1901-004
Nansemond Co (Suffolk) Chancery Causes: Martha S. Whitehead vs Robert E. Whitehead et al

Hall, Kilby, Robertson, Holt, Mercer, Barbee

Will: 1900, Leonidas D. Holt, Norfolk (City)

S. C. Errett Esq.

Martha S Whitehead
against - In Chancery
Robert E Whitehead
and others
(Bill)

To the Honorable Robert R. Prentis, Judge of the Circuit Court of the county of Nansemond-

Martha S. Whitehead.....Complainant,

Against- In Chancery.

Robert E. Whitehead, Rufus C. Hall, Roxanna E. Hall, Annie E. Kilby, Lucy H. Robertson, William F. Robertson, and Russell A. Holt, the last one being an infant under the age of twenty one years. Defendants.

Complaining showeth unto the court, your complainant, Martha S. Whitehead the following case:

That your complainant's father, Arthur E. Hall and the father of Russell A. Holt, who was Leonidus D. Holt, were in their life time seized and possessed of certain real estate in the town of Suffolk, Nansemond ~~county~~ county, Virginia, described as follows, to-wit: Beginning on the east side of Sycamore Street eleven feet and four inches from the south-west corner of the lot of Margaret Gibbs, which she purchased from Laura B. Smith and Robert R. Smith, by deed dated the 29th.day of January, 1876, and recorded the same day, thence south along said street to the land of Wilson Norfleet or that which was his, thence east along said Norfleet line or that which was his to the land of said Margaret Gibbs, thence ~~west~~ north along Margaret Gibbs' line to the corner of a lane or right of way reserved for the lot of the said Margaret Gibbs and the lot hereby sold, thence south eleven feet and four inches, and thence ~~west~~ west to the point of the beginning and also the free use of the right of way on north side of said lot running back fifty three feet from the said Scyamore Street and being the same land conveyed to the said Arthur E. Hall and Leonidas D. Holt by Irajah Langstun by deed duly recorded in the Clerk's Office of the County Court of Nansemond county in Deed Book No. 9 and on page 447. And also the following tract or parcel or lot of land adjoining the above described lot of land and described as follows, to-wit: Beginning at a lot owned by James B. Saunders, thence east along the line of said Saunders and the said Hall and Holt one hundred ande fifty three feet and four inches to the land formerly owened by James B. Norfleet, but now

owned by Ben Saunders, thence south along the line of the said Ben Saunders thirty four feet, thence west one hundred and fifty seven feet along the residue formerly belonging to the said Laura B. Smith and the lane to the said street, thence north thirty one feet and six inches to the point of the beginning, and b ing the same lot of land conveyed to the said Hall and Holt by deed duly executed by D. B. Taylor and others. the two lots of land being the same land formerly owned by Laura B. Smith. Being so seized and possessed of the said Real estate the said Arthur E. Hall and Leonidas D. Holt departed this life intestate as to the above described property, leaving your complainant , who is the daughter of the said Arthur E. Hall, and who married Robert E. Whitehead, Rufus C. Hall, who is the son of the said Arthur E. Hall and who married Roxanna E. Hall, Annie E. Kilby, daughter of the said Arthur E. Hall and her husband being dead, Lucy H. Robertson, daughter of the said Arthur E. Hall, who married William F. Robertson, as the only children and heirs at law of the said Arthur E. Hall, and Russell A. Holt the only child and heir of the said Leonidas D. Holt. The said Russell D. Holt is an infant under the age of twenty-one years.

And your complainant farther states, that the said real estate is, as she believes, susceptible of partition among the parties thereto; but if it be not, then your complainant desires the same to be sold , and the proceeds divided among the adults and infant parity, according to their respective rights, the share to the infant to be held as directed by the statute in such case made and provided. Should the property not be divisible in kind, your complainant believes, and here states, that the interest of those who are entitled to the said real estate, are its proceeds, will be promoted by a sale of whole of said real estate, or by an allotment of part and sale of the residue.

In tender consideration whereof, and for asmuch as your complainant is remediless in the premises save by the aid of the court of equity, where matters of this kind are alone and properly cognizable, your complainant prays that the said Robert E. Whitehead, Rufus C. Hall, Roxanna E. Hall, Annie E. Kilby, Lucy H. Robertson, William F. Robertson, and Russell

A Holt, the last one being an infant under the age of twenty-one years, may be made parties defendants to this bill, and required on their oaths to answer the same; that a proper guardian ad litem be assigned the infant defendant to defend his interest in this suit, who shall also answer this bill; that proper process issue; that the said real estate be divided among the several parties entitled thereto, and your complainant's portion thereof be allotted to her; and in case the said real estate cannot be partitioned and divided in kind, that the same be exposed t o sale and proceeds of such sale be divided among the parties entitled thereto; that all proper orders and decrees may be made, and proper enquiries be directed, and that all such other farther and general relief may be afforded your complainant as the nature of her case may require or to equity shall seem meet, and your complainant will ever pray etc.

Counsel
J. E. Evans

Complainant
Martha S. Whitehead

Martha S. Whitehead. .....Complainant,

Against- In Chancery..

Robert E. Whitehead and others.

The answer of Attorney J. U. Burges, guardian ad litem to the infant defendant, Russell A. Holt and the answer of the infant defendant, Russell A. Holt , by the said J. U. Burges, his guardian ad litem to the bill in equity, exhibited against him and others in the Circuit Court of Nansemond county by Martha S. Whitehead .

For answer to said bill, the said guardian ad litem answers and says that he does not know whether the interest of the infant defendant would be promoted by the sale or division of the property as prayed for in the bill or not; and the said infant defendant, Russell A. Holt, by his guardian ad litem answers and says that being an infant under the age of twenty-one years, he knows nothing of the matter mentioned in the bill and commits the protection of his interest to the court.

And now having fully answered they pray &c.

.....J. U. Burges.....

Guardian ad litem to the said Russell A. Holt

the said Russell A. Holt, infant defendant,
and by his guardian ad litem, J. U. Burges,

State of Virginia, County of Nansemond, to-wit:
This day personally appeared before me, S. E. Everett, a Notary Public for the said county and State, Attorney J. U. Burges, guardian ad litem of Russell A. Holt and made oath that he believes the foregoing answers to Be true. Given under my hand this 17th. day of October, 1900.

S. E. Everett
Notary Public.

Virginia, Corporation of the City of Norfolk, To-wit:
This day personally appeared before me, the undersigned , a notary public, for the Corporation and State aforesaid, Russell A. Holt and made oath that he believes the foregoing answer to be true.
Given under my hand this day of October, 1900.

Notary Public.

Cuiuno Pfannstiel
ad Litem, Dr. U. Burger

Martha S. Whitehead.....Complainant.
Against-In Chancery.

Robert E. Whitehead and others..... .....Defendants.

The joint and several answer of Robert E. Whitehead, Rufus C. Hall, Roxanna E. Hall, Annie E. Kilby, Lucy H. Robertson, and William F. Robertson, defendants, to the bill exhibited against them and others in the Circuit Court of Nansemond county by Martha S. Whitehead.

These defendants now and at all times, hereafter, saving and reserving to themselves all benefit and advantage of exception which can and may be had or taken to the many errors, uncertainties, and insufficiencies in the said bill contained, for answer thereto, these defendants, answer and say:

These respondants do not object to the sale or partition of the said property mentioned and described in thesaid bill of the said Martha S. Whitehead . And now having fully answered the complainant's bill, these respondants pray hence to be dismissed with their reasonable costs in this behalf, expended, and they will ever pray &c.

S. E. Everett .....Attorney for Robert E. Whitehead, Rufus C. Hall, Roxanna E. Hall, Annie E. Kilby, Lucy H. Robertson, and William F. Robertson, defendants in the above styled case.

Answer 2 the adult dependants

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Whitehead v. Whitehead et als.

The joint and seperate answer of R.C. Hall, Roxanna Hall Annie E. Kilby, R.E. Whitehead, Martha S. Whitehead, Lucy H. Robertson and W.F. Robertson, her husband, to the petitions of T.A. Barbee and J.U. Burges, guardian ad litem of R.A. Holt and Annie L. Mercer.

For answer thereto these defendants say that it is true that the property referred to in said petitions formerly belonged to A.E. Hall and L.D. Holt as tenants in common; that while the said A.E. Hall and L.D. Holt owned the said property they laid out and opened on the said Sycamore street a lane ten feet wide and extending from Sycamore street the entire depth of said lot along the northern boundary of the said Sycamore street lot, and that said lane so opened for the common use of said Washington street properties on the said Sycamore street property, has been in use for a long number of years and has become appurtenant to the said properties. The said defendants further admit that the said Sycamore street property ought to be sold subject to the easement of said lane laid out as aforesaid. And they are willing that the decree be heretofore entered in this cause directing the sale of the said Sycamore street property may be so amended as to direct the special Commissioner S.E. Everett to sell the said Sycamore street property subject to the said easement as aforsaid, and that the said Special Commissioner may make to the said petitioners deeds conveying the right to the use of the said lane as appurtaining to said property on Washington street.

And now having fully answered said petition, these defendant pray that they may be hence dismissed with their reasonable cost, etc.

S. E. Everett Atty for Martha S. Whitehead, Robert E. Whitehead, Rufus C. Hall, Rotanna Hall, Fannie E. Kirby, Lucy H. Robertson, William F. Robertson.

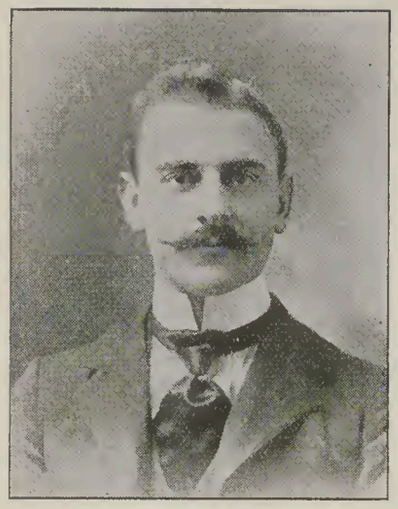
IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

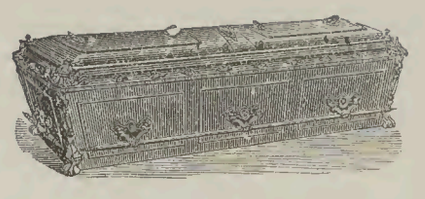
Whitehead v. Whitehead et als.

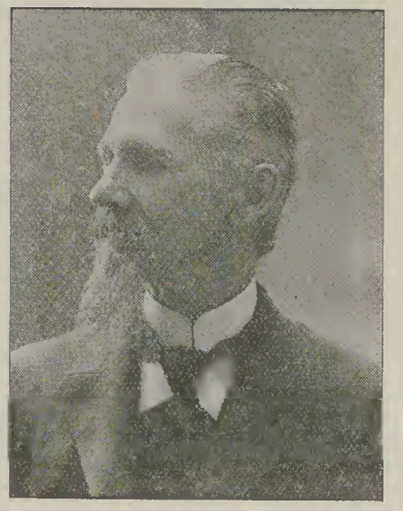
The joint and separate answer of R. C. Hall, Roxanna Hall, Annie E. Kilby, R. E. Whitehead, Martha S. Whitehead, Lucy H. Robertson and W. F. Robertson, her husband, to the petitions of T. A. Barbee and J. U. Burges, guardian ad litem of R. A. Holt and Annie L. Mercer.

For answer thereto these defendants say that it is true that the property referred to in said petitions formerly belonged to A.E. Hall and L. D. Holt as tenants in common; that while the said A.E. Hall and L. D. Holt owned the said property they laid out and opened on the said Sycamore street a lane ten feet wide and extending from Sycamore street the entire depth of said lot along the northern boundary of the said Sycamore street lot, and that said lane so opened for the common use of said Washington street properties on the said Sycamore street property, has been in use for a long number of years and has become appurtenant to the said properties. The said defendants further admit that the said Sycamore street property ought to be sold subject to the easement of said lane laid out as aforesaid, and for the common use of the properties as aforesaid. And they are willing that the decree heretofore entered in this cause directing the sale of the said Sycamore street property may be so amended as to direct the Special Commissioner S. E. Everett to sell the said Sycamore street property subject to the said easement as aforesaid, and that the said Special Commissioner may make to the said petitioners deeds conveying the right to the use of the said lane as appurtenant to said property on Washington street. And now having fully answered said petition, these defendants pray that they may be hence dismissed with their reasonable cost, etc.

W. F. Robertson	Annie E. Kilby	R C Hall
Lucy H. Robertson	Martha S. Whitehead R E Whitehead	Roxanna E Hall







R. C. HALL & SON,

UNDERTAKERS

AND EMBALMERS.

RESIDENCE PHONE 416 OFFICE PHONE 448

Hampton, Va., March 21st 1901

Mr S E Everill
Suffolk Va
Dr Sir

I am of the opinion there was to be a lane to be reserved for the benefit of those lots on that other street so go ahead and sell and I will agree to what is done and if I can get of will buy and get to the sale

Yours Te

R C Hall

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Norfolk, Va.

Mch 21-1901

Mr S. E. Everett,

Suffolk Va.

~~Dear Sir.~~

Yours to hand & Called on Mr. Taylor as requested. I am indeed surprised to hear that any question should have arisen in regards to lane from Sycamore St. to the Washington St. property. However I think it generally understood by all Concerned that said lane was to be used as a driveway & I see no reason why any contention should arise at this time

PRINTED WRAPPING PAPER, BLANK BOOKS, STATIONERY AND TWINES.

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Wholesale Paper Dealers.

98 & 100 Commercial Place,

Norfolk, Va.

I do not know the instigators to this, but myself, wife & Mr Kirby are perfectly Satisfied to have the matter adjusted as suggested by Mr Taylor of which you know about. I regret very much that any question should have arisen at this time to cause Mr. Barber any uneasiness. I trust, however this will not amount to anything, but that it will be settled at once.

Yours Truly

W. J. Robertson

All Available Text Successfully Captured

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Whitehead v. Whitehead et als.

To the Honorable Robert R. Prentis, Judge.

Your petitioner, T. A. Barbee, respectfully petitions and shows unto the court the following case: That on the 26th. day of July, 1900, he purchased at public sale, of S. F. Everett and H. G. Avery, Special Commissioners appointed under a decree of this court in the chancery cause of Robertson V. Robertson et als., a house and lot fronting on Washington street, in the Town of Suffolk, Virginia, and formerly belonging to A. E. Hall and L. D. Holt as tenants in common; that he has paid the purchase price therefor and now has a deed for said property; that the said A. E. Hall and L. D. Holt also owned as tenants in common certain property on Sycamore street, in the Town of Suffolk, Virginia, and that while the said A. E. Hall and L. D. Holt owned said property as aforesaid they laid out and opened on Sycamore street property a lane ten feet wide, one hundred and fifty-three feet and six inches long, and extending along the Northern boundary of said Sycamore street property, for the common use of the said Washington street properties now owned by your petitioner and the devisees of L. D. Holt, deceased; that the said lane has been used for a long number of years and has become appurtenant to the properties aforesaid; that recently under a decree in the chancery suit of Whitehead v. Whitehead et als. now pending in this court, S. F. Everett, Special Commissioner appointed for that purpose, has advertised the said Sycamore street property for sale, and that in said advertisement of sale, a copy of which is hereby filed and asked to be read as a part hereof, no mention whatever is made of said lane as aforesaid; and if the said sale is made as advertised the rights of your petitioner to the use of the said lane may be prejudiced; that your petitioner purchased said Washington street property with the understanding that he had a right to the use of the said lane with the owners of the other lands formerly belonging

to the said A. E. Hall and L. D. Holt as tenants in common as aforesaid, and that it was understood and announced at the sale of the said property that the purchaser thereof would have the right to use said lane for the purposes as aforesaid; that by reason of said announcement he was induced to pay a higher price therefor than he would otherwise have done; that the devisees of the said L. D. Holt who also own property on Washington street, adjoining the lot of your petitioner, admit that such lane was in existance and appurtenant to said lot, and are now asking that the same be left open for the common owners of the lots of land heretofore belonging to the tenants in common as aforesaid; that with the exception of the devisees of the said L. D. Holt, who are now asking that the said Sycamore street property may be sold subject to the easements of said way, all the parties to the present suit of Whitehead v. Whitehead were parties to the suit of Robertson v. Robertson under a decree in which the property now owned by your petitioner was purchased. Your petitioner therefore prays that R. C. Hall and Anne U. Kilby, Robert E. Whitehead, Martha F. Whitehead, Lucy Robertson and W. F. Robertson, her husband, may be made parties defendant to this petition and required to answer the same, but an answer under oath is waived; that a decree of sale heretofore entered in this cause may be so amended as to require the commissioner named therein to sell said Sycamore street property subject to the easement of said lane laid out as aforesaid, and for the use of the parties above mentioned; that if necessary the said sale may be postponed until the interests of the parties in and to the said easement may be inquired into and finally determined and ascertained; and that all such other, further and general relief may be granted your petitioner as the nature of his case may require or to equity shall seem meet. And your petitioner will ever pray, etc.

T. H. Barbee

E. E. Hall and,
Atty for Petitioner

Martha S. Whitehead,

Against- In Chancery.

Robert E Whitehead and others.

This cause came on this day again to be heard on the papers formerly read ~~read~~ and on the report of the Commissioner, S. E. Everett, filed the I5th. day of October, I90I, to which report there is no exception, and was argued by counsel: On consideration whereof the Court doth approve and confirm the said report.

And there remaining nothing more to be done in this cause, the Court doth further order and decree that this cause be stricken from the docket.

Whitehead,

Whitehead and others

Circuit Court of the County of Nansemond.

Martha S. Whitehead

vs.

Robert E. Whitehead & als.

Your petitioner respectfully shows unto the court the following case.

That by the last will and testament of L. D. Holt, a copy of which is filed herewith as a part of this petition, the property real and personal of said L. D. Holt, after the payment of his debts, was left to his son Russell A. Holt but should "said Russell A. Holt die without a will and childless" then the property was left to your petitioner as her absolute estate.

One undivided moiety of the property described in the bill in these proceedings passed under the will of said L. D. Holt and your petitioner is entitled to the contingent remainder therein as set out in the will.

Your petitioner was not made a party to the suit but Russell A. Holt was made a party.

Your petitioner prays therefore that she be made a party to the suit and that this petition be considered her answer to said bill, the allegations of which so far as she knows are true with the exception that her interest in said property is not set out therein.

Your petitioner consents to the decrees already entered and waives notice of any proceedings already had before the commissioner in chancery.

And your petitioner will ever pray &c.

Annie L Mercer

Lonall & Daylon
p.q.

Circuit Court of
Nansemond County

Whitehead
v
Whitehead
&als

—

Petition of
Annie L. Mercer

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Whitehead

Vs.

Whitehead & als.

To the Hon. R. R. Prentis, Judge.

Your petitioners,

Guardian ad litem of Russell A. Holt and Annie L. Mercer respectfully show the following case:

1st. That said Russell A. Holt is the owner of that certain property fronting on Washington Street, Suffolk, Nansemond County, Virginia, formerly belonging to L. D. Holt and running back to the property on Sycamore Street that is to be sold under decree of court entered in this cause on February 28th 1901, and said Annie L. Mercer has a remainder in said property on Washington Street under the will of L. D. Holt, the said property having been devised to Russell A. Holt, but, should he die without a will or childless, then the property is to go to Annie L. Mercer.

2nd. At one time, said property on Washington Street now owned by Russell A. Holt with remainder in Annie L Mercer; the property next thereto on the West now owned by J. A. Barbee; and the said Sycamore Street property were all owned by A. E. Hall and L. D. Holt, as tenants in common, and they laid out a lane on the Sycamore Street property and extending along the Northern boundary thereof 10 feet wide and 153 feet 4 inches long for the common use of the two properties on Washington Street and the property on

Sycamore Street and it was their intention that said lane should continue there for such use when they divided between them the properties on Washington Street.

3rd. Your petitioners therefore pray that the said Sycamore Street property may be sold subject to the easement of said lane laid out as aforesaid and for use of the properties mentioned.

And your petitioners will ever pray &C.

J. M. Dawson

Guardian ad Litem of Russell A. Holt.

Annie L Mercer

Russell A Holt

Lyndall Dayler
atty for
Russell A Holt
and
Annie L. Mercer

Martha S. Whitehead

v. Report of Comr Causey dated Feby 2. 1901.

Robt. E. Whitehead and others

1901 Feby 14th Filed

A. D. Gomon clk.

Commissioner's Office,

Suffolk, va., Feb. 2, 1901.

Martha S. Whitehead,

Against --- In Chancery

Robert E. Whitehead, Rufus C. Hall, Roxanna Hall, Annie E. Kilby, Lucy H. Robertson, William F. Robertson, and Russell A. Holt, the last one being an infant under the age of twenty-one years, and James U. Burges, his guardian ad litem, Annie L. Mercer.

To the Circuit Court of Nansemond County:

Pursuant to the Decree of this Court pronounced in the above entitled cause, on the 17, day of October, 1900, the undersigned, one of the Commissioners in Chancery of this Court, having first given notice as required by law, which notice is herewith returned duly executed, proceeded on the day named in said notice to take and settle the several accounts as directed in said Decree.

Being unable to complete the same on that day, the said cause has been continued from time to time, to this day, when this report is stated and completed.

The result of your Commissioner's work is as follows:

1.

Whether the real property in the Bill mentioned can be conveniently divided in kind between the several parties entitled to share therein?

Your Commissioner , after having examined witnesses under oath and having viewed the property, in the Bill mentined and described, in person is of the opinion that the said property cannot be conveniently divided in kind among the parties entitled thereto.

While it is true that one of the parties in interest is entitled to one-half of the entire property, the remaining one-half has to be divided into four parts and the character of the property is such that the same will bring more as a whole than it will if divided.

2. 2. 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 interest therein may entitle them to?

Your commissioner is advised that there is no party ininterest who will take the entire property paying therefor to the other parties in interest 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 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?

Your Commissioner is advised and believe that the interests of all parties entitled to share in the property or its proceeds will be promoted

by a sale of the whole and a distribution of the proceeds among the parties entitled to share therein, rather than by an allotment of a part and the sale of the residue.

4.

The liens thereon for delinquent taxes, or otherwise?

There are no liens on account of delinquent taxes, but the State, County, and Town of Suffolk taxes, for the year 1900, remain unpaid.

The State and County tax amounts to the sum of $3.68

The Town of Suffolk Tax amounts to the sum of 5.62

There is also another lien on an undivided interest of Martha S. Whitehead, her interest being an undivided one-eighth of the whole. The amount of the lien being $115.00 and is secured by deed of trust bearing date as of Decr. 18, 1900, and is duly recorded.

Your Commissioner desires to call the attention of the Court to the Depositions hereto attached and request that they be taken as a part of the Report.

Respectfully submitted,

C. H. Causey Jr.

Commissioner in Chancery.

Your Commissioner respectfully represents that while the Decree of October 17, 1900, did not direct the enquiry as to the annual and fee-simple value of the real estate in the Bill mentioned yet he attempted to arrive at the same:

The real estate, in its present condition, has no annual value.

The fee-simple value of the same is estimated to be $1250.

C. H. Causey Jr.
Commissioner

Fee $15.00

Depositions.

Suffolk, Va., Nov. 27, 1900.

Martha S. Whitehead,

Against --- In Chancery

Robert E. Whitehead, Rufus C. Hall, Roxanna Hall, Annie E. Kilby, Lucy H. Robertson, William F. Robertson, and Russell A. Holt, an infant under the age of twenty-one years, and J. U. Burges, guardian ad litem of the said infant, Russell A. Holt.

Present: S. E. Everett counsel for the Plaintiff

J. U. Burges, guardian ad litem for the infant defendant.

Robert E. Whitehead, being first duly sworn, deposes and says, as follows:

Please state your name, age and residence, and do you know all the parties to this suit?

Robert E. Whitehead - 57 years - Suffolk, Va. - I do.

Are you acquainted with the real estate in the Bill mentioned and described?

I am.

Please give its location?

It is on the East side of Sycamore Street, in Suffolk, Va. It joins P. L. Saunders on the South; Mr. Shaw on the North; I think the estate of A. S. Darden on the East , and Sycamore Street on the West.

Do you believe that the real estate in question could be conveniently divided in kind among the parties entitled thereto?

I do not.

Why not?

The lots would be so narrow that no one would want them, they would not sell for anything.

What proportion of the real estate in question belongs to the infant defendant, Russell A. Holt?
An undivided half.

Could the property, in your judgment, bedivided in such manner as to leave the portion belonging to the infant defendantin kind, or not, without material injury to the interests of the other parties?
It could not.And I think it would injure the boy as much as the others for the reason that I do not think that a thirty foot lot in that location would sell for as much in proportion as a sixty foot lot as it is in more of a residence section than a business section.

What is the width of the lot?
It is seventy feet wide subject to a ten foot right of way.

What is the present annual value of the property?
It has none.
Do you know anything of its fee simple value?
I should think that would sell for $1200.

Do you know whether any party in interest would take the entire property, paying therefor to the other parties entitled to share therein their respective interests?
No sir.

What in your judgment, would be the most beneficial thing to do with the property for all parties concerned?
A sale of the same as a whole and a division of the proceeds among the parties entitled thereto.
And forther this deponent saith not.

R E Whitehead

The further taking of depositions is continued till tomorrow morning ten o'clock.

C H Causey Jr.
Commissioner.

Suffolk, Va., Feby. 1, 1901.

Martha S. Whitehead

Against --- In Chancery

Robert E. Whitehead and others.

In the Circuit Court of Nansemond County:

Pursuant to the adjournment had on November 27.1900, in the above entitled cause, your Commissioner fully intended to conclude the taking of depositions in said cause on the following day, but after having investigated more thouroughly the condition and character of the interests, and parties, involved deemed it proper that one, Annie L. Mercer should be one of the parties defendant to this cause, and so informed the counsel for the plaintiff; whereupon, by investigation on his part, the said Annie L. Mercer has become a party to this cause through her Attorneys, Mess Loyal & Taylor; reference being here made to the Petition of the said ANNie L. Mercer, which has been filed in this cause.

And now on this day, to wit; the first day of February, 1901, the depositions in this cause are concluded; whereupon the depositions of J. Walter Hosier, Junius T. Parker and Richard E. Parker are taken, and it is requested that the same be accepted as a part of this Report.

The interrogatories herein propounded were had in the presence of S. E. Everett, counsel for the plaintiff, and consented to by J. H. Burges, the guardian ad litem, of the infant defendant, the same having been submitted to him before answers to the same had been made. The witnesses, however, were not before your Commissioner, in any instance, together.

E. H. Causey Jr

Commissioner

J. Walter Hosier, being first duly sworn, deposes and says as follows:

Q.1. Please state your name, age, residence and occupation?

J. Walter Hosier - 38 years - Suffolk, Va. - Real estate Agent

Q. 2. Do you know the parties to this suit?

I know nearly all of them. I do not know Miss or Mrs. Mercer.

Q.3. Do you know anything of the real estate in the Bill mentioned?

Yes. It is located on the East side of Sycamore Street, Suffolk, Va., it has a frontage of about 70 feet, including a 10 foot lane.

Q.4. Do you think the real estate herein mentioned would sell better as whole, or would it sell better divided?

I think it would sell better as a whole.

Q.5. What, in your judgment, is the fee-simple value of the said real estate?

I should say twelve or thirteen hundred dollars.

Q.6. Has it any annual value?

It has none.

Q.7. Do you know whether any party in interest will take the property as a whole, paying therefor to the other parties in interest their respective proportions?

I do not, but I think not.

Q.8. Do you, or not, think the interest of all parties would be promoted by a sale of the property and a distribution of the proceeds among the parties entitled thereto?

Most decidedly. It bears no income. It is not enhancing in value. And taxes have to be paid.

Further this deponent saith not.

J. Walter Hosier

Junius T. Parker, being first duly sworn, deposes and says as follows:

Q.1. Please state your name - age - residence and occupation?

Junius T. Parker - 39 years - Suffolk, Va. - Horse Merchant.

Q.2. Do you know the parties to this suit?

I know nearly all of them.

Q.3. Do you know anything of the real estate in the Bill mentioned?

Yes. I know it, it is located on the east side of Sycamore Street, in Suffolk, Va.,it is about 70 feet wide, including a 10 foot lane.

Q.4. Do you think the real estate herein mentioned would sell better as a whole, or would it sell better divided?

It would sell better as a whole, just as it is.

Q.5. What, in your judgment, is the fee-simple value of the said real estate?

About $1200.

Q.6. Has it any annual value?

No.

Q.7. Do you know whether any party in interest will take the property as a whole, paying therefor to the other parties in interestx their respective portions?

Know. I do not.

Q.8. Do you, or not, think the interest of all parties would be promoted by a sale of the property and distribution of the proceeds among the parties entitled thereto?

Yes.

Further this deponent saith not.

J. T. Parker

Richard E. Parker, being first duly sworn, deposes and says as follows:

Q.1. Please state your name, age, residence and occupation?

Richard E. Parker, 69 years, Suffolk, Va., Physician.

Q.2. Do you know the parties to this suit?

I know some of them.

Q.3. Do you know the real estate in the Bill mentioned?

It is located in Suffolk, Va., on Sycamore Street, east side, it is not far from the corner of Washington Square and Sycamore Street. The lot is about seventy feet wide.

Q.4. Do you think the real estate herein mentioned would sell better as a whole, or would it sell better divided?

In my judgemtn, it would sell better as a whole.

Q.5. What do you believe to be the fee-simple value of the lot?

Not to exceed $1200.

Q.6. Has it any annual value?

It has not.

Q.7. Do you know whether any party in interest will take the property as a whole, paying therefor to the other parties in interest their respective portions?

I do not know. I dont think they can.

Q.8. Do you, or not, think the interest of all parties would be promoted by a sale of the proerty ans distibution of the proceeds among the parties entitled thereto?

Yes, I think it would be better to sell the proerty and divide the proceeds among those entitled to it.

Further this deponent saith not.

R. E. Parker

~~The Fore~~ The foregoing interrogatories were submitted to me before they were propounded to witness and were agreed on by me —

D. H. Burgess

Jos. ad Litem

I, Leonidas D. Holt of the City of Norfolk and State of Virginia do make and declare this to be my last Will and Testament as follows:

After the payments of my debts I give to my son, Russell A. Holt, to him and his heirs forever, the residue of my estate, real, personal and mixed.

But should he the said Russell A. Holt die without a Will and childless the above mentioned estate I so bequathed, to go to my Cousin Annie L. Mercer, as her absolute estate.

I appoint my friend R. A. Marsden, of the City of Norfolk, Virginia, Executor of this my last Will, and also Guardian of my son Russell A. Holt.

In testimony whereof I here unto set my hand and seal this the (Fourth) 4th day of February (1895) Eighteen Hundred and Ninety-five.

Leonidas D. Holt. (seal)

Witnesses.

R. M. Baum.

W. H. Hall.

Virginia,

In the Corporation Court of the City of Norfolk,

On the 26th day of July 1900.

The last will and testament of Leonidas D. Holt, deceased, was this day produced in Court and fully proved by the oaths of R. M. Baum and W. H. Hall the two subscribing witnesses thereto, and ordered to be recorded, it appearing from the testimony of said subscribing witnesses that the testator signed, sealed, Published and declared the said will to be his last will and testament in their Presence, who in his Presence, at his request and in the presence of each other

(all three being Present together at the same time) subscribed their names as attesting witnesses.

And B. A. Mercien, the executor named in said will by a writing under his hand produced to the court and filed, having refused to take upon himself the burden of the execution thereof. On motion of Charles Syer who took the oath requested by law, and entered into and acknowledged a bond in the Penalty &f Twenty five hundred dollars, conditioned according to law, with The United States Fidelity and Guaranty Company his surety which satisfied the court of its sufficiency certificate is granted the said Charles Syer for obtaining letters of administration on the Estate of said Leonidas D. Holt deceased, with his will aforesaid annexed in due form and it is ordered that the said Bond be recorded.

Teste: James V. Trehy C. C.

BY H. W. Wills D. C.

Circuit Court of
Nansemond County

Whitehead

v.

Whitehead &als

—

Petition
of Annie L. Mercer

—

1901 January 22nd Filed
A.P.G. clk

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

WHITEHEAD

VS.

WHITEHEAD

---o---

I, Russell A. Holt being first duly sworn depose and say that I became twenty-one years of age on the 3rd day of June, 1901.

Russell A. Holt

Subscribed and sworn to before me on the 28th day of June, 1901.

Walter S. Bayler
Notary Public.

Martha S. Whitehead.....Complainant,
Against- In Chancery
Robert E. Whitehead, Rufus C. Hall, Roxanna E. Hall, Annie E. Kilby, Lucy H. Robertson, William F. Robertson, and Russell A. Holt, the last one being an infant under the age of twenty one years....Defendants.

This day came the complainant and filed her bill, and J. U. Burges is assigned guardian ad litem to the infant defendant, Russell A. Holt, to defend his interest in this suit, and thereupon the said guardian ad litem filed the answer of the infant defendant and his own answer to the bill of the complainant, duly sworn to by the said guardian ad litem and the adult defendants filed their answer, to which several answers the plaintiff filed a general replication, and the cause was docketed by consent, and coming on to be heard by like consent, upon the bill, answers, replications, and was argued by counsel: On consideration whereof, the court doth adjudge, order and decree that the papers in the cause be referred to one of the commissioners of this court who is directed to enquire into and report to the court-

1. Whether the real property in the bill mentioned 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 residue.
4. The liens thereon for delinquent taxes, or otherwise.—

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 by consent here entered of record of the parties to this suit it is ordered that this cause may be submitted to the judge of this court for such decision and decree therein, in vacation, as might be made in term.

Martha S. Whitehead

vs.

Robert E. Whitehead and others.

Decree refers matter to comm.
and a vacation case

Enter the 17 day of Octo., 1900.

Robert C. Davis

Entered in Chancery Order Book
No. 3 Page 323.

By mutual consent of the parties, both complainant and defendants, it is hereby agreed that the chancery suit now pending in the Circuit Court of Nansemond county, wherein Martha S. Whitehead is complainant and Robert E. Whitehead, Rufus C. Hall, Roxanna E. Hall, Annie E. Kilby, Lucy H. Robertson, William F. Robertson, and Russell A. Holt, the last one being an infant under the age of twenty one years, defendants, shall be made a vacation cause and that the same may be subbitted to the Judge for such decision and decree therein in vacation, as might be made in term

Martha S. Whitehead

R E Whitehead

R C Hall

Roxanna E Hall

Annie E Kilby

Lucy H. Robertson

W. F. Robertson

We consent to the above.

J. H. Burgess

Guardian ad Litem for Russell H. Holt

Consent of
Barber for Va-
cation case

1900
Octo. 17. Filed

Circuit Court of the County of Nansemond. In vacation, on the 22d day of January 1901.

Martha S. Whitehead

vs.

Robert E. Whitehead. als

This cause came on this day to be heard on the petition of Annie L. Mercer, an consideration whereof it is adjudged ordered and decreed that said Annie L. Mercer may file her said petition in this suit which is accordingly done. And it appearing to the court that said Annie L. Mercer should be a party defendant in this suit and it further appearing that she consents to the decrees already entered in this cause and waives notice of any proceedings already had before the commissioner in chancery, the court doth adjudge, order and decree that said Annie L. Mercer is hereby made a party defendant to this cause; that the proceedings heretofore had are confirmed as if she were then a party; and that the suit hereafter proceed in her name as defendant with the other defendants.

Robert E. Davis

To the Clerk of the
Circuit Court of
Nansemond County.

Circuit Court of
Nansemond County

Whitehead

v

Whitehead &als

—

Decree

Enter this
Jany. 22, 1901
Robert R. Prentis

Entered in Chancery
Order Book No 3 Page 338.

We consent to this
decree Lovall & Taylor
attys for Hector Whitehead

In the Circuit Court of Nansemond county, in vacation, on the 28th day of February, 1901.

Martha S. Whitehead
Against- In Chancery-
Robert E. Whitehead, Russell A. Holt, Annie L. Mercer, and others.

This cause came on this day again to be heard, by the consent of all the parties, plaintiff and defendants, on the papers formerly read, and on the report of the Commissioner, C. H. Causey, Jr., filed the 14th. day of February, 1901, to which report there is no exception, and on the examinations of witnesses returned with said report, and was argued by counsel: On consideration whereof, the court doth approve and confirm the said report, and doth adjudge, order , and decree that S. E. Everett, who is hereby appointed Special Commissioner, for the purpose, do, after having advertised the time, place, and terms of sale for twenty (20) days by posting notices in two or more public places in said county, proceed to sell in front of the Post Office door in Suffolk, the lot in the bill and proceedings mentioned, upon the following terms, to-wit: One-half cash, and one-half payable in six months from the day of sale with interest from the day of sale, the title of the property retained until the purchase-money is paid in full and a conveyance directed by the court, or if the purchaser elect to do so, he may pay the whole of the purchase-money in cash.

And the said Commissioner is directed to deposit the cash instalment in the ~~Farmers~~ Bank of Suffolk to the credit of the court in this suit, and to report the same to court, and also to take the purchaser's bond for the credit instalment payable in six months after date carrying interest from the day of sale, and return the bond taken for the credit instalment and the bank's receipt for the deposit of the cash instalment, with his report to court.

But the said Commissioner, S. E. Everett, shall not proceed to act under this decree until he shall enter into bond with sufficient security in the Clerk's Office of this court, payable to the Commonwealth of Virginia, in the penalty of $2000.- and conditioned for the faithful discharge of his duties hereunder, and under any future decree in this cause.

Robert R. Willis

To the Clerk of the Circuit Court of Nansemond county.

Decree directing sale of Property.

Whitehead v. Whithead and others.

6

Enter the 28th day of Feb., 1901.

Robert R. Reed

Entered in Chancery Order Book
No. 3 Page 341.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

In Vacation, on this 23d. day of March 1901.

Whitehead

vs.

Whitehead & als.

This cause came on this day to be heard on the papers formerly read and on the petitions of J. M. Briggs Guardian ad litem of Russell A. Holt and Annie L. Mercer and T. A. Barbee and the joint and separate answers of R. C. Hall, Roxanna Hall, Annie E. Killoy, R. C. Whitehead, Martha S. Whitehead, Susan Robertson and W. T. Robertson to said petitions, this day filed, and it appearing to the court that the property on Sycamore Street, Suffolk, Nansemond County, Virginia, authorized to be sold by decree entered in this cause on the 28th day of February 1901, was owned by A. E. Hall and L. D. Holt, as tenants in common, at the same time that they also owned, as tenants in common, the properties fronting on Washington Street and now owned respectively by T. A. Barbee, ~~assignee of the devisees of A. E. Hall~~, and by Russell A. Holt with a remainder in Annie L. Mercer, under the will of L. D. Holt, which said properties on Washington Street ran back to the said property on Sycamore Street; and that said A. E. Hall and L. D. Holt, while such tenants in common of said properties, opened and laid out on the Sycamore Street property a lane ten feet wide and 153 feet and 4 inches long; said lane extending along the Northern boundary of the Sycamore Street property and being for the common use of the owners of the Washington Street properties and the Sycamore Street property;

And it further appearing to the court that it was understood and announced at the sale of the property on Washington Street, now owned by T. A. Barber and which passed under the will of A. E. Hall, that the purchaser thereof would have the right to

use said lane and that said sale was made pursuant to a decree of the Circuit Court of Nansemond County in the suit of Robertson v Robertson and others to which the heirs and devisees of A. E. Hall were all parties.

And it further appearing to the court that it is to the interest of Russell A. Holt and Annie L. Mercer (who have the same interest in a moiety of the Sycamore Street property that they have in the property on Washington Street, under the will of L. D. Holt; the other moiety being in the devisees of A. E. Hall) that said lane should be continued for the use of said properties.

The court doth therefore by consent adjudge, order and decree that S. E. Everett, who was appointed Special Commissioner to sell said property in Sycamore Street by decree entered in this cause on February 28th 1901, shall sell said property subject to the easement of the lane above mentioned, which said lane shall be for the common use of the owner of said property on Sycamore Street and the owners of the properties on Washington Street abutting thereon and formerly belonging to A. E. Hall and L. D. Holt respectively and said special commissioner shall, after the sale of said property on Sycamore Street shall have been confirmed, execute and deliver to T. A. Barbee, or his assigns, as owner of the property on Washington Street formerly belonging to A. E. Hall, a deed conveying the right of such joint use of said lane as appurtenant to said property on Washington Street and shall execute and deliver to Russell A. Holt and Annie L. Mercer (to be held as their interest appear under the will of L. D. Holt) as the owners of the property on Washington Street formerly belonging to L. D. Holt, or to their assigns, a deed conveying the right of

such joint,
use of said lane as appurtenant to said property on Washington Street.

Robert R. Martin

To the Clerk of
the Circuit Court
of Hawkswood County:

Entered Mar 23, 1901

Robert R. Rennie

Entered in Chancery
Order Book
No 3 Page 344.

In the Circuit Court of Nansemond county, in vacation, on the 7th. day of April, 1901.

Martha S. Whitehead,

Against. In Chancery.

Robert E. Whitehead, Russell A. Holt, Annie L. Mercer, and others.

This cause came on this day to be heard again, in vacation by the consent of all the parties, plaintiff and defendants, on the papers formerly read, and on the report of the Commissioner, S. E. Everett, appointed by the decree herein entered on the 28th. day of February, 1901, of the sale made by him of the land or lot in the bill and proceedings mentioned, in obedience to the said decree, to which report, filed in the Clerk's Office of the Court on the 28th. day of March, 1901, there is no exception, and was argued by counsel: On consideration whereof, the court doth approve and confirm the said report and said sale.

And the court doth further adjudge, order, and decree that the said Commissioner, S. E. Everett, after deducting from the six hundred and fifty dollars, the cash instalment now paid, the expenses of sale, including his commissions, his costs, and a fee of $60.00 for the attorney who instituted this suit, shall distribute among the adult parties their respective shares of the remainder of the six hundred and fifty dollars after expenses are paid, and to deposit the infant's share in bank to the credit of the court in this suit and to report his proceedings hereunder to the court, and return therewith a certificate of such deposit.

Robert R. Davis

To the Clerk of the Circuit Court of Nansemond County.

Whithead v Whitehead

Decree confirming report of sale.

Enter the 7th day of May, 1901.

Robert R. Reutis.

Entered in Chancery Order Book.
No. 3 Page 366.

In the Circuit Court of Nansemond County, in vacation, on the 4th day of October, 1901.

Martha S. Whitehead,

Against- In Chancery.

Robert E. Whitehead, Russell A. Holt, Annie L. Mercer, and others.

This cause came on this day again to be heard, in vacation, by the consent of all the parties, plaintiff and defendants, on the papers formerly read, and on the report of Commissioner, S.E. Everett, appointed by the decree herein entered on the 28th. day of February, 1901, to which report filed in the Clerk's Office of this court on the 28th of September, 1901, there is no exception, and was argued by Counsel: On consideration whereof, the court doth approve and confirm the said report.

And the court doth further adjudge, order and decree that then and as soon as T. Beverley Brothers shall have paid his note of $625. in full with interest to the said Commissioner, S.E. Everett, the said Commissioner shall convey by good and sufficient deed, with special warranty unto the said T. Beverley Brothers, the property purchased by him as follows, to wit: All that certain real estate in the town of Suffolk, Nansemond County, Virginia, described as follows, to-wit:

"Beginning on the east side of Syoamore street eleven feet and four inches from the south-west corner of the lot of Margaret Gibbs, which she purchased from Laura B. Smith and Robert R. Smith, by deed dated the 29th. day of January, 1876, and recorded the same day, thence south along said street to the land of Wilson Norfleet or that which was his, thence east along the said Norfleet line or that which was his to the land of said Margaret Gibbs and the lot hereby sold, thence north along Margaret Gibbs's line to the corner of a lane or right of way reserved for the lot of the said Margaret Gibbs and the lot hereby sold, thence south eleven feet and four inches, and thence west to the point of the beginning and also the free use of the right of way on north side of said lot running back fifty three feet from the said Syoamore street and being the same land conveyed to the said Arthur E. Hall and Leonidas D. Holt by Irajah Langstun by deed duly recorded in the Clerk's Office of the County Court of Nansemond County in Deed Book

No. 9 and on page 447. And also the following tract dr parcel or lot of dand adjoining the above described lot of land and described as follows, to-wit: Beginning at a lot owned by James B. Saunders, thence east along the line of said Saunders and the said Hall and Holt one hundred and fifty three feet and four inches to the land formerly owned by James B. Norfleet, but now owned by Ben Saunders, thence south along the line of the said Ben Saunders thirty four feet, thence west one hunfired and fifty seven feet along the residue formerly ~~owned~~ belonging to the said Laura B. Smith and the lane to the said street, thence north thirty one feet aned six inches to the point of beginning, and being the same lot of land conveyed to the said Hall and Holt by deed duly executed by D:B. Taylor and others, the two lots of land being the same land formerly owned by Laura B. Smith.

The said property is to be conveyed to the said T. Beverly Brothers, subject to the easement of the lane on the northern boundary of the said property 10 feet wide and 153 feet and 4 inches long, it being for the common use of the owners of the Washington Street property owned by T.A. Babbee and Russell A. Holt, and also for the common use of the said Sycamore Street property. And the said Commissioner, S.E. Everett is directed to distribute the amount paid by the said T. Beverly Brothers among the parties entitled thereto, and make report thereof to the court, returning therewith receipts of such settlements.

Robert D. Lewis

To the Clerk of the Circuit Court of Nansemond County, Virginia.

No. 9 and on page 447. And also the following tract or parcel of land adjoining the above described lot of land and described as follows, to-wit: Beginning at a lot owned by James B. Saunders, thence east along the line of said Saunders and the said Hart and Holt one hundred and fifty three feet and four inches to the land formerly owned by James B. Norfleet, but now owned by Ben Saunders, thence south along the line of the said Ben Saunders fifty four feet, thence west one [illegible] and fifty seven [illegible] to the point of beginning, thence north the same distance to the point of beginning and being the same land conveyed to the said Hart and Holt by deed duly executed by T.B. Norfleet and others to the said Hart and Holt.

[illegible] Entered in Chancery Order Book No. 3 Page 377

For the common use of the owners of the Waverly Street property.

owned by T.A. Tarboe and Russell V. Holt, and also for the common use of the said Seamore Street property. And the said Commissioner S.E. Beverly is directed to distribute the amount paid by the said T. Beverly to the said owners of the said property to be equally divided between the said Tarboe and Holt.

The said Commissioner is directed to execute a deed to the said Broughton Brothers, conveying the said property to them.

Entered in Chancery Order Book No. 3 Page 377

To the Clerk of the Circuit Court of Nansemond County, Virginia.

the court, returning therewith receipts of such settlements.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA, IN VACATION, on the 26th. day of June 1901.

MARTHA S. WHITEHEAD
VS. CHANCERY.
ROBERT E. WHITEHEAD &AALS

This cause came on this day to be heard on the papers formerly read and it appearing to the court that Russell A. Holt did on the 3rd. day of June, 1901, attain the age of 21 years and thereby cease to be an infant and it further appearing that Annie L. Mercer has assigned all her right, title and interest in the proceeds of the property sold in this suit to said Russell A. Holt and that he is therefore alone entitled to the interest passing under the will of L. D. Holt, Special Commissioner, S. E. Everett, is directed to turn over to said Russell A. Holt such sums of money as is now or hereafter may be due on account of the interest which was heldby Russell A, Holt and Annie L. Mercer in the property sold in this suit.

Robt R. Prentis

To the Clerk of the
Circuit Court of
Nansemond County:

For value received, I hereby assign to Russell A. Holt all my right, title and interest in the proceeds of the sale of the Sycamore Street property, Suffolk, in the suit of Martha S. Whitehead vs Robert E. Whitehead & als pending in the Circuit Court of Nansemond County, Virginia, the said interest hereby assigned being that derived by me under the will of the late L. D. Holt.

Witness my hand this 19th day of June, 1901.

~~Witness~~

Mrs Annie L Mercer

Witness
Walter H. Taylor

Circuit Court of
Nansemond County

Whitehead
v
Whitehead
&als
} Chy

We consent to this
order
Mrs Annie Lowrey
Respondent
Entered in Chancery
Order Book No 3 Page 373

Enter this
June 26, 1901
Robt R. Dumas

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 400.

Commissioner's Office,

Suffolk, Va, October 30. 1900.

To Martha S. Whitehead, Robert E. Whitehead, Rufus C. Hall, Roxanna Hall, Annie E. Kelly, Lucy H. Robertson, William F. Robertson, and Russell A. Holt, infant, and J. U. Burges Guardian ad litem of the said infant, Russell A. Holt

You are hereby notified that I have fixed upon the 15 day of November next, if fair; if not, on the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts:

1. Whether the real property in the Bill Mentioned 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 each and each of the residue.
4. The liens thereon for delinquent taxes or otherwise

required to be taken by a decree of the Circuit Court of the County of Nansemond rendered on the 17 day of October 1900, in a suit in chancery depending in said Court between Martha S. Whitehead, Plaintiff and Robert E. Whitehead, Rufus C. Hall, Roxanna Hall, Annie E. Kelly, Lucy H. Robertson, William F. Robertson, and Russell A. Holt, an infant under the age of twenty one years, Defendants

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.

C. H. Causey Jr.

Commissioner in Chancery

FORM No. 400.

Martha S. Whitehead

vs. } COMMISSIONER'S NOTICE.

R. E. Whitehead and others.

Legal and sufficient service is hereby accepted & the within
Def. 15th -

Martha S. Whitehead
Plaintiff
R E Ryan
Attorney & Guardian
of minor & Defendants
Lucy M. Dudley
W. T. Robertson
Attorney for Defendants

To the Hon. Robert R. Prentis, Judge of the Circuit Court of Nansemond County, Virginia.

Martha S. Whitehead

In Chancery.

Robert E. Whitehead, Russell A. Holt, and others.

The undersigned, Commissioner, S. E. Everett, appointed by the decree enteredthe 28th. day of February, 1901, in this cause proceeded to execute the duties thereby enjoined upon him. After advertising the place, time, and terms of sale in the manner prescribed by the said decree entered the 28th. day of February, 1901,, your Commissioner sold the said property mentionedin the bill and proceedings in front of the Post Office Door in Suffolk, on the 28th. day of March, 1901, at public auction, to the highest bidder at which sale the said property was struck off to T. Beverly Brothers for the sum of $1275.00, the said T. Beverly Brothers being the highest bidder at the sale.

The said T. Beverly Brother prefers to pay $650.00 in cash and execute his note or bond for $625.00 payable six months from the day of sale with interest. Your Commissioner has received the $650.00 in cash and bond for $625.00 with interest from date.

Your Commissioner has given the bond required by the decree directing the said sale.

Respectfully submitted,

March, 28th. 1901. S. E. Everett

Special Commissioner.

Report of Sale
March 28-1901

Filed the 28th. of March '01

$625.00 Six months after date, with legal interest from date until paid, ~~payable~~

I bind myself, my heirs, executors and administrators, jointly and severally, to pay to S E Everett Commissioner of the Circuit Court of Nansemond County in pending suit of White Heath & Co vs Heath & Co ~~heirs or assigns,~~ the sum of Six Hundred and Twenty Five 100 DOLLARS, for value received; and I hereby waive the benefit of my Homestead Exemption as to this debt, obligation and contract.

~~Secured by deed of trust on real estate in Va.,~~

~~Trustee.~~

Witness my hand and seal this 28 day of March 1901

Witness:

T. Beverly Brothers SEAL

SEAL

SEAL

To the Hon. Robert R. Prentis, Judge of the Circuit Court of Nansemond County:

Martha S. Whitehead,

Vs- In Chancery,

Robert E. Whitehead and others.

The undersigned Commissioner S.E. Everett, appointed by the decree entered the 28th day of ~~September~~ February, 1901, in the cause makes the following report: Property sold for $1275.00.

Cash paid by purchasers----------$650.00

From this amount your Commissioner has deducted as follows:

To S.E. Everett attorney----------	$60.00	
To Commissioner on $1275.00. ----------	34.50	
To C.H. Causey Jr., Commissioner----------	15.00	
To J. Walter Hosier, Auctioneer----------	12.50	
To Harper & West Bonds----------	10.00	
To Clerk of Court----------	21.71	
To Suffolk Herald----------	1.00	
To County Taxes----------	3.68	
To Town Taxes----------	5.62	
To writing Commission r's Deed----------	10.00	
Remainder----------	475 .99	
	$650.00	$650.00

Distributed as follows the $475.99.---------- -----$475.99

Russell A. Holt's share----------	$237.99	
To R.C. ~~Holt~~ Hall ----------	59.50	
To Martha S. Whitehead----------	59.50	
To Luch H. Robertson----------	59.50	
Anna E. Kilby----------	59.50	
	$475.99	$475.99

The bond of the purchaser of said property is ~~We pay received of S.E. Everett Special Commissioner the~~ now due, and he ready to pay the money as soon as the deed is ready for ~~executed by us.~~ delivery. Your Commissioners files with the report the receipts of what has been paid out by him.

Respectfully submitted,

S.E. Everett

Special Commissioner

Report of Commissioners

Filed 24th Sept 1911

A. L. Gomeyclak

To the Hon. Robert E. Prentis, Judge of the District Court of Martin County:

Martha S. Whitehead,

Va- In Chancery,

Robert E. Whitehead and others.

The undersigned Commissioners appointed by the decree entered in the above cause on the 23rd day of September, 1911, to sell the property described in said decree, and to report their proceedings to the Court, respectfully report that they have sold said property as follows:

To Robert E. Whitehead, Jr. Property sold for $800.00

To Martha S. Whitehead---------------------------$800.00

To Robert E. Whitehead, Jr. Commissioners fee at 2% ---16.00

To Martha S. Whitehead---------------------------$784.00

To the Hon. Robert R. Prentis , Judge of the Circuit Court of Nansemond county, Virginia.

Martha S. Whitehead,

Against

Robert E. Whitehead and others.

The undersigned Commissioner, S. E. Everett, appointed by the decree entered the 28th. day of ~~February~~ 11. January, 1901, in this cause makes the following report:

The bond for Six Hundred and Twenty Five Dollars executed by T. Beverly Brothers with interest for ~~six months~~ has been paid in full.....$643.75.

The amount has been distributed as follows,

To Russell A. Holt----------$321.87

To R. C. Hall---------- 80.47

To Martha S. Whitehead---------- 80.47

To Lucy H. Robertson---------- 80.47

To Annie E. Kilby----------80.47

$643.75---------- $643.75

The receipts are herewith filed with the same.

Respectfully submitted,

S. E. Everett

Special Commissioner.

Special Commissioner.

The receipts are herewith duly entered with the same.

Respectfully,

To Annie E. Kirby----------$643.75

$643.75

To Lucy H. Robertson----------80.47

To Martha S. Whitehead----------0.47

To Martha C. Hall----------80.47

To Thomas V. Holt----------$321.87

The Undersigned Commissioner, S. E. Everett, appointed by the decree rendered on the 28th. day of January, 1901, in this cause makes the following report:

The bond for six hundred and Twenty Dollars executed by T. Beverly Whitehead for six months for the purchase of Lot.....in Tutt.....$643.75.

The amount has been distributed as follows,

Filed the 15th Oct 1901

A. P. Gormy Clerk

Special Report

To the Hon. Robert R. Prewitt, Judge of the Circuit Court of Nansemond County, Virginia.

Martha S. Whitehead,

Adelaide E. Whitehead and others.

Oct. 8th. 1901.

$321.87 Received of S. E. Everett, Special Commissoiner in the case of Whitehead v Whitehead the sum of $321.87 being my share of the net proceeds of the ~~first~~ last payment on the land sold in said suit.

Rumsey Stock,

Witness
Walter S. Dayler.

Oct 7 1901.

$80.47/ Received of S. E. Everett, Special Commissioner, in suit of Whitehead v. Whitehead and others eighty dollars and forty seven cents- it being my share of the last payment on the Sycamore Street property, which was $625.00 with interest for six months.

Lucy H. Robertson

Oct. 9 1901.

$80.47..... Received of S. E. Everett, Special Commissioner, in suit of Whitehead v Whitehead and others eighty dollars and forty seven cents- it being my share of the last payment on the Sycamore Street property, which was $625.00 with interest ~~xxxxxxxxxxxxxx~~for six months.

J E Kilby

Oct 9 1901.

$80.47.... Received of S. E. Everett, Special Commissoiner, in the suit of Whitehead v Whitehead and athers eighty dollqrs and forty seven cents- it being my share of the last payment on the Sycamore Street property, which was $625.00 with interest for six months.

R E Whitehead

Oct 9 1901.

$80.47... Received of S. E. Everett, Special Commissioner, in suit of Whitehead v Whitehead and others eighty dollars and forty seven cents it being my share of the /last payment on the Sycamore property, which was $625.00 with interest for six months.

R. C. Hall.

Know All Men by These Presents, That we, S E Everett

Principal and the Fidelity and Deposit Company of Maryland by J E West Attorney in fact as surety

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Two Thousand 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 ~~ day of ~~ in the year of our Lord one thousand eight hundred and ~~ and in the ~~ year of the Commonwealth.~~

In testimony whereof the said S E Everett has hereto set his hand and seal and the said the Fidelity and Deposit Company of Maryland by J E West its duly appointed Attorney in fact has caused its corporate name and seal to be hereunto annexed and

~~THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas~~

the said J E West has set his hand and seal as Attorney aforesaid this 2ond day of March in the year of our Lord Nineteen hundred and one and of the foundation of the Commonwealth one hundred and twenty fifth.

The condition of the above Obligation is Such That Whereas by a decree of the Circuit Court of Nansemond County pronounced in Vacation on the 28th day of February 1901 in the Chancery cause pending in the said Court between Martha S Whitehead Complainant and Robert E Whitehead Russell & Holt Annie L Mercer and others defendants the above bound S E Everett who was apponted Special Commissioner for the purposes Specified in said decree. Now therefore if the said S E Everett 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 to remain in full force and effect

S E Everett SEAL

Fidelity and Deposit SEAL

Company of Maryland SEAL

by J E West its SEAL

Attorney in fact SEAL

FIDELITY & DEPOSIT COMPANY of Maryland Incorporated 1890

~~In the office of the Clerk of the ~~ Court of Nansemond County, on the ~~ day of ~~ 189~~

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

~~Teste:~~

~~ CLERK.

S E Everett

To Spec. Comr. Bond

The Commonwealth.

1901

March 2nd

Power of Attorney recorded in Official Bond Book No 1. Page 244
Bond recorded in Official Bond Book No 1 Page 246

A copy

Whitehead os Holt ochm

In the Office of the Clerk of the Circuit Court of Mason and County the 2nd day of March 1901.

The above bond was executed by the Fidelity and Deposit Company of Maryland as surety by S E Everett-its duly authorized attorney in fact and a certain power of attorney in fact aforesaid and the Fidelity and Deposit Company of Maryland having complied with the requirements of the law regulating the admission to bail-business in this State and the same of its bonding power and power of attorney aforesaid are approved and recorded.

Teste; J P Conner Clerk

A copy Teste;

J P Conner Clerk

Power of Attorney.

Know all Men by these presents: That the Fidelity and Deposit Company of Maryland by Thos. A Wheelan its Vice President and Harry Nicodemus its asst Secretary in pursuance of a certain resolution of the Board of Directors duly passed on the 4th day of September AD 1895 a Copy of which is hereto attached does hereby nominate constitute and appoint J E West of Suffolk Virginia as its true and lawful attorney in fact to make, sign, seal, execute, acknowledge and deliver on its behalf as surety, the bond which S E Everett of Suffolk Virginia may be required to give as special Commissioner of the Circuit Court of Nansemond County Va. in the case of Martha S Whitehead vs Robert E Whitehead Susan A Holt Annie L Mercer et als provided the penalty of the bond shall not exceed Two Thousand ($2000) dollars and the execution and acknowledgement of such bond by the said J E West shall be as binding upon said Company as fully and amply, to all intents and purposes, as if such bond had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore Maryland, in their own proper persons. Said bond to contain a waiver of any right or claim to discharge any liability under said bond with coupons detached from bonds of said State of Virginia. In Witness Whereof the said Thos. A Wheelan Vice President and Harry Nicodemus asst Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said Fidelity and Deposit Company of Maryland this 1st day of March AD 1901

Corporate Seal of the Company

Attest

Thos. A Wheelan Vice President

Harry Nicodemus Asst Secretary

Copy of Resolutions.

Whereas The Fidelity and Deposit Company of Maryland has heretofore entered the State of Virginia for the transaction of business

therein And Whereas it is necessary in order to facilitate the business of the Company in said State to have all classes of bonds executed and acknowledged with promptness;

Now therefore Be it Resolved at a regular and lawful meeting of the Board of Directors of the Fidelity and Deposit Company of Maryland held at its Office in the City of Baltimore State of Maryland on this fourth day of September Anno Domini eighteen hundred and ninety five, that the President or either of the Vice Presidents by and with the concurrence of the Secretary or Assistant Secretary, be, and he is freely authorized to make constitute and appoint by a good and sufficient instrument of writing under the Corporate Seal of this Company, any person or persons in the State of Virginia, to execute and acknowledge on its behalf as surety any bond in which this Company is authorized to become surety in the State of Virginia, and the execution and acknowledgment of said bond by such person or persons so made, constituted and appointed, shall be as binding upon this Company as fully and amply to all intents and purposes as if said bond had been executed and acknowledge by the regular elected officers of this Company, in their own proper persons in its behalf, at its Home Office in the City of Baltimore State of Maryland

We Thos. A Wheelan Vice President and Harry Nicodemus Asst Secretary of the Fidelity and Deposit Company of Maryland hereby certify that the foregoing is a true Copy taken from the Records of Proceedings of the Board of Directors of the Fidelity and Deposit Company of Maryland.

In testimony whereof we have hereunto subscribed our names as Vice President and Asst Secretary respectively and affixed the Corporate Seal of the Fidelity and Deposit Company of Maryland this 1st day of March A.D. 1901.

Corporate Seal of the Company

Harry Nicodemus
Asst Secretary

Thos. A Wheelan Vice President

State of Maryland
City of Baltimore } ss.

On this 1 day of March A.D. 1901 before the Subscriber a Notary Public of the State of Maryland in and for the City of Baltimore, duly Commissioned and qualified came Thos. A Wheelan Vice President and Harry Nicodemus assistant Secretary of the Fidelity and Deposit Company of Maryland to me personally known to be the individuals and officers described in and who executed the preceding Power of Attorney, and they each acknowledged the execution of the same and being by me duly sworn, severally and each for himself, deposeth and saith that they are the said officers of the Company aforesaid and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their Signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation

In testimony Whereof I have hereunto set my hand and affixed my Official Seal at the City of Baltimore the day and year first above written.

Notary's Seal

Revenue Stamp

Fred S Axtel Notary Public

Commission expires May 1902

June 28th, 1901.

$237.99

Received of S. E. Everett, Special Commissioner in the case of Whitehead vs Whitehead the sum of $237.99 being my share of the net proceeds of the first payment on the land sold in said suit.

Russell Tarbox

Witness
Walter H. Taylor

We have received of S. E. Everett Special Commissioner the amounts shown against our names and signed by us.

J. P. Everett Atty.		$ 60.00
S. E. Everett Commissioner		34.50
C. H. Causey Jr.	Commissioner in C.	15.00
J. Walter Hearn	Auctioneer	12.50
Harper & Watts	Bond	10.00
Receipt for same	Clerk	21.71
The Herald (Mc Lean)	Advertising	1.00
S. T. Ellis Jones	Jones County	3.68
R. S. Boykin - Treasurer	Jones County	5.62
S. E. Everett	Deed	10.00

$59.50

Received of S.C. Everett Special Commissioner in suit of Whitehead vs Whitehead and others Fifty nine Dollars and fifty cents. My share of the first payment of the Sycamore Street property.

May 1901. Lucy H. Robertson

$595.0

Received of R. Everett Special Commissioner in Suit of Whitehead vs Whitehead and others Forty Nine Dollars and fifty cents My share of the first payment on Sycamore Street Property —

May 1901.

R C Hall

$59.50 —

Received of S. E. Everett, Special Commissioner Fifty nine Dollars and Fifty Cents — being Share of the first Payment on the Hogeland Property.

May 20 — 1901 —

Martha B Whitehead

$5.50

Received of S. C. Everett, Special Commissioner in suit of Whitehead vs Whitehead and others fifty nine Dollars and fifty cents — my share of the first payment on the Sycamore tract property.

May 1901

Mrs A E Filby

Martha S. Whitehead S. E. Everett Atty

1901 ---

To A. P. GOMER, Clerk Circuit Court of Nansemond County, Dr.

May 9th Tax ~~and~~ Clerk Fees in suit Whitehead Holt

" and others $5.21

May 22nd 1901 Paid A. P. Gomer ....., Clerk.

S E Everett
5.21

LOYALL & TAYLOR,
ATTORNEYS AT LAW,
244 Main Street,
Norfolk, Va.

W. H. T. LOYALL.
W. H. TAYLOR,
CITY ATTORNEY.

May 24th, 1901.

Mr S. E. Everett,

Suffolk, Va.

Dear Sir:-

Your letter enclosing check for $17.25 for one-Half commissions on sale of property in Whitehead vs Whitehead received, for which please accept our thanks.

Mr Holt will become of age on June 4th so that at any time thereafter his affairs can be settled.

Very truly yours,

Loyall & Taylor.

ESTABLISHED 1876.

Suffolk, Va., March, 1906.

Mr. S. E. Everett

To SUFFOLK HERALD, Dr.

Newspaper and Job Printing Establishment,

No. 9 WASHINGTON SQUARE.

☞ TERMS OF THIS BILL, NET CASH.

		75 Bills, Sale White Bread Pkg.,	100
May	20	Received payment. The Herald, W. H. Lind	

A. E. Everett

Mrs. Hall & Ed Holt Dr.

1900. To S. T. ELLIS, Treasurer of Nansemond County, Va.

No. 388

No. of Acres 2 lots

	State Tax, 30c. on $100.	State School Tax, 10c. on $100.	County Levy, 30c. on $100.	Parish Levy, 8c. on $100.	County School Tax, 5c. on $100.	District School Tax, 5c. on $100.	County Road Tax, 15c. on $100.	TOTAL TAX.
To Real Estate, value $500	1 50	50	1 50					3 50
" Personal Property, value $								
" , value $								
" Poll Taxes		1 00						
Total							50	
5 per cent. additional								18
Total								3 68

Received payment 22 day of May 1901

S. T. Ellis Treasurer.

Per

No. 379

M Hall & Holt

1900. **To THE TOWN OF SUFFOLK, Dr.**

To Tax on $ 500 Real and Personal Estate, at 84c. per $100, for General Purposes	$ 4	20
" " " $ Real and Personal Estate, at 7c. per $100, for the Poor		35
" " " $ Real and Personal Estate, at 15c. per $100, for Schools		75
" " " $ Real and Personal Estate, at 1c. per $100, for Roads		05
" Capitation Tax, at 50 cents each, for all purposes		
TOTAL FOR ALL PURPOSES	5	35
" 5 per cent. added after December 1st		27
	5	62

Received payment 21 *day of* May, *190*1. R. S. Baptain *Treasurer.*