

1421-007 Chancery Causes: Timothy Harrison Chappell vs Mary Sue Williams, Jeff Williams
Idle of Wight County + al

301

other surnames: Porter, Jones
Kelly, Chappel, Matthews, Doyle
Kelley

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Timothy H. Cappell

versus

Mary Sue Williams et als

Bill of Complaint

*7th May Rules 1919
Proven to be med exposed
Bill filed Dec 1918*

*3rd May Rules 1919
Defendants not ap-
pearing Case set down
for hearing*

PARKE P. DEANS
ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

and inquiries directed; and that your complainant may have all such further and other and general relief in the premises as the nature of his case may require or to equity shall seem meet.

Complainant.

Sam'l Kearney Counsel

the rents from the real estate and has not accounted to the other heirs in any way.

(4) That the said Robbie Lavinia Chappell is an infants under the age of twenty-one years and over the age of fourteen years; and

(5) That the said real estate is, as he believes, susceptible of partition among the parties entitled thereto; but should the property not be divisible in kind, complainant believes and here states, that the interests of those who are entitled to the said real estate, or its proceeds, will be promoted by a sale of the whole of the same, or by an allotment of part and the sale of the residue:

In consideration whereof, and forasmuch as your complainant is remediless in the premises save by the aid of a court of equity, he prays that the said Mary Sue Williams, Cheff
Robbie Lavinia Chappell
Williams, Arline Porter, D. Webster Porter/ and Mike Kelly may be made parties defendant to this bill and required, but not on their oaths, to answer the same, the oaths being hereby waived, the said adult in their own proper persons and the infant by guardian ad litem; that a proper guardian ad litem be appointed in this cause for said infant, who shall also answer this bill; that proper process issue; that the said estate be divided between the parties entitled thereto, or else, if it cannot be so divided, that it may be sold and the proceeds divided among the adult and infant ~~and~~ parties according to their respective rights, the shares of the infant to be held as directed by statute for such cases made and provided; that all proper orders and decrees may be made, accounts taken

In the Circuit Court of Isle of Wight County, Virginia:

Timothy Harrison Chappell

Complainant

versus

Martha Sue Williams, Cheff Williams, her husband,
Arline Porter and D. Webster Porter, her husband,
Robbie Lavinia Chappell, an infant under the age
of twenty-one years, and Mike Kelly Defendants.

To the Honorable Circuit Court of Isle of Wight County:

Your complainant, Timothy Harrison Chappell, respectfully represents:

(1) That your complainant's father, Timothy H. Chappel III was in his life-time, seized and possessed of certain real estate, described as follows:

All that certain tract of land situate in Newport Magisterial District, Isle of Wight County, Virginia, containing, forty acres, more or less, sale and conveyance in gross and not by the acre, and which adjoins the lands of Andrew Williams, Richard Eley, Clyde L. Brock and others.

(2) And while so seized and possessed, the said Timothy H. Chappell on or about the ___ day of _____ of 1907 or 1908 died, intestate, leaving your complainant and Mary Sue who married Cheff Williams, Arline who married D. Webster Porter, Martha who married Thurman Jones and Robbie Lavinia Chappell, his only children and heirs at law.

Our mother died in the year, 1909.

(3) That Martha who married Thurman Jones, died leaving her husband and one child (who has since died) as her heirs at law.

The said Thurman Jones has by his deed of record in the Clerk's Office of Isle of Wight County, conveyed all his right, title and interest to one Mike Kelly, who now owns this interest of curtesy in one-fifth of the real estate.

The said Mike Kelly has cultivated and received all

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Chapman
n^y Cy
Williams et al

Answers of
you ad letter

VIRGINIA; CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT:

TIMOTHY HARRISON CHAPPELL

VS) CHANCERY. No. 301.

MARY SUE WILLIAMS, AND CHEFF WILLIAMS, HER HUSBAND;
ARLINE PORTER AND D. WEBSTER PORTER, HER HUSBAND;
ROBBIE L. CHAPPEL, AN INFANT; and,
MIKE KELLEY.

The answer of Robbie L. Chappel, an infant under the age of twenty one years, by Wm. S. Holland, her guardian ad litem, duly assigned as such by the Clerk of the Circuit Court of the County of Isle of Wight, to defend her interests in this suit, and the answer of the said Wm. S. Holland, guardian ad litem of the said Robbie L. Chappel, to a bill of complaint exhibited against her, and others, in the said Court, by Timothy Harrison Chappell.

For answer to the said bill the said infant defendant, by her guardian ad litem, answers and says that being of tender years, she does not know what her true interests are in relation to the subject matter of the said Bill, nor does she know whether the statements therein contained are true or not. She confides in the protection of her interests therein to the care of the Court.

And the said guardian ad litem of the said infant, 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, and that he prays full protection for the said infant defendant.

And now having fully answered, these defendants pray to be hence dismissed with their costs etc.

By

Wm S. Holland
Guardian ad litem.

Wm S. Holland
Guardian ad litem.

State of Virginia

~~County of Isle of Wight~~
City of Suffolk, to-wit: Sworn and subscribed to before me, A. J. Johnson

a Clerk in Chancery of the Circuit Court for

County

for the City aforesaid, in the State of Virginia, this 16 day of August
1919.

A. J. Johnson, Clerk in Chancery

My commission expires

Chappe 11

vs) Chancery. No. 301.

Williams et als.

Subpoena

Not finding Cheff Williams at his usual place of abode I executed the within summons this the 19 day of May 1919, by serving a true copy of the same on Mary Sue Williams the wife of the said Cheff Williams and explained to her the purport of same, she being a member of the said Cheff Williams family and over the age of 16 years, and by serving a true copy of the same on Mary Sue Williams in person, Not finding Arline Porter at her usual place of abode I executed the within summons this the 19 day of May 1919 by serving a true copy of the same upon D. Webster Porter her husband for the said Arline Porter and explained to him the purport of same, he being a member of the family of the said Arline Porter and over the age of 16 years, and I further executed the same by serving upon Mike Kelly and D. Webster Porter in person a true copy of the same at their residences in Isle Of Wight County.

W. A. Edwards
Sheriff Isle Of Wight Co.

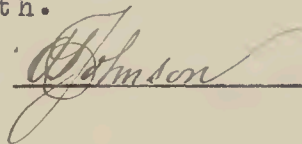
COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT, GREETING:

We command you that you summon Mary Sue Williams, Cheff Williams, Arline Porter, D. Webster Porter and Mike Kelley, to appear at the Clerk's Office of the Circuit Court for our County of Isle of Wight, at the Rules to be holden therefor on the Third Monday in May, 1919, to answer a bill in chancery filed against them by Timothy Harrison Chappell. And have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court, at the Courthouse, this 16th. day of May, 1919, and in the 143rd. year of the Commonwealth.

Teste,



Clerk.

Parke P. Deans, p.g.

Chappell

v.

Williams et als

Report of Spl. Com'r.

1920
Jan. 3.
Filed J.D.W.

PARKE P. DEANS,
ATTORNEY AT LAW,
WINDSOR, VIRGINIA.

The Linden Printing Company, Hartford, Conn.

1-0 Loco #770 -

to Mary Sue Williams

PP Deans River -

COMMISSIONER'S SALE OF REAL ESTATE IN ISLE OF WIGHT COUNTY.

By the authority of a decree of the Circuit Court for Isle of Wight County, Virginia, entered on December 20th 1920, in a chancery cause of Timothy H. Chappell, complainant, v. Mary Sue Williams and others defendants, pending therein, I shall as Special Commissioner proceed to sell at public auction at the
WILL'S STORE, NEWPORT MAGISTERIAL DISTRICT, ISLE OF WIGHT
COUNTY, VIRGINIA, FRIDAY, DECEMBER 31st, 1920 at 10.30 A. M.

All that certain tract of land situate in Newport Magisterial District, Isle of Wight County, Virginia, containing forty acres, more or less, sale and conveyance in gross and not by the acre, and which adjoins the lands of Andrew Williams and others.

TERMS: The sale shall be for cash and the purchaser shall deposit ten per cent of the purchase price with the commissioner at the time of sale, which deposit in addition to any other remedy shall be forfeited to this cause in the event that the said purchaser shall not within ten days from sale fully comply with the terms thereof, and unless said purchaser shall make said deposit at the time of sale, then the said commissioner shall forthwith at the same time and place proceed to again sell said property upon said terms.

WALTER P. DEANE SPECIAL COMMISSIONER.

DECEMBER 25, 1920

VIRGINIA: Clerk's Office of the Circuit Court of Isle of Wight the 23rd day of December, 1920.

I, R. A. Edwards, Clerk of the Circuit Court of the COUNTY of Isle of Wight, do hereby certify that the bond required of the special commissioner in the above entitled cause, has been duly executed and recorded.

R. A. EDWARDS CLERK.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA:

Chappell

v.

Williams et als.

To the Honorable B. D. White, Judge of said Court:

The undersigned, in pursuance of a decree in the Circuit Court of Isle of Wight County entered on the 20th day of December, 1920 in a cause in chancery in the said Court depending between Timothy H. Chappell complainant and Mary Sue Williams and others defendants, the necessary bond having been executed on the 23rd day of December, 1920 as named in the decree; offered for sale at public auction in front of Wills Store in Newport Magisterial District, Isle of Wight County, Virginia, at 10.30 A. M. on Friday, December 31st, 1920, the real estate described in the bill and proceedings; a copy of the notice of sale which had been posted as required by the aforesaid decree, is herewith filed, and marked "Exhibit X".

The tract was bid off to Mary Sue Williams at seven hundred and seventy dollars.

I ask to be directed to execute deed and deliver same upon the full payment of the purchase price.

Respectfully submitted,

E. M. Dean
Special Commissioner.

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Chappell

vs) Chancery. No. 301

William et als.

Report of Commissioner in
Chancery.

Filed August 18th. 1920.

And further this deponent saith not.

Mike Kelly

And further this deponent saith not.

Timothy H. Chappell

Mary Sue Williams being duly sworn, deposes and says.

Q. Please state your name, age, residence and occupation? My name is Mary Sue Williams, I am wife of Chief Williams, I live in Isle of Wight County, and am a daughter of the late Tim Chappell.

Q. Please state if you have been present while Mike Kelly and Timothy H. Chappell have been testifying and have heard all they have said? Ans.

Q. Can the land mentioned herein be conveniently divided among the parties entitled to share therein? Ans. No sir, it cannot be conveniently divided.

Q. What do you consider a fair value for the land? Ans. Five hundred dollars is a plenty for it.

Q. Your brother has testified that he thinks you will take it and pay the others for their shares at that figure- is this or is it not true? Ans. Yes sir, I will take it at five hundred dollars and pay for it as the court may direct.

Q. Who has been occupying this land since the death of your father? Ans. Mr. Kelly.

Q. Is this Mike Kelly? Ans. Yes.

Q. Has he ever paid you, or any one else, so far as you know, any rent for the land? Ans. Not as I know of- I have not received anything for it.

Q. Has he cultivated it every year, so far as you know? Ans. He has had something on it ever year.

Q. Have you ever talked to him about the occupancy of the land? Ans. Yes, I asked him about it some time ago, and who was paying the taxes on it and he told me that he was paying the taxes on it, and that after he paid the taxes he did not get anything out of it for the rent of it.

Q. And further this deponent saith not.

Mary S. Williams

Mike Kelly being recalled deposes and says:

Q. It is testified that you have been paying taxes on this land for a number of years- is this true, and if so are you making any claim for back taxes on the land? Ans. I have paid taxes I think nine years- I have the tax accounts which I can file with you.

Q. It is also testified to that you have been occupying the land ever since the death of their father-, is this true? Ans. No sir. I occupied it in a way- about nine years, having a little patch of something over there- just to keep it going.

Q. Did you ever pay any rent to any one and take a receipt for it? Ans. I didn't never take any receipt. I give the children something. The guardian, W. H. Crocker, told me to do that.

Q. In the event that the land mentioned herein is sold for division, how do you want it sold at public auction, or are you willing that one of the parties interest, or more of them, should take it at the value of five hundred dollars. Ans. I would prefer that it be sold at auction, if I can have my say about it.

And further this deponent saith not.

Mike Kelly

Timothy Harrison Chappell being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? Ans. My name is Timothy Harrison Chappell, I am twenty two ywars of age, live in Isle of Wight County, and work for Mr. T. D. Matthews at his saw mill.

Q. Are you one of the children of the late Tim Chappell? Ans. I am.

Q. There is charged to T. H. Chappell's estate, on the land books, a tract of forty acres, are you interested in this land, and what is your interest? Ans. I am interested in it, I am the owner of an undivided one fourth. My father left five children and a widow, My mither died about twelve months or more after the death of my father. There were five children left, three of them only are now living. One of my sisters, Martha Dee Chappell, married Thurman Jones and died, and he has sold his interest in the land, which I understand is a life right, to Mike Kelly. My sister and Thurman Jones had a child born, which died about the same time his mother died. My sister, Robbie Chappell, died in infancy never having married or having any children born to her. My sister Mary Sue is the wife of Cheff Williams, and my sister Arline is the wife of Webster Porter, all of them, husbands and wives, are now living.

Q. What do you consider is a fair value for the land mentioned? Ans. I think five hundred dollars is a fair value, and it would now rent, in its present shape, for ten or fifteen dollars a month. With a little work on it it would rent for some more.

Q. Can this land be conveniently divided among the parties entitled to share therein? Ans. No sir, not without losing its value.

Q. Can a part of it be allotted and the rest sold ~~or~~ and be to the advantage of the parties? Ans. It would be far better to sell the whole thing as one tract.

Q. Do you know of any party in interest who wishes to take the whole and pay the others for their shares? Ans. I believe my sister, Mary Sue Williams, wishes to do so.

Q. Are you willing that she take it and pay for it at the value estimated by you? Ans. Yes.

Q. Do you know the age of Thurman Jones, who married your sister, Martha Dee Chappell, Ans. Yes sir, he told me last Thursday that he was twenty eight years of age.

Q. Do you know who has been occupying this land since the death of your father? Ans. Yes sir, Mike Kelly.

Q. Has he done something upon it every year? Ans. Yes sir he has had something upon it every year.

Q. Has any one ever paid you any rent for the land, or for any part of it since the death of your father? Ans. Nos sir.

Mike Kelly being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? Ans. My name is Mike Kelly, I suppose I am about sixty years old, I live in Isle of Wight County, and am a farmer.

Q. Do you know anything of the land in Isle of Wight County, about one mile and a half from Long View, owned by Tim Chappell at the time he died and now standing in the name of his estate? Yes sir, I know of it- I am an interested party. Thurman Jones married Martha Dee Chappell, a daughter of Tim Chappell, and she died, and I bought the ~~land~~ interest of Thurman Jones in the land.

Q. Did Thurman Jones and his wife Martha, whom you have referred to, have any child or children, born alive? Ans. Yes sir, they had a child, who lived something like six months or thereabouts, I do not know exactly, but I know they had a child born alive, which lived several months.

Q. Please state what, in your opinion is a fair value for this piece of land? Ans. I think five hundred dollars is a fair price for it, and it would not rent for over ten or fifteen dollars a year like it is.

Q. Do you know who has been paying taxes upon this land for the time since Tim Chappell has been dead? A. Ans. Mr. W. H. Crocker, of Suffolk, paid it one year and I have been paying it ever since.

Q. Who has been occupying the land since the death of Tim Chappell died? Ans. No one has been occupying it. I have cultivated it a little, but not enough to keep all the open land from growing up. Ans. There was about twelve acres under the fence when Tim Chappell died. Over half of that, and some more, I believe, is in pine bushes now. The balance of it is clear, or partly so, but growing up.

Q. Is there any timber on the land? Ans. Chappell cut all the timber and cord wood off just before he died. There may be some twenty five or thirty five thousand feet on it now, of pine timber, scattered about, but that is not enough to justify any one in putting a mill on it to cut it, and there is no timber close to it.

Q. Who are the children of Tim Chappell now living and who of them were living at the time of his death? A. Martha Dee Chappell, Mary Sue Chappell, Arline Chappell, Timothy Harrison Chappell, Robbie Lavinia Chappell.

Q. Are they now all living? Ans. No sir, two of them have died, the oldest and youngest. Martha and Robbie are dead.

Q. Are all those living now twenty one years of age? Ans. Yes sir they are all over twenty one years

Q. Can the land mentioned be conveniently divided among the parties entitled to it. Ans. No sir, not without injuring the value. It is a long strip like.

Q. How would you divide it? Ans. It cannot be divided without injuring its value. I do not want to sell the interest I have in it. I want to keep it as it is. I did not buy it to sell.

Q. Will you sell yours upon a basis of five hundred dollars for the whole? Ans. I do not want to sell mine.

Q. Who was the longest liver, Martha Dee Jones or her infant child? Ans. I think they died within a few days of each other, and my impression is that the mother died first. I will not be certain about that.

J. F. Doyle being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. J. F. Doyle, I live in Isle of Wight County, Virginia, and am a farmer. I am thirty nine years of age.

Q. Please state whether or not you are acquainted with the land in this County of which Tim Chappell died seized and possessed? Ans. Yes in a general way.

Q. Please state how far it is from the nearest transportation point? A. About three miles from Everetts Bridge, about ten or eleven miles from Smithfield.

Q. Please state what, in your opinion is a fair fee simple and what a fair annual value of this land? A. About five hundred dollars would be a fair price for it, and it should rent for about fifteen dollars. I was present when Mr. Matthews testified, and heard him, and fully agree with him as to description and value of the land mentioned.

Q. Are you a prospective purchaser of this piece of land? A. No sir, if I wanted to buy any land I would not want that way back there- there is plenty more to be had better and in a better location.

And further this deponent saith not.

J. F. Doyle

T. D. Matthews being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. T. D. Matthews, I will be sixty years old the twenty third of the next December, I live in Isle of Wight County, Virginia, and am a farmer and lumberman.

Q. Timothy H. Chappel appears to have died siezed and possessed of a tract of land of some thirty six acres, in this County, and which still appears to belong to his estate with the exception of the interest of one of his children, or a curtesy right therein, now owned by one Thurman Jones- Are you acquainted with that tract of land, and if so please describe it, and tell us, as near as you can, its fee simple and annual Value? A. I am acquainted with it-I have seen it this morning. It is back off the main road about a half mile, there being only a woods path leading to it, not a public road. There are about some twelve or fourteen acres of it clear, but a part of it now growing up in pine bushes, some twelve feet or more high- there is no merchantable timber on it. The pine was cut off about fourteen or fifteen years ago, and instead of pine coming back scrubby hard wood trees have come up. After the pine was cut off for mill purposes then all of the timber fit for cord wood was taken off by Tim Chappell, and there is nothing there now of any value in the shape of timber. It is a light poor soil. There is an old house on it but I do not now consider it worth anything-it has not been occupied in eight or nine years and has had no repairs, apparently. I would say that the land would be hardly worth more than five hundred dollars, and I do not believe it would bring over fifteen or twenty dollars a year.

Q. Are you a prospective purchaser of this land, in the event it should be sold? Ans. No sir, I am not.

Q. Please state, if you know, who has been occupying the land for the past few years. Ans. I think Mike Kelly has been occupying it for the time since Tim Chappell died.

And further this deponent saith not.

T. D. Matthews

T. D. Matthews being recalled, depose and says:

Q. Can the lane mentioned in this proceeding be conveniently divided among the parties entitled to share therein? Ans. Nos sir I do not think so.

Q. Can a part of it be allotted to advantage and the rest sold? Ans. Nos sir, I do not think so.

Q. How can it be divided to the best advantage of all interested parties? Ans. Sold and the money be divided is the only advantageous way, so far as I can see. I believe this is the only way.

And further this deponent saith not.

T. D. Matthews

nor for the guardian ad litem to be further referred to in this proceeding.

Your Commissioner recommends that the said property be sold to said Timothy Harrison Chappell for the sum of five hundred dollars and the money divided between and among the several parties as their interest appear. It will be noted that Mike Kelly states that he does not care to dispose of his part of the same. While it does not clearly appear in the testimony, he, notwithstanding the provisions of the statute governing, believes he holds the fee in an undivided one fourth. His general attitude is to obstruct any disposition of the property, there appearing some malice, so far as he is concerned.

Respect-fully submitted,



Commissioner in chancery.

Commissioner's fee \$20.00

is another interested party. Arline Chappell, now the wife of Webster Porter, is another interested party; each of said parties owning an undivided third interest in said land, subject, however, to a curtesy right in one fourth thereof, held by Mike Kelly as the alienee thereof of Thurman Jones, as aforesaid.

Third Inquiry: "Whether the same can be conveniently divided among the several parties entitled to share therein?"

Answer: It appears from the testimony that it cannot.

Fourth inquiry: "If the same cannot be conveniently divided whether any party in interest will take the entire subject matter and pay the others who are entitled to share therein for their respective interests, such sums of money as their interest may entitle them to?" From the testimony of Timothy Harrison Chappell, it appears that ^{his sister, Mary Sue Williams,} ~~he~~ will take the entire subject matter and pay the others for their shares.

Fifth Inquiry: "And if the same cannot be conveniently divided and no party will take the entire property and pay the others for their shares, whether the interest of those entitled to the said property, or its proceeds, will be promoted by a sale of the entire property, or by an allotment of part and sale of the residue?" Answer. A sale of the whole appears to be the only proper way to make division of the property mentioned.

Sixth inquiry: The annual and fee simple values of said property?" Answer: Fifteen or twenty dollars appears to be the annual value and five hundred dollars the fee simple value.

Seventh inquiry: "Whether all the necessary parties to this cause are properly before the Court?" Answer: It so appears. One of the parties mentioned, when this suit was instituted, namely, Robbie Chappell, the infant defendant, is dead, and there is no need for her to be further mentioned,

road, being about half a mile therefrom, with some twelve or fourteen acres cleared, a part of which is growing up in pine bushes, some of them twelve feet or more high, with no merchantable timber on any part of the land, the pine timber ^{having been} ~~being~~ cut off some twelve or fourteen years ago, and which has been followed by a growth of scrubby hard wood. After the pine timber was cut off for mill purposes then all the timber fit for cord wood was cut off. It is of a light character of poor soil, and there is an old house, unoccupied, hardly worth anything, upon it. (see testimony of Matthews and Doyle, Matthews especially). It is listed on the Land Book of said County as forty acres, and is described as adjoining Andrew Williams, and others.

Second inquiry: " Who are the persons now entitled to the said estate, if any, and their respective interests therein, and how derived, and their respective ages?" Answer: It appears of record that the wife of Timothy H. Chappell is dead, and that he left the following named children: Martha Dee Chappell, Mary Sue Chappell, Arline Chappell, Timothy Harrison Chappell, and Robbie Lavinia Chappell. Martha Dee Chappell married Thurman Jones, had a child by him, and both she and the child died. It is not clear whether the mother or the child died first, but that makes little difference since they are both dead except that it seems to have been the impression of Mike Kelly that he owned the share in the said land of said Martha Dee Chappell, being advised that Thurman Jones inherited the land from his child, and the said Thurman Jones having, by his deed bearing date the 17th. day of September, 1912, and which is of record in Deed Book No. 81, page 93, conveyed his interest in the land of said Timothy H. Chappell to said Mike Kelly, and as to which he is wrong, the interest of the said child, if it outlived its mother, going back to the mother's relatives (brothers and sisters) the said Thurman Jones taking only a curtesy right therein, and which the said Mike Kelly now holds by virtue of the deed aforesaid. Mary Sue Chappell, now the wife of Cheff Williams

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Timothy Harrison Chappell

vs) Chancery. No. 301.

Mary Sue Williams, et als.

TO HONORABLE B. D. WHITE, JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

The undersigned, one of the Commissioners in Chancery of your Honor's Court, to whom has been referred the papers in the above entitled cause for the execution of a decree entered therein on the 16th. day of August, 1919, respectfully reports to the Court, that on the 18th. day of August, 1920, in the presence of the counsel for the complainant, Timothy Harrison Chappell, and the defendants, Mary Sue William, Cheff Williams, her husband, Arline Porter and Webster Porter, her husband, Parke P. Deans, and Mike Kelly, another defendant, in his own proper person, he took the testimony of T. D. Matthews, G. L. Doyle, Mike Kelly, Timothy H. Chappell, and Mary Sue Williams, reduced the same to writing, all of which is returned herewith, as a part of this report. From the evidence so taken and from the records filed in the Clerk's Office of this Court, your Commissioner is informed and reports as follows:

Inquiry one: "What real estate Timothy H. Chappell owned at his death, where situate and a description of same?" Answer: Timothy H. Chappell, at the time of his death, owned several tracts of land in Newport Magisterial District, in the County of Isle of Wight, but all has been disposed of, in a creditor's suit, or suits, heretofore brought and completed, save and except a tract of land of some thirty six acres, in said Newport Magisterial District, County of Isle of Wight, not on a public

Chappel
vs) Bill of costs.
Williams

Wm. S. Holland, p.q.

Writ tax,.....	\$1.50
Sheriff's fee,.....	50
Clerk's fee,.....	2.16

Writ tax paid by Mr. Wm. S. Holland, p.q.

Chappell

v.

Ill. 111. 111.

1. 111.

1921
Dec. 8,
Filed B.S.W.

PARKE P. DEANS,
ATTORNEY AT LAW,
WINDSOR, VIRGINIA.

The Linden Printing Company, Hartford, Conn.

In the Circuit Court of Isle of Wight County, Virginia:

Chappell

v.

Williams et als.

Judge B. D. White, Judge of said Circuit Court:

Your commissioner in accordance with a decree entered on the 3rd day of January, 1921 conveyed unto Mary Sue Williams the property as directed and received the sum of \$770.00 and disbursed the same as follows:

Cash received from Mary S. Williams	770.00	
Paid A. S. Johnson, writ tax and court cost		32.64
Paid A. S. Johnson, commissioner in chancery		20.00
Paid R. A. Edwards, sheriff		3.50
Paid S. T. Holland, premium on bond		5.00
Paid P. P. Deans, preparing deed, notary fee and revenue stamp		11.50
Paid P. P. Deans, commissions on sale		24.40
Paid P. P. Deans, attorney's fee		75.00
Paid P. P. Deans, for advertisements		1.00
Paid Mike Kelly		94.44
Paid Mary Sue Williams		167.52
Paid T. H. Chappell		167.52
Paid Arline Porter		167.52
	770.00	770.00

And now, having finished my duties as special commissioner, I ask that I be further released together with with my security from the bond executed.

Respectfully submitted,

John D. White

Special Commissioner.

\$

3264

January 31st 1911

Received from

Pam. 12 June 5th 1911
in Appell & Williams et al

Thirty two and 60/100

Dollars

With tax and court cost

A. J. Johnson



No.

\$

20⁰⁰



No.

Jan'y 31

1904

Received from Pura P. Deane & Co.
Choppell v. Williams & Co.

Twenty

100

Dollars

Commissioner in Charge

A. S. Johnson

\$



No.

January 31 1904

Received from Paul Beaumont & Co.
Thompson & Williams et al.

Five and 50/100 100 Dollars

Sheriff fees

R. A. Edwards

Terms : Cash

Windsor, Va., Dec 8 1921

M2

Windsor, Va.

TO S. T. HOLLAND, DR.

Fire and Life Insurance and Surety Bonds

P. O. Box 111

Phone No. 338

Date	Policy No.	Company	Property Insured	Amount	Premium
1920 Dec 23	3205273	National Surety Co	Sp. Com Bond	\$500.00	\$5.00
<i>Paid</i> <i>S. J. Hall and Asst</i> <i>National Surety Co.</i>					

\$

150



No.

Jan 31 1921

Received from Luke Kean & Co
Chapman & Williams et al
Given and 50/100 Dollars

preparing deed, notary fee & revenue stamp

Luke Kean & Co

\$

24⁴⁰



No.

January 31st 1904

Received from Esse L. Hamer & Co.
Lippell & Williams Ltd

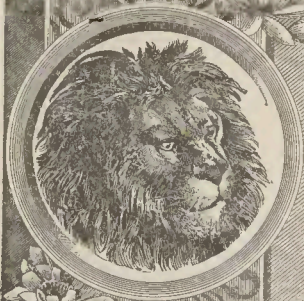
Twenty four and 40/100 — 100 Dollars

Balance on sale

Esse L. Hamer

\$

72.00



No.

Jan 31 1924

Received from John W. Deane & Co.
Export & Import Co.

Twenty five 100 Dollars

Atty's fee

John W. Deane

\$



No.

January 31st 1924

Received from Ames Lumber Co
Chicago & California Ltd

One 100 Dollars

For advertisement

Ames Lumber Co,

\$

94/47



No.

Jan'y 3rd 192

Received from Paul & Susan D. L.
(Happell, Wallcross & Co.)

Twenty four and 44/100 Dollars

Interest on property

Wm. H. Kelly
by Paul & Susan D. L.

\$167.52

January 31st, 1921

Received of Parke P. Deans, Special Commissioner--

One Hundred and Sixty seven and 52/100 Dollars.

In full settlement for my interest in the lands of
Timothy H. Chappell sold in the suit of Chappell against
Williams, Porter, Kelly and others in the Circuit Court
of Isle of Wight County, Virginia.

Mary Sue Williams

Witness by _____

\$167.52

January 31st, 1921

Received of Parke P. Deans, Special Commissioner--

One Hundred and Sixty seven and 52/100 Dollars.

In full settlement for my interest in the lands of
Timothy H. Chappell sold in the suit of Chappell against
Williams, Porter, Kelly and others in the Circuit Court
of Isle of Wight County, Virginia.

Timothy Harrison Chappell

Witness by _____

\$167.52

January 31st, 1921

Received of Parke P. Deans, Special Commissioner--

One Hundred and Sixty seven and 52/100 Dollars.

In full settlement for my interest in the lands of
Timothy H. Chappell sold in the suit of Chappell against
Williams, Porter, Kelly and others in the Circuit Court
of Isle of Wight County, Virginia.

Arlene Porter

Witness by _____

6

Chappell

n 5 c, No 301

Williams et al.

Rough sketch

1919

Aug. 16

Enter this.

P. D. W.

Lot 3 7 page 509

herein, deemed pertinent by himself, or required to be taken and stated
by any party in interest.

And this cause is continued.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Timothy Harrison Chappell

vs) Chancery. No. 301.

Mary Sue Williams, et als.

This cause came on this day to be heard upon the Bill of *taken for confessed as to the adult defendants, upon*
complaint, *on* and the answer of the infant defendant, duly sworn, and
upon general replication to said answers, and was argued by counsel:

Upon consideration whereof the Court doth adjudge, order
and decree that this cause be referred to one of the Commissioners of
this Court who shall take, state and report to Court the following
inquiries, to-wit:

1. What real estate Timothy H. Chappell owned at his death,
where situate and a description of same.

2. Who are the persons now entitled to said estate, if any,
and their respective interests therein, and how derived, *and their respective ages*

3. Whether the same can be conveniently divided among the
several parties entitled to share therein.

4. If the same cannot be conveniently divided, whether any
party in interest will take the entire subject matter and pay to the others
who are entitled to share therein for their respective interests, such sums
of money as their interest may entitle them to.

5. And if the same cannot be conveniently divided and no party
will take the entire property and pay the others for their share, whether
the interests of those entitled to the said property, or its proceeds,
will be promoted by a sale of the entire property, or by an allotment of
part and sale of the residue.

6. The annual and fee simple values of said property.

7. Whether all the necessary and proper parties to this cause
are properly before the Court.

8. Which several inquiries the said Commissioner shall make,
and to the Court report, returning with his report such evidence, in writ-
ing, as may be taken by him, together with any matter specially stated

Upon motion for leave to amend, they also finding to appear, plead, answer

Chappell

v. 301

Williams et als

Decree

Enter this

1920

Jan. 3.
Entered
BDW.

C. B. B.

Page 41.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA:

Chappell

v.

Williams et als.

This cause came on this day to be again heard on the papers formerly read, ^{and on} the report of Parke P. Deans, Special Commissioner of the sale made by ^{him} ~~them~~ of the real estate in these proceedings mentioned, this day filed by leave of Court, to which there is no exception, and was argued by counsel;

^{And it} ~~it~~ appearing from said report that Mary Sue Williams ^{the sum of} ~~the sum of~~ ^{she paid in cash} was the purchaser, at seven hundred and seventy dollars, of the tract of land heretofore described in these proceedings;

On consideration whereof, the court doth approve and confirm the said report and the said sale, and ~~the Court~~ ^{order} doth ~~order~~ the said special commissioner to convey the said tract of land to Mary Sue Williams by deed, with covenant of special warranty upon the full payment of the purchase price, and the Court ~~doth~~ further adjudge, order and decree that the ^{said} special commissioner shall pay the ~~court~~ ^{of this suit} cost including a fee of seventy five dollars to Parke P. Deans, attorney, out of the proceeds of sale, and then pay unto Mike Kelly the curtesy interest ^(the proceeds calculated at the age of twenty-eight years) of Thurman Jones in one-fifth of the remainder, and then divide the balance into three equal parts and pay one-third unto Mary Sue Williams, one ~~third~~ ^{share} unto Arline Porter and one-third unto Timothy H. Chappell and the said commisssioner report hereunder.

Chappell

K - 301

Williams et al

Decree

1920.

Dec. 20.

Euler & Co.

B.D.W.

E + J.

Chancery Order Book 8

Page 39.

The said sale shall be for cash and the purchaser shall deposit ten per cent of the purchase price with the commissioner ^{at} ~~on~~ the ^{time} ~~day~~ of sale, which deposit, in addition to any other remedy, shall be forfeited to this cause in the event that the said purchaser shall not within ten days ^{from} ~~for~~ sale, fully comply with the terms thereof, and unless said purchaser shall make said deposit at the time of sale, then the said commissioner shall forthwith at the same time and place proceed to again sell said property upon said terms.

But before the said commissioner shall proceed to execute this decree he shall enter into bond, ^{before the Clerk of this Court,} with surety deemed sufficient by ^{said} ~~the~~ Clerk of this Court payable to the Commonwealth of Virginia in the penalty of eight hundred dollars, and conditioned for the faithful discharge of his duties hereunder and any further decree that may be entered herein.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA:

Chappell

v. 301

Williams et als.

This cause came on this day to be again heard upon the papers formerly read and ^{on} the report of A. S. Johnson, Commissioner filed August 18th, 1920, to which there is no exception, and was argued by counsel;

On consideration whereof, ~~and~~ it appearing to the Court from said report, that the property mentioned and described herein, and in the bill and proceedings, ~~cannot~~ be conveniently partitioned among the parties entitled to the same, and that the interest of all parties will be promoted by a sale of the said real estate, that all the proper parties are properly ^{That there are no heirs in said property,} before the Court, ^{from testimony} and that it appearing to the Court ~~by witnesses~~ sworn and testifying in open court, that Thurman Jones is twenty eight years of age, and that he as husband of the late Martha Dee Chappell has a curtesy interest in one-fifth ^{mentioned in said proceedings,} of the real estate, which interest he has conveyed to Mike Kelly, and the remaining interests belong to Mary Sue Williams, Timothy H. Chappell and Arline Porter; the Court doth approve and confirm the said report, ^{Art 1} and doth adjudge, ^{order the said property to be sold,} order and decree that Parke P. Deans, who is hereby appointed special commissioner for the purpose, shall, after the posting of notices thereof of the time, place and terms of sale for five days, placed in five or more public places in Isle of Wight County, proceed to sell, at public auction, the land in the bill and proceedings mentioned, being described as follows:

All that certain tract of land situate in Newport Magisterial District, Isle of Wight County, Virginia, containing forty acres, more or less, sale and conveyance in gross ~~and~~ not by the acre, and which adjoins the lands of Andrew Williams and others.

Chappell

v.

Williams et als.

Decree

1921

Dec. 8.

Enter this.

PSW.

8. - 95.

RECORDED

copy to

S. J. J. Harewood.

In the Circuit Court of Isle of Wight County, Virginia:

Chappell

v.

Williams et als.

This cause came on this day to be again heard upon the papers formerly read, the report of Parke P. Deans, special commissioner and was argued by counsel:

and
~~On consideration thereof,~~ it appearing to the Court from said report that the said special commissioner received the sum of seven hundred and seventy dollars, and disbursed the same as follows:

Cash received from Mary S. Williams	770.00
Paid A. S. Johnson, writ tax and court cost	32.64 ✓
Paid A. S. Johnson, commissioner in chancery	20.00 ✓
Paid R. A. Edwards, sheriff	5.50
Paid S. T. Holland, premium on bond	5.00 ✓
Paid P. P. Deans, preparing deed, notary fee and revenue stamp	11.50 ✓
Paid P. P. Deans, commission on sale	24.40 ✓
Paid P. P. Deans, Attorney's fee	75.00 ✓
Paid P. P. Deans, for advertisements	1.00 ✓
Paid Mike Kelly	94.44 ✓
Paid Mary Sue Williams	167.52 ✓
Paid T. H. Chappell	167.52 ✓
Paid Arline Porter	167.52 ✓
	770.00 770.00

On Consideration whereof
the Court doth adjudge, order and decree that the said report be confirmed, and ~~that nothing further in this cause is to be done,~~ *Remaining to be done* it is ordered that ~~the said Parke P. Deans and his security be relieved of the bond executed and that this cause be removed from the docket.~~

1
Chappell

vs) Chancery. No. 301.

Williams et als.

Memorandum

Filed May 16th. 1919.

Timothy Harrison Chappell

vs) Chancery.

Mary Sue Williams, and Cheff Williams, her husband; Arline Porter and D. Webster Porter, her husband; and Robbie L. Chappell, an infant, under the age of twenty one years; and Mike Kelly.

Issue subpoena in chancery to Second May Rules, 1919, and direct to Sheriff of Isle of Wight County.

Parke P. Deans, p.q.

To the Clerk of the Circuit Court of the County of Isle of Wight.

May 15th. 1919.

T. H. Chappell

vs) Chancery. No. 301.

Williams et als.

Copy of order appointing
guardian ad litem.

Entered May 16th. 1919.

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF THE
COUNTY OF ISLE OF WIGHT, IN VACATION, May 16th. 1919.

Timothy Harrison Chappell

vs) Chancery. No. 301.

Mary Sue Williams and Cheff Williams, her husband: Arline
Porter and D. Webster Porter, her husband; Robbie L. Chap-
pell, an infant under the age of twenty one years; and
Mike Kelly.

Upon motion of counsel for the complainant,
William S. Holland, a discreet and competent attorney at
law, practising in this Court, is assigned as *gusraidn ad*
litem for the infant defendant herein.

A copy,

Teste, *Johnson* Clerk.

Executed this within same. 16
day of Dec, 1926 by serving a true copy
of Notice Mitko Kelly
Within the County of Libe of Virginia
H. A. Chapman
D 3

TO MIKE KELLY:

TAKE NOTICE THAT WE will move the Circuit Court of Isle of Wight County, Virginia on Monday December 20th, 1920 to appoint a special commissioner to convey to Mary Sue Williams the tract of land of which T. H. Chappell died seized and possessed, containing forty acres, more or less and adjoining Andrew Williams and others for the sum of five hundred dollars. At which time we will further move the Court to pay out of the said sum of five hundred dollars, the court cost including a fee to Parke P. Deans Attorney and then ask that the balance be divided into five equal parts, one fifth of which is the interest of Martha Dee Chappell who married Thurman Jones, the said interest shall be subject to the life interest of Thurman Jones commenced at the age of twenty eight years, which part of Thurman Jones, the Court will be asked to pay to you and the balance to the heirs at law of the said T. H. Chappell now living, to-wit: Mary Sue Williams, Timothy Chappell and Arline Porter.

Given under our hands this 1st day of December, 1920

Mary Sue Williams
Timothy Chappell
Arline Porter
BY Parke P. Deans, their Atty.

No.

Know all Men by These Presents: That we

Parke P? Deans, principal ,

and

National Surety Company surety ,

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Eight Hundred,

Dollars, to the payment whereof well and truly to be made we bind ourselves and each of us, our and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

And as to this bond we hereby severally waive the benefit of our Homestead Exemption, and also any right, claim or privilege to discharge any liability arising hereunder to the said Commonwealth, or by virtue of the said office or trust for which this bond is given, with coupons detached from the bonds of this State.

IN TESTIMONY WHEREOF, the said Parke P. Deans, principal ,

has hereto set his hand and affixed his seal;

and the said National Surety Company, surety ,

by S. T. Holland, , its duly authorized

agent and attorney in fact, has caused its corporate name and seal to be hereunto affixed, the said seal to be attested

by the signature of the said S. T. Holland, , its said agent and attorney

in fact, this, the 23rd day of December A. D. 1920.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound Parke P. Deans, who was by a decree entered on the 20th day of December 1920, in the chancery suit of ^{et} ~~Chappell~~ et als Vs. ~~William~~ et als., docket No. 301, appointed as a special commissioner by the Circuit Court of Isle Of Wight County.,

shall faithfully discharge the duties of his office or trust as such Special Commissioner,

, then the above obligation to be void, or else to remain in full force and virtue.

Parke P. Deans. [SEAL]

National Surety Company.

By S. T. Holland.

Its duly authorized agent and attorney in fact.

(SEAL)

Attest: S. T. Holland.

Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 23rd..

day of December 1920, this bond was duly executed and acknowledged by the obligors to the same

and ordered to be recorded.

A COPY., TESTE., R. A. Edwards Clk.

R. A. Edwards. Clerk.