1921 No.

68-233

SMITHFIELD, VA.

Pay to the
order of

E. H. Williams

Deu F. Sofo

Revenue Stamp

E. K. Wilson

Mike Deano,

Galleries
 Spol. Books
 Bailey et al
 N.
 Bailey

THE BALTIMORE CUP - MAY BALTIMORE.

E. Mellicamp

COUNTER CHECK

Smithfield, Va. 4/9 1924 No.

Bank of Smithfield

68-233

SMITHFIELD, VA.

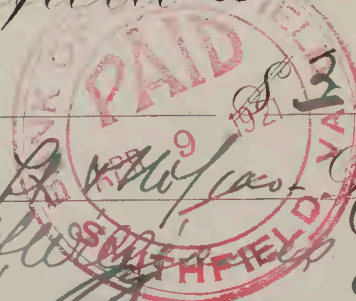
Pay to the
order of

E. H. Williams

Three Hundred & Forty-Eight

74 Poincippis

100/100 -
E. H. Williams
John Williams



\$ 348 ⁰⁰

Sp. L. Williams
Bailey & Co.
V. Bailey

E. H. Williams

COUNTER CHECK

Smithfield, Va. 4/5

1921 No.

Bank of Smithfield

SMITHFIELD, VA.

68-233

Pay to the
order of

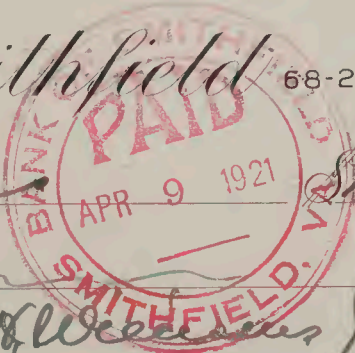
E. H. Williams

Nineteen & 80 cts

1/2 Cash & Writing Card

E. H. Williams

Thos. W. Dean



\$19.80

John C. Bailey

Bailey

E. Williams

COUNTER CHECK

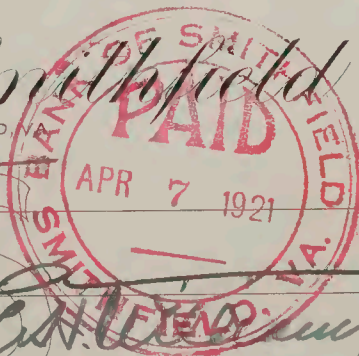
Smithfield, Va. 4/5 ————— 1921 No. —————

Bank of Smithfield
SMITHFIELD, VA.

68-233

Pay to the
order of

A. S. Brown
Eight & no/100
P. H. on hand



\$8.00

C. H. Williams
Thos. Deana

Sp. Camp
Bailey & Co
V.
Bailey

A. S. Barrett

COUNTER CHECK

Smithfield, Va. 45 1921 No.

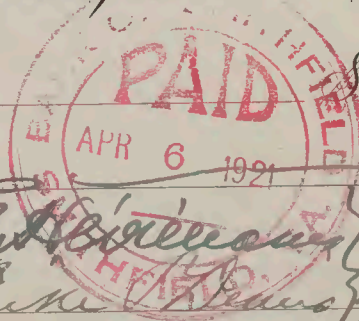
Bank of Smithfield

68-233

SMITHFIELD VA.

Pay to the order of

L. J. Maer
Three hundred
Printing Notes - \$300
Cutler & Co. }
Bailey & Co. }
V. Bailey }



S. J. Mood

COUNTER CHECK

Smithfield, Va., 4/5 — 1921 No.

Bank of Smithfield

68-233

SMITHFIELD, VA.

Pay to the
order of

R. Hawree
Owen & Wolfe
J. King & Co.

E. H. Williams

John A. King

1921
Dollars
Special
Check
—
Bridgeland
N. Briles

Mr. Krause

RECEIVED
JAN 10 1908
U.S. DEPT. OF AGRICULTURE
WASHINGTON, D.C.
60-234

April 9, 1921.

Received of E. H. Williams, ... \$93⁹⁶
In full settlement of my distributive share in the proceeds
of sale in the case of Bailey et als vs. Bailey, less my part
of Attorney fee.

Rosie Anglin

April 9, 1921.

Received of E. H. Williams, ... \$93⁹⁶
In full settlement of my distributive share in the proceeds
of sale in the case of Bailey et als. vs. Bailey, less my part
of Attorney fee.

Estelle Pratt

April 9, 1921

Received of E. H. Williams, ... \$93⁹⁵
In full settlement of my distributive share in the proceeds
of sale in the case of Bailey et als. vs. Bailey, less my
part of Attorney fee.

Estelle Williams

May - 23rd 1923 -

Recd of Est. Williams Sixty one & 70/100
Dollars in full Settlement my committed
Share interest in Bailey et als & Bailey
less Atty fee & fee for writing Power
of Attorney - W. H. Bailey

VIRGINIA:

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

Eva Bailey, Estelle Williams,
Jett Williams, Gertrude Hart,
Gousy Hart, Rosie Anglin, and
Ben Anglin.....Plaintiffs.

VS) IN CHANCERY

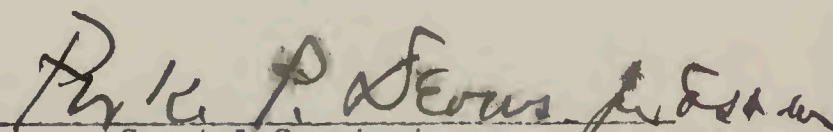
John W. Bailey.....Defendant.

TO THE HONORABLE JUDGE OF THE SAID COURT:

The undersigned Special Commissioners hereby respectfully report to the Court, that in pursuance and in accordance with the terms of a decree hereinbefore entered, they have disbursed One Thousand Thirty (\$1,030.00) Dollars, the amount of the purchase price of the land in this suit mentioned and described, and sold to J. J. Tynes, as is shown by the attached statement and vouchers.

And nothing further remaining to be done in this cause, your Commissioners respectfully recommend that it be stricken from the docket.

Respectfully submitted,


Special Commissioner.


Special Commissioner.

E. H. WILLIAMS AND PARKE P. DEANS, SPECIAL COMMISSIONERS, IN
ACCOUNT WITH THE SUIT OF EVA BAILEY ET ALS., VS. JOHN W.
BAILEY.

1921

April 5	To amount of purchase price of lot, in Bailey et als. vs. Bailey, sold to J. J. Tynes.....	\$1,030.00	
" "	By pd. D. J. Mood for printing notices of sale.....		\$ 3.00
" " " "	Smithfield Times, for order of publication.....		7.35
" " " "	A. S. Barrett, premium on bond.		8.00
" " " "	writing deed to purchaser.....		10.00
" " " "	J. R. Rowell, Jr., for taking acknowledgment.....		1.00
" " " "	revenue stamp on deed.....		1.50
" " " "	5% commission on first \$300.00, of purchase price.....		15.00
" " " "	2% commission on \$730.00.....		14.60
" " " "	R. A. Edwards, commission for stating account.....		20.00
" " " "	R. A. Edwards, cost of Court up to and including final decree and including taxed Atty. fee..		24.55
" 9 " "	E. H. Williams, Atty. for the plaintiffs.....		348.00
" 5 " "	Parke P. Deans, Atty. for the Defendant.....		462.50
" 4 " "	Taxes.....		12.86
" 9 " "	E. H. Williams, Atty. for the plaintiffs.....		101.64

\$1,030.00 \$1,030.00

Eva Bailey, et als.

VS) IN CHANCERY

John W. Bailey

REPORT

1933
May 30
Filed J.W.B.

E. H. WILLIAMS
ATTORNEY AT LAW
SMITHFIELD, VIRGINIA

*Sold to J. J. Jones
For \$1030.00
Wm. F. Jones, Auctioneer*

Public Sale

House and Lot near Smithfield, Va.

By virtue of authority contained in a decree of the Circuit Court of Isle of Wight County, Va., entered on December 20, 1920, in the Chancery Suit of Bailey et als versus Bailey, we, the undersigned Special Commissioners, will sell at public auction in front of the law office of E. H. Williams in the town of Smithfield, Va., on

Tuesday, Jan. 18, 1921

BEGINNING AT 12.00 M.

The following real estate, to-wit:

All that certain House and Lot located near the town of Smithfield, Newport Magisterial District, Isle of Wight County, Virginia, and bounded and described as follows: On the north by the road leading from Smithfield to Isle of Wight; on the east by the lands of George T. Barks; on the south by the lands of A. J. Cofer and others, and on the west by the lands of Dallas Taylor. The said lot fronting on the said county road fifty (50) feet and running back between parallel lines a distance of one hundred (100) feet to the lands belonging to the estate of A. J. Cofer. It being the same house and lot of which Willie Bailey died seized and possessed.

TERMS— The said sale shall be for cash, and the purchaser shall deposit ten per cent. of the purchase price with the Commissioners on the day of sale, which deposit, in addition to any other remedy, shall be forfeited to this cause in the event that the said purchaser shall not, within ten days of the sale, fully comply with the terms thereof, and unless said purchaser shall make said deposit at the time of sale, then the said Commissioners shall forthwith at the same time and place proceed to again sell the said property upon the said terms.

E. H. WILLIAMS

PARKE P. DEANS

Special Commissioners

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF ISLE OF WIGHT, the 4th day of January, 1921.

Bailey et als vs. Bailey.

I, R. A. Edwards, Clerk of the Circuit Court of the County of Isle Wight, do hereby certify that the bond required of the Special Commissioners in the above entitled cause, has been duly executed and recorded.

R. A. EDWARDS, Clerk.

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

Eva Bailey, Estelle Williams,
Gertrude Hart, Gousy Hart,
Rosie Anglin, and Ben Anglin,.....Plaintiffs.

vs. (In Chancery.

John W. Bailey,.....Defendant.

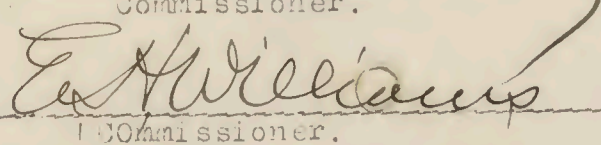
TO THE HONORABLE B. D. WHITE, JUDGE OF THE SAID COURT:

Your Commissioners, the undersigned, beg leave to report that in pursuance of the decretal order of this Court entered in the above cause on December 20th, 1920, they sold, at public auction, on Tuesday, January 18th, 1921, in front of the Law-Office of E. H. Williams, of the town of Smithfield, Virginia, the house and lot known as the "Willie Bailey House and Lot" and fully described in the bill and proceedings of this cause, after first having given the bond required by the said decretal order and also after having advertised the time, place, and terms of sale, as directed by the said decretal order; at which sale J. J. Tynes, being the highest bidder, became the purchaser thereof at the sum of One Thousand and thirty Dollars (\$1,030.).

Your Commissioners beg leave to further report that the said J. J. Tynes has paid to them the said sum of One Thousand and Thirty Dollars (\$1,030.).

Your Commissioners are advised that the said house and lot sold for a good price and they therefore recommend confirmation of the sale.

Respectfully submitted-


Commissioner.

Commissioner.

Bailey et als,

vs(In Chancery.

Bailey.

1921
Mar. 29,
Filed H.W.

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VIRGINIA

H. T. Hayes being duly sworn deposeth as follows:

Q. What is your name, age, residence and occupation?

A. H. T. Hayes, Smithfield, occupation Merchant.

Q. And your age?

A. Fifty-three.

Q. Did you know Tom Bailey?

A. Yes sir.

Q. And if so when did he die, and how many children did he leave surviving him.

A. He had three children and wife- I know he had three children, I haven't seen them for some years I know- I forgot what month he died, if that is a fact March, 1918. He was a member of my Lodge of Masons, I was at the funeral.

Q. Are you acquainted with the house and lot of which Willie Bailey, Tom Bailey's mother, died, seized and possessed?

A. Yes sir.

Q. What is the fee simple value of that place?

A. Well I think the consideration is around about One thousand Dollars (\$1000.00), that is what I think about it.

Q. What is its annual value, that is what would it rent for per year?

A. Well, taking from the houses that rent around town, Eight Dollars (\$8.00) a month, not less than that.

Q. Would you say that this property could be conveniently or advantageously divided in kind between the several parties entitled to share therein?

A. No sir, I don't see how it could.

Q. Do you know of any party in interest who would willingly take the entire property and to pay the other parties for their interest therein?

A. No sir, you mean any parties of the family?

Q. Yes.

A. No sir, I do not.

Q. Are you prepared to say that the interest of all the parties would be promoted by a sale of this property in order that there might be a division thereof?

A. Yes, I think its best, because they could not get along without, John has not lived here in I don't know when.

And further this deponent saith not-

H. T. Hayes

James Taylor being duly sworn deposeth as follows:

Q. What is your name, age, residence, and occupation?

A. James Taylor, going in my twenty-three (23), living in Smithfield, laboring in the factory.

Q. Did you know Tom Bailey?

A. Yes sir.

Q. When did Tom Bailey, and did he leave a wife and children surviving him and if children how many?

A. He left three children and one wife. Died March.

Q. What year?

A. 1918.

Q. What relation is his wife to you?

A. My mother.

Q. Whom did Tom Bailey's children marry?

A. One married a Williams.

Q. Jett Williams?

A. Yes sir, I forget the other two.

Q. Do you know who they married?

A. No sir.

Q. Do you know the house and lot in which Tom Bailey had an interest therein, in which Willie Bailey died, seized and possessed?

A. Yes sir.

Q. What do you consider the fee simple value of the house and lot?

A. About One thousand Dollars (\$1000.00), as near as I can come to it.

Q. What is its annual value, that is what will it rent for by the year?

A. About eight dollars (\$8.00) a month.

Q. Could this property be divided conveniently or to any advantage between the parties who have an interest there in?

A. No-

Q. Do you know of any party in interest who is willing to take the entire property and pay the other parties such sums of money as their interest therein may entitle them to?

A. No sir.

Q. Do you think that the interest of all the parties would be promoted by a sale of this property for a division?

A. Yes sir.

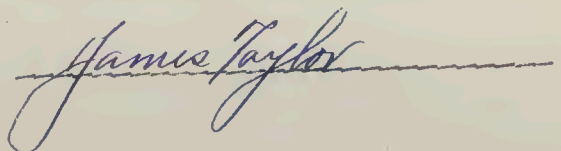
Q. Do you know whether or not your mother wants her interest in this land converted into money?

A. That's what she says, yes sir.

Q. How old is your mother?

A. Fifty some, I don't know exactly.

And further this deponent saith not-

James Taylor

E. H. Williams being duly sworn deposes as follows:

Q. What is your name, age, residence and occupation?

A. E. H. Williams, forty-three, Smithfield, Virginia, Lawyer.

Q. State what you know about the children of Tom Bailey, deceased.

A. I know this, that Eva. Bailey, Tom Bailey's wife, Jett Williams, Gertrude Hart, and Rosie Anglin, came to my office to employ me to institute suit for the sale of the interest of Thomas Bailey and the lands of which Willie Bailey died, seized and possessed, and that they stated that Tom Bailey had only three children, all girls, and that the one named Estelle had married Jett Williams, and that the one named Gertrude had married Gouzie Hart, and that the one named Rosie had married Benn Anglin. I am absolutely confident that these are the children of Thomas Bailey, deceased, and his only heirs at law.

Further this deponent saith not.

E. H. Williams

Barley ~~Sh~~

or

Barley

Barley

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

Eva Bailey, Estelle Williams, Jet Williams
Gertrude Hart, Goust Hart, Rosie Anglin.

Plaintiff

vs)

John W. Bailey

Defendent

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

The undersigned, one of the Commissioners in Chancery of this Court to whom has been referred the papers in the above entitled cause for the execution of a decree therein on November the 3rd. 1920, respectfully reports that on the 3rd day of December, 1920 in the presence of E.H.Williams Counsel for Plaintiffs and P.P Deans Counsel for Defendants, I took the testimony of H.T.Hayes, James Taylor and E.H.Williams, competent witnesses and reduced the same to writing and which is returned herewith, to be read as a part of this report, and from which, coupled with the records filed in the Clerk's Office of this Court, your Commissioner is informed and reports;

1st. Whether the real estate in the bill mentioned can be conveniently divided among the several parties entitled to share therein;

Ans. The real estate mentioned in the bill cannot be conveniently divided among the several parties entitled to share therein.

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

Ans. It does not appear that any party will take the entire property and pay therefor to the other parties such sums of money as their interest therein entitles them to.

3rd. And if the same cannot be conveniently divided and if no party will take the entire property and pay the others for their shares,

whether the interest of those who are entitled to the said property or its proceeds, will be promoted by a sale of the entire property or by an allotment of part and sale of the residue.

Ans. The interest of those who are entitled to the said property or its proceeds, will be promoted by a sale of the entire property at public auction and a division of the proceeds as provided by law. An allotment of part and a sale of the residue will not promote the interest of any party in interest.

4th. What real estate the parties to this suit are entitled, and the location and description thereof, how the title was acquired, and their respective interest therein, and the annual and fee simple values of said real estate.

Ans. The real estate to which the parties to this suit are entitled appears to be a certain house and lot located near the town of Smithfield, in Newport Magisterial District, in the County of Isle of Wight and State of Virginia and bounded and described as follows," On the North by the road leading from Smithfield to Isle of Wight Court House , on the East by the lands of George T. Banks on the South by the lands of A.J.Cofer and Company, and on the West by the lands of Dallas Taylor." The said lot fronting on the said County road fifty (50) feet, and running back between parallel lines a distance of one hundred feet to the lands belonging to the estate of A.J.Cofer. This description was taken from deed from A.J.Cofer to Willie Bailey, of record in this office in D.B. 47, at page 553 and from the deed from Anna Bailey et als to Thomas Bailey and of record in this office in D.B. 81. at page 201. It being the same land which was purchased by Willie Bailey from A.J.Cofer et als by their deed dated July 21st, 1881, and of record in this Office in D.B.47, at page 553, and devised by the said Willie Bailey by her last will which is of record in this office in will book 35 at page 56 which is devised as follows:

1st. Unto her son John Wesley Bailey and his heirs she gives one half interest in her house and lot which she purchased from A.J.Cofer & Co. And:

2nd. unto her sons and daughters herein after named that is to say, Thomas Bailey, Anna Bailey, Julia Bailey, Lou Bailey, Florence Bailey, Samuel Bailey and Lucy Bailey (the said Lucy Bailey being then the wife of Mason Wright)

she gives the remaining one half interest in the above mentioned house and lot, but it appears from record however that on December 10, 1912, Thomas Bailey one of the legatees under this will acquired the interest of the following heirs, Anna Bailey, Julia Bailey and Lou Bailey of the County of Isle of Wight, State of Virginia, Samuel Bailey and Nancy Bailey his wife of the County of Queens, State of New York, and Lucy Wright and Nathan Wright her husband of the City of Hampton, State of Virginia, by their deed dated as above stated and of record in the Clerk's Office of Isle of Wight Co. in Deed Book No. 81, at page 201. And it further appears that on Dec. 24th, 1915, the said Thomas Bailey purchased from Lou Bailey and Anna Bailey their interest in the aforesaid house and lot as is shown by their deed under the date of Dec. 24th. 1915 and duly of record in the Clerk's Office of said Court in D.B. 85, at page 247, this interest being the same which was purchased by the said Lou Bailey and Anna Bailey from Florence L. Payne and William Payne her husband by their deed dated the 12th day of April 1915 and recorded in the Clerk's Office of said County in D.B. 83, at page 889, and therefore your Commissioner reports that John Wesley Bailey is the sole owner of one half of said land, and that the estate of Thomas Bailey Dec. is the owner of the other one half, and that the said Thomas Bailey who died during the month of March in the year 1918 left as his heirs a widow by the name of Eva Bailey, and three daughters, namely, Estelle Bailey, who is Williams, Gertrude Bailey, who is Hart and Rosie Bailey who is Anglin, all of whom are past the age of twenty one years and are all properly before the Court.

As to what liens are against the property herein mentioned your Commissioner reports that there appear on the record in Isle of Wight County Clerk's Office two deeds of trusts described as follows:

1st. A certain deed of trust executed by Samuel and Willie Bailey to J.R. Jordan, Trustee Dated Feb. 12, 1884, in trust to secure to K.K. Chapman the payment of a certain note for \$115.25 and interest and of record in D.B. 47, at page 554,

2nd. A certain Deed of trust executed by Willie Bailey, a widow, to

F.R.Berryman, trustee, dated June 13th, 1892, in trust to secure to P.D. Gwaltney Jr & Co, the sum of twenty dollars as evidenced by a certain bond for \$20.00 and interest, said deed being of record in D.B.57, at page 224.

And as will appear to your Honor the indebtedness herein before described ^{is} ~~are~~ barred by the Statute of Limitation and your Commissioner finds ^{with} no [^] liens of record.

From the evidence taken before your Commissioner it is found that the annual value of this property is \$96.00 and the fee simple value thereof is \$1000.00

Respectfully Submitted,

R. A. Edwards.
Commissioner in Chancery.

Bailey et al
vs Chanery. #350
Bailey et al.

Commissioners in
Chanery Report.

1920

Dec. 20.

Filed T.B.D.S.,

James D. Dwyer

OFFICE OF SMITHFIELD TIMES.

Smithfield, Va. October 30, 1920

I hereby certify that the order, of which the annexed is a copy, has been published in SMITHFIELD TIMES, in the manner prescribed by law, once a week for four successive weeks, beginning Aug 13 1920, and ending Sept 30 1920.

Willie Alford
Editor Smithfield Times.

VIRGINIA: CLERK'S OFFICE OF
THE CIRCUIT COURT OF THE
COUNTY OF ISLE OF WIGHT, IN
VACATION, AUGUST 11, 1920.

Eva Bailey, Estelle Williams,
Jett Williams, Gertrude Hart,
Gousy Hart, Rosie Anglin and
Ben Anglin

vs Chancery No. 350.

John W. Bailey.

The object of this suit is to have partition of that certain house and lot located near the Town of Smithfield, Virginia, in the County of Isle of Wight of which Willie Bailey died seized and possessed. And [it appearing from an affidavit filed that said John W. Bailey, defendant is not a resident of the State of Virginia, it is ordered that he do appear here within ten days after due publication hereof and do what is necessary to protect his interest.

A Copy,

Teste, A. S. Johnson, Clerk
E. H. Williams, p. q.
Aug. 13-4t.

435

Barley et al

2/ Cy 350

Barley et al

Proctor's Certificate
as to Order of Court

EVA BAILEY, ESTELLE WILLIAMS, JETT WILLIAMS, GERTRUDE
HART, GOUSY HART, ROSIE ANGLIN AND BEN ANGLIN,.....
.....Plaintiffs.

VS) In Chancery.

JOHN W. BAILEY,.....Defendant.

-----00-----

State of Virginia,

County of Isle of Wight, to-wit:

This day Eva Bailey, one of the above named plaintiffs,
personally appeared before me, E. H. Williams, a Commis-
sioner in Chancery of the Circuit Court of the County of
Isle of Wight, Virginia, in my County aforesaid, and
made oath that John W. Bailey, the said defendant, is a
non-resident of the State of Virginia, that his last
known Post Office address was Box 6, Seabright, N. J.

Given under my hand this 11th day of August,
1920.


Commissioner in Chancery.

Evans Parley et al.
vs. C. No. 350
J. W. Parley

Affidavit for
Order of Return

Filed Aug 11, 1920

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT,
IN VACATION, AUGUST 11TH. 1920.

Eva Bailey, Estelle Williams, Jett Williams, Gertrude Hart, Gousy Hart,

vs. Roscoe Anglin and Ben Anglin

Chancery No. 350.

John W. Bailey.

The object of this suit is to have partition of that certain house and lot located near the Town of Smithfield, Virginia, in the County of Isle of Wight, of which Willie Bailey died seized and possessed. And it appearing from an affidavit filed that said John W. Bailey, defendant is not a resident of the State of Virginia, it is ordered that he do appear here within ten days after due publication hereof and do what is necessary to protect his interest.

A copy,

Teste, A. Johnson Clerk.

Evie Bailey et al.

n s Cy. No. 250

Jno M Bailey

Copy of order
of publication

Filed Aug 11, 1920

2055
J. M. Bailey
Clerk

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

Eva Bailey et als.

v.

John W. Bailey.

The answer of John W. Bailey to a bill of complaint filed against him in the Circuit Court of Isle of Wight County by Eva Bailey and others, complainant.

This respondent reserving to himself the benefit of all just exceptions to the said bill of complaint, for answer thereto or to so much thereof as he is advised that it is material he should answer, answers and says:

That it is true that Willie Bailey of Isle of Wight County, Virginia died seized and possessed of a certain lot of land as described in the bill of complaint and it is further true that the said Willie Bailey in her life time executed her last will and testament, which has been duly recorded in the Clerk's Office of Isle of Wight County, Virginia; and in said will she devised to your respondent one-half of the house and lot as his in fee simple and devised to the other children the other one-half interest.

That the said real estate cannot be conveniently divided and your respondent hereby ask that the said property be sold by this Court at public auction. That this manner of sale will be satisfactory to all parties of interest.

That it is true that all the parties of interest are of age.

And now, having fully answered the complainants' bill, this respondent prays to be hence dismissed with his reasonable costs by him in this behalf expended.

John W. Bailey
by Parke Plemons Atty.

Bailey et als.

v.

Bailey, John W.

Answer of the Defendant.

PARKE P. DEANS,
ATTORNEY AT LAW,
WINDSOR, VIRGINIA.

The Linden Printing Company, Hartford, Conn.

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

-----oOo-----

EVA BAILEY. ESTELLE WILLIAMS, JETT WILLIAMS, GERTRUDE
HART, GOUSY HART, ROSIE ANGLIN, AND BEN ANGLIN, ,,,Plaintiffs

VS) In Chancery.

JOHN W. BAILEY, ...Defendant.

-----oOo-----

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

The amended and supplemental bill of your complainants Eva Bailey, Estelle Williams, Jett Williams, Gertrude Hart, Gousy Hart, Rosie Anglin and Ben Anglin, respectfully sheweth to the Court that they have heretofore exhibited in this Court their original bill of complaint against John W. Bailey, in which said complaint your complainants allege that Thomas H. Bailey, died, seized and possessed of seven eighths (7/8) of the land of which Willie Bailey died, seized and possessed, and being the same land mentioned and described in the said bill of complaint; your complainants now state to the Court that since the filing of the said original bill of complaint the said John W. Bailey has had probated in the Clerk's Office of this Court the last will and testament of the said Willie Bailey, deceased, and by the said will the said Willie Bailey, deceased, devised a one-half interest of the said land to the said John W. Bailey; and your complainants further state to the Court that they have ascertained that the said Thomas H. Bailey at the time that he purchased the interest of the heirs at law of the said Willie Bailey, deceased, as set forth in the said original bill of complaint, had notice of the existence of the said last will and

testament of the said Willie Bailey, deceased; therefore, your said complainants allege that the said Thomas H. Bailey died, seized and possessed of only a one-half interest in the land of the said Willie Bailey, deceased.

It is therefore prayed that the said John W. Bailey may answer all and every the matters and things herein charged by way of amendment and supplement, but an answer under oath is waived, and that your complainants may have full and general relief in the premises such as the nature of their case may require.

And your complainants will ever pray and etc.--

Eva Bailey
Esther Williams
John Williams
John H. Hest
Louise Hest
Rosa Puglin
Ben Puglin,

E. H. Williams & Co.

By Counsel

BAILEY ET ALS.

VS) IN CHANCERY.

BAILEY.

AMENDED BILL.

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VIRGINIA

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

-----oOo-----

EVA BAILEY, ESTELLE WILLIAMS, JETT WILLIAMS, GERTRUDE
HART, GOUSY HART, ROSIE ANGLIN, AND BEN ANGLIN, , , , , ,
Plaintiffs.....

VS) In Chancery.

JOHN W. BAILEY, ... Defendant.

-----oOo-----

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

Your Complainants, Eva Bailey, Estelle Williams, Jett
Williams, Gertrude Hart, Gousy Hart, Rosie Anglin and Ben
Anglin, respectfully sheweth unto the Court the following
case:

That Willie Bailey died, intestate, in August, 1910,
seized and possessed all of that certain lot, piece or par-
cel of land near the town of Smithfield and in the County
of Isle of Wight, Virginia, and bounded on the North by the
County road leading from Smithfield to Isle of Wight Court-
house; on the East by the lands of Leroy Robertson, deceased;
on the South by the lands of A. J. Cofer, deceased; and on
the West by the lands of Isabel Taylor; leaving surviving
her as her only heirs at-law the following children; Thomas
Bailey, John Bailey, Sam Bailey, Anna Bailey, Julia Bailey,
Lu Bailey, Lucy Wright, who was Bailey, and Florence Payne,
who was Bailey.

That Lu Bailey and Anna Bailey by their Deed bearing
date of December 24th, 1915, and of record in the Clerk's
Office of this Court, in D. B. 85, page 247, conveyed to

Thomas H. Bailey the interest of Florence Payne and her Husband, William Payne, in and to the land above mentioned, the same being a one-eighth ($1/8$) interest;

That Anna Bailey, Julia Bailey, Lu Bailey, Samuel Bailey and Nancy A. Bailey, his wife, Lucy Wright, and Nathan Wright, her husband, by their Deed bearing date of December 10th, 1912, conveyed to the said Thomas H. Bailey, all their interest in the said land;

That the said Thomas H. Bailey being seized and possessed of seven-eighths ($7/8$) of the said land died, intestate, on March 4th, 1918, leaving surviving him a widow, Eva Bailey, and the following children; Estelle Williams, who was Bailey, Gertrude Hart, who was Bailey, and Rosie Anglin, who was Bailey, as his only heirs at -law.

That the said Eva Bailey, widow of the said Thomas Bailey, was fifty years old on November 10th, 1919, and is willing to have her dower interest in the said land commuted.

That the defendant, John W. Bailey, is a non-resident of the State of Virginia, and that his last known Post Office Address was Box 6, Seabright, N. J..

Your complainants allege and charge the said real estate as they believe is susceptible of partition among the the parties entitled there-to; but if it cannot be so divided among the parties entitled thereto then your complainants desire that the same may be sold and the proceeds divided among the parties entitled thereto according to their respective rights.

In tender consideration whereof and for as much as your complainants are remediless from the premises save in the Court of equity pray that John W. Bailey may be made a party defendant to this bill and required, but not on oath, to answer the same, the oath being hereby waived; that proper

Be issued; that the said real estate be divided between the parties entitled thereto or else that it be sold and the proceeds divided among the parties according to their respective interest; that a reasonable Attorney's fee may be awarded your complainants Attorney for his services in this cause; and, that all proper orders and decrees may be made, accounts taken and inquiries be directed; that all such other, further and gen~~er~~al relief as in the premises may be just and right may be granted.

Your complainants will ever pray;

Eva Bailey

Esther Williams

John Williams

George H. H. H.

George H. H. H.

Rosie Cagle's

Ben R. R. R.

Williams pg.

By

EVA BAILEY ET AL'S

VS) IN CHANCERY:

JOHN W. BAILEY

BILL.

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VIRGINIA

Copy made of this