1901-005
Nansemond Co (Suffolk) Chancery Causes: Martha S. Whitehead vs Robert E. Whitehead et al

Hall, Kilby, Robertson, Cutchin, De Berry, Walters

Will: 1891, Arthur E. Hall, Norfolk (Cty)

S. E. Everett &c.

Martha S. Whitehead
Against. Injunction
Robert E. Whitehead
and others.

Brief

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

Complaining, showeth unto the court, your complainant, Martha S. Whitehead, the following case: That your complainant is the owner of a life estate in two lots in the town of Suffolk, Nansemond county, Virginia, the first lot is bounded and described as follows, lying on the north side of Kilby Street in said town, beginning at the southwest corner of the lot formerly belonging to Mattie I. Cox, thence running east along said Kilby Street fifty feet to the southwest corner of the lot formerly belonging to Caroline Lee, now the other lot of your complainant, thence running northwardly along the Lee lot one hundred and twenty five feet, thence running westwardly in parallel lines with said street fifty feet to the lot of the said Mattie I. Cox, thence along said Cox line to the said street the point of the beginning: and the second lot, which is a vacant lot is bounded and described as follows: All that certain lot of land on the north side of said Kilby Street in the town of Suffolk, beginning at the southeast corner of the lot above described on said street and running along said street east forty feet to the corner of the lot of C. C. Pruden, thence north along the Pruden lot one hundred and twenty five feet to the lot of William T. Raby, thence west along the Raby lot to the corner of the above described property, thence south along the other lot of the said complainant to the said street at the point of the beginning. The first described piece of property was given to your complainant by deed duly executed by her father, Arthur E. Hall, on the 19th. day of November, 1885, and recorded in the Clerk's Office of the County Court of Nansemond county in Deed Book No. 16 page 276, a copy of which deed is herewith filed as Exhibit No. 1 and asked to be read as a part of this bill: and the second lot of land, which is the vacant lot was devised to the said complainant by her father, Arthur E. Hall, to be held as the above property is held- a copy of the will is herewith filed and marked Exhibit No. 2 and asked to be read as a part of this bill. This is all the property your complainant owns and also all the property that your complainant's children own. Your complainant states that she lives on the first described property, and that the said property is now in very bad order and must be repaired, or your complainant cannot longer occupy it, and if it could not be occupied by your complainant it could not be rented out- thus the property would depreciate in value and would prejudice the interest of the children who are to take the said land after the death of your complaint. Your complainant further states that the second lot is a vacant lot and of

Martha S. Whitehead.....Complainant,
In Chancery

no value to your complainant-rather an expense than a benefit- in fact is a burden to your complainant as she has to pay taxes on the same and can not rent the said vacant lot. Your complainant further states that she has been paying taxes about eight years on the said lot and that she believes it will not sell for any more to-day than it would when her father died about ten years ago.

Your complainant believes that it would be to the interest of your complainant as well as her children to have the vacant lot sold and the proceeds of sale be applied to the improvement of the other lot or buildings on the said lot in the way of repairs, and your complainant states as your honor will see from the will, at your complainant's death the said property passes as the absolute estate of her children.

In the progress of this suit the court will be asked to decree that proper counsel fees be allowed and paid, for the preparation of this bill and the conduct of the proceedings.

In tender consideration whereof, and forasmuch as your complainant is remediless save by the aid of the court of equity, where matters of this kind are properly cognizable, your complainat prays that the said Robert E. Whitehead, Rufus C. Hall, Roxanna E. Hall, Annie E. Kilby, Lucy H. Robertson, William F. Robertson, Emmett A. Whitehead, and Margaret A. Whitehead, the last mentioned one being an infant under the age of twenty one years, and the last two being the children of the said Martha S. Whitehead, your complainant, may be made parties defendants to this bill and required to answer the same, but answer under oath as to the adults is waived; that a proper guardian ad litem be assigned the infant, Margaret A. Whitehead to defend her interest in this suit, who shall also answer this bill, and also the said infant being over the age of fourteen years is required to answer the said bill under oath; that proper process issue; that the said vacant lot be sold and the proceeds of sale be invested in the improvement of the other lot of the said Martha S. Whitehead, your complainant, under the directions of the court; 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 complainat as the nature of her case may require, or to equity shall seem meet. And your complainant will ever pray &c.

D E Everett
Counsel.

Martha S Whitehead
Complainant.

County of Nansemond, State of Virginia.

This day personally appeared before me the undersigned, a Notary Public for the county and State aforesaid Martha S. Whitehead that she believes the statements made in the foregoing bill to be true

Given under my hand this 18 day of Oct. 1900.

D E Everett
N.P.

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

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

Martha S. Whitehead.....Complainant,
Against In Chancery.
Robert E. Whitehead and others.....Defendants.

The answer of Emmett A. Whitehead, one of the defendants, to the bill of complaint exhibited against him and others in the Circuit Court of Nansemond county by Martha S. Whitehead.

This defendant, now and/it all times hereafter, saving and reserving to himself 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, this defendant answers and says:

That he is the child of the said Martha S. Whitehead and that she has only two children, your respondent and Margaret A. Whitehead. Your respondent and sister, Margaret A. Whitehead, will own the said vacant lot in the bill described after the death of the said Martha S. Whitehead, and also the lot now occupied by the said Martha S. Whitehead.

Your respondent believes that it would be to the interest of all concerned to have the vacant lot sold and the proceeds of sale used in repairing the building on the other lot. The lot will sell for as much now as it will probably sell at the death of the said Martha S. Whitehead, and certainly the other property will not be worth as much if it is not improved and repaired.

And now having fully answered the complainant's bill, your respondent prays hence to be dismissed with their reasonable costs, in this behalf expended, and they will ever pray, &c.

Emmett A. Whitehead.

County of Nansemond and State of Virginia:

This day personally appeared before me, the undersigned Notary Public for the county and State aforesaid, Emmett A. Whitehead and made oath that he believes the several statements made in the foregoing answer to be true.

Given under my hand this 18th. day of Oct. 1900.

S. E. Everett
Notary Public

Census of Summit
& White Record to
Bill

Martha S. Whitehead.....Complainant,
Against. In Chancery.
Robert E. Whitehead and others.....Defendants.

The answer of Robert E. Whitehead, Rufus C. Hall, Roxanna E. Hall, Annie E. Tilby, Lucy H. Robertson, William F. Robertson, defendants, to the bill of complaint 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 or 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:

That they do not know whether they have an interest in said property mentioned in the said bill or not, but if they have an interest in said property your respondents believe that it would be to the interest of all to have the vacant lot sold and the proceeds of sale expended in repairing the building that the said Martha S. Whitehead now lives in. Your respondents pray that the said lot be sold and the proceeds of sale be used as asked for in the bill of complaint.

And now having fully answered the complainants bill, these respondents pray hence to be dismissed with their reasonable costs, in this behalf expended, and they will ever pray, &c.

S. C. Everett Attorney for the defendants, Robert E. Whitehead, Rufus C. Hall, Roxanna E. Hall, Annie E. Tilby, Lucy H. Robertson, and William F. Robertson.

Answer of Robert E. Whitehead and others to Bill

Martha S. Whitehead.....Complainant,
Against. In Chancery.
Robert E. Whitehead and others.....Defendants.

The answer of Margaret A. Whitehead, an infant defendant over the age of ~~twenty one~~ fourteen years, to a bill in equity exhibited against her and others in the Circuit Court of Nansemond county by Martha S. Whithead.

For answer to the said bill the said Margaret A. Whitehead answers and says although under full age she believes she knows what are her interests in the matters referred to in the bill: she believes the statements in the bill are true and that it will be to her advantage to sell the land as therein prayed for in the bill and to invest the proceeds of sale as mentioned in the bill.

And now having fully answered, she prays hence to be dismissed with her reasonable costs in this behalf expended, and she will ever pray, &c.

Margaret A. Whitehead

State of Virginia
A Nansemond County to wit

This day personally appeared before me, the undersign, R. J. James a Justice of the peace in and for County and State aforesaid Margaret A. Whitehead and made oath that she believes the several statements made in the foregoing answer to be true.

Given under my hand this 17th October, 1900.

R. J. James J. P.

Answer of the in-
fant Margaret
A. Whitehead un-
der oath

Martha S. Whitehead. .....Complainant,
In Chancery. VS.
Robert E. Whitehead and others..... Defendants.

The answer of E. E. Holland, guardian ad litem, to the infant defendant, Margaret A. Whitehead, and the answer of the said infant defendant, Margaret A. Whitehead, by the said E. E. Holland, her guardian ad litem, to the bill in equity exhibited against her and others in the Circuit Court of Nansemond county by Martha S. Whitehead.

For answer to the 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 of the said property as prayed for in the said bill or not: and the said infant defendant by his guardian adlitem, answers and says that being an infant of tender years she will commit the protection of her interests to the care of the court. And now having fully answered, they pray &c.

E. E. Holland
.....
Guardian ad litem to Margaret A. Whitehead, and the said Margaret A. Whitehead, an infant defendant, by the said E. E. Holland, her guardian ad litem.

County of Nansemond, State of Virginia.

This day personally appeared before me, the undersigned, a Notary Public for the county and State aforesaid, E. E. Holland, guardian ad litem of the said Margaret A. Whitehead, infant defendant, and made oath that he believes the several statements made in the said answer above to be true.

Given under my hand this 18t.. day of October, 1910.

L. E. Emmerson
Notary Public.

answer D.C.
Habeas Corpus
ad testificandum
Margaret Whitehead

In The Circuit Court of Nansemond County, On Vacation, on the 20th day of May, 1901:

Whitehead
Against. In Chancery
Whitehead & others.

This cause come on this day again to be heard, by the consent of all the parties, plaintiff and defendants, heretofore entered of record as provided by Statute, on the papers formerly read and on the report of the Commissioner, S. C. Everett filed the 20 day of May, 1901, 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.

Robt R Willis

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

Whitehead
vs
Whitehead.

Trial Decree

Entered May 20, 1901

Robert R. Ellis

Entered in Chancery
Order Book No 3 Page 370.

Whitehead, Marcia S.

v. Report of Commissioner Causey - dated Nov. 26. 1900

Whitehead, Robert E. and others.

1900 Nov 27th Filed
A.R. Gomeyock

All Available Text Successfully Captured

Commissioner's Office,

Suffolk, Va., November 26, 1900.

Martha S. Whitehead,

Against --- In Chancery

Robert E. Whitehead; Rufus C. Hall; Roxanna Hall; Annie E. Kilby; Lucy H. Robertson; William F. Robertson; Emmett A. Whitehead; and Margaret A. Whitehead, an infant under the age of twenty-one years, and E. E. Holland, guardian ad litem of the said infant, Margaret A. Whitehead.

To the Circuit Court of Nansemond County:

Pursuant to the Decree of this Court pronounced in the above entitled cause on the 19, 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 the same is completed.

Your Commissioner herewith returns the results of his labors, as Follows:

I.

Whether the interests of the said Martha S. Whitehead, complainant, the infant defendant, Margaret A. Whitehead, Emmett A. Whitehead, and all parties to this suit will be promoted by a sale of the property in the bill mentioned or any part thereof and the investment of the proceeds of sale in other property.

Your Commissioner reports that there are two parcels of real property mentioned in the Bill, one improved, the other not; upon investigation, it is the opinion of your Commissioner that if a Decree of sale could be had directing that the vacant lot in the Bill mentioned be sold and the proceeds arising therefrom, after paying the cost of these proceedings, be aplied to repairs of the other property in the Bill mentioned, it would be to the interest of all parties concerned.

2.

Whether the rights of any party will be violated by such sale.

In the judgment of your Commissioner the rights of no person or persons in terested will be violated by such sale, on the other hand the rights of all the parties directly interested will be promoted by such sale, provided the proceeds of such sale shall be used as indicated section "I" of this report.

3.

Whether it has been sold for delinquent taxes, and what is the fee simple and annual values of said property;which inquiries the said Commissioner shall make and report to the

Court together with any matter specially stated deemed pertinent by himself or required by any of the parties to be specially stated.

Your Commissioner reports that the property has not been sold for delinquent taxes;
The vacant lot in the Bill mentioned has no annual value.
The fee simple value of the vacant lot is estimated at $400.
Its assessed value is $350. by both the old and the new assessment.

Your Commissioner begs leave to say that S. E. Everett has paid to the Treasurers of Nansemond County and the Town of Suffolk, State, County and Town taxes on the vacant lot herein mentioned and described to the amount of $25.90, this amount was paid at the same time although it represents several years taxes on said lot. The amount herein stated is reported as a claim upon said lot and should be paid out of the proceeds arising from the sale of the same should the Court be of opinion that the same can be sold and Decree of sale is had for same.
Your Commissioner states further that these porceedings were instituted under section 2432 of the Code of Virginia, Edition of 1887, and the same are not in conflict with the next three succeeding sections.

The annexed interrogatories are hereby made a part of this report.
Fee $12.50.

Respectfully submitted,
C. H. Causey Jr.,
Commissioner.

Depositions.

Suffolk, Va., November 15, 1900.

Martha S. Whitehead,

Against --- In Chancery

Robert F. Whitehead; Rufus C. Hall; Roxanna Hall; Annie E. Kilby; Lucy H. Robertson; William P. Robertson; Emmett A. Whitehead, and Margaret A. Whitehead, an infant under the age of twenty-one years, and E. E. Holland, guardian ad litem of the said infant, Margaret A. Whitehead.

Present: S. E. Everett counsel for the Plaintiff.

Robert F. Whiteheard, being first duly sworn, deposes and says, as follows:

Please state your name , age, and residence?

Robert F. Whitehead - 57 years - Suffolk, Va.

Do you know the parties to this suit?

Yes.

What relation do you bear, if any, to any of the parties to this suit?

The plaintiff is my wife; the defendants, Emmett A. Whitehead and Margaret A. Whitehead are my children.

Do you know anything of the real estate in these proceedings mentioned?

Yes, I know it. have lived on the adjoining lot for 17 years.

Would you, or not, deem it advisable to dispose of the vacant lot in the Bill described and use the proceeds arising from such sale to improve the property now occupied by the Plaintiff, in this cause, as a residence?

I think that a sale of the vacant lot would be a great benefit to the residence property provided the proceeds were expended in improving the the same.

What, in your judgment, is the fee-simple value of the vacant lot in question?
I should think that it would sell for $450 at public auction.

Has it any annual value?

It has not.

If there is anything additional you may desire to sate in connection with cause you may do so?
The idea of selling the vacant lot in these proceedings mentioned and described was first spoken of by the defendant Emmett A. Whitehead and afterwards agreed to by Margaret A. Whitehead, the condition being that the proceeds arising from the sale of such vacant lot were to be expended in the improvement of the residence property. The residence property in the Bill mentioned will become the property of Emmett and Margaret upon the death of the plaintiff in this cause.

And further this deponent saith not.

Robert E Whitehead

Mrs. Martha S. Whitehead, being fisrt duly sworn, deposes and says, as follows:

Please sate your name, age and residence?

Martha S. Whitehead - 55 years - Suffolk, Va.

Are you the plaintiff in this cause?

Yes.

Should the Cur-uit Court of Nansemond County, Virginia, decree sale of the vacant lot in these proceedings mentioned what would be your desire reguarding the disposition of the proceeds arising from such sale?

That the proceeds should be used in improving the lot now occupied by me as a residence.

What, in your opinion, would be the effect upon your children?

I think that it would be to their benefit.

Do you derive any revenue from the said vacant lot?

Not a cent.

Do you know anything as to the value of the said lot, if so please state it?

I do not know anything of the value of real estate, I believe $400. was the price paid for the lot when it was pur chased by my father.

Further this deponent saith not.

Martha S. Whitehead

J. F. DeBerry, being first duly sworn, deposes and says , as follows:

State your name, age, residence and occupation?

Joseph F. DeBerry - 58 years - Suffolk, Va. - Deputy Sheriff of Nansemond County.

Dow you know any of the parties to this suit?

I know Mr. and Mrs. Whitehead also Emmett and Margaret; I have met Mr. Hall also Mrs. Robertson.

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

Yes. I live next door to Mr. Whitehead.

Do you know anything as to the condition of the property now occupied by the plaintiff as a residence, if so please state it?

Yes, I know that the buildings are giving away right much, the pearches are rotting and the fences need repairs, they will not hold a nail.

In your judgement, would it be advisable, or not, to sell the vacant lot mentioned and described in the Bill and invest the proceeds arising from such sale in inproving the residence property?

I think that it would be an advantage to the heirs to have the residence repaired.

Have you any idea as to what the said vacant lot would sell for at public auction?

I should suppose that lot should sell for 4 or 5 hundred $.

What effect would a sale of the vacant lot have on the interest of the infant defendant if the proceeds of sale were to be utilized in repairing and improving the residence property?

Well, I should think that it would be decidedly to her advantage, otherwise it would go down.

Further this deponent saith not.

J. F. DeBerry.

James J. Walters, being first duly sworn, deposes and says, as follows:

Please state your name , age, residence and occupation?
James J. Walters - 54 years - Suffolk, Va. - Carpenter.

Do you know the parties to this suit?

I know Mr. Whitehead, his wife and children.

Are you familiar with the property in the Bill mentioned and described?

I built the house now occupied by the plaintiff.I also know the vacant lot.
Of what does it consist?

It consists of a house and lot and a vacant lot adjoining.

What is the condition of the property upon which the plaintiff in this cause resides? and state, if in your opinion the same is in need of repair?

Yes , it needs a good deal of repair.It is in bad condition.

What, in your judgment, would be the cost of such repairs?

To put the property in thorough repair, including the fences it would take five or six hundred dollars. It could be fixed up in very good shape for a good deal less. $300. would do a great deal of good properly expended.

What is the value of the vacant lot in the proceedings mentioned and described?

I think between five and six hundred dollars.

Has said lot any annual value?

No sir.

What effect would a sale of said vacant lot have, on the infant defendant, if the proceeds arising therefrom were to be expended in improving and repairing the property now occupied by the plaintiff in this cause?

I think it would be to her benefit.

Further this deponent saith not.

James J Walters

Emmett A. Whitehead, being first duly sworn, deposes and says, as follows:

Please state your name, age, residence and occupation?
Emmett A. Whitehead -23 years - Suffolk, Va. - Clerk.

Do you know the parties to this suit?

I know them all. I am one of the defendants.

What, if any is your relation to any, or all of them?
Son of the plaintiff. My father and sister are defendants. the other defendants are uncles and aunts.

What interest, if any, have you in the property in these proceeding mentioned and described?
A half interest on the death of the plaintiff.

State whether, or not, you desire the vacant lot in the Bill described, sold and the proceeds arising thereform used in the repair of other property in which you now have the same interest that you have in the said vacant lot?
Yes sir, I desire the vacant lot sold and the proceeds arising therefrom expended in repairs on the house and lot.

What, in your opinion, is the value of the said lot?
I do not know, but four or fourhundred and fifty Dollars.

Has the said lot any annual value?
No sir.

Further this deponent saith not.

Emmett, A. Whitehead,

The foregoing interrogatories were ~~agreed on~~ by me submitted to me before they were propounded to witnesses. and were agreed on by me. E.E. Holland, Gdn ad litem

Whitehead, Marcia S.

v. } Report of Commissioner Lease - dated Nov. 26. 1900

Whitehead, Robert E. and others.

1900 Nov 27th Filed
A.R. Gomyock

Commissioner's Office,

Suffolk, Va, October 30. 1900

To Martha S. Whitehead, Robert E. Whitehead, Rufus C. Hall, Roxanna Hall, Annie E. Kilby, Lucy H. Robertson, William F. Robertson, Emmett A. Whitehead, and Margaret A. Whitehead, an infant under the age of twenty-one years and E.E. Holland guardian ad litem of the said infant, Margaret A. Whitehead

You are hereby notified that I have fixed upon the 16 day of November next, following

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

1. Whether the interest of the said Martha S. Whitehead, complainant, the infant defendant, Margaret A. Whitehead, Emmett A. Whitehead, and all other parties to this suit will be promoted by a sale of the property in the bill mentioned or of any part thereof and the investment of the proceeds of sale in other property;
2. Whether the rights of any party will be violated by such sale;
3. Whether it has been sold for delinquent taxes, and what is the fee simple and annual value of said property; which inquiries the said Commissioner shall make and report to the Court together with any matter specially stated deemed pertinent by himself or required by any of the parties to be specially stated.

required to be taken by a decree of the Circuit Court of the County of Nansemond rendered on the 19th 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. Kilby, Lucy H. Robertson, William F. Robertson, Emmett A. Whitehead, and Margaret A. Whitehead, 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

Legal and sufficient notice is hereby accepted of the within notice -
Oct. 20th - 1897 -

Martha S Whitehead
R E Whitehead
Annie E Kilby
Lucy H Robertson
W F Robertson
R L Hall
Roxanna E Hall
Emmett A Whitehead
E C Holland
Gdn ad litem Margaret A Whitehead

FORM No. 400.

Martha S. Whitehead

vs. } COMMISSIONER'S NOTICE.

R. E. Whitehead et als

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

VIRGINIA.

In the Corporation Court of the City of Norfolk, On the 16th day of May 1891.

Two paper writings purporting to be ,
The Last will and testament and codicils thereto of Arthur E. Hall deceased, were this day produced in Court by Leonidas D. Halt and Walter H. Hall the Executors therein named, and offered for probate. And there being no subscribing Witnesses thereto E. M. Baum and James W. Thayer were sworn and severally testified that they well acquainted with the hand Writing of the said Arthur E. Hall deceased, and verily believed the said paper writings and the names subscribed to each of them to have been written wholly by the said Arthur E. Hall deceased, where upon it is considered by the Court that the said paper Writings are duly and fully proved and it is ordered that they be recorded as the true last Will and Testament and Codicil thereto of the said Arthur E. Hall dec'd.
And on the motion of said Leonidas D. Halt and Walter H. Hall who took the Oath required by law, and entered into and acknowledged a bond in the penalty of three thousand dollars, conditioned according to law, without security the said Will directing that none should be required Certificate is granted the said Leonidas D. Halt and Walter H. Hall for obtaining a Probate of said Will, and Codicilc in due form.
And it is ordered that the said Bond is recorded.

Teste,
Jammis A. Coleman, D. C.

A copy Teste
Law Ellarring. DC.

In the Clerk's Office of Nansemond County Court the 26th day of May 1891
This Copy of the last will and testament with Codicil annexed of Arthur E Hall deceased was presented and admitted to record.

Teste: R R Smith clerk
By A P Gomey DC

A copy
Teste:

ARTHUR E. HALL. WILL.

I Arthur E. Hallof the City of Norfolk and State of Virginia do make and ordain this writing to be my last will and testament revoking all other previously made, and after the payment of my just debts I dispose of my wordly goods in manner following to wit:

Item ~~First~~ 1st: I give to each of my four children Anna E. Kilby (widow of Thomas S. Kilby dec'd) Rufus Comick Hall, Martha Susan Whitehead (wife of Robert E. Whitehead) and Lucy Henly Hall, and to their heirs and assigns forever, the sum of Twenty-five ($25.00) dollars each.

Item ~~second~~ 2nd: To prevent litigation, I require each of my said children before receiving any further portion of my estate to come forward within three months after my decease, and enter into a written agreement and obligation to accept this writing as my last will and testament, and pledge themselves to abide its provisions and should any one or more of my said children refuse to accept as above required, he, she, or they thus refusing shall thereby forfiet all further claim or interest in and to my estate whatsoever; should any one or more of my said children die, leaving a child or children and thereby fail to become a party to the before mentioned agreement, then such child or children if twenty-one years old, shall come forward and accept for themselves the provisions of this instruments ~~of this instrument~~ as above required, and if any such child or children be under the age of twenty-one years, then such child or children shall appear by their guardian, andaccept and sign the aforesaid agreement within the before mentioned time, of three months or be forever debarred any claim or interest in my estate whatsoever.

Item ~~third~~ 3rd: I lend unto my son Rufus C. Hall during his natural life, for the sold use and benefit of himself and his children, the plantation which I purchased of James Cutchin and Mildred A. Cutchin his wife, and upon which I formerly resided, situated near South Quay in Nansemond County Virginia; also a tract of land on the opposite, or Southeast side of the South Quay and Suffolk road, which said tract is bounded on the North and West by the South Quay and Suffolk road, and on the South and East by the lands of James T. Johnson and the heirs of Preston Hunter ~~deceased~~, and extending from the Wickham swamp to Reedy Branch, excepting the ground of the South Quay Baptist Church, and the land I gave for a public free school house, and one acre set a part for a grave yard or burial place for the family which is hereby reserved for that purpose, which said tract described as lying on the South east said of the South Quay and Suffolk road, is a part of the land purchased, at the sale of the lands of Dr. Edward R. Hunter ~~deceased~~, with all and singular the appurtenances belonging to the said tracts of lands and after the death of my son, the said Rufus C. Hall, I give both of said tracts of land with their appurtenances to be equally divided between all the children of the said Rufus C. Hall, when the youngest child shall have attained the age of twenty years, and only such children as do attain to the age of twenty one years; no child to have any separate interest therein until division of the land be made; said property shall not subject to any lien ~~or~~ mortgage or pledged for any debt of any description but shall remain for the support of the said Rufus C. Hall and his children as aforesaid, Neverthless, the said Rufus C. Hall, with the advise and consent of all his adult children may exchange the above mentioned property for a more desirable place or location if in their judgments it will be for the benefit of said Rufus C. Hall and his children, but such exchange shall be subject to all the conditions contained in the above ~~item~~ third. item.

Item ~~fourth~~ 4th: I lend unto my daughter Lucy H. Hall during her natural life, for her sole use and benefit, the lot and all

the appurtenances belonging to same, situated on the South side of Washington street in the town of Suffolk, Nansemond County ~~Virginia~~; is bounded on the North by Washington street, East by the property of Leonidas D. Holt, South the Margaret Gibbs lot, and the West by Algerman S. Darden(formerly Robert Allen) T. W. Skiles, A. E. Bateman and C. Jones(formerly Burwell Riddick) it being my portion of the Daughtey lot, which was purchased by A. E. Hall and L. D. Holt jointly of John R. Kilby Commissioner, and recently divided, (see deed of partation of, A. E. Hall and L. D. Holt, dated 30th day of May 1889.) said property shall not be subject to any lien ~~or~~ mortgage, or pledged for any debt of any description, but is loaned to the said Lucy H. Hall, for a home, or may be rented out for her support during her natural life as she the said Lucy H. Hall may desire , and at her death to be equally divided among her children who may be living when the youngest child shall arrive at the age of twenty-one years, as their absolute estate, but no child shall have any separate or individual interest therein until such division is made, but should the said Lucy H. Hall die childless; by first obtaining the consent of my son Rufus C. Hall, and my two daughters Ann E. Kilby and Martha S. Whitehead, the said Lucy H. Hall shall have power to dispose of the whole or any portion of the above mentioned property; by will duly authenticated or otherwise, to return to my estate and be equally divided between the said Rufus C. Hall, Ann E. Kilby and Martha S. Whitehead, and their heirs, the proper division or disposal of, said property shall be in accordance with the provisions of agreement made under item second of this instrument.

Item ~~fifth~~ 5th, I lend unto my daughter Martha S. Whitehead (wife of Robert E. Whitehead) all that certain lot and its appurtenances situated in the town of Suffolk on the North side of Kilby street, which I purchased of David Boyett and Ann Boyett his wife(see deed dated 10th day of September 1885, d. b. No. 15 Page 454) adjorning the lot already loaned her by deed duly recorded in the Clerks Office of Nansemond County, to be held by her the, said Martha S. Whitehead under the same restrictions and desend in like manner as the property she now has in possession and upon which she now resides.

Item ~~sixth~~ 6th (6) Any of my household furniture not given away in my life time, I give to my four children to divide as they may judge right and proper.

Item ~~seventh~~ 7th, I hereby empower my said children to sell and convey or rent out for their mutual benefit, or divide among themselves any real estate of which I may be possessed at the time of my death and not disposed of in this instrument my said children shall be competent to divide if divided, or fix the price if sold, and make equal division, one fourth to each of my said children, and to their heirs, at any time after the expiration of two years after my decease.

Item ~~eight~~ 8th, I nominate and appoint my friend and partner in business, Leonidas D. Holt and my grandson Walter ~~Henry~~ Avery Hall executors of this my last will and testament, to settle all my affairs, as well as those pertaining to our partnership, and request the court of Norfolk City to permit them to qualify without giving security, said executors to have charge of all my business and effects in the town of Suffolk and in Nansemond County, and when the business of the firm of A. E. Hall & Co., Norfolk City, and Hall & Holt in Suffolk, shall be closed, my interest therein together with any personal property I may be possessed of at the time of death not embraced in this instrument, I give to be Equally divided between my aforesaid four children, namely: Ann. E. Kilby, Rufus C. Hall Martha S. Whitehead, and Lucy H. Hall, as their absolute estate.

Item ~~ninth~~ 9th: Should there be any real estate belonging to my

partner Leonidas D. Halt and myself jointly and remain undivided at the time of my death, my aforesaid children, shall be fully competent with my aforesaid partner Leonidas D. Halt, to make division or sale of the same, and such division or sale shall be as absolutely binding upon my estate as if done in my life time, any three of my children consenting and agreeing to such sale or division, and my interest shall be divided equally between my aforesaid four children and their heirs, any objection on the part of one child or heir, shall be settled in accordance with the agreement made under item second, of this instrument.
Item ~~tenth~~ 10th: I hereby exonerate my son Rufus C. Hall from the payment of any further rent for the farm in Nansemond County, or any charges for any farming utensils, tools, or stock left in his possession by me, all of which is intended to be embraced in the loan of the farm in item third.
Written signed and sealed with my own hand this third day of December a. d. eighteen hundred and ninety.

ARTHUR E. HALL. (SEAL)

CODICIL FIRST.

I do hereby revoke that portion of Item fourth which requires my daughter Lucy Henly Hall before being competent to execute a will disposing of the property mentioned in said item, in case she the said Lucy H. Hall should die leaving no child or children, to obtain the consent of her brother Rufus C. Hall and her two sisters: Annie E. Kilby and Martha S. Whitehead; and it is my Will that should my said daughter die childless, she shall have full power by her duly authenticated Will, to dispose of said property in such manner as she may judge proper without the consent of her said brother Rufus C. Hall, and her two sisters Ann E. Kilby and Martha S. Whitehead or any person or persons.
Written with my own hand and signed this the twentieth day of April eighteen hundred and ninety-one.

ARTHUR E. HALL.

Whereas Arthur E Hall and Leondus D Holt partners in business under the firm name of Hall and Holt having purchased of James I Walters and Mattie I Walters a certain house and lot in the town of Suffolk, in the County of Nansemond and State of Virginia, and described as lying upon the north side of Kilby street in the town of Suffolk and state aforesaid, and bounded as follows, beginning at the southeast corner of the lot belonging to Mattie I Cox, wife of J H Cox, and running eastwardly along the line of Kilby street Fifty (50) feet, to the southwest corner of the lot owned by Caroline Lee the wife of I H Lee, and bought by her of G & R Barrett of Norfolk Va, thence, running northwardly along said Caroline Lee's line One hundred and twenty five (125) feet, thence running westwardly, parallel with the line of Kilby street, Fifty (50) feet to the said Mattie I Coxes lot, thence running southwardly along the line of said Mattie I. Coxes lot One hundred and twenty five feet to the line of said Kilby street at the beginning, all of which will more fully appear by reference to the deed of said James I. Walters and Mattie I Walters dated 18th day day of March 1884 and duly recorded in the Clerks Office Nansemond County Court; And Whereas the said Arthur E Hall, having this day. purchased of the said Leondus D Holt his entire interest in the abovementioned property, for the sum of Six hundred dollars, the receipt whereof is hereby acknowledged by the said Leondus D Holt, by his signature to this

to this instrument, and the said Arthur E Hall, becoming the owner of the whole of said property, free from the claim of every other person whatsoever; the said Arthur E Hall for and in consideration of the love and affection he has for his daughter, Martha I Whitehead, the wife of Robert E Whitehead, doth lend unto her, the said Martha E Whitehead, for her sole use, and benefit, during her natural life, all the above-mentioned property, with the appurtenances belonging to the same, said property is not to be subject for any debt, lien, or mortgage, made by the said Martha I Whitehead, or any other person whatsoever; and after the death of said Martha I Whitehead, the said property may be equally divided between all of the said Martha I Whiteheads children when the youngest child shall arrive to age of twenty one (21) years, then living, and no child or children shall have any seperate interest in said property until such division is made, and nothing herein contained is intended to deprive the said Robert E Whitehead of a home on said property, until such division is made, in the event of the death of his wife, the said Martha I Whitehead, Nevertheless the said Arthur E Hall reserves the right, during his life time, to unite with the said Martha E Whitehead to exchange the whole or part of the beforementioned property for some or such other property, deemed more desirable, the same to be made subject to all the provisions and restrictions contained in the above instrument,

and the said Arthur E Hall and Leonidas D. Holt, both of whom reside in the city of Norfolk and State of Virginia, have hereunto set their hands and affixed their seals this the third day of November. A.D. 1885. Arthur E Hall. (Seal)

Witness. Leonidas D. Holt (Seal)

City of Norfolk, to wit-

I. N. L. Worthington, a Commissioner in Chancery of the Circuit Court for the City aforesaid in the State of Virginia, do certify that Leonidas D. Holt, whose name is signed to the foregoing writing bearing date on the 3rd day of November A.D. 1885 has acknowledged the same before me in the City aforesaid. Given under my hand this 19th day of November, 1885,

N. L. Worthington

" Commr in Chancery, C. C.

City of Norfolk. to wit-

I. N. L. Worthington, a Commissioner in Chancery of the Circuit Court for the City aforesaid in the State of Virginia do certify that Arthur E. Hall, whose name is signed to the foregoing writing bearing date on the 3rd day of November, 1885 has acknowledged the same before me in the City aforesaid. Given under my hand this 19th day of November 1885,

N. L. Worthington,

Commr in Chancery, C. C.

Hall Arthur E

To

Deed of Gift

Martha S. Whitehead
wife of Robert E. Whitehead

March 17th 1886 Presented in the Clerk's Office with the Certificates annexed L AR

1899 May 21st
Examined Delivered and delivered.
A. L. Gomey DC
J.

Recorded Deed Book
No 16 Page 276

In the Clerk's Office of Nansemond County Court the 17th day of March, 1886.
This Deed of Gift was presented with the certificates annexed and admitted to record.

Teste:
Peter B. Prentis Clerk

Martha S. Whitehead ---- complainant,
against — In Chancery
Robert E. Whitehead, R. C. Hall, Roxanna E.
Hall, Annie E. Kilby, Lucy H. Roberts,
William D. Roberts, Emmett A. Whitehead,
and Margaret A. Whitehead, the last one being
an infant under the age of twenty one years.

By mutual consent of the parties, it is
hereby agreed that the Chancery suit now
pending in the Circuit Court of Hammond
County, wherein Martha S. Whitehead is plaintiff
and Robert E. Whitehead, Rufus C. Hall, Roxanna
E. Hall, Annie E. Kilby, Lucy H. Roberts,
William D. Roberts, Emmett A. Whitehead and
Margaret A. Whitehead, the last one being an
infant under the age of twenty one years are
defendants, shall be made a vacation cause so
that the same may be submitted to the Judge
for such decision and decree therein in vaca-
tion, as might be made in term.

M.S.W. Martha S Whitehead

R.E.W. R E Whitehead

R.C.H. R C Hall

R.E.H. Roxanna E Hall

A.E.K. Annie E Kilby

L.H.R. Lucy H. Roberts

W.D.R. W D. Roberts

E.A.W. Emmett A. Whitehead

M.A.W.

E. E. Hazzard, Solicitor

Petition for Ta-
Colton Council

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, Emmett A. Whitehead, and Margaret A. Whitehead, the last one being an infant under the age of twenty one years.

This day came the plaintiff and filed her bill, and E. E. Holland is assigned guardian ad litem to the infant defendant, Margaret A. Whitehead, to defend her interests in this suit, and thereupon the said guardian ad litem filed the answer of the said infant defendant and his own answer to the bill of the plaintiff, duly sworn to, and the said Margaret A. Whitehead being over fourteen years of age filed her own answer duly sworn to, to the said bill of the plaintiff, and the adult defendants filed their answer, to which several answers the plaintiff by counsel replied generally, and the cause was docketed by consent, and coming on to be heard, by like consent, upon the bill, answers, and replications, 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 inquire into and report to the court,

1. Whether the interests of the said Martha S. Whitehead, complainant, the infant defendant, Margaret A. Whitehead, Emmett A. Whitehead, and all other parties to this suit, will be promoted by the sale of the property in the bill mentioned or of any part thereof and the investment of the proceeds of sale in other property;
2. Whether the rights of any person will be violated by such sale;
3. Whether it has been sold for delinquent taxes, and what is the fee simple and annual value of said property: which enquiries the said commissioner shall make and report to the court together with any matter specially stated deemed pertinent by himself or required by any of the parties to be specially stated.

And by consent here entered of record 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
Against. In Chancery.
Robert E. Whitehead and others.

Enter the 19th day of Oct. 1900.

Robert R. Prentis

Entered in Chancery Order
Book, No. 3 Page 329.

Leave in Land Case

In the Circuit Court of Nansemond county, in vacation, on the 14th day of December, 1900.

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

Against- In chancery-

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

This cause came on this day again to be heard, by the consent of all parties, plaintiff and defendants, on the papers formerly read, and on the report of the Commissioner, C. H. Causey, Jr. filed the 27th. day of November, 1900, 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 fifteen days by posting notices in two or more public places in said county, proceed to sell before the Post-Office door in Suffolk, the vacant 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 Band of Nansemond 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 to return the bond taken for the credit 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 $600 and conditioned for the faithful discharge of his duties hereunder, and under any future decree in this cause.

Robert R. Prentis.

To the Clerk of the Circuit Court of Nansemond county:

No 1

Decree confirming report of
Commissioner, C. H. Causey, Jr.

.....

Martha S. Whithead
Against In Chancery.
Robert E. Whitehead and others.

.....

Enter 14th Dec. 1900.

Robt R Hemlet

.....

Entered in Chancery Order Book
No. 3 Page 333.

.....

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, IN VACATION, ON THE 11th., DAY OF MAY, 1901.

Martha S. Whitehead v. Robert E. Whitehead and others.	IN CHANCERY.

This cause came on this day again to be heard, by the consent of all the parties, plaintiff and defendants, heretofore entered of record as provided by statute, on the papers formerly read, the report of the commissioner, S. E. Everett, filed in the Clerk's Office of this court on the 11th day of May, 1901, with the affidavit of J. J. Walters and certificate of Martha S. Whitehead, R. E. Whitehead and E. A. Whitehead, 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 the court doth further adjudge, order and decree that the said commissioner, S. E. Everett, do draw out of the Farmers Bank of Nansemond, Suffolk, Virginia, Four hundred and eighty-two dollars and one cent ($482.01) (with interest allowed by said bank) the amount deposited by him in said bank on the 4th day of February, 1901, and pay the said amount of Four hundred and eighty-two dollars and one cent, with said interest, to J. J. Walters for the work completed by him on the Whitehead buildings.

And the court doth further order and decree that the said property and the improvements thereon are to be held by the said Martha S. Whitehead in the same manner as she held the property heretofore sold in this cause devised to her by the will of her father, Arthur E. Hall, deceased, by item 5th. of said will which uses the following language:

"Item 5th. I lend unto my daughter, Martha S. Whitehead, wife

of Robert E. Whitehead, all that certain lot and its appurtenances situated in the town of Suffolk, on the north side of Kilby street, which I purchased of David Boyett and Anne Boyett, his wife, (See deed dated the 10th day of September, 1885, d.b. 15, Page 454) adjoining the lot already loaned her by deed duly recorded inthe Clerk's Office of Nansemond County, to be held by her the said Martha S. Whitehead, under the same restriction and desend in like manner as the property she now has in possession, and upon which she now resides."

Robt R. Dennis

To the Clerk of the
Circuit Court of
Nansemond County:

Whitehead
vs In chancery
Whitehead

Decree ratifying
work and report
of Commissioner
S.B. Everett

Enter 11th May, 1901

Robert N. Dennis.

Entered in Chancery
Order Book No 3
Page 368.

In the Circuit Court of Nansemond County, In Vacation, on the 23d. day of January, 1901.

Martha S. Whitehead Plaintiff,
Against.- In Chancery.
Robert E. Whitehead and others.....Defendants.

This cause came on this day again to be heard, by the consent of the parties, plaintiff and defendants, entered of record as provided by statute, on the papers formerly read, and on the report of the Commissioner, S. E. Everett, appointed by the decree herein entered on the 14th. day of December, 1900, 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 this Court on the 18th. day of January, 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 when and as soon as C. R. Brothers shall have paid the full amount of the purchase-money as he desires to do, and as stated in the report of the Commissioner, S. E. Everett, to the said Commissioner, S. E. Everett, the said Commissioner shall convey by good and sufficient deed, with special warranty, unto the said C. R. Brothers, the property purchased by him as follows, to-wit: " All that certain lot of land on the north side of Kilby Street, in the town of Suffolk, beginning at the southeast corner of the other lot of Martha S. Whitehead on said street and running along said street east forty feet to the corner of the lot of C. C. Pruden, thence north along the Pruden lot one hundred and twenty five feet to the lot of William T. Raby, thence west along the Raby lot to the corner of the lot of Martha S. Whitehead, thence along the said Martha S. Whitehead lot to the said street to the point of the beginning." And the said Commissioner, S. E. Everett, is directed to deduct from the amount from which the said land sold the expenses of sale, including his commissions, the costs, and a fee of $30.— for the attorney who instituted this suit, and to deposit

the remainder in one of the banks in the town of Suffolk to the credit of the court in this suit and to report his proc-edings hereunder to the court, returning therewith a certificate of such deposit.

Robert R. Davis

To the Clerk of the Circuit Court of Nansemond County-

Decree confirming sale.

Martha S. Whitehead
Against. In Chancery.
Robert E. Whitehead and others.

Enter 23d day of Jany. 1901.

Robt R. Reulis

Entered in Chancery Order Book,
No. 3 Page 338.

AUCTION SALE

—OF—

Valuable Lot

On Kilby Street, Suffolk, Va.

By authority of a decree of the Circuit Court of Nansemond county, Virginia, entered on the 14th day of December, 1900, in the chancery cause pending in the said court between Martha S Whitehead, complainant, and Robert E. Whitehead and others, defendants, the undersigned will sell by public auction to the highest bidder, before the Postoffice door in Suffolk, in said county,

ON THURSDAY, JANUARY 17, 1901,

at 12 o'clock M., the following valuable real estate, to wit: All that certain lot of land, together with all the appurtenances belonging to the same, situated on the north side of Kilby street, in the town of Suffolk, beginning at the southeast corner of the lot now owned by Martha S. Whitehead, on said street, and running along said street easterly forty feet to the corner of the lot of C. C. Pruden, thence north along the Pruden lot one hundred and twenty-five feet to the lot of William T. Raby, thence west along the Raby lot to the corner of the other lot of the said Martha S. Whitehead, thence south along the other lot of the said Martha S. Whitehead to the said street at the point of beginning—it being the same lot devised to Martha S. Whitehead and others, by her father, Arthur E. Hall.

TERMS OF SALE.

One-half cash, aud one-half payable in six months from the date of sale, with interest from the date of sale, the title of the property to be 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.

S. E. EVERETT, COMMISSIONER.

I, A. P. Gomer, Clerk of the Circuit Court of Nansemond county, Virginia, do certify that the bond required of S. E. Everett, special commissioner, under the decree of the said Court made on the 14th day of December, 1900, in the chancery cause pending in said court between Martha S. Whitehead, complainant, and Robert E. Whitehead and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this the 24th day of December, 1900.

A. P. GOMER, Clerk.

Local 6
C. R. Brooks

AUCTION MOTION
10 Lighting

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

Martha S. Whitehead

In Chancery-against

Robert E. Whitehead and others.

The undersigned, commissioner, S.E. Everett, appointed by the decree entered the 14th day of Dec., 1900, in this cause proceeded to execute the duties thereby enjoined upon him. After advertising the time place, and terms of sale in the manner prescribed by the decree entered the 14 th day of Dec., 19 00, your commissioner sold the said property mentioned in the bill and proceedings in front of the Post Office do or, in Suffolk, on the 17 th day of Jan., 1901. , at public auction, to the highest bidder at which sale the said property was struck off to C.R. Brothers for the sum of $610.50, the said C.R. Brothers being the highest bidder at said sale.

The said C.R. Brothers prefers to pay the whole of the purchase money in cash and asks your commissioner to report the same to the Court and as soon as a deed is prepared and ready for delivery, he will pay the sum of $610.50 in full which was the highest bid for the property at said sale.

Your commissioner has given the bond required by the decree directing the sale.

Respectfully Submitted

S.E. Everett

Special Commissioner

January 16-1901

Report of Sale to C.R. Brotherton
The 17th day
of January 1901

1901 Jany 18th Filed
A.P. Gomey clerk

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

Martha S. Whitehead..... .....Plaintiff,
Against. In Chancery.
Robert E. Whitehead and others. .....Defendants.

Your undersigned Commissioner, S. E. Everett, appointed by the decree entered on the 14th. day of December, 1900, in the above cause, and directed by a decree entered on the 23rd day of January, 1901, to convey by good and sufficient deed the said property in the bill and proceedings mentioned to C. R. Brothers, the highest bidder at the sale, executed the duties thereby enjoinedupon him by delivering to the said C. R. Brothers a deed with Special Warranty and received the whole of the purchase-money therefor, which was..... $610.50

From this amount your Commissioner has deducted as follows,

To. S. E. Everett Atty for Complainant.....	$30.00
To S. E. Everett, Spc. Com . comms. on $610.50	21.21
To C. H. Causey, Jr. Commissioner.....	12.50
To J. Walter Hosier, Auctioneer.....	5.00
Harper and West. Com. bond.....	5.00
Clerk of Court.....	22.13
To E. E. Holland Admr. of J. E. Booker, advertising sale	.75
To Stamp on deed.....	1.00
To S. E. Everett for writing deed	5.00
To S. E. Everett for taxes as allowed by the Com. and Cr	25.90
Balance in bank..	482.01
.....	
$610.50	$610.50

Your Commissioner has deposited the remainder $482.01, In the Farmers Bank of Nansemond, Suffolk, Virginia, and returns with this report a certificate of such deposit as well as the vouchers for the above payments.

Respectfully, submitted,

S. E. Everett Commissioner.

Farmers Bank of Nansemond, Suffolk, Va.
Feb. the 4th, 1901.

Martha S. Whitehead against Robert E. Whitehead and others.
S. E. Everett, Special Commissioner, has deposited to the Credit of the Circuit Court in the above cause, the sum of $482.01, payable to the order of said Court without the return of the certificate.

W. M. Jones Jr. Cashier.
Farmers Bank of Nansemond,
SUFFOLK, VA.

$482.01.

60
1.0.7

Report of Commissioners and certificate of deposit.

This is to certify that I, J. J. Walters, have completed the buildings on the Whitehead lot numbered in this suit in the manner as above reported by your commissioner, S. E. Everett and have charged therefor the amount of four Hundred and Eighty two Dollars and one cent. ($482.01). All the material for which paid for in full.

James J Walters

Nansemond County,
State of Virginia -

J. J. Walters This day appeared before me and signed and made oath to the above certificate.

Given under my hand This 11th. Day of May, 1901 -

S. E. Everett
Notary Public

The above work has been completed by J. J. Walters for the amount of $482.01 and is perfectly satisfactory -
May the 11th. 1901 -

Martha D Whitehead

R E Whitehead

Ed Whitehead

Whitehead
vs
Whitehead

Report of Deposit
and Work done.

Filed 11 May 1901

May 11th . 1901. The report of the Commissioner, S. E. Everett continued.

Your commissioner, S. E. Everett, has had the building on the lot adjoining the lot mentioned and sold in these proceedings repaired in the following manner.

Front Piazza. 8 X 22 ..... New sills, sleepers, and floor with the best heart lumber. Repaired roof with shingles.

Back Piazza. 9X 24..... Entirely new with best lumber, latticed and sealed.

Kitchen. 10 X 14 ... Sealed, new door and steps, and brick flue from ground.

Colonnade. 8 X 14.... Sealed and window put in.

Pantry. Entirely new.

Body of house Repaired doors, windows, and put in five doz. glasses.

Painting. Painted house inside and out . 2, 3, and 4 coats.

Roof to body of house. Repaired roof to house. Shingle roof.

Blinds. For kitchen and colonnade.

Mantle and flue. One mantle and flue in parlor.

Kitchen. Repairing tin roof.

Wood house. New wood house 16X 16.

Pump. Repairing pump.

Water closet. Entirely new.

Plaster and whitewash. Over about half of the house.

Fence. 300 feet of lattice fence back of house and 25 feet of front fence.

Respectfully submitted,

S. E. Everett

Special Commissioner.

Whitehead
Vs. In Chancery
Whitehead

Your Commissioner, J. E. Everett, submits the following report.

In accordance with decree entered The 11th. day of May, 1901 in this cause your Commissioner paid $1482 of the amount of money in bank to the credit of this suit (no interest) to James L. Walters in full payment of repairs on house of Mrs. Martha E. Whitehead and herewith files the receipt of James L. Walters for the same.

Respectfully Submitted,

May 20 - 1901

J. E. Everett
Special Commissioner

Whitehead
vs In Chancery
Whitehead /

Report of Comm.
paying Money
for repair —

Filed 20 May, 1901

of the office, post or trust therein mentioned, with coupons detached from bonds of said 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 said J. E. West has set his hand and seal as attorney aforesaid this 19th day of December in the year of our Lord one thousand and nine hundred and of the Foundation of the Commonwealth the 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 14th

In the office of the clerk of the circuit court of Nansemond County the 19th day of December 1900.

The above bond was executed by the Fidelity and Deposit Company of Maryland as surety by J. E. West its duly authorized attorney in fact and acknowledged by the said J. E. West atty in fact aforesaid and the Fidelity and Deposit Company of Maryland having complied with all the requirements of the law regulating its admission to transact business in this State and having produced satisfactory evidence of its solvency credit and sufficiency and recorded.

Teste:

A. P. Gomer
Clerk

A Copy Teste:

A. P. Gomer Clerk

In the office of the clerk of the circuit court of Nansemond County the 19th day of December 1900.

The above bond was executed by the Fidelity and Deposit Company of Maryland as surety by J. E. West its duly authorized attorney in fact and acknowledged by the said J. E. West atty in fact aforesaid and the Fidelity and Deposit Company of Maryland having complied with all the requirements of the law regulating its admission to transact business in this State and having produced satisfactory evidence of its solvency credit and sufficiency and recorded.

Teste:

A. P. Gomer
Clerk

A Copy Teste:

A. P. Gomer Clerk

of the office, post or trust therein mentioned, with coupons detached from bonds of said Commonwealth.

In testimony whereof the said J. 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 said J. E. West has set his hand and seal as attorney aforesaid this 19th day of December in the year of our Lord one thousand and nine hundred and of the Commonwealth the 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 14th

day of December 1900 in the Chancery cause pending in the said Court between

Martha S. Whitehead complainant and Robt. E. Whitehead and other defendants the above bound S. E. Everett who was appointed 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
Company of Maryland
by J. E. Great Its
Attorney in fact.

S E Everett

To } Spec Conv Bond

The Commonwealth

1900

Dec 19th.

Recorded in Official
Bnd Book No 1
Power of Attorney on
page 230 and Bond
on page 233. in
Circuit Court

A Copy.

Whitehead & Whitehead & c

Know all men by these presents,
That we, P. E. Everett
and the Fidelity and Deposit
Company of Maryland by
J. E. West its Attorney in fact
his surety are held and
firmly bound unto the
Commonwealth of Virginia in
the just and full sum of
Six Hundred Dollars, to the
payment whereof, well and
truly to be made to the said
Commonwealth, we bind our-
selves, 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 dis-
charge any liability to the
said Commonwealth arising
under this bond, or by virtue

in its behalf, at its Home Office in the City of Baltimore, State of Maryland."

We,
Edwin Warfield, President, and Harry Nicodemus, asst Secretary, of the Fidelity and Deposit Company of Maryland, hereby certify that the aforegoing 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 President and ass't Secretary, respectively, and affixed the Corporate Seal of the Fidelity and Deposit Company of Maryland, this 17th day of December, A. D. 1900

Edwin Warfield,
President

Harry Nicodemus
Ass't Secretary

Seal of Company

State of Maryland, }
City of Baltimore, } ss:

On this 17th day of December A. D. 1900 before the subscriber, a Notary Public of the State of Maryland in and for the City of Baltimore, duly commissioned and qualified, came Edwin Warfield, President, and Harry Nicodemus, ass't Secretary, of the Fidelity and Deposit Company of Maryland, to me personally known to be 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.

Fred L. Axtell
Notary Public

Notarys Seal

Commission expires
May. 1902.

Power of Attorney.

Know all men by these presents:

That the Fidelity and Deposit Company of Maryland, by Edwin Warfield, its President, and Harry Nicodemus, its ass't Secretary, in pursuance of a certain resolution of the Board of Directors, duly passed on the 4th day of September, A. D. 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 official commissioner of the Circuit Court of Nansemond County in the case of Marcha S. Whitehead vs. Robt. E. Whitehead et al, provided the penalty of the bond shall

not exceed Six hundred dollars, and the execution and acknowledgment of such bond by the said J. E. Best 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 Edwin Warfield, President, and Harry Nicodemus, Ass't Secretary, have hereunto subscribed their names and affixed the Corporate Seal of the said Fidelity and Deposit Company of Maryland, this 17th day of December, A. D

1900.

Attest: Harry Nicodemus
ass't Secretary

Edwin Warfield.
President.

Seal of Company

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 hereby 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 on 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 the said bond had been executed and acknowledged by the regularly elected officers of this Company, in their own proper persons.

Martha S. Whitehead
Against. In Chancery.
Robert E. Whitehead and others. Kilby Street Property.

We have received from the Commissioner ; S. E. Everett, the amounts opposite our names.

S. E. Everett Atty for Complainant

S. E. Everett ..... $30.00 ✓

Commissions on $610.50 .. S. E. Everett ..... 21.21 ✓

Commissioner in Chancery. S. E. Everett for C. H. Causey Jr. 12.50 ✓

Auctioneer ..... J. Walthall ..... 5.00 ✓

Bond ..... Hobs. West ..... 5.00 ✓

Clerk of Court .. A. P. Gomer ..... 22.13 ✓

Advertisment ..... W. L. McLeod, Manager Herald, ... 75 ✓

To stamp on deed ... S. E. Everett ..... 1.00 ✓

Writing deed ... S. E. Everett ..... 5.00 ✓

Taxes allow by the Commisioner and Court .. S. E. Everett ..... 25.90 ✓

.....

$128.49

Paid by J. Waters to run out of the church $482.01 $65.1 etc for taxes

May 11-1901-

R. B. Runnels

Folio 1292

TERMS--CASH.

Suffolk, Va., 190

Mr S. E. Everett

To HARPER & WEST, Dr.

Life, Fire, Marine and Accident Insurance

P. O. Box 394. OFFICE: No. 29 WASHINGTON SQUARE. Both Phones.

Date 1900	Policy No.	Company	Property Insured	Amount	Premium
Dec 19		F H & D	Bond		5 00

Martha S Whitehead &c &c

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

~~Tax and~~ Clerk Fees in suit vs Chancery Dd

Robt E Whitehead &c &c ---------- $ 4.63

July 4th Paid by S E Everett ---------- A P Gomer ---------- Clerk.

Martha S Whitehead S E Everett p q

1900 Octo

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

Tax ~~and Clerk Fees~~ in suit in Chancery against Robert E Whitehead to Chey Deed Sale 3.00

Nov 20th 1900 Paid by S E Everett A P Gomer, Clerk.

S E Everett
$1,50

No. 326

Mr S. E. Everett, Conv, Martha S. Whitehead Vs R. E. Whitehead et als

1901. **TO THE TOWN OF SUFFOLK, Dr.**

To Tax on $ 450	Real and Personal Estate, at 90c. per $100, for General Purposes	$ 4	05
" " " $	Real and Personal Estate, at 10c. per $100, for the Poor		45
" " " $	Real and Personal Estate, at 16c. per $100, for Schools		72
" " " $	Real and Personal Estate, at 1c. per $100, for Roads		04
" Capitation Tax, at 50 cents each, for all purposes			
	TOTAL FOR ALL PURPOSES	5	26
" 5 per cent. added after December 1st			26
		5	52
			3 49

Received payment 12 *day of* March, 1902 R. S. Bowen, Treasurer.

7.81

Mr. S. E. Everett, Comr. Martha S. Whitehead vs R. E. Whitehead

1901. To S. T. ELLIS, Treasurer of Nansemond County, Va.

No. 337 / No. of Acres	State Tax, 30c. on $100.	State School Tax, 10c. on $100.	County Levy, 20c. 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 $								
" Personal Property, value $ 450	1 35	4 50	9 00					2 70
" value $								
" Poll Taxes		1 00					50	
Total								2 70
5 per cent. additional								
Total								

Received payment 14 day of Dec 1901 S. T. Ellis Treasurer.

Per

$482.01

Received of S. E. Everett, Special Commissioner in case of White heirs against White heirs Four Hundred and Eighty Two dollars and one cent. in full payment of work on house of White heirs.

May 11. 1901.

James J. Walters