1910-024
Nansemond Co (Suffolk) Chancery Causes: Hardy Holland, Jr vs Waverly Norfleet Holland, infant et al

issued
Notice 1st Jan.
to take on Filed 3rd. "

Stanley Stelland Jr.
will take 1/5 at 4.50.

2

R. R. Swick Clerk of the Circuit Court of Hancock County:

Hardy Holland Jr. Pltff

vs

Waverly Norfleet Holland
Virginia Holland
Francis Holland

} all infants Defts

In chancery.

Issue summons for plaintiff against defendants to Second Monday rules (third Monday) 1909 to answer a Bill in chancery.

Tax 1.50

R. H. Rankin p.q.

Memo for Clerk

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Waverly Norfleet Holland infant, Virginia Holland infant and Frances Holland infant

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Third Monday in November 1909, to answer a Bill in Chancery, exhibited against them in the said Court by Hardy Holland Jr

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 9th day of November, 1909, in the 134th year of the Commonwealth.

A copy—Teste:
R R Smith, CLERK.
By A P Gomey D C

Teste:
R R Smith, CLERK.
By A P Gomey D C

R N Rawles p. q.

A copy Ter

vs. } In Chancery.

Virginia Holland
Infant

1909

November Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No. 3

Page 77

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vs. } In Chancery.

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1909

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By A P Gomey D.C

R St Rawles p. q.

Nandy Holland Jr

vs. } In Chancery.

Waverly Norfleet Holland
Volkes Infant

1909

November Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No. 3

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R R Smith, CLERK.
By L P Gomey D.C

Teste:
R R Smith, CLERK.
By L P Gomey D.C

R N Rawles . p. q.

A Copy for

vs. } In Chancery.

Frances Holland

Infant

1909

November Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No. 3

Page 77

Know All Men by These Presents, That we, R. H. Rawles and Mary W. Rawles

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Five Hundred DOLLARS,

to the payment whereof, well and truly to be made to the Commonwealth of Virginia, we bind ourselves, 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 Commonwealth arising under this bond, or by virtue of the office. post or trust herein mentioned, with coupons detached from bonds of said State.

Sealed with our seals, and dated this 15th day of Janusry in the year of our Lord one thousand nine hundred and ten, and in the 134th year of the Commonwealth.

~~In Testimony Whereof, the said ~~ ~~has hereto set his hand and seal, and the said~~ ~~has caused its corporate name to be hereto signed, and its corporate seal to be hereto affixed, this day of in the year of our Lord, one thousand nine hundred and , and in the year of the Commonwealth.~~

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That ~~if the above bound~~ Whereas by a decree of the circuit court for the County of Nansemond entered on January 14th, 1910 in the Chancery Cause pending in said Court between Hardy Holland, Jr., complainant and Waverly Norfleet Holland & others defendants, it was decreed that the property mentioned in these proceedings be sold to Hardy Holland, Jr., for the sum of $450- subject to the dower rights of the widow of Hardy Holland Sr., and R. H. Rawles was appointed by said decree commissioner for that purpose.

Now Therefore, if the said R. H. Rawles, as Commissioner aforesaid shall faithfully discharge and perform his duties as Commissioner aforesaid under this decree and all other decrees he may be required to execute in said cause then the above obligation to be void otherwise to remain in full force and virtue.

R. H. Rawles SEAL

Mary W. Rawles. SEAL

SEAL

SEAL

SEAL

VIRGINIA :

In the Clerk's Office of the Circuit Court of Nansemond County, on the 15th day of January, 19 10 :

The above bond was executed and acknowledged before me by the obligors to the same (the security justifying), and ordered to be recorded.

A Copy- Teste : R. R. Smith, Clerk,
By M. M. Watkins, D. C.

R. R. Smith, Clerk,
By M. M. Watkins, D. C.

R. H. Rawles

To } Spec. Contr. Bond.

The Commonwealth.

1910.

Jan. 15th.

a Copy

TO THE HONORABLE JAMES L. McLEMORE,

Judge of the Circuit Court of Nansemond County:

The undersigned special commissioner in the Chancery cause of Hardy Holland, Jr., vs. Waverly Norfleet Holland, and others, now pending in the said Court, begs leave to respectfully report that pursuant to a decree entered in said cause on the 14th day of January 1910, by which said decree he was appointed special commissioner, and directed to sell and convey to Hardy Holland, Jr., the one-fifth interest in the real estate mentioned in the bill in said cause, as being the real estate of Hardy Holland, Sr., the said one-fifth interest in the same being the property of the infant children mentioned in said cause, for the price and sum of four hundred and fifty ($450.00) dollars, he has sold and conveyed the said one-fifth interest in the real estate of which Hardy Holland, Sr., died seized and possessed, the said one-fifth interest being the property of Waverly Norfleet Holland, Virginia Holland, and Francis Holland, to the said Hardy Holland, Jr., and that he has collected the purchase price of four hundred and fifty ($450.00) dollars, for the same, and has made to the said Hardy Holland, Jr., a deed for the same, with the covenants of title usual in such cases, said deed being made subject to the dower rights of the widow of Hardy Holland Sr.

That the purchase price of four hundred and fifty ($450.00) dollars has been paid over to E. Lucile Holland, Guardian of the said infant defendants, less the sum of thirteen dollars and forty-three cents ($13.43) which was one-fifth of the cost in said case.

That the said Hardy Holland Jr., has paid the remaining four-fifths of the cost in the case. And your commissioner herewith appends a statement of his transactions as such, accompanied by proper vouchers, all of which is respectfully submitted:

March 1, 1910.

R. H. Eaves
Special Commr.

Amount paid from Hardy Holland Jr
for 1/5 interest in land $450.00

Cost of suit:

R. R. Smith Clerk Court	$7.17
Bradford Kelly Commr	10.00
R H Rawls atty taxed fee	15.00 Remd
R H Rawls commission on sale	18.00 "
R H Rawls writing deed	5.00 "
R H Rawls fee allowed by decree	12.00 "
Total costs	$67.17

of which Hardy Holland Jr was
required to pay 4/5 and
E. Lucile Holland guardian 1/5
according to the respective interest
in land

Deduct 1/5 cost	13.43
	$436.57
Paid E. Lucile Holland Guardian	
of Wayne Asplet Holland Virginia	436.57
Holland and Hamar Holland	

Respectfully submitted.

R H Rawls
Special Master

Vouchers attached.

Hardy Holland Jr
vs.
Waverly Norfleet Holland & others -

Cost

Clerk	Paid Feb 23/10 - W M Watkins D.C.	567
Writ Tax	Paid Feb 23/10 - W M Watkins D.C.	150
Commissioner	Paid Feb. 23, Bradford Kilby Comr.	1000
Attorney	Paid R H Rawles atty	1500
		$32 17.

Jan 15/10 - Cost includes one decree and one report yet to come -

1

$450.00

Received of R. H. Rawles, Special Commissioner, in the Chancery cause of Hardy Holland, Jr., vs. Waverly Norfleet Holland, and others, the sum of four hundred and fifty ($450.00) dollars, less thirteen dollars and forty-three cents ($13.43) my share of the cost in said suit, in full payment and settlement of the amount due to me as Guardian of my three children, Waverly Norfleet Holland, Virginia Holland, and Francis Holland, for their share of the real estate, sold to said Hardy Holland, Jr., in said suit, and which formerly belonged to their grandfather Hardy Holland, Sr.

witness Feb. 23. 1910.

J. T. Rawles

Mrs. E. Lucile Holland
Guardian.

Report of R. H.
Rawles Official
Commissioner.

Filed March 1, 1910

R. H. RAWLES
ATTORNEY AT LAW
SUFFOLK, VA.

ALVAH BUSHNELL CO., LAW STATIONERS, 942 MARKET ST., PHILADELPHIA, PA.

TO THE HONORABLE JAMES L. McLEMORE,

Judge of the Circuit Court of Nansemond County:

I the undersigned, Lucille Holland, respectfully represent that I am the widow of Jesse W. Holland, who is named in the bill filed in the case of Hardy Holland, Jr. vs. Waverly Norfleet Holland and others, and I am also the mother of the infant defendants, Waverly Norfleet Holland, Virginia Holland, and Francis Holland. The facts stated in the said bill are true. I am of opinion that $450.00 per share is a just and fair price for the land of Hardy Holland, Sr., and the plaintiff, Hardy Holland, Jr., having bought out all the adult's shares at the rate of $450.00 per share, I desire to state that I am perfectly willing that the court should decree that he take the share of my infant children for the same price, to-wit: the sum of $450.00.

Respectfully,

Mrs. Lucile Holland

L. R. Holland Witness

In the Circuit Court of Nansemond County, in vacation, on the 30th. day of December, 1909.

Hardy Holland, Jr.	#	
vs.	#	In Chancery.
Waverly Norfleet Holland, et als.	#	

This day came the Complainant ~~and filed~~ and the Court doth appoint John R. Lee, guardian ad litem for the infant defendants Waverly Norfleet Holland, Virginia and Francis Holland, and thereupon the said guardian ad litem filed his answer to the complainants bill, and By consent of all parties, plaintiff and defendants, evidenced by writing this day filed in the papers of the cause, it is ordered that this cause may be submitted to the Judge of this Court, in vacation for such order decree or decision therein in vacation as might be made in term, which is certified to the clerk of this court to be entered in his Chancery order book.

James L. McLemore,

Decree for vacation proceedings.

Enter December 30th. 1909.
Thos L McGhee

We consent to this decree.

Hardy Holland Jr
& R. H. Cauley atty.

John S. Lee
Guardian ad litem of all the infant defendants

Entered in Chancery Order Book No. 4 - Page 384.

In the Circuit Court of Nansemond County, in vacation on the 30th day of December, 1909.

Hardy Holland, Jr.	#	
vs.	#	In chancery.
Waverly Norfleet Holland, et als.	#	

We, the undersigned being all the parties, plaintiff and defendants in the above entitled cause, do hereby consent that this cause may be submitted to the Judge of this Court, in vacation for such decisions or decrees therein, invacation as might be made in term

Hardy Holland Jr.
By R A Manley
atty

John S. Lee
Guardian ad litem
of all the infant defendants

Caveat for
Vacation Proceedings.

Hardy Holland, Jr. #
#
vs. # In chancery.
#
Waverly Norfleet Holland, et als. #

This cause came on this day to be again heard on the papers formerly read as well as on the report of Bradford Kilby, one of the commissioners of this court, to whom the papers in the cause had been referred, which said report was filed on the 3d day of January, 1910, and to which no exception has been filed, and was argued by counsel.

On consideration whereof it appearing to the court from the said report that the real estate of which Hardy Holland, Sr., died seized and possessed and described in the bill cannot be conveniently divided in kind between the parties entitled thereto; that the sale of the entire property would not promote the interest of the parties entitled thereto; nor would allotment of part and sale of the residue promote said interest; that Hardy Holland, Jr., who now owns four-fifth interest in said property is willing to take the other one-fifth, and pay to the defendants therefor the sum of four hundred and fifty ($450.00)dollars, and it further appearing that this is a just and fair price for said one-fifth interest, the court doth confirm said report, and doth order, adjudge and decree that R. H. Rawles, who is hereby appointed a special commissioner for that purpose, shall sell and convey privately unto the said Hardy Holland, Jr., the one-fifth interest in the said real estate belonging to the infant defendants in this cause, for the price and sum of four hundred and fifty ($450.00) dollars, said sale to be made subject to the dower rights of the widow of Hardy Holland, Sr., and that the said commissioner shall collect the purchase price of said property, and when collected shall make to the purchaser Hardy Holland, Jr., a deed for the same with special warranty.

The court doth further order and decree that the said purchase price shall be paid by said Commissioner over to the guardian

of the said infant defendants in this cause, and that the said commissioner shall take from said guardian a proper receipt, and file the same herein. And the court doth further decree that the said Hardy Holland Jr., shall pay four-fifths of the cost of this suit including an attorney's fee of $12.50 to R. H. Rawles, for his services as counsel in this cause, and thatthe remaining one-fifth of said cost and expenses shall be paid out of the said sum of four hundred and fifty ($450.00) dollars; but before the said commissioner shall act under this decree, he shall give bond in the sum of five hundred ($500.00) dollars, with security deemed sufficient by the Clerk of this court, for the faithful performance of his duties under this and all other decrees that may be entered in this cause, and the said commissioner is required to report all his actions under this decree to this court, and this cause is continued

1910 Jany 14, Enter,
James L. Gilmore

Entered in Chancery
Order Book No. 4.
Page 393.

Everett Waddey,
Stationer and Printer,
Richmond, Va.
Form No. 38.

Hardy Holland Jr

vs.

Waverly Norfleet Holland
et als

In the Circuit Court of Nansemond County in Vacation on the 30th. day of December 1909.

This cause came on this day to be heard in vacation on the bill of the complainant, the answer of the infant defendants by John P. Lee their guardian ad litem duly appointed by the Court, with general replication thereto, and was argued by Counsel.

On consideration whereof the court doth adjudge, order and decree, that it be referred to one of the commissioners of this court, to ascertain and report to the court;

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

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

Third. And if the same cannot be conveniently divided in kind and if no party will take the entire property and pay the others for their shares, whether the 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 a part and the sale of the residue. Fourth; Whether it will be to the interest of the infant defendants to have their share of said real estate partitioned in the same kind that the adult heirs will their respective shares in.

Which several inquiries the said commissioner shall report to the court together with any matter specially stated deemed pertinent by himself or required by any party to be so stated.

All which is hereby certified to the Clerk of this Court to be entered in the Chancery order book.

James L. McSmoak,

Form No. 38.

vs. { Decree Referring Cause to Commissioner to Ascertain whether Property can be Divided into Kind

Entez this: December 30th. 1909.

James L. McLemore

Entered in Chancery
Order Book No. 4 Page 387.

We consent to this decree.

Hardy Holland Jr
& D&R Carley
Atty

John S. Lee
Guardian ad litem
for the infant defendants

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

Commissioner's Office, Suffolk, Va.

To Hardy Holland Jr. Complainant

and Waverly Morfleet Holland, Virginia Holland and Frances Holland } Defendants

You are hereby notified that on the 3rd day of January 1910, at my office, in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to Court in pursuance of the decree of the Circuit Court of Nansemond County Va., rendered the 30th day of December, 1909, in the suit in chancery pending in said Court to which you are parties plaintiff and defendant, to-wit:

(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 can not 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 respective interests therein may entitle them to.
(3) And if the same can not 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 said property or its proceeds, will be promoted by a sale of the entire property or by allotment of a part and the sale of the residue.
(4) Whether it will be to the interest of the infant defendants to sell their share of said real estate privately for the same sum that the adult heirs sold their respective shares.
(5) Any other matter specially stated deemed pertinent by himself or required by any party to be so stated.

Given under my hand, as Commissioner in Chancery of said Court, the 1st day of January 1910, 1900.

Bradford Kilby
Commissioner in Chancery.

Sufficient and legal service of the within notice is hereby accepted by us.

Jan. 1. 1910.

Hardy Holland Jr
By R.A. Marks Counsel

D.D. Lee, Guardian
ad litem for the
infant defendants

Form No. 400.

COMMISSIONER'S NOTICE.

vs.

Virginia,

Circuit Court for the County of Nansemond,to-wit:

Hardy Holland,Jr. Complainant.

v.

Waverly Norfleet Holland et als. Defendants.

Commissioner's Office,

Suffolk, Va. Jan. 3,1910.

To Honorable James L. McLemore,Judge of the Circuit Court for the County of Nansemond.

In pursuance of the decree of the Circuit Court for the County of Nansemond pronounced on the 30th. day of December 1909,in the suit in chancery pending in said court between Hardy Holland Jr.,Complainant,and Waverly Norfleet Holland et als,Defendants,the undersigned,Bradford Kilby, one of the Commissioners in Chancery of said court,respectfully reports as follows:

That on the 1st. day of January 1910,your commissioner gave notice to the parties to the suit that he would on the 3rd. day of January 1910,proceed,at his office in Suffolk,Va. to make the several inquiries required by said decree to be made by one of the commissioners in chancery of said court.

That sufficient and legal service of the notice was duly accepted by the parties to said suit as will appear by the endorsations on the notice herewith returned.

The depositions of John G. Williams, William Q. Peele and J. T. Rawls are herewith returned from which testimony and from information otherwise obtained,your commissioner reports as follows:

(1)

That the real property in the bill mentioned can not be conveniently divided in kind between the several parties entitled thereto.

(2)

Hardy Holland Jr. will take the entire property and pay

the other parties such sums of money as their interests may entitle them to. He has already bought all the interests of the adult heirs for $450. each,and now offers to buy the interest of the infant defendants for a like sum.

(3)

The sale of the entire property will not promote the interests of the parties entitled thereto nor will allotment of part and sale of the residue.

(4)

It will be to the interest of the infant defendants to sell privately their one-fifth share for $450. which is the same amount that the adult heirs sold their respective interests for. This is a small farm of 100 acres,and $450. for a one-fifth interest is a good price,especially as said interest will have to be sold subject to the widow's dower

(5)

There is no other matter specially stated deemed pertinent by your commissioner or required by any party to be so stated.

Respectfully submitted this 3rd. day of January 1910.

Bradford Kilby

Commissioner in Chancery.

Comr's fee $10.

J. G. Williams, being duly sworn, deposes and says as follows:

Q. State your name, age, residence, occupation, and if you know the parties to this suit.

A. J. G. Williams ------42------years, Suffolk, Virginia, bookkeeper and general manager, and I know the parties to this suit.

Q. Did you ever live at Holland, Virginia?

A. Yes for a long time.

Q. Are you acquainted with the tract of land of one hundred (100) acres, situated near Holland, Virginia, of which Hardy Holland Sr., died seized and possessed?

A. Yes I am very well acquainted indeed with that tract of land, it lies a mile or two from Holland, and contains about one hundred (100) acres more or less; my wife is one of the daughters of Hardy Holland, Sr., and one of his heirs.

Q. Tell us if you please, whether that land can be divided in kind among all the various heirs without a sacrifice of interest?

A. No it can not, it is a small farm, and built up and arranged for one farm; to divide it into five distinct tracts would be to decrease very greatly the value of each tract, and none of them would be a desirable farm or desirable tract of land; that is one of the reason why my wife and all the other heirs agreed to sell their interest to their brother Hardy Holland, Jr.; we thought if we could get value received, we had better let him have the land. So we all talked the matter over, and all of the adult heirs agreed to sell to Hardy Holland, Jr., their respective interest for the sum of four hundred and fifty ($450.00) dollars each, the sale being subject to the dower interest of my wife's mother, who is the widow of Hardy Holland, Sr.,

Q. Then if I understand you, Hardy Holland, Jr., now owns four-fifths interest of that land?

A. Yes that is what he owns.

Q. ~~Tell us whether you think four hundred and fifty ($450.00) dollars~~

Q. The other one-fifth interest belongs to the three infant children of Jesse W. Holland, deceased, am I correct?

A. Yes that is true.

Q. Tell us whether you think four hundred and fifty ($450.00) dollars would be a fair and just price to pay those children for their interest?

A. Yes I believe it would, if we had not thought we were getting full value when we sold at four hundred and fifty ($450.00) per share, we would not have sold, I cannot see how their interest can be worth any more that any other interest, I believe it is a just and fair valuation.

Q. Do you think it would be wise for the court to permit the said children's interest to be sold privately for four hundred and fifty ($450.00) dollars?

A. Yes I think it would be best because that is all that it is worth but I doubt whether it would bring that unless Hardy choose to pay it at Public sale, as no one else would hardly what a one-fifth interest in that farm, especially subject to a dower right, and besids I think it would be best to sell privately on the order of the court because it would save some cost and expense in selling, and I know it would be more satisfactory to all of the parties in interest and all of the parties to this suit.

And further this deponent saith not.

John G. Williams

W. Q. Peele, being duly sworn, deposes and says as follows

Q. State your name, age, residence, occupation, and if you know the parties to this suit.

A. W. Q. Peele, ----57----years, Holland, Virginia, real estate and other business, and I know all the parties to the suit.

Q. State if you are acquainted with the tract of land of about one hundred (100) acres, that belonged to Hardy Holland, Sr., and of which he died seized and possessed, lying near Holland, Virginia, if so how long have you known it?

A. Yes I am well acquainted with that tract of land, it is a small tract of about one hundred acres (100), situated a short distance from the village of Holland, where I reside, and I have known it for many years.

Q. That tract of land is subject to the dower rights of the widow of Hardy Holland, Sr., who left five heirs, state if you please if you think it can be divided in kind conveniently between the said parties without a sacrifice of interest?

A. No I do not think it can be well divided into five small tracts, because to do so would materially lessen the price and value of each of said tracts.

Q. Hardy Holland, Jr., who was the owner of one-fifth interest in the land, and who has since his father's death bought out the interest of the three other adult heirs, paid them the sum of four hundred and fifty ($450.00) dollars, per share, for their respective shares, subject to the dower right which they all among themselves agreed was a fair valuation. Mrs. Lucille Holland, the mother of the infant children of Jesse W. Holland, who owns the other share or one-fifth interest has filed a paper in this cause stating that she considered four hundred and fifty ($450.00) dollars per share a fair and just price and is willing to accept that sum for her children for their their interest. Will you state whether in your opinion it would be to the interest of the infant children to sell their interest privately for the said sum of four hundred and fifty ($450.00) dollars, or would it be better to subject the entire tract to a pub-

lic sale?

A. I consider four hundred and fifty ($450.00) dollars per share a fair price for that land, considering it is sold subject to the dower rights of the widow of Hardy Holland, Sr., and as all the adult heirs agreed on that price for their interest, they must have thought the same. In my opinion it would save cost, time and trouble to sell the infant's interest for the same price, that is for the sum of four hundred and fifty ($450.00) dollars, for their share or interest, the same being one-fifth.

And further this deponent saith not.

William L. Poole

J. T. Rawles, being duly sworn, deposes and says as follows

Q. State your name, age, residence, occupation, if you know the parties to this suit, and if you are well acquainted with the Hardy Holland tract of land, and whether in your opinion the same can be divided in five tracts without in some measure destroying the value of each.

A. J. T. Rawles, ---50---years, Holland, Virginia, merchant, and I know all the parties to the suit. I am well acquainted with the Hardy Holland tract of land. It is a small farm of about one hundred (100) acres, situated quite near the village of Holland, where I reside. In my opinion to divide it, or to attempt to divide it into five shares would very materially lessen and impair the value of each share as it could not be made into five farms, it is too small a tract. I have heard that it was sold subject to the dower right of the widow of Hardy Holland, Sr., and that each of the adult heirs sold their share for four hundred and fifty ($450.00) dollars per share. Under all the circumstances I consider this a fair and just price per share for said land, and I am of opinion that it would be as well or better for the court to decree a sale of the infant's interest for the same amount to-wit: Four hundred and fifty ($450.00) dollars as that is all that it is worth, and it would save the expense of a public sale, and some trouble if it can be sold in that way.

And further this deponent saith not.

J. T. Rawles

Hary Holland Jr.

vs. } In Chancery

Waverly M. Holland

et als

Report of Bradford Kilby Commissioner under decree of Dec. 30th. 1909.

Filed Jan. 3rd 1910.
M.M. Watkins D.C.

Bradford Kilby

[redacted]Y,
ATTORNEY AT LAW,
SUFFOLK, VIRGINIA.

Hardy Holland, Jr.,	#	
vs.	#	IN CHANCERY.
Waverly Norfleet Holland, et als.	#	

This cause came on this day to be again heard on the papers formerly read, as well as on the report of R. H. Rawles, Special Commissioner, which said report was filed on the 1st day of March, 1910 and to which said report no exception has been filed and was argued by counsel.

On consideration whereof, it appearing to the court from said report that the said R. H. Rawles, Special Commissioner, had in obedience to the decree entered in said cause on the 14th day of January, 1910, sold and conveyed one-fifth interest in the real estate of which Hardy Holland, Sr., died seized and possessed, said one-fifth interest being the property of Waverly Norfleet Holland, Virginia Holland, and Francis Holland, the three infants named in said cause, to Hardy Holland, Jr., for the sum of four hundred and fifty ($450.00) dollars; that he has ~~had~~ that he has made him a proper deed for same collected the purchase price therefor; that he has paid off all the cost and expenses of this suit; and that he has paid the said four hundred and fifty ($450.00) dollars less the sum of thirteen dollars and forty-three cents ($13.43) over to E. Lucile Holland, Guardian of the said three infant defendants; and that he has filed vouchers showing all his said disbursements, the court doth confirm the said report, and the said sale mentioned therein, and it appearing that nothing further remains to be done in this cause, it is ordered that the same be stricken from the docket.

Final Decree
Confirming Sale and
Report.

Entered March 14. 1910.

James L. McSmore

Entered in Chancery
Order Book No. 4. Page 405.

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 48 B.

[Code of Va., § 2616, etc.]

In the Circuit Court of the County of Nansemond:

The answer of Waverly Norfleet Holland, Virginia Holland and Frances Holland

infants under the age of twenty-one years, by John P. Lee (a discreet and competent attorney at law), their guardian *ad litem* assigned to defend them in this suit, and the answer of the said John P. Lee, guardian *ad litem* of the said infant defendants, to a bill of complaint exhibited against the said infants and others by Hardy Holland Jr in the Circuit Court of the County of Nansemond.

For answer to the said bill the said infant defendants by their said guardian *ad litem* answer and say that being of tender years they do not know what their true interests are in relation to the subject matter of the said bill, nor do they know whether the statements therein contained are true or not. They confide the protection of their interests therein to the care of the court. And the said guardian *ad litem* of the said infant defendants for answer to the said bill answers and says that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the infant defendants. And now having fully answered, these defendants pray to be hence dismissed with their costs, etc.

Waverly Norfleet Holland
Virginia Holland
Frances Holland

By John P. Lee
Guardian *ad litem*.

John P. Lee } Guardian *ad litem* of the said infants.

STATE OF VIRGINIA,
County OF Nansemond } *ss.*

Sworn to before me in my County aforesaid by John P. Lee guardian *ad litem* as aforesaid, this the 20th day of December A. D. 1897.

R. H. Kader, N. P.

Form 48 B.

.....

vs. . { ANSWER OF INFANT DEFENDANTS BY THEIR GUARDIAN AD LITEM, AND ANSWER OF THE GUARDIAN AD LITEM FOR THE INFANTS.

.....*et als.*

Filed.....*189*

TO THE HONORABLE JAMES L. McLEMORE,

Judge of the Circuit Court of Nansemond County;

Humbly complaining showeth unto your honor, your orator Hardy Holland, Jr. the following case;

Your orator says that in the month of Aug. 1909, your orator's father Hardy Holland, Sr. departed this life, intestate, leaving as his only heirs at law, your orator, Hardy Holland, Jr., Mamie H. Holland, who intermarried with J. R. Holland, Annie L. Holland, who married E. T. Holland, Tillie L. Holland who married John G. Williams, and the following infant children of his other son Jesse W. Holland, to-wit: Waverly Norfleet Holland, Virginia Holland, and Francis Holland. Your orator further says that at the time of the death of the said Hardy Holland, Sr. he was seized and possessed in fee simple of a certain tract of land, containing one hundred (100) acres, more or less, situated near the village of Holland, in Holy Neck District, in the County of Nansemond, and State of Virginia, which said land is bounded and described as follows, to-wit: being located on the county road about one and one-half miles south of Holland, and bounded by the lands of J. E. Vincent, Joseph F. Holland, and others, it being all of the real estate owned by the said Hardy Holland, Sr. at the time of his death. Your orator further says that the said son Jesse W. Holland departed this life, intestate in the year 1908, before his said father, leaving as his only heirs at law, all the above named children, Waverly Norfleet Holland, age about 6 years, Virginia Holland, age about 5 years and Francis Holland, age about 3 years. Your orator further says that by deed dated the 14th day of Oct. 1909, and duly recorded in the Clerk's Office of the Circuit Court of Nansemond County, the

said Annie L. Holland, with her husband E. T. Holland, Mamie H. Holland , with her husband J. R. Holland, and Tillie L. Williams, with her husband Joseph G. Williams, sold and conveyed unto your orator all their right, title and interest in the said real estate, to your orator for the price and sum of thirteen hundred ($1350.00) and fifty dollars, or at the rate of $450.00 per share equally divided among all of said children, this being considered a fair and just price for said land by all of them. Your orator further says that he is now the owner of 4/5 interest in said tract of land, and that the 1/5 interest is the property of the infant children above named. Your orator further says that he is well acquainted with the said tract of land, and that the same is not susceptible of a division in kind between him and the other said infant heirs, without a sacrifice of interest, but if said land is susceptible of such a partition or division among the heirs, then your honor desires that the same shall be divided, and your orator's part set off to him, and if it be not susceptible of such a division then your orator desires that the said tract of land may be sold either publicly or privately, on such terms and conditions as to the court may seem just and proper, and the proceeds of sale divided among those entitled to receive the same.

In tender consideration whereof and for as much as your orator is without remedy in the premises, save by the aid of a court of equity where matter of this kind are alone and properly cognizable , your orator prays that the said Waverly Norfleet Holland, Virginia Holland, and Francis Holland, be made parties defendant to this suit, and required to answer this bill, though an answer under oath is hereby waived; that proper process may issue; and that a proper Guardian ad litem may be assigned to said infant defendants, and required to defend their interest in this suit; that all proper accounts may be taken; and that the said tract of land above des-

cribed may be divided and partitioned between your orator and the other said heirs if it be capable of such a division without a sacrifice of interest, and that if it be not so susceptible of such a division then that the said tract of land may be sold either publicly or privately and the proceeds of said sale, after the payment of cost and expenses, may be divided among those entitled to receive the same, and for all such other further and general relief as this case may require or which to equity may seem meet, and your orator will ever pray, etc.

Notice is hereby given that the court will be asked to allow a proper fee to counsel for prosecuting this suit.

Hardy Holland Jr.
By Counsel

VIRGINIA, NANSEMOND COUNTY, to-wit:

I R. H. Rawles, A Notary Publicfor the county aforesaid, in the State of Virginia, do certify that Hardy Holland, Jr. whose name is signed to the foregoing bill, has this day personally appeared before, in my county aforesaid, and after being duly sworn, made oath that the statements contained in said bill as coming of his own knowledge are true, and that all such other statements therein contained as coming from knowledge or information derived from others he believes to be true.

Given under my hand this ---15"---------day of Nov. 1909.
My Term of Office expires on the 30th day of January, 1911.

R H Rawles N. P.

Holland vs Holland

Bill.

Filed Nov. 15. 1909.

R. H. RAWLES
ATTORNEY AT LAW
SUFFOLK, VA.

ALVAH BUSHNELL CO., LAW STATIONERS, 842 MARKET ST., PHILADELPHIA, PA.

R & R Rawles Ing

Nardy Holland Jr.

Vs

Chancery

Waverly Norfleet-

Holland Voichs Infant

1910 Mch 14 Final Decree

Cost

Clerk	5.67
Jay	1.50
Comr.	10.00
Atty	15.00
	$32.17

Jan 15/10 cost includes
1 decree + reports yet to come