1901-016 Chancery Causes - William J. Vellines, gdn & al vs John S. Vellines & al, by & c & al
Dsts of Wright County

other surnames: Cutchin, Chapman, Tull, Lawrence, Channell, Pitt

This Deed made this 4th day of November in the year 1892. Between W. H. Lawrence and Ada F. his wife of the County of Isle of Wight and in the State of Virginia parties of the first part, and W. J. Vellines of the aforesaid County and State party of the second part. Witnesseth that the said parties of the first part in consideration of the sum of Fifty Five Dollars in hand paid do grant with general warranty unto said W. J. Vellines the following property to wit: their entire interest present and prospective in a certain parcel or tract of land situated in Isle of Wight County Virginia, and containing by survey fifty three acres more or less. Bounded by the lands of John Butts, Daniel Symes, Nelson Pruden and others, the said land was the property of Samuel Cutchins deed and of his legal heirs of which the said W. H. Lawrence and Ada F. Lawrence nee Cutchin are one and legally entitled to one fourth interest at the death of the widow of said Samuel Cutchin. To have and to hold the said granted and described

land to the said party of the second part and to their heirs and assigns forever and it is further agreed by the parties of the first part that they will make and execute such further assurances of conveyance as may be reasonable.
Witness the following signatures and Seals.

N. A. Lawrence (Seal)
Ada F. Lawrence (Seal)

Virginia
Isle of Wight County to wit
I C. C. Channell a Justice of the Peace of the County aforesaid and State of Virginia do certify that N. A. Lawrence and Ada F. Lawrence whose names are signed to the writing above bearing date Nov. 4th 1892. has acknowledged the same before me in my County aforesaid
Given under my hand this 4th day of Nov 1892.

C. C. Channell J. P.

In the Clerks office of the County

Court of Dole of Wright County Dec 5th 1892. This deed was received and with the certificate annexed admitted to record.

Test N. P. Young Clk
by N. F. Young Deputy

A copy
N. F. Young Co.

W. A. Lawrence Jr.

F. Z. Deeé

W. J. Vellines

a copy

Filed

I Fillie A. Bell of the County of Polk of
Right State of Wis. daith make this
my last will and Testament.
I Here by give and Bequeath unto
my Brother Richard St. Eutchin all
of my portion of the Carden property
as left me by my father Samuel
Eutchin for the following consideration
ion that the said Richard Eutchin
is to support me the remainder of my
natural life at my death I give and
bequeath unto my maither- (if living)
the remainder of my goods and Chattles- her life. and at her death one bed
and suit of Bed Claithing. to go to
my Braither Richard St. Eutchin, and
the balance of the goods and Chattels is to go to my Sister Mrs Maggie
A. Vellinis.
Given under my hand and Seal this
26rd of August 1890.

Fillie A. Bell Seal

Witness:
J E Heath
Alex Libby

This is to certify that on account of intemperance treatment. I left

the Bed and Board of my husband John A. Tulle on the 22nd day of July 1898. and have supported myself with the assistance of my Brother Richard A. Entchin ever since.

Lillie A. Tulle.

Witness
J. E. Heath
Alex Libby

In the County Court of Isle of Wight Co. Nov. 8th 1898. The last will and testament of Lillie A Tulle was presented in Court and proved in part by oath of J. E. Heath one of the subscribing witnesses thereto and continued. And on the 5th day of Dec. 1898. in the County Court of Isle of Wight County this will was proved in full by the oath of J. W. Libby the other subscribing witness and ordered to be recorded.

Teste N. J. Young C. C.

A copy

Teste N. J. Young C.C.

Lillie A Tullis

Will

a Copy

In the Circuit court of Isle of Wight County October 28th 1907

William J Williams Guardian of J J Williams infants and others Plaintiffs

vs

John J Williams and Others Defendants.

This cause came on this day to be argued upon the petition formerly
filed and on the report of Geo Robinson Special Commissioner under
decree bearing date April 24th 1899 to which there was no exceptions and
was argued by counsel the consideration whereof the court doth con-
firm the said report and it appearing that there is nothing further to
be done herein it is ordered that the cause be stricken from the docket

Williams Robt Jrs

32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16

Williams Robt
Pvt
Co K 28th 1902

Honorably discharged.

Robert R. Williams

Order book No. 6 page 246.

In the Circuit court of Isle of Wight County April Term 1899

William E Williams in his own right and as guardian of J P Williams John E Williams, Richard E Williams and Lauretta Williams infants under 21 years of age. Richmond R Bartlett and Benjamin F Shepherd and Florence O Shepherd his wife Plaintiffs

vs

J P Williams, John E Williams, Richard E Williams and Lauretta Williams infants under 21 years of age by R T Thomas their guardian ad litem Defendants.

This cause comes on this day to be heard on the bill and exhibits filed, the answer of R T Thomas guardian ad litem of the infants J P Williams John E Williams Richard E Williams and Lauretta Williams, duly assigned & ruled to defend them in this suit, the answer of the infants defendants by said R T Thomas their guardian ad litem, and the answer of the infant defendant J P Williams who is over the age of 14 years, with general replications thereto, and on the depositions of witnesses, and was argued by counsel. By consideration whereof, the court doth adjudge, order and decree that the exchanges be made of the land in the bill mentioned of which Samuel Butler died seized & situate in the County of Isle of Wight and State of Virginia of which one half is now owned by Richard R Bartlett, one fourth by William J Williams, and the other one fourth by William J Williams as tenant by the curtesy of one fourth by J P and William J Williams with the reversion of the said one fourth to the said infants J P Williams, John E Williams Richard E Williams and Lauretta Williams, for the land of land in the bill mentioned belonging to Florence O Shepman wife of Benjamin F Shepherd now situate in the said county and State as forming the land of the said William J Williams and wife, subject to the dower in said land of Julia Brumpton in widow of James Brumpton, and that Thomas Robinson who is hereby appointed a commissioner for that purpose with all the said infants exchanges and delivering for the said infants a proper deed of exchange of the said lands.

Volume Index Entries

Volume Index

Term

April Term 1899

To be entered

April 24, 1899

Walter R. Davis

In the Circuit Court of Isle of Wight County

The undersigned Special Commissioner appointed by the said Court by its decree rendered on the 24th day of April 1899 in a suit in Chancery pending therein between William J Dillon in his own right and as guardian of John S Dillon and others infants and others plaintiffs and the said J S Dillon and others defendants to unite with the said adult parties in securing and obtaining for the said infants a proper Audit of the accounts of the Clerk in the suit and proceedings mentioned and report that the said duty has been given by, obtained and attended to and,

Geo P Watkinson

Volumes Index Books

33	31	30	29	28	27	26	25	24	23	22	21	20	19	18

Volumes Index.
Louis Wilkinson
Report
under Decree of 4th April 24th 1899

VELLINES, GUARDIAN, VS. VELLINES, ET ALS.

Bill of costs to final decree.

Atto. fee and tax.	$ 16.50
Clerk's fees,	16.16
Sheriff's fees	1.00
W. L. Folk, Notary Public, taking depositions,	4.50
	$ 38.16

Bill of Costs

W. C. Vallines gdn. dr

1897 To the clk of Isle of Wight Co. Ct.

Aug 3 Dnalty. Entering bond &c. $1.61

W. F. Young clk.

Villinus St. J.
Gdn.

$1.61

To R S Thomas guardian ad litem of J F Williams, John E Williams Richard E Williams and Laurella Williams

Take notice that we shall on the 5th day of April 1899 between the hours of 6 o'clock PM and 8 o'clock PM of that day ~~proceed to take the~~ at the office of W L Bush in the town of Smithfield Isle of Wight county proceed to take the depositions of Bb Blanchard and others to be read as evidence in our behalf in a certain suit in equity depending in the Circuit court of Isle of Wight county in which we are plaintiffs and the said respondents ~~are defendants~~ and you as their guardian ad litem are defendants. And if from any cause the taking of the said depositions be not commenced on that day or if commenced be not concluded on that day, the taking of the same will be progressed from day to day or from time to time at the same place and between the same hours until the same shall be completed.

Respectfully yours

March 31st 1899.

William F Williams, on his own right and as guardian of J F Williams, John E Williams Richard E Williams infants and Richard R Williams and Florence O Blanchard by

his R Parker Counsel

I acknowledge legal service of the above notice

R. S. Thomas

guardian ad litem.

In the Inferior Court of Isle of Wight County

William J. Williams in his own right and as guardian of J. J. Williams, John E. Williams, Richard E. Williams and Lucretia Williams infants under 21 years of age and others plaintiffs and the said J. J. Williams, John E. Williams, Richard E. Williams and Lucretia Williams infants by R. S. Thomas their guardian ad litem defendants.

Interrogatories proposed to be propounded to Bob Thomas and others witnesses for the plaintiffs on the above styled suit on the 5th day of April 1899 on behalf of said.

(1) State your residence, age and occupation?

(2) Are you familiar with the land of which Samuel Butcher died seized and which descended to his children and what is your opinion as a fair value of the same

(3) Are you familiar with the tract of land owned by Florence V Chapman and adjoining the said Butcher land and what is a fair rental for the same subject to the dower right therein of Mrs Fannie Brantley?

(4) Will it or not be to the interest of the infant defendants with the consent of the said William J Williams that an exchange should be made of the said lands the one for the other, and what are your reasons therefor.

I assent to these questions.

R. S. Thomas

guardian ad litem to the

infant-Defendants.

The depositions of C. C. Channell and others taken before me W. L. Folk a Notary Public in and for the county of Isle of Wight in the state of Virginiap pursuant to the notice hereto annexed at my Office in the t town of Smithfield Va.between the hours of 6 A. M. and 6 P. M. to be read as evcidence on behalf of Vellines and etalls plaintiffs in a certain suit pending in the Circuit Court of Isle of Wight Co.,entitled Vellines et alls Vs Vellines et als wherein we are the plaintiffs

C. C. Channell being duly sworn deposeth and saith as follows.
State your name, age residence and occupation?
C. C. Channel, age 53, residence Longview Isle of wight Co',Va, Merchant and Farmer.
Are you familliar with the lands of which Samuel Cutchin Died seised, and which decended to his children,and what in vour opinion is a fair value of the same?
I am familiar with it and have known it for 30 years and should say that a fair valuation of the same would be about $300.
Are you familliar with the tract of land owned by Florence O. Chapman and adjoining the Cutchins land, and what is a fair valuation of the same subject to the dower rights of Mrs Julia Crumpler?
Ans. I should say about $350.00
Ques. Will it not be to the interest of the infant defendants, the children of the said W. J. Vellines, that an exchange shall be made of the said lands one for the other, and what are your reasons therefor?
Ans.I think that it would be for the reason that the property is adjoining the place where Mr Vellines lives and he could overlook it and keep it up, I refer to the piece owned by Mrs Chapman, while the other piece is some distance off and he cannot well look after it and then I think that Mrs Chapmans piece of land would bring more money.
Further this deponant saith not.

C C Channell

T. H. Pitt being duly sworn deposeth and saith as follows.
State your name , age, residence and occupation?
T. H. Pitt age 60 , residence Longview Va, Farmer.
Ques.Are you familliar with the lands of which Samuel Cutchins died seised and which decended to his children, and what in your opinion is a fare valuation of the same?
Ans. I was present when Mr C. C. Channel gave in his deposition and fully concur in in the same.Are you familliar with the tract of land owned by Florence O. Chapman,and adjoining the Cutchin land and what is a fair valuation of the same subject to the dower rights of Mrs Julia Crumpler?
Ans. I fully concur in the valuation of said land as stated by Mr Channel.
Ques. Will it not be to the interest of the infant defendants, the children of the said W. J. Vellines,that an exchange shall be made of the said lands the one for the otherand your reasons for the same,
Ans.I think that it would for the above stated reasons by Mr Channell.
Further this deponant saith not.

his
T. H Pitt
mark

WM. L FOLK,
ATTORNEY AT LAW,
SMITHFIELD, VA.

State of Virginia,

County of Isle of Wight, to-wit;

I, W. L. Folk a Notary Public for the County aforesaid in the state of Virginia do hereby certify, that the foregoing depositions wee were duly taken, sworn to and subscribed before me , at the time and place mentioned therein

Given under my hand this 5th day of April 1899

W. L. Folk
Notary Public

bound, $4.42

WM. L FOLK,
ATTORNEY AT LAW,
SMITHFIELD, VA.

Villmer et als

v. } In Chancery

Vellmer et als

Filed April 17th 1899

Deposition

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 300½.

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight — Greeting;

WE COMMAND YOU, That you summon William Laurence and Ada Laurence.

to appear at the Clerk's office of the Circuit Court of the County of Isle of Wight — at the rules to be held for the said court on the First Monday in October 1897, to answer a bill in chancery exhibited against them in our said court by W. J. Vellines in his own right and as adm. of J. A. Vellines John F. Vellines, Richard L. Vellines and Lunsford Vellines infants under the age of 21 years by

And have then there this writ. Witness, N. F. Young, Clerk of our said Court, at the court-house, the 2d day of October 1894, and in the 122 year of the Commonwealth.

N. F. Young C.C.

Form No. 300½.

W. J. Williams et al

vs. { SUBPOENA IN CHANCERY.

Williams et al

Attached p. q.

To 1st Saturday Rules.

Circuit Court.

1847

Executed on the within named Wm J Williams & Wm Williams by delivering to each of them a true copy of the within subpoena, this 1st day of May 1847.

A. D. Edwards
Sheriff

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 300.

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight, Greeting:

WE COMMAND YOU, That you summon J. S. Vellines, John T. Vellines, Richard E. Vellines, & Ly Lanetta Vellines infants under 21 years of age

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be held for the said Court on the 3d Monday in September, 1897, to answer a bill in Chancery, exhibited against them in our said Court by N. J. Vellins in his own right, and as guardian of J. S. Vellins, John T. Vellins, Richard E. Vellins & Lanetta Vellins infants under 21 years of age, Richard R. Critchins & Benjamin P. Chapman & F. O. Chapman

And have then there this writ. Witness, N. J. Young Clerk of our said Court, at the court-house, the 16th day of September 1897, and in the 122 year of the Commonwealth.

N. J. Young c.c.

Form No. 300.

H. J. Vellines et Als

vs. { SUBPOENA IN CHANCERY.

Vellines Infants

Atkinson *p. q.*

To 2d September *Rules*

Circuit *Court.*

1897

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 300.

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight, Greeting:

WE COMMAND YOU, That you summon J. S. Vellines John F. Vellines, Richard E. Vellines & Lavinia Vellines infants under 21 years of age

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be held for the said Court on the 3d Monday in September, 1897, to answer a bill in Chancery, exhibited against them in our said Court by W. J. Vellines in his own right, and as guardian of J. S. Vellines John F. Vellines, Richard E. Vellines & Lavinia Vellines infants under 21 year of age, Richard R. Crutchfield & Benjamin P. Chapman & T. O. Chapman

And have then there this writ. Witness, N. J. Young Clerk of our said Court, at the court-house, the 16th day of September 1897, and in the 122 year of the Commonwealth.

N. J. Young C.C.

~~Deputy Clerk N. J. Young C.C.~~

Form No. 300.

vs.

SUBPOENA
IN
CHANCERY.

..... *p. q.*

To ..... *Rules*

..... *Court.*

The answer of R S Thomas guardian ad litem to the infant defendants J J Villians, John F Villians, Richard E Villians and Lauretta Villians and the answers of the said infant defendants by R S Thomas their guardian ad litem, to the bill in equity exhibited against the said J J Villians, John F Villians, Richard E Villians and Lauretta Villians and others in the Circuit Court of Isle of Wight County by William J Villians in his own right and as guardian of the said J J Villians, John F Villians, Richard E Villians and Lauretta Villians and others.

For answer to the said bill, the said guardian ad litem answers and says that he does not know whether the interests of the infant defendants would be promoted by the exchange of the property as prayed for in the said bill or not: and the said infant defendants by their said guardian ad litem answer and say that being infants of tender years they know nothing of the matters mentioned in the bill and commit the protection of their interest to the court. Thus now having answered they pray &c

R. S. Thomas

Guardian ad litem of J J Villians, John F Villians, Richard E Villians and Lauretta Villians and the said J J Villians, John F Villians Richard E Villians and Lauretta Villians by the said R S Thomas their guardian ad litem.

County of Isle of Wight To wit

This day personally appeared before me the undersigned, a Commissioner in Chancery of the Circuit of the county aforesaid R S Thomas, guardian ad litem of J J Villians, John F Villians, Richard E Villians and Lauretta Villians and made oath that he believes the several statements made in the foregoing answer to be true

Given under my hand this 4 day of October 1897.

Wm R Atkinson

Vellum, Quadrants and Plus

Vellum and Plus

Infants Quadrants,

Filed November 3rd 1894

The answer of J. S. Wilkins an infant defendant over the age of fourteen years to a bill in equity exhibited against him and others in the high court of Isle of Wight county by William J. Wilkins guardian of the said J. S. Wilkins, and others.

For answer to the said bill the said J. S. Wilkins answers and says. That being an infant of an infant of tender years he knows nothing of the matters mentioned in the said bill and commits the protection of his interest to the court. And now having answered he prays &c.

Isle of Wight county to wit

This day personally appeared before me, the undersigned a commissioner in chancery of the circuit court of the county aforesaid J. S. Wilkins an infant over the age of 14 years and under the age of 21 years and made oath that he believes the several statements in the foregoing answer to be true. Given under my hand this day of October 1897.

Geo R Wilkinson

Villanus genuchon d vls

Villanus d villanus

Ansum d

d d villanus.

I, the Honorable Richard R Prentis judge of the Circuit court of Isle of
Wight county, do Summary state
by this summary statute with the court upon motion of J P Williams
in his own right and as guardian of J P Williams John S Williams
Richard Eveleens and Lauretta Williams infants under the age of 21 years
the sons of J P Williams being of the age of four teen years, Richard R Butchin
and Benjamin P Chapman and Florence A his wife, that one Samuel
Butchin several years ago died seized of a tract of land, containing
about 43 acres situated in the county of Isle of Wight and State of Virginia
adjoining the land of Daniel Ivens and John Mills Pons which descend
at his only heirs at law his children, Maggie Butchin who afterwards
married upon motion William J Williams. Lily Butchins who married
John W Isell, Ada Butchin who is the wife of William Lawrence, and
upon motion Richard R Butchin.
That the said Maggie Williams has died leaving as her only heirs her children
and the infant defendants herein after named the said J P Williams, John
S Williams, Richard E Williams and Lauretta Williams.
That the said John W Isell and Lily his wife have died without issue, and the said
Lily Isell before her death made and published her last will and
testament therein, all her interest in her fathers estate & her brother
as upon motion Richard R Butchin
That the said William Lawrence and Ada his wife, have by their deed
dated on the day of 18 and recorded in the clerks office
of the county court of Isle of Wight county, conveyed all their interest
in the said Estate, as will appears by a duly certified of the said deed
marked A and filed as a part of this bill, and therefore the said Richard
R Butchin owns one fourth of said land by descent from his father
and one fourth thereof by devise from his sister the said Lily Isell and
being in all one half thereof, the said infant defendants own one
fourth thereof by descent from their mother the said Maggie Williams
subject to the curtesy of them father the said William J Williams and the
said William J Williams upon motion owns one fourth thereof by four

1 shares from the said William Lawrence and Ada his wife and is tenant by
2 the courtesy of the one fourth part thereof by him shown the said infant
3 defendants.
4 That your orator Florence O Thompson is owner of a certain tract of land containing
5 by about seventy four acres, situate in the county aforesaid and adjoining
6 the land of your orator William J Williams on the west, the land of
7 Charles Brooks on the South, the land of Thomas Pitt on the east and
8 the land of Thomas Ingram on the south, and is subject to the dower
9 of Julia Brumpton the widow of James Brumpton thereof.
10 That the land belonging to your orator William J Williams, Richard R Butcher
11 and the infant defendants adjoins on that tract of land owned by your
12 orator Florence O Thompson and the above described tract of land owned
13 by the said Florence O Thompson adjoins the land of your orator William
14 J Williams
15 Your orators are unable further show that they are desirous of exchanging
16 the said tracts of land, the one for the other believing that it would be to the
17 mutual benefit of all parties interested. The Berkshire tract is to small to be
18 divided in kind and cannot conveniently be sold for partition. The two tracts are to
19 be owned to be of equal value now and the value of the Thompson tract will be
20 greatly enhanced on the death of the dower tenant and as the lands of
21 the said William J Williams and Thomas on his death to the said infants
22 it will be to their interest for their land to be in one body so that them in
23 separate tracts.
24 The true consideration which was passed between your complainants
25 was ownership in the premises and in a court of equity where matters
26 of this sort are peculiarly cognizable and allowable your complainants
27 pray that the said J J Williams, John J Williams, Richard J Williams and
28 Lauretta Williams who are infants under 21 years of age, and
29 William Lawrence and Ada his wife (the said Ada Lawrence and
30 your orator Richard R Butcher being the only heirs of said infants) be
31 made parties defendant to this bill and required to answer the several State
32 matters thereof; that a guardian ad litem be assigned to the said infants

defendants who shall also answer this bill; that the said Lands be re-chargued
and proper Issues be made thereon, that proper process may issue and that
all such further and general relief may be afforded your complainants
as the nature of their case may require or to equity shall seem meet,
And your complainants will ever pray &c.

Wm R Atkinson by
W. J. Williams

State of Virginia County to wit

This day personally appeared before me the undersigned a notary public
for the said county, William J Williams, guardian of J J Williams, John S
Williams Richard E Williams and Samuella Williams that he believes the several
Statements in the foregoing bill to be true

Given under my hand this 25th day of May ch 1899

W. L Cook
Notary Public

Villiers, Executrix, &c. vs Thos

Villiers vs Thos.
Compl'ts. Ans. Bill
& Exhibits.

2d Def. rules 1897 R. A. Thomas
appt. gen. ad litem

1st October rules, Summons &c Ret.
Laurence Todd Law. appt'd.

2d Def. rules 1897. Cont.

1st Nov. rules 1897 Cont'd.

2d Nov. rules. 1898
Bill filed. Motion for conform
and cause set for hearing

April Term 1899 Set for exchange
lands.

October Term 1901
Final Decree