

1893-002

Nansemond Co. (Suffolk)

Chancery Causes: James R. Delk et al vs Emily Whitley et al

Fulgham, Gardner, Pitlman, Pitman, Hergrove

Plat (1)

OVERSIZE

Box 1

-1 Plat

James R Deek vs Others
vs } In Chancery
Whitley vs Others
Costs

W Bleauser	Clerk	\$3.63
A O Gomer	"	7.12
Sherriff and Co		3.00
" Isle of Wight Co.		1.00
R R Prentiss	Comms in Chy.	15.00
Chancery Fee, Witnesses (2)		1.00
Writ Day		1.50
Attorney		15.00
		\$ 47.25
Printing J. P. Young, Clerk.		75
		48.00

Deek & others
vs? In Chy
Whitley & others

Costs

The Commonwealth of Virginia,

Isle of Wight

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Emily Whitley, widow*
of George W. Whitley Senior deceased, Julius W.
Whitley, Stephen H. Whitley, John Jacob Astor
Whitley, Peter Whitley, Christopher Milton
Whitley and Albert E. Whitley, the three
last named being infants under the
age of twenty-one years

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for
the said Court, on the first Monday in *December* next, to answer

a Bill in Chancery, exhibited against them
in the said Court by *James R. Delk and*
Polly D. Delk his wife, James H. Fulgham
and Emma C. Fulgham his wife Edwards
L. Gardner and Juliet Gardner his wife
and George W. Whitley Junior

and have then and there this summons.

Wm B. Causey
Witness, ~~PETER B. PRENTIS~~, Clerk of our said Court, at his office, this *12th* day of
November 18 *89*, in the 11th year of the Commonwealth.

Teste:

Wm B. Causey Clerk.

I have executed this process by delivering
a copy thereof in writing to ~~each of~~ the within
named Julius W. Whitley and ~~Stephen J. White~~
~~by~~ in person this 20th day of November 1889.

Co. A. Edwards Shff.
of Isle of Wight County, Va.

Not finding the within named Stephen
J. Whitley at his usual place of abode
I delivered a copy hereof to Emma V.
Whitley ^{his} wife of the within a white
Pison ^{found there} ~~over~~ the age of sixteen years & ex-
plained the purpose of the same ^{to her} Nov. 20
th 1889.

Co. A. Edwards
Shff.
of Isle of Wight County, Va.

Kilby p. q.

James R. Bell wife v. als.

vs } Summons in chq.

Emily Whitley, widow of
George W. Whitley, & decd.
vs others.

Is December Rules 1889

1st Monday

Summons in chq.

Prosser vs
C. dec.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Emily Whitley widow of George W. Whitley Senior, deceased, Julius W. Whitley, Stephen J. Whitley, John Jacob Astor Whitley, Peter Whitley, Christopher Milton Whitley and Albert E. Whitley, the three last named being infants under the age of twenty-one years.*

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in *December* next, to answer

a Bill in Chancery, exhibited against *them*

in the said Court by

James R. Delk and Polly D. Delk his wife, James H. Fulgham and Emma L. Fulgham his wife Edward L. Gardner and Juliet Gardner his wife and George W. Whitley Junior.

and have then and there this summons.

Wm B. Causey
Witness, *PETER B. PRENTIS*, Clerk of our said Court, at his office, this *12th* day of *November* 1889, in the 114th year of the Commonwealth.

Teste:

Wm B. Causey

Clerk.

Executed this 18th day of November 1889. by Serving a
true copy of this process in writing upon the within
named Emily Whitley - ~~James R. Dalk~~ and John A.
Whitley - ~~James R. Dalk~~ and Benjamin M. Whitley
Each in person.

Wm. A. Howell

Shpf.

Kilby p. q.
James R. Dalk wife & als.
vs. / Summons in chq.

Emily Whitley, widow
of George W. Whitley & als.

To December Rules ¹⁸⁸⁹ ~~1890~~
First (Monday)

Pro Bt. no 2 p 26

Cii. let

At Rules held in the Clerk's
office of the Circuit Court of
Hansemond County, Va. on the
second day of December 1889;

Deek & als.

vs. } In Chancery
Whitley & als

On the motion of the Com-
plainants by counsel, Lee Britt,
Esq. Attorney at Law, is ap-
pointed guardian to the de-
fendants, Peter Whitley, Chris-
topher Milton Whitley and
Albert E. Whitley, who are in-
fants under the age of twenty-
one years, to defend them in
this suit.

C. A. P. Gorner Clerk
of the Circuit Court of
Hansemond County.

Belk Sal.

vs. } In Chy.

Whitley Sal.

Order appoint-
ing guardian
ad litem for
infant defend-
ants.

Know All Men by These Presents, That we, *Wilbur J. Kilby*
and *L. Clay Kilby*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of *Twenty Five hundred* DOLLARS, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

And we waive the benefit of our exemption as to this obligation, and also waive any claim or right to discharge any liability to the said Commonwealth arising under this bond, or by virtue of the office, post or trust herein mentioned, with coupons detached from bonds of said Commonwealth.

Sealed with our seals, and dated this *30th* day of *October* in the year of our Lord one thousand eight hundred and *ninety*, and in the *115th* year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas *by* a decree of the Circuit Court of Nausemond County Virginia pronounced in the 10th day of October 1890 in the Chancery cause depending in said Court between James R. Deek Polly D. Deek and others plaintiffs and Emily Whitley Julius W. Whitley and others defendants It was decreed that the real estate of which George W. Whitley senior died seized and possessed mentioned and described in the bill in said cause other than that part thereof which has been assigned to Emily J. Whitley widow of said George W. Whitley senior as her dower be sold and the above bound Wilbur J. Kilby was appointed Special Commissioner to sell the same as specified in said decree; Now therefore if the said Wilbur J. Kilby shall faithfully discharge his duties under said decree and all other decrees he may be required to execute in said cause then the above obligation is to be void; otherwise it is to remain in full force and virtue.

Wilbur J. Kilby
L. Clay Kilby

SEAL

SEAL

SEAL

SEAL

SEAL

In the office of the Clerk of the *Circuit* Court of Nausemond County, on the *30th* day of *October* 1890

The above bond was executed and acknowledged by the obligors (the sureties) justifying on oath as to *his* sufficiency) and recorded.

A copy
Teste:

Teste:

A. P. Gorney

CLERK.

A. P. Gorney clerk

Wilbur J. Kilby
To Spec Comr. Bms
The Commonwealth

1890
October 30th.

A copy

Received of Wilbur J. Kilby, Special Comr. ten
dollars for services rendered as crier at the
sale of the land of Geo. W. Whitley Sr. de-
ceased on the 8th. day of December 1890 at
public auction before the Courthouse door of
Chauvenard County

J. D. Parker Crier

\$10.⁰⁰

Suffolk, Va., July 6, 1891

Mr. W. J. Kilby, Special Com'r

TO SUFFOLK HERALD, Dr.

J. E. BOOKER, Proprietor.

First-Class JOB PRINTING a Specialty.

1890

Nov.	1	To printing 100 notices of sale of Geo. W. Whitley's land, adjo. James R. DeWitt's. \$1.50		
"	21	To publishing said notices in Suffolk Herald, 6 inches 3 weeks,	7 00	\$8 50

1891.

July 6 Paid by W. J. Kilby, Special Com'r.

J. E. Booker.
M. L.

1891 Sept. 22. Received of Wilbur J. Kil-
by, Special Commr. Six dollars for making
a survey and plat of the land of which
Geo. W. Whitley, Sr. died seised and pos-
sessed in Chautauque Co., Va.

\$6⁰⁰

B. D. Baker Co Surv.

Received of Wilbur J. Kilby, Special
Commr. four dollars in full of services
for myself and three laborers em-
ployed by me for one day each in
connection with the survey of the land
of Geo. W. Whitley Sr. made by B. P. Baker
Surveyor.

\$4⁰⁰

J R Dink

Mr. George W. Whitley ^{Est} Dr.

1890.

To H. E. SMITH, Treasurer of Nansemond County, Va.

No..... <u>561</u>	State Tax, 30 cents on the \$100.	State School Tax, 10c. on the \$100.	County Levy 25c. on the \$100.	Parish Levy, 5c. on the \$100.	Co. School Tax, 5c. on the \$100.	Dis. School Tax, 5c. on the \$100.	Co. Road Tax, 10c. on the \$100.	TOTAL AMOUNT OF TAXES.
No. of Acres... <u>154 3/4</u>								
To Real Estate, value \$ <u>928</u>	<u>278</u>	<u>93</u>	<u>232</u>	<u>466</u>	<u>466</u>	<u>466</u>	<u>92</u>	<u>836</u>
" Personal Prop'y, value \$.....								
" Income, &c., value \$.....								
" Poll Taxes.....								
Total.....								<u>836</u>
Five per cent. additional.....								<u>42</u>
Total.....								<u>878</u>

Received Payment,

H. E. Smith
W. Knight, Treasurer.

1891 Augt, 21. Received of Wilbur
J. Kilby, Special Comr. Three dollars
in full of fees due me in the Chan-
cery suit of Jas. R. Delk Adm. vs. Emily
Whitley Adm.

\$ 3 ⁰⁰/₁₀₀

Wm Howard Latimer Sgts -

1891 Oct. 5. Received of Wilbur J. Kilby, Special Court. One dollar for serving process on Stephen J. Whitley wife in the Chancery suit of Jas. R. Delk & als. vs. Whitley & als, pending in the Circuit Court of Chautauque County.

\$1.00

R. A. Edwards Stff

1891 Oct. 5. Received of Wilbur J. Kilby, Special Comr. Seventy-five cents in full for copy of deed from John D. Pittman to Geo. W. Whitley filed as Exhibit D. with the Bill in the Chancery cause of Jas. R. Deek & als. vs. Emily Whitley & als. pending in the Circuit Court of Annesmond County.

75^c

A. O. Young cer.

1891 Sept. 26th. Received of Wilbur J.
Kilby, Special Commr. fifteen dollars in
full of fee due me for Report filed on
the 19th. Sept. 1890 in the Chancery Cause
of Jas. R. Delk & als. vs. Emily Whitley
& als. in the Circuit Court of Chautauque
County.

\$15.⁰⁰

Robert D. Dennis, Commr.

Received of Wilbur J. Kilby
Special Commr. One hundred and
fifty-nine and $\frac{87}{100}$ dollars in
full of my share of the proceeds
of the sale of my father's lands-
sold under proceedings in the
Chancery suit of Jas. R. Belk &
als. vs. Emily Whitley & al. in
the Circuit Court of Chaussemond
County, Va.

\$159.⁸⁷/₁₀₀

Geo W. Whitley Jr

Please send
Deed for land
Soon as Possible
Very Truly Yours

1893 Jan. 24. Received of Wilbur
J. Kilby, Special Comr. One hundred and
fifty-nine and $\frac{87}{100}$ dollars in full
of the share of the undersigned, Polly
D. Delk, in the proceeds of the sale
of her father's land, - sold under
decree of Court in the Chancery Cause
of Jas. R. Delk & al. against Emily
Whitley & al. in the Circuit Court
of Chaussemond County

\$159. $\frac{87}{100}$

Polly D. Delk
J R Delk

Received of Wilbur J. Kilby, Special
Commr. One hundred and fifty-nine
and $\frac{87}{100}$ dollars in full of the
share of the undersigned, Juliet Gard-
ner, in the proceeds of the sale of
her father's lands - sold under pro-
ceedings in the Chancery Cause of
Deek Hal. vs. Whitley Hal. in the
Circuit Court of Chautauque County,
\$159.87

~~Juliet Gardner~~
E L Gardner

Smithfield Pa

Sept 18th 1891.

Mr. Tilber, & Kilby.

Dear Sirs,

You will please pay to
Stephen F. Hitley. My entire
Interest of my Fathers
estate.

And oblige a friend.
Yours respectfully,

Peter Hitley.

To Wilbur J. Kilby, Special Commr.

Please pay to George W. Whitley
Sr. all our shares of the proceeds
of the sale of the lands of George
W. Whitley Sr. deceased. — sold
under decree of Court in the
Chancery suit of Jas. R. Deek & al.
vs. Emily Whitley & al. in the
Circuit Court of Chaussemond
County, Va. Emma C. Fulgham

Julius W. Whitley.

James W. Fulgham

Received of Wilbur J. Kilby
Special Commr. One hundred and
fifty-nine and $\frac{87}{100}$ dollars in
full of Julius W. Whitley's share
of the proceeds of the sale of his
father's lands, - sold under de-
cree of Court in the Chancery suit
of Jas. R. Delp Sal. vs. Emily
Whitley Sal. in the Circuit Court
of Chatham County, Va.

And also received of said
Wilbur J. Kilby, Special Commr.
One hundred and fifty-nine
and $\frac{87}{100}$ dollars in full of
Emma C. Fulgham's share of
the proceeds of said sale.

\$159.87
159.87

Geo W. Whitley Jr

1892 Dec. 22 Received of Wilbur
J. Kilby, Special Comr. One hundred
and fifty-nine and $\frac{87}{100}$ dollars in
full of my share of the proceeds of the
sale of my father's estate, or lands, - sold
under decree of Court in the Chancery
suit of Jas. R. Dalk & al. against
Emily Whitley & al. in the Circuit
Court of Chausmond County.
\$159. $\frac{87}{100}$

John J. A. Whitley

1892 Dec. 22. Received of Wilbur J.
Kilby, Special Comr. One hundred and
fifty-nine and $\frac{87}{100}$ dollars in full of
Christopher M. Whitley's share of the pro-
ceeds of the sale of his father's land, -
sold under decree of Court in the
Chancery suit of Jas. R. Dalk & al. a-
gainst Emily Whitley & al. in the
Circuit Court of Chausmond County.
And also received of said Wilbur
J. Kilby, Special Comr. One hundred and
fifty-nine and $\frac{87}{100}$ dollars in full of Al-
bert E. Whitley's share of said proceeds.

John J. A. Whitley Guardian
of Christopher M. Whitley and
Albert E. Whitley

1893 Jan. 26. Received of Wilbur J. Kilby, Special Comr. One hundred and fifty-nine and $\frac{87}{100}$ dollars in full of my share of the proceeds of the sale of my father's land, - sold under decree of Court in the Chancery suit of Jas. R. Belk & al. ~~against~~ Emily Whitley & al. in the Circuit Court of Chaussemond County.

\$159. $\frac{87}{100}$

S. J. Whitley

1893 Jan. 26. Received of Wilbur J. Kilby, Special Comr. One hundred and fifty-nine and $\frac{87}{100}$ dollars in full of Peter Whitley's share of the proceeds of the sale of his father's land - sold under decree of Court in the Chancery suit of Jas. R. Belk & al. against Emily Whitley & al. in the Circuit Court of Chaussemond County.

\$159. $\frac{87}{100}$

S. J. Whitley
assignee of Peter Whitley

Virginia:

At a County Court held for the
County of Hansemond at the
Court House in the Town of
Suffolk on Monday the 9th day
of March A.D. 1891.

Christopher Milton Whitley and Albert
E. Whitley minors over the age of
fourteen years and orphans of George
W. Whitley Senior deceased in the
presence of the Court doth nomi-
nate John Jacob Astor Whitley to be
their Guardian who being approved
by the Court is appointed accord-
ingly; and thereupon the said John
Jacob Astor Whitley entered into a
bond in the penalty of Six Hundred
Dollars conditioned according to
law with Stephen J. Whitley his sure-
ty (who justified on oath as to his
sufficiency) which bond being ac-
knowledged by the obligors is or-
dered to be recorded.

Attest

Teste:

R.R. Smith Clerk
By C. G. Gomez D.C.

To the Circuit Court of Cause-
mond County, Va.

In pursuance of the decree
of the Circuit Court of the County
of Causemond pronounced on
the 11th day of April A.D. 1891
in the Cause in Chancery in
said Court depending between
James R. Delk, Polly Delk and
others, Complainants and Emily
Whitley, Julius W. Whitley and
others, Defendants; the under-
signed, Wilbur J. Kilby, Special
Commissioner respectfully reports
to Court as follows:

That, as directed by said de-
cree, he has received of the Clerk
of said Court and left with
him a receipt (which has been
filed with the papers in said
Cause) for the two bonds of Stephen
J. Whitley, mentioned in said decree
with Sydney T. Ellis his surety thereto,
each for the sum of three hundred
dollars, dated the 8th day of December
1890 and payable one and two years
respectively after date with interest
from date, and also the two bonds
of George W. Whitley Jr. also mentioned
in said decree with Emma C. Pulg-
ham his surety thereto, each for the
sum of three hundred and ten dol-

1 lars. dated the 8th. day of December
 2 1890 and payable one and two years
 3 respectively after date with interest
 4 from date, and that he has collected
 5 the money for said bonds together
 6 with all interest due thereon, and
 7 has disbursed the money together
 8 with the sum of four hundred and
 9 ^{forty} nine dollars already in his hands
 10 in the manner directed by said de-
 11 cree, as the vouchers hereto attached
 12 and the following statement will
 13 fully show, to wit:

14	By Cash in hand as stated above.		\$ 449 00
15	" Principal sum of said Stephen J.		
16	Whitley's two bonds, each for \$300. =	600 00	
17	By Interest on the same.	28 00	
18	" Principal sum of said Geo. W.		
19	Whitley's two bonds each for \$310 =	620 00	
20	" Interest on the same.	75 39	
21	To paid costs of said Cause and ex-		
22	penses of the sales mentioned in		
23	said decree as follows, to wit:		
24	To 5 per cent Commissions on \$300. = 15.00		
25	" 2 " " on \$1309. = 26.18	41 18	
26	" paid Geo. T. Parker, Clerk at said sales, per rect.	10 00	
27	" " J. E. Booker, for printing notices of said		
28	sales and publishing the notice in "The		
29	Suffolk Herald" per rect.	8 50	
30	" " Beverly P. Baker for surveying the real		
31	estate sold as stated in said decree, per rect.	6 00	
32	carried on	65 68	1772 39

	brought on	65.	68	1772	39
1	To paid Jas. R. Delk for services of				
2	himself and three hands rendered				
3	said Surveyor per rect.	4	00		
4	" " H. E. Smith, Treas. ^{for 1890} taxes on land				
5	in Chausemond County, per rect.	8	78		
6	" " J. B. Britt, Deputy Treas. taxes for 1890				
7	on land in Isle of Wight County, per rect.	2	23		
8	" " Wilbur J. Kilby, fee and state tax "	16	50		
9	" " Wm B. Causey, late Clerk his fees "	3	63		
10	" " A. P. Gomer, Clerk, his fees "	7	12		
11	" " Wm H. Howell, late sheriff, his fees "	3	00		
12	" " Rob. A. Edwards, shff. of Isle				
13	of Wight County, his fees, "	1	00		
14	" " Nathl. P. Young, Clerk of Isle of				
15	Wight County Court, his fees, "		75		
16	" " Rob. R. Prentis, Cour. in Chy. "	15	00		
17	" " A. B. Hargrave, witness "		50		
18	" " Matthew Gardner, "		50		
19	" " Wilbur J. Kilby for preparing				
20	two deeds as herein mentioned "	10	00		
21	" " Wilbur J. Kilby, Atty. fee allow-				
22	ed by said decree, per rect.	35	00		
23	" Amount to Balance	1598	70		
24		1772	39	1772	39
25	By Balance brought on.			1598	70
26	To paid Geo. W. Whitley, Jr. 1/10 of \$1598,70, per rect.	159	87		
27	" " Stephen J. Whitley ditto "	159	87		
28	" " John J. A. Whitley ditto "	159	87		
29	" " Polly B. Delk ditto "	159	87		
30	" " Juliet Gardner ditto "	159	87		
31	carried on	799	35	1598	70

1	Brought on	799 35	1598 70
2	To paid Geo. W. Whitley Jr. assignee of Julius		
3	W. Whitley 1/10 of \$1598.70. per acct.	159 87	
4	" " Geo. W. Whitley, Jr. assignee of Em-		
5	ma C. Fulgham 1/10 of \$1598.70. per acct.	159 87	
6	" " Stephen J. Whitley, assignee of Peter		
7	Whitley, a like sum. per acct.	159 87	
8	" " John J. A. Whitley, Guardian of Chris-		
9	topher W. Whitley, a like sum. per acct.	159 87	
10	" " John J. A. Whitley, Guardian of Albert		
11	E. Whitley, a like sum. per acct.	159 87	
12		1598 70	1598 70

As directed by said decree, the under-
signed has made to said Stephen J. Whitley
and George W. Whitley Jr. each a deed with
special warranty in the usual form con-
veying to them the respective parcels of land
purchased by them under the proceedings
in said cause.

Respectfully submitted this 9th. day
of February A. D. 1893.

Wilbur J. Kilby,
Special Commissioner.

Received of Wilbur J. Kilby, Special
Cmr. the respective sums of money charg-
ed in the foregoing report as paid to us
and set opposite our names as follows:

Wilbur J. Kilby, Atty. for two deeds	\$10.00
Wilbur J. Kilby, Atty. for Plaintiffs	16.50
Wilbur J. Kilby "	35.00
A. P. Somers Clerk	7.12
A. B. Hargrave	.50 ^c
Matthew Gardner	.50 ^c
Wm. B. Causey (late Clerk)	3.63

Jas. R. Delk & als.

} In Chy.

Emily Whitley & als.

Report of collections
and disbursements
under decree of
11th April 1891.

1893 Feby 9th Filed
A. P. Gorney clerk

To the Circuit Court of Chause-
mond County, Va.,

In pursuance of the decree
of the Circuit Court of Chause-
mond County, Va. pronounced on
the 10th. day of October 1890 in
the Chancery cause pending in
said Court between Jas. R. Belk
and others, Complainants and
Emily Whitley and others, Defend-
ants, the undersigned, Wilbur
J. Kilby, Special Commissioner, ap-
pointed for the purposes specified
in said decree, respectfully re-
ports to Court,

That after he had executed
before the Clerk of said Court
the Bond required of him by
said decree and had obtain-
ed of said Clerk a certificate
of the due execution thereof, he
proceeded to advertise for sale
the land, which by said decree
he had been directed to sell, and
after he had advertised the time
place and terms of the sale there-
of in the manner directed by
said decree, namely, by printed
-notices posted in the neighborhood

of the land and at the Courthouse door of said County and at several public places in said County more than thirty days prior to the sale and by publication of the notice once a week for three successive weeks in the "Suffolk Herald", a newspaper published in the Town of Suffolk in said County; - a copy of said Certificate having been appended to the advertisement; - he proceeded to see the land and, on County Court day, Monday the 8th day of December 1890, did see the same by public auction before said Courthouse door.

That Stephen J. Whitley became the purchaser as the highest bidder for the sum of one thousand and nine dollars of all that parcel of said land which contains 79 acres, more or less, lying in said County and bounded by the lands of James J. Pykes, George W. Gay, Sydney T. Ellis, Richard E. Parker and the dower land of Emily Whitley.

That George W. Whitley Jr. became the purchaser as the highest bidder for the sum of six hundred and sixty dollars of all that parcel of said land, which contains 120 acres, more or less, lying in Isle of Wight County, Va. and bounded by the lands of Thomas J. Saunders, A. L. Saunders, James J. Tynes, and others, and the County road from Barber's Cross-roads to Everett's Bridge and Milner's wharf.

That in compliance with the terms of said sale, the said Stephen J. Whitley, has paid to the undersigned four hundred and nine dollars, part of said sum of \$1009, in cash, and for the remainder has executed his two bonds each for the sum of \$300, with Sydney T. Ellis as his surety, payable respectively one and two years after date with interest from date and bearing date on the 8th. day of December 1890.

That in compliance with the terms of said sale, the said George W. Whitley Jr. has paid to the undersigned forty dollars, part of

said sum of six hundred and sixty dollars, in cash, and for the remainder has executed his two bonds each for the sum of \$310, with Emma C. Fulgham as his surety payable respectively one and two years after date with interest from date and bearing date on the 8th. day of December 1890.

The said Bonds of Stephen J. Whitley and George W. Whitley Jr., the said certificate, and a copy of the advertisement of said sale, with a copy of said certificate thereto appended, are herewith returned.

The said sums of \$409. and \$40. total \$449 are in the hands of the undersigned, subject to the order of Court.

Respectfully submitted this 12th. day of December 1890.

Wilbur J. Kilby
Special Court.

I, Azra P. Gomer, Clerk of the Circuit Court of Chausemond County, Va., do certify that the Bond required of Wilbur J. Kilby as Special Commissioner under the decree of said Court on the 10th. day of October 1890 in the Chancery Cause pending in said Court between James R. Delk and others, Plaintiffs, and Emily Whitley and others, Defendants, has been executed with security deemed sufficient by me.

Given under my hand this 30th. day of October A. D. 1890,

A. P. Gomer Clerk

SALE OF VALUABLE LAND!—

By authority of a decree of the Circuit Court of Nansemond county pronounced on the 10th day of October, 1890, in the chancery cause pending in said court between James R. Delk and others, plaintiffs, and Emily Whitley and others, defendants, I shall offer for sale by public auction, to the highest bidder, before the Courthouse door of said county, on County Court day,

MONDAY, DECEMBER 8, 1890, the following real estate of which George W. Whitley, Sr., died seized and possessed, to wit:

1. A parcel of land, being a part of the Home Place of said George W. Whitley, Sr., situated in Chuckatrick Magisterial district, in said county, containing seventy-nine acres, more or less, and bounded by the lands of James J. Tynes, George W. Gay, Sydney T. Ellis, Dr. Richard L. Parker and the dower land of Emily Whitley.

2. A parcel of land situated in Newport Magisterial district, in Isle of Wight county, Va., containing 120 acres, more or less, and bounded by the lands of Thomas J. Saunders, Jr., A. L. Saunders, James J. Tynes and others and the County road from Barber's Cross-roads to Everett's Bridge and Milner's Wharf.

TERMS OF SALE.—Enough of the purchase-money to cover the costs of said cause and the expenses of the sale will be required in cash, and the remainder in equal sums at the end of one and two years, respectively, with interest from the day of sale; the purchaser to execute bonds in evidence of the deferred payments, with good personal security, and the title to the land to be retained until the further order of Court.

WILBUR J. KILBY,
Special Commissioner.

GEO. T. PARKER, Clerk. no21-3t

I, Azra P. Gomer, Clerk of the Circuit Court of Nansemond county, Va., do certify that the bond required of Wilbur J. Kilby, as Special Commissioner under the decree of said Court on the 10th day of October, 1890, in the chancery cause pending in said court between James R. Delk and others, plaintiffs, and Emily Whitley and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 30th day of October, 1890. A. P. GOMER, Clerk.

1891 Sept. 12. Received of the Clerk of the Circuit Court of Chaussemond County the two bonds mentioned in the annexed Report, of Stephen J. Whitley with Sydney T. Ellis surety thereto, each for \$300, bearing interest from 8 Dec. 1890, and also the two Bonds of Geo. W. Whitley also mentioned in the annexed Report, with Emma C. Fulgham surety thereto, each for the sum of \$310⁰⁰,- the said bonds having been delivered to me by said Clerk for collection under decree of 11th. April 1891 in the Chancery suit of Jas. R. Delk Sal. vs. Emily Whitley Sal. in the said Court.

Wilbur J. Kilby
Special Comm.

SALE OF LAND!

By authority of a decree of the Circuit Court of Nansemond County pronounced on the 10th day of October, 1890, in the chancery cause pending in said court between James R. Delk and others, plaintiffs, and Emily Whitley and others, defendants, I shall offer for sale by public auction, to the highest bidder, before the Courthouse door of said county, on County Court day,

On Monday, December 8, 1890,

the following real estate of which George W. Whitley, Sr., died seised and possessed, to wit:

1. A parcel of land, being a part of the Home Place of said George W. Whitley, Sr., situated in Chuckatuck Magisterial district, in said county, containing seventy-nine acres, more or less, and bounded by the lands of James J. Tynes, George W. Gay, Sydney T. Ellis, Dr. Richard E. Parker and the dower land of Emily Whitley.

2. A parcel of land situated in Newport Magisterial district, in Isle of Wight county, Va., containing 120 acres, more or less, and bounded by the lands of Thomas J. Saunders, Jr., A. L. Saunders, James J. Tynes and others and the County road from Barber's Cross-roads to Everett's Bridge and Milner's Wharf.

TERMS OF SALE.—Enough of the purchase-money to cover the costs of said cause and the expenses of the sale will be required in cash and the remainder in equal sums at the end of one and two years, respectively, with interest from the day of sale; the purchaser to execute bonds in evidence of the deferred payments, with good personal security, and the title to the land to be retained until the further order of Court.

WILBUR J. KILBY, Special Commissioner.

GEORGE T. PARKER, CRIER.

November 3, 1890.

I, AZRA P. GOMER, Clerk of the Circuit Court of Nansemond County, Va., do certify that the bond required of Wilbur J. Kilby, as Special Commissioner under the decree of said Court on the 10th day of October, 1890, in the chancery cause pending in said court between James R. Delk and others, plaintiffs, and Emily Whitley and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 30th day of October, 1890.

A. P. GOMER, CLERK.

Deek & als.

vs. } In Chy.

Whitley & als

Report of sale
under decree
of 10 Octo. 1890

1891 March 26th

Filed

A. P. Gomerck

Commissioner's Office,

Suffolk, Va., September 1st. 1890.

To James R. Delk and Polly D. Delk his wife, James H. Fulgham and¹⁸
Emma C. Fulgham his wife, Edward L. Gardner and Juliet Gardner his
wife and George W. Whitley Junior. Complainants.

AND

Emily Whitley, widow of George W. Whitley senior, deceased, Julius
W. Whitley, Stephen J. Whitley, John Jacob Astor Whitley, Peter
Whitley, Christopher Milton Whitley and Albert E. Whitley, the
three last named being infants under the age of twenty-one years,
and Lee Britt, Guardian ad Litem for the said infants. Defendants.

IN CHANCERY.

You are hereby notified that I have fixed upon the 16th. day of September (1890) next,

if fair, if not, on the next fair day thereafter (Sunday excepted), to take and settle at my office, the account

1. Whether the real estate in the Bill mentioned, other than that
of which has been assigned to Emily Whitley as her dower, can be con-
veniently divided in kind between the several parties entitled to
share therein.

2. 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 interests therein may entitle
them to.

3. 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 interests of those who are entitled to the said
property, or its proceeds, will be promoted by a sale of the entire
property, or by the allotment of part and sale of the residue, and
distribution of the proceeds of the sale according to the respect-
ive rights of those entitled thereto. Together with any matters
specially stated deemed pertinent by himself, or required by any party to be so stated,
required to be taken by a decree of the Circuit Court of the County of Nansemond

rendered on the 14th. day of April 1890 in a suit in chancery depending in said

court, between ~~them~~ you,

at which time and place you are required to attend.

Given under my hand, as Commissioner in chancery of the said court, the day and year first aforesaid.

Robert A. Mantis,

Commissioner.

We severally acknowledge legal and sufficient service of this notice.

Sept. 1. 1890-

Lee Pratt
Guardian ad Litem
for infant defendants

Wilbur J. Kilby, Attorney for
the Complainants and
Julius W. Whitley, one of
the defendants

I have on this 6th day of September 1890 served this notice upon the within named Emily Whitley, Stephen J. Whitley, John Jacob Astor Whitley and Peter Whitley by a delivering a copy thereof in writing to each of them in person

Wm. H. Howell Sheriff of
Hansford County

COMMISSIONER'S NOTICE.

25.

The depositions of Matthew Gardner and A. B. Hargrave, taken before Robert R. Prentiss, a Commissioner in Chancery of the Circuit Court of Hansemond County, on the 16th. day of September 1890, to be read as evidence in the chancery cause of J. P. Dill and others v. Emily Whitley and others pending in the Circuit Court of Hansemond County.

The witness Matthew Gardner being first duly sworn in answer to questions deposes and says:

Q. 1. State your age, residence, occupation and do you know the parties to this suit?

A. I am 52 years old, live in Hansemond County, Va., I am a farmer, I know the parties.

Q. 2. State all you may know with reference to the questions now pending before the Commissioner?

A. I have never been over all of both farms, but have been on them and am familiar with them both. -

I do not see how it is possible to divide the land in kind between the ten heirs without destroying its value. - The shares would be entirely too small for farming purposes, and I think that the interests of all the parties will be promoted by a sale of the whole and a division of the proceeds of sale. - I believe that they will get more out of it by a sale than in any other way. -

I think that \$1600. would be a good price for the land. I should think \$120. would be a fair rent for it per annum. -

Further this deponent said not

Matthew, Gansner

A. B. Langrav, being first duly sworn, in answer to questions deposes and says:

Q. 1. State your age, residence, occupation, and do you know the parties to this suit?

A. I am 52 years old, I live in Hanswound County, I am a farmer, and I know the parties to this suit?

Q. 2. State all you know calculated to assist the the Commissioner in reporting on the questions to him in this case?

A. I have lived close to the farm of which E. H. Whitley Sr. dec'd, died seized and possessed for about twenty (20) years and am familiar with them both -

I do not see how they can be conveniently divided in kind, because the shares would be so badly located, and so small, that their

would be almost destroyed.

I am therefore clearly of the opinion that the interests of all the parties will be promoted by a sale of the entire tract, and a division of the proceeds of sale.

I think its fee simple value (the value of both after taking off the dower) is about \$1600.- and the annual value about \$120.-

Further this deponent saith not. -

A.B. Hargrave

Taken, sworn to and subscribed before me -

Robert T. Dennis.
Commissioner in Chancery.

Witness attendance

charged \$.50 Matthew Gardner
 .50 A.B. Hargrave.
\$1.00

Commissioner's Office
Suffolk, Va. September 16. 1890
James R. Delt and wife and others
v.
Emily Whitley and others -

To the Honorable Chandler M. Hill,
Judge of the Circuit Court of
Hansemond County:

The undersigned, one of
the Commissioners in Chancery of
this Court proceeded on this
day ^{at this office} to execute the decree pro-
nounced in the above entitled
cause on the 14th. day of April
1890. -

Notice of the time and place of
such proceeding was issued on
the 1st. day of September 1890,
and was duly executed upon
some of the parties and duly
acknowledged by the others. -
The said notice is herewith re-
turned -

In making the enquiries by the
said decree directed, the Commis-
sioner took the depositions of
Matthew Gardner and A. B.
Hargrave. - These depositions

are herewith returned. -

From the evidence thus furnished your Commissioner, he now reports -

1. That the real estate in the Bill mentioned, other than that assigned to Emily Whitley as her dower, cannot be conveniently divided in kind between the several parties entitled to share therein. -

2. That none of the parties have expressed any desire or even willingness to take the entire property and pay therefor to the other parties such sums of money as their interests therein may entitle them to. -

3. - That the interests of those who are entitled to the said property, or its proceeds, will be promoted by a sale of the entire property (excepting the dower) and distribution of the proceeds of the sale, according to the respective rights of those entitled thereto. -

4. That the fee simple value of the said land is believed to be about \$1600.- and the an-

annual rental value thereof, about
\$120.-

Respectfully Submitted,

Robert A. Prentiss
Commissioner in Chancery.

Fee \$15.

Witnesses

1

\$16.-

James R. Delk
and others.

U. S. Customs
Report
Dated Sept 16. 1890

Emily Whitley Fother.

Confirmed 10 Octo.
1890

Filed September 19th 1890

A.P.G. Clerk
Cir. Ct.

SALE OF LAND!

By authority of a decree of the Circuit Court of Nansemond County pronounced on the 10th day of October, 1890, in the chancery cause pending in said court between James R. Delk and others, plaintiffs, and Emily Whitley and others, defendants, I shall offer for sale by public auction, to the highest bidder, before the Courthouse door of said county, on County Court day,

On Monday, December 8, 1890,

the following real estate of which George W. Whitley, Sr., died seised and possessed, to wit:

1. A parcel of land, being a part of the Home Place of said George W. Whitley, Sr., situated in Chuckatuck Magisterial district, in said county, containing seventy-nine acres, more or less, and bounded by the lands of James J. Tynes, George W. Gay, Sydney T. Ellis, Dr. Richard E. Parker and the dower land of Emily Whitley. *Stephen J. Whitley 10909 d. Parker 1009.*

2. A parcel of land situated in Newport Magisterial district, in Isle of Wight county, Va., containing 120 acres, more or less, and bounded by the lands of Thomas J. Saunders, Jr., A. L. Saunders, James J. Tynes and others and the County road from Barber's Cross-roads to Everett's Bridge and Milner's Wharf. *George W. Whitley 1660.00 1666.00*

TERMS OF SALE.—Enough of the purchase-money to cover the costs of said cause and the expenses of the sale will be required in cash and the remainder in equal sums at the end of one and two years, respectively, with interest from the day of sale; the purchaser to execute bonds in evidence of the deferred payments, with good personal security, and the title to the land to be retained until the further order of Court.

WILBUR J. KILBY, Special Commissioner.

GEORGE T. PARKER, CRIER.

November 3, 1890.

I, AZRA P. GOMER, Clerk of the Circuit Court of Nansemond County, Va., do certify that the bond required of Wilbur J. Kilby, as Special Commissioner under the decree of said Court on the 10th day of October, 1890, in the chancery cause pending in said court between James R. Delk and others, plaintiffs, and Emily Whitley and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 30th day of October, 1890.

A. P. GOMER, CLERK.

SALE OF LAND!

By authority of a decree of the Circuit Court of Nansemond County pronounced on the 10th day of October, 1890, in the chancery cause pending in said court between James R. Delk and others, plaintiffs, and Emily Whitley and others, defendants, I shall offer for sale by public auction, to the highest bidder, before the Courthouse door of said county, on County Court day,

On Monday, December 8, 1890,

the following real estate of which George W. Whitley, Sr., died seised and possessed, to wit:

1. A parcel of land, being a part of the Home Place of said George W. Whitley, Sr., situated in Chuckatuck Magisterial district, in said county, containing seventy-nine acres, more or less, and bounded by the lands of James J. Tynes, George W. Gay, Sydney T. Ellis, Dr. Richard E. Parker and the dower land of Emily Whitley.

2. A parcel of land situated in Newport Magisterial district, in Isle of Wight county, Va., containing 120 acres, more or less, and bounded by the lands of Thomas J. Saunders, Jr., A. L. Saunders, James J. Tynes and others and the County road from Barber's Cross-roads to Everett's Bridge and Milner's Wharf.

TERMS OF SALE.—Enough of the purchase-money to cover the costs of said cause and the expenses of the sale will be required in cash and the remainder in equal sums at the end of one and two years, respectively, with interest from the day of sale; the purchaser to execute bonds in evidence of the deferred payments, with good personal security, and the title to the land to be retained until the further order of Court.

WILBUR J. KILBY, Special Commissioner.

GEORGE T. PARKER, CRIER.

November 3, 1890.

I, AZRA P. GOMER, Clerk of the Circuit Court of Nansemond County, Va., do certify that the bond required of Wilbur J. Kilby, as Special Commissioner under the decree of said Court on the 10th day of October, 1890, in the chancery cause pending in said court between James R. Delk and others, plaintiffs, and Emily Whitley and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 30th day of October, 1890.

A. P. GOMER, CLERK.

Jas. R. Delk Swife

^{vs.}
Whitley & als.

It appearing that the defendant, Peter Whitley, has attained the age of twenty-one years and is now above that age, it is ordered, on his motion, that this suit hereafter proceed and be prosecuted against him as one of the adult defendants, and thereupon this cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner, Wilbur J. Kilby, filed on the 26th day of March A. D. 1891 (the same being the Report of the sales of two parcels of the real estate of which George W. Whitley, Sr. died seized and possessed in pursuance of the decree entered herein on the 10th day of October A. D. 1890), and was argued by counsel.

On consideration whereof the Court doth approve and confirm said sales and Report to which no exception has been taken and doth adjudge, order and decree that

said Special Commissioner receive of the Clerk of this Court and leave with him a receipt to be filed with the papers in this cause for, the two bonds of Stephen J. Whitley filed with said Report with Sydney T. Ellis his surety thereto, each for the sum of three hundred dollars, dated the 8th day of December A. D. 1890 and payable one and two years respectively after date with interest from date, and also the two bonds of George W. Whitley Jr, also filed with said Report, with Emma C. Fulgham, his surety thereto, each for the sum of three hundred and ten dollars, dated the 8th day of December A. D. 1890 and payable one and two years respectively after date with interest from date and proceed to collect the money therefor at their maturity, or receive the money, if the obligors should desire to pay the same before their maturity together with the interest thereon, and out of the money thus collected or received together with the sum of four hundred and ^{forty} nine dollars already in his hands, as appears by said Report, pay first in full all the costs of this suit and the expenses of said sale and also a fee of thirty-five dollars to the com-

sel of the Plaintiffs and then pay ~~out~~
and distribute the remainder to the
parties to this cause, who are en-
titled to the same as follows, to wit:
To Julius W. Whitley, Emma C. Fulg-
ham, Stephen J. Whitley, Polly D. Bell
George W. Whitley Jr., John J. A. Whitley,
Juliet Gardner, Peter Whitley, Chris-
topher M. Whitley and Albert E.
Whitley each one-tenth part, - the
shares of said Christopher M. Whitley
and Albert E. Whitley to be paid to
their lawfully appointed and duly
qualified guardian or guardians,
and make report thereof to Court,

And the Court doth further ad-
judge, order and decree that said Wil-
bur J. Kilby, as Special Commissioner
aforesaid, make to said ~~William~~
Stephen J. Whitley and George W.
Whitley Jr. each a deed with spe-
cial warranty in the usual form
conveying to them the respective par-
cels of land purchased by them
under proceedings herein and de-
scribed in said Report of the sale
thereof.

Deek Sal.

vs. } In Chy.

Whitley Sal

In the Circuit
Court of Chauce-
mond County.

April 11th, 1891

Decree

To be entered

CWJ

Entered in Chancery
order Book No 2,
Page 373,

Belk and others

vs.

Whitley & al.

This cause came on this day to be again heard on the papers formerly read and on the Report of Commissioner, Robert R. Prentiss filed on the 19th. day of September A. D. 1890 (being a Report in pursuance of the decree entered herein on the 14th. day of April A. D. 1890), and was argued by Counsel,

On consideration whereof the Court doth approve and confirm said Report to which no exception has been taken and doth adjudge order and decree that the real estate of which George W. Whitley Senior, died seised and possessed and which is mentioned and described in the Bill in this Cause, other than that part thereof which has been assigned to Emily Whitley widow of said George W. Whitley, Senior, deceased, as her dower, be sold and that Wilbur J. Kilby, who is hereby appointed Special Commissioner for the purpose, proceed to sell the same

by public auction before the Court-house door of this County on some County Court day, on the terms of payment by the purchaser of enough of the purchase-money in cash to cover the costs of this cause and the expenses of the sale, and the remainder in equal sums at the end of one and two years respectively with interest from the day of sale. - the purchaser to execute bonds in evidence of the deferred payments with good personal security and the title to the land to be retained until the further order of Court.

But before proceeding to make said sale, said Special Commissioner will advertise the time, place and terms of the sale by printed notices to be posted in the neighborhood of the land to be sold, also at said Courthouse door and several public places in said County, and by publication of the notice once a week for two or three successive weeks in a newspaper published in the Town of Suffolk in said County, and will execute before the

T

Clerk of this Court a Bond in the
penalty of twenty-five hundred dollars
with good personal security, paya-
ble to the Commonwealth of Virginia
and conditioned for the faithful
discharge of his duties under
this decree and all other decrees
he may be required to execute
in this cause, and will obtain
of said Clerk a certificate of the
due execution of said Bond and
append the same, or a copy thereof
to the advertisement of said sale,
and make report to Court of his
transactions under this decree

Belk Sal.

vs. } In Chy.

Whitley Sal.

Decree to be entered
Octo. 10th 1890

CWJ

Entered Chancery
now book no 2
Page 342

Belk Hals

vs.

Whitley Hals

This Cause regularly matured and set for hearing at Rules, came on this day to be heard on the Bill of the Complainants taken for confessed as to the adult defendants on whose process had been duly served, they still failing to appear and plead, answer or demur, and on the four exhibits filed with the Bill, and on the joint and several answers of the infant defendants by Lee Britt Esq. Attorney at Law, their guardian ^{ad. litem}, appointed at Rules to defend them in this suit with general replications to said answers, 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 Commissioners of this Court who is directed to enquire into and report to Court:

1. Whether the real estate in said Bill mentioned, other than that

which has been assigned to Emily Whitley as her dower, can be conveniently divided in kind between the several parties entitled to share therein.

2. 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 interests therein may entitle them to.

3. 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 interests of those who are entitled to the said property or its proceeds will be promoted by a sale of the entire property, or by the allotment of part and sale of the ~~remainder~~ residue and distribution of the proceeds of the sale according to the respective rights of those entitled thereto.

Together with any matters specially stated deemed pertinent by himself, or required by any party to be so stated.

And on the motion of Emily Whitley and Stephen J. Whitley, two of the defendants, by their counsel, leave is given them to file their answers to the Bill in this cause within sixty days from the date hereof to have the same force and effect as if filed in term.

Deek & al.

vs. } In Chy.

Whitley & al.

In the Circuit Court
of Chauseman
County
April 14th, 1890

Decree

To be entered

C. M. Hall

Entered Chancery
Order Book
No: 2 p. 328.

Jas. R. Delp Hals.

vs,

Emily Whitley Hals.

This Cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner, Wilbur J. Kilby filed on the 9th. day of February A. D. 1893 (the same being a Report of collections and disbursements in pursuance of the decree entered herein on the 11th. day of April A. D. 1891), and was argued by counsel.

On consideration whereof the Court doth approve and confirm said Report to which no exception has been taken and doth adjudge, order and decree that the proceedings had herein be final and binding between the parties hereto and, nothing more remaining to be done herein, ~~it is~~ doth order ~~and~~ that this cause be removed from the docket.

7
Oak tal.

vs. } In Chy.

Whitley tal.

In the Circuit
Court of Cause-
mond County, Va.
April 10 1893

Final decree
To be entered
CMS

Entered in Chancery
Order Book
No. 2. Page 483.
Final Decree

In the Circuit Court of Chan-
semond County, Va.
Belk & al.

vs. } In Chancery,
Whitley & al.

The joint and several
answers of Peter Whitley, Chris-
topher Milton Whitley and
Albert E. Whitley, infants under
the age of twenty one years by
Lee Britt Esq. Attorney at Law
their guardian ad litem, ap-
pointed to defend them in this
suit, to the Bill of Complaint
exhibited against them and
others in the Circuit Court
for the County of Chausemond
by James R. Belk and Polly
D. Belk and others. Complain-
ants;

These Respondents, reserving
to themselves the benefit of all
just exceptions to said Bill, for
answer thereto, by their said
guardian ad litem, answer
and say;

That they are infants of tender years and by reason of their infancy are incapable of understanding or taking care of their rights and interests, They, therefore, by their said guardian commit themselves and their rights and interests to the protection of the Court and pray that no decree may be pronounced, which will tend to their prejudice, or be against their interests in this suit.

And ~~now~~ having fully answered, these Respondents pray hence to be dismissed with their reasonable costs in this behalf expended, and they will ever pray etc.

Peter Whitley
Christopher Milton Whitley
Albert E. Whitley
by Lee Britt
Guardian ad litem

2 Dec. 1889

Deek sal.

vs. } In Chy.

Whitley sal.

Answers of the
infant defend-
ants by their
guardian ad
litem

This Weed made the 2 day of January in
the year eighteen hundred and eighty three between
John D. Pitman of the county of Isle of Wight
and state of Virginia of the one part, and
Geo. W. Whitley of the same county and
state of the other part, Witnesseth, that the
said John D. Pitman, in consideration
of the sum of three hundred (300) dollars,
doth grant with general warranty unto
the said Geo. W. Whitley and his heirs and
assigns forever the following real estate,
to wit: all that certain tract or parcel
of land situated in the said county
of Isle of Wight in said state, on the
north side of the county road leading
from Barber's Cross Roads to Everetts
Bridge in Nansemond County and
containing One Hundred and twenty
(120) acres, more or less, and bounded
on the north by the land of the heirs of
Mary V. Jenkins deceased, on the east by
the land of said John D. Pitman, on the
south by said county road, and on the
west by the lands of James J. Tyner and
Joseph Stone, the courses and distances
being by survey as follows: beginning
at the fork in said County road, whence
one branch of said road leads off to Milner
wharf and the other to said Everetts Bridge
and running thence along said Pitman's
land N 36 1/2° W. 418 poles to a swamp, thence
N 64° W. down said swamp along said Pitman's
land 54 poles N 53° W. down said swamp
60 poles to a fork in said swamp, thence

1 up the swamp along said Pitman's line.
2 N 63° E. 12 poles N 10 1/2° E 21 poles, N 20° W, 23 1/4
3 poles, to a corner on the land of said Pitman
4 with the land of said heirs, thence along
5 the land of said heirs S. 52° W 100 poles to a
6 corner in a swamp with the land of said
7 Joseph Stroud, thence down the swamp along
8 the line of said Stroud S 3 1/2° E. 42 poles
9 S. 22° W. 43 poles to a fork in the swamp
10 thence up the swamp along the land of
11 said James J. Tynna S. W° E. 26 poles N 75°
12 E 21 poles S. 55 1/2° E. 42 poles S. 20° E. 26 poles
13 to said road and thence along said road
14 leading to Everett's Bridge N 60° E. 75 poles,
15 N 74° E. 94 poles to a sign post, at the place
16 of ~~of~~ beginning (scaled 20 poles to 1/2 inch)
17 and being a part of the parcel of land
18 of One Hundred and ninety eight acres
19 which was conveyed to said John D. Pitman
20 by L. D. Holt comr. by deed dated the 20th
21 day of December A.D. 1882 and duly recorded
22 in said Isle of Wight County, together with
23 all and singular the appurtenances belong-
24 ing to the same. And the said John D.
25 Pitman covenants that he has the right
26 to convey the said land to the grantee,
27 that the said grantee shall have quiet possession
28 of said land, that he has done no act to
29 encumber the said land, and that he will execute
30 such further assurances of the said land as
31 may be requisite.

32 Witness the following signature & seal.

33 John D. Pitman (seal)
34

Virginia

County of Hansemond } to wit:

I Wilbur J. Kilby a notary public
in and for the said county in the state
of Virginia, do certify that John D. Pitman
whose name is signed to the writing above
bearing the 2^d day of January 1883, has
acknowledged the same before me in the
county aforesaid.

Given under my hand this 2^d day of Jan'y 1883

Wilbur J. Kilby

Notary Public

In the clerk's office of the county court of Isle
of Wight county the 5th day of Feb'y 1883, this
deed from John D. Pitman to Geo. H. Whitley
was admitted to record upon the annexed
certificate of W. J. Kilby a notary public.

Teste H. P. Young clk

A copy

Teste H. P. Young clk

by H. P. Young

clerk.

John W. Pitman
To
Geo. W. Whitley

A copy

Dalk & al.
vs. } In Chy.
Whitley & al.

Exhibit D.
filed with the
Bills

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Virginia

At a County Court continued and held for Hansemond County at the Court house in the town of Suffolk on Tuesday the 22nd day of October A.D. 1889:

Two months having elapsed without there being an executor or administrator of the estate of George W. Whitley Senior deceased, late of this County, on the motion of Stephen J. Whitley and with the consent of the widow and heirs of said George W. Whitley Senior deceased, it is ordered that the Sheriff of this County take into his possession the estate of said George W. Whitley Senior deceased and administer the same according to law.

Ordered that Sydney S. Ellis Albert B. Hargrave Edwin J. Matthews George M. Gay and Thomas J. Saunders any three of whom may act; being first duly sworn appraise the estate of George W. Whitley Senior deceased and make report thereof according to law.

On the motion of Stephen J. Whitley, one of the heirs at law of George W. Whitley Senior

Deek tal.

Nt. } In Chy.

Whitley tal.

Exhibit B.
filed with the
Bree.

deceased it is ordered That Sydney J. Ellis,
Albert B. Hargrave Edwin J. Matthews
George W. Gay and Thomas J. Saunders
(any three of whom may act) do lay off
and assign to Emily Whitley her dower in
the lands of her late husband George
W. Whitley, Senior, deceased and make
up to court
A copy

Teste

R. R. Smith Clerk

Virginia:

At a County Court continued and held for
the County of Hansemond at the Court House in the
Town of Suffolk on Friday the 18th day of October 1889:

A writing purporting to be the last will and
Testament of George W. Whitley, Senior deceased
was this day produced in Court by Stephen J
Whitley the executor therein named in order to
be proved, but it appearing from said writing
itself and from the testimony of the subscribing
witnesses thereto that it had not ^{been} executed
in the mode prescribed by law and was
therefore not valid the Court doth reject said
writing and decline to order it to be recorded as the
true last will and Testament of said George W.
Whitley, Senior, deceased,

A Copy
of Teste

R. R. Smith Clerk

Gelt Sal.

vs. } In Chy.

Whitley Sal.

Exhibit A.
filed with
the Bill

In the Circuit Court of Chause-
mond County, Va.

James R. Dalk and Polly D.
Dalk his wife and others

Against } In Chancery,

Emily Whitley, widow of George W.
Whitley Senior, deceased, Julius W.
Whitley and others.

To the Honorable Chandler W.
Hill, Circuit Court Judge for
the County of Chausemond in the
State of Virginia:

Humbly complaining re-
spectfully represent and show
unto Your Honor, Your Complain-
ants, James R. Dalk and Polly
D. Dalk, his wife, James H. Fulg-
ham and Emma C. Fulgham
his wife, Edward L. Gardner
and Juliet Gardner his wife
and George W. Whitley, Junior,

That on the 21st. day of
August 1889 George W. Whitley
Senior, departed this life in-
testate, as will appear by an
order of the County Court of Chau-

senior County made on the 18th. day of October 1889. - a copy of which order is herewith filed as part of this Bill and marked Exhibit A.

That said George W. Whitley Senior deceased left surviving him, his widow, whose name is Emily Whitley, and ten children, to wit: Julius W. Whitley Emma C. wife of James H. Fulgham Stephen J. Whitley, Polly D. wife of James R. Delt, George W. Whitley Junior, John Jacob Astor Whitley, Juliet, wife of Edward L. Gardner Peter Whitley, Christopher Milton Whitley and Albert E. Whitley.

That all said children are over the age of twenty-one years except Peter Whitley, who was twenty years of age on the 5th day of October 1889, Christopher Milton Whitley who will ^{be} ~~be~~ ~~seventeen~~ ~~or~~ eighteen years of age on the 24th day of December 1889 and Albert E. Whitley who was sixteen years of age on the 5th day of November 1889.

That by three several orders of the said County Court made on the 22nd. day of October 1889. the estate of said George W. Whitley Senior deceased was committed to the hands of the sheriff of said County for administration, appraisers were appointed to appraise said estate and Commissioners ^{were} appointed to lay off and assign to said widow, her dower in the lands of her husband, ^{said} George W. Whitley Senior, deceased, as will appear by copies of said orders herewith filed as part of this Bill and marked Exhibit B.

That said George W. Whitley Senior died seised and possessed of certain real estate which under the laws of descents of Virginia descended at his death to his said children in equal shares subject to the said widow's right of dower therein.

That said real estate, consists of the following parcels of land, to wit:

1. A parcel of land containing one hundred and fifty-nine and one-half ($159\frac{1}{2}$), heretofore estimated to contain one hundred and fifty-four and three-fourth ($154\frac{3}{4}$) acres, situated partly in Chuckatuck Magisterial District in said Chaussemond County and partly in Isle of Wight County, but chiefly in said Chaussemond County and in said District and bounded on the north by the lands of James J. Tyres and George M. Gay, on the east by the lands of George M. Gay and Sydney J. Ellis and Dr. Richard E. Parker or Urial Browder, on the south by the lands of said Parker or Browder and on the west by the lands of Matthew Gardner and Albert B. Hargrave or John F. Muzzle, and James J. Tyres, as will appear by a plat and survey of said land herewith filed as part of this Bill and marked Exhibit C.

2 A parcel of land containing one hundred and twenty

(120) acres, more or less, situated in said Isle of Wight County a short distance from the above-described parcel of land, and bounded on the north by the land of Thomas J. Saunders Jr. formerly the land of the heirs of Mary V. Jenkins deceased, on the east by the land of A. L. Saunders formerly the land of John D. Pittman, on the south by the County road leading from Barber's Cross Roads to Everett's Bridge and Milner's wharf, and on the west by the lands of James J. Pynes and others.

That all of said parcel of $159\frac{1}{2}$ acres of land was inherited by said George W. Whitley Senior deceased, of his father, the late Stephen Whitley deceased, except $21\frac{3}{4}$ acres, part thereof, which said George W. Whitley Senior, purchased of Julius W. Whitley and Hattie A. his wife by deed of Bargain and Sale dated the 14th day of April 1884 and recorded the 13th day

of October 1884 on page 578 of
deed book No. 13 in the office
of the Clerk of the County Court
of said Chautauque County.

That said parcel of 120 acres
~~of~~ land, more or less, was sold
and conveyed by John D. Pitt-
man to said George W. Whitley
Senior by deed of Bargain and
sale dated the 2nd day of
January 1883 and recorded
the 5th day of February 1883 in
the office of the Clerk of the
County Court of said Isle of
Wright County, as will appear
by a copy of the deed herewith
filed as part of this Bill and
marked Exhibit D.

That the dower of said wid-
ow in said lands, to wit,
one third part in value of
all said lands, has been
assigned to her ~~in one parcel~~
by said Commissioners ap-
pointed for that purpose ^{as} afore-
said.

That the dower so assigned
consists of part of said parcel

of $159\frac{1}{2}$ acres of land, contains $80\frac{1}{2}$ acres, more or less, including the dwelling and other improvements or buildings, and is indicated and marked on said ^{plat} as follows: "Dower, $80\frac{1}{2}$ acres."

That the remainder of said parcel of $159\frac{1}{2}$ acres of land to wit, a parcel of 79 acres, and said parcel of 120 acres are now subject to partition and division among said children of said George W. Whitley, Senior, deceased as his heirs at Law, but Your Complainants allege that the same cannot be conveniently divided in kind among the parties entitled thereto; that no one of said parties is willing to accept the same and pay therefor to the other parties such sums of money as their interest therein may entitle them to; ^{and} that no two or more of said parties will elect to have their shares laid off together:

Your Complainants, therefore,

believe and so allege that the interests of those who are entitled to said lands, or the proceeds thereof, will be promoted by a sale of said lands, (except said dower), and the distribution of the proceeds of the sale among said parties according to their respective rights and interests.

In consideration whereof Your Complainants, being without remedy save in a Court of Equity pray that said Emily Whitley, widow of said George W. Whitley, Senior, deceased, Julius W. Whitley, Stephen J. Whitley, John Jacob Astor Whitley, Peter Whitley, Christopher Milton Whitley and Albert E. Whitley may be made parties defendant to this Bill and be required to answer all the allegations therein contained, the adults in their proper persons and the infants by their guardian ad litem to be appointed to defend them in this suit,

but answers under oath are
hereby waived; that proper
process may issue; that said
lands other than said dower,
may be divided between the
several parties entitled thereto
as aforesaid, and the shares
of Your Complainants and
the defendants allotted to
them in kind, and in sev-
erally, ^{or otherwise divided in one of the modes prescribed by law,} if such partition can
be conveniently made, but,
if such partition cannot be
conveniently made in kind,
that said lands may be sold
and the proceeds of such sale
divided among the parties en-
titled thereto according to their
respective rights and interests;
that such fee, or compensation
as may be proper may be al-
lowed and paid to the Counsel
of Your Complainants out of such
money or property as may come un-
der the control of the Court in this
cause; and that all proper ~~in-~~
orders and decrees may be made
and proper inquiries directed and
all such other further and general

relief may be granted or given
Your Complainants as the na-
ture of their case may require
or to Equity shall seem meet
and as in duty bound, Your
Complainants will ever pray
etc.

Wilbur J. Kilby
Counsel for Complainants

12 Nov. 1889

Deek & als

vs. } In Chy.

Whitley & als

Bill

James R Delk & als }
 vs }
 Whitley & als } In Chancery

1889. Nov. 12th. Summons in chancery issued
 to Decr. Rules First Monday
 " Dec 22nd. Process returned, executed in
 all the adult defendenants
 Bill with 4 exhibits filed, decree
 nisi vs. adult defendants.
 Lee Britt Esq Atty at Law
 appointed guardian ad litem,
 to infant defendants, answers
 of infant defendants by their
 guardian ad litem filed and
 general replications thereto.
 and Cause set for hearing as to
 infant defendants.
- 1889 Dec 16th. Decree nisi vs. Adult defend-
 ants confirmed and Cause set
 for hearing as to them on motion
 of the Plaintiffs Counsel.
1890. April 14th. Decree for accounts.
- " Sept 19th. Report of R.R Prentiss Comr. under last
 mentioned decree filed.
- " Octo 10th The above report of Comr. R.R Prentiss Confirmed

1890 Octo 30th

and Decree for Sale of land.
Bond of W S Kelly Spec. Commr. Executed under
Decree of 10th Octo. 1890. and Copy filed in the papers,
and Certificate thereof given him.

Del R. Val

P.S.

Whitely Val

Chancery Notes

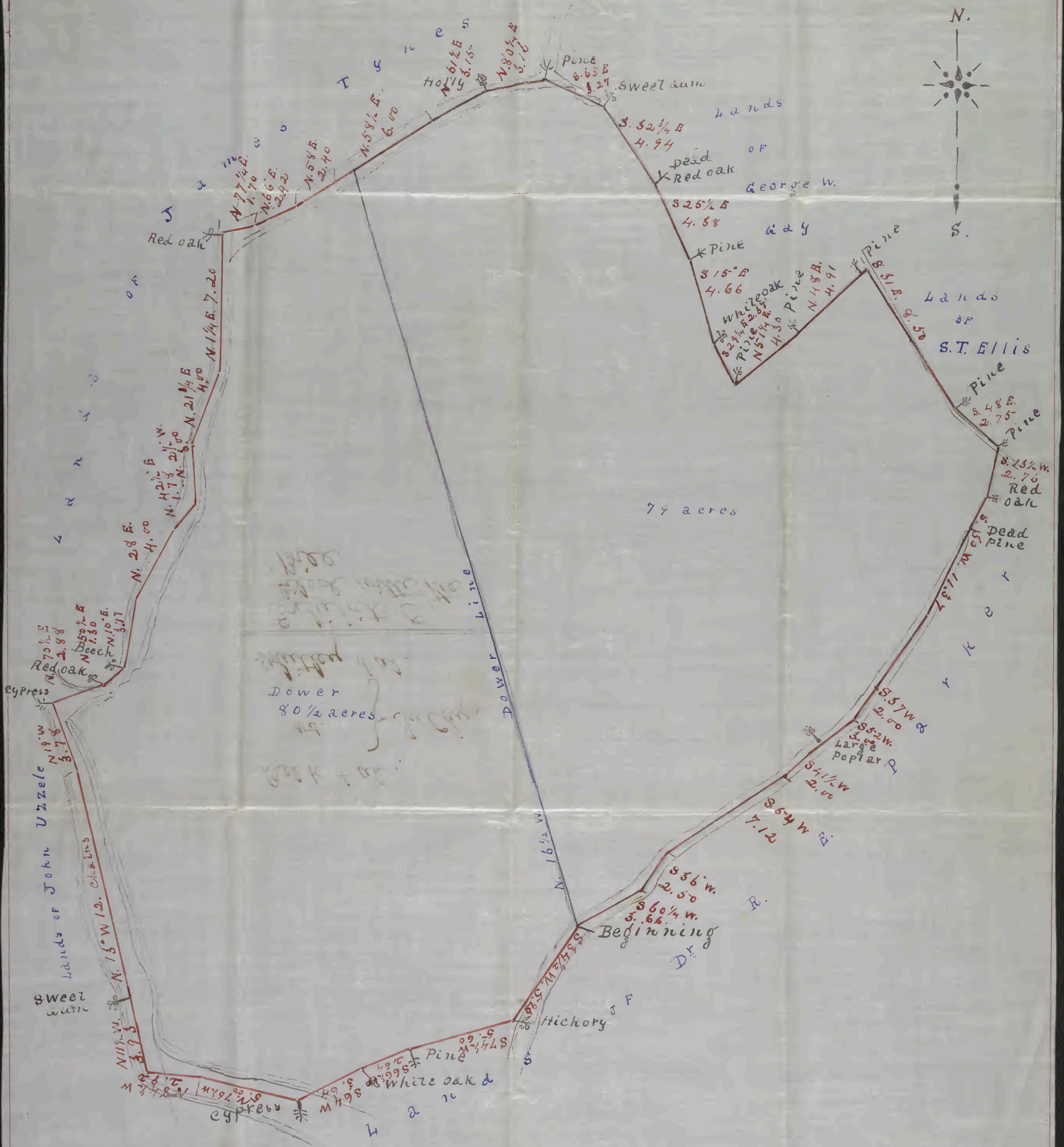


Diagram of the Home place of
George W. Whitley Deceased,
a plan of 4 chains to the inch
contains 159 1/2 acres.

Magnetic variation 2° 43' West.

Surveyed February 13th 1890

B. P. Baker Co. Surv.-

Belk & al.

vs.

} In Chy.

Whitley & al.

Exhibit C.
filed with the
Bills