

1909-007 Chancery Cause: Willie E. Bracey & al vs Rosa Bracey & al, by & c
Dele of Wight County
Petition of Willie E. Bracey & al
Petition of Claudia A. Bracey,

other surnames: Carr, Bailey

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA :
Willie E. Bracy et. als.

vs.

Bracy's Infants.

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

Willie E. Bracy, Alice A. Carr and Joseph A. Carr her husband, Martha S. Carr and James A. Carr her husband, and Rosa Bracy most respectfully represent to the Court that Dianna E. Bracy departed this life intestate on the 3rd. day of January 1904 leaving as her only heirs at law her seven children by William E. Bracy who died on the 3rd. day of January 1895 as follows ; said Willie E. Bracy, Alice A. Carr who was Bracy, Martha S. Carr who was Bracy, Rosa Bracy, Mary A Bracy, Charles A. Bracy, and Claudie A. Bracy, the last three are infants under the age of 21 years. It is not positively known to your complainants whether or not said Rosa Bracy is an adult now or not but she will be during the current year if she is not now and for that reason she will be named as an infant defendant and also as a plaintiff.

Your complainants say that said Dianna E. Bracy died seized and possessed in fee simple of a certain tract, piece, or parcel of land, situate in Windsor Magisterial District in the County of Isle of Wight and in the State of Virginia, containing sixty acres, more or less, and which is bounded by the lands of Jos. H. Duck, estate of Cumilla C. Barrett, deceased, and the estate of Edwin Bradshaw, deceased.

Your complainants say that said land is a small farm of about one horse crop and the buildings thereon were burned just before the death of said Dianna E. Bracy, and cannot be partitioned in kind even between two parties, much less seven, and they know of no one of the parties who will buy out the interests of the others at what it is believed that the land will sell for at public auction.

For as much as your complainants are without remedy save in this Honorable Court where matters of this sort are alone and properly cognizable, they pray that said Rosa Bracy, Mary A. Bracy,

Charles A. Bracy, and Cluadie A. Bracy, all of whom are infants under the age of 21 years, be made parties defendants to this bill of complaint and required to answer the same, but an answer on oath is hereby expressly waived, that a guardian ad litem may be assigned to ~~and~~ defend their interest⁴, that said land may be partitioned in kind if possible, that said land may be sold under orders of this Court and the proceeds of sale, after the payment of costs of suit and sale, including a reasonable fee to the attorney conducting this suit, be divided among those thereto entitled ; that all such orders and decrees may be entered, all such inquires and accounts may be taken, stated, and reported to Court as the nature of this suit may require ; that all such other, further, and general relief may be afforded your complainants as to equity and good conscience may seem meet. And they will ever pray etc.

Willie E. Bracy and others, by

W. J. Hall and Their Atty.

Willie E. Bracy et. als.

Vs.

Bracy's Infants.

BILL OF COMPLAINT.

2^d August rules 1904.
Bill filed, E. E. Halland affd
for addition. Answer & complaint
deft. filed, de. rule

1st Sept. rules 1904. Bill
taken for response and
case set for hearing

October 1904 de for accounts

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

Willie E. Bracey et als.....Complainants.
vs.
Bracey's infants.....Defendants.

TO THE HONORABLE R. E. BOYKIN, JUDGE OF THE
CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

Your petitioners, Willie E. Bracey, Joseph A. Carr,
husband of Alice A. Carr, deceased, Martha S. Carr, James
Rosa Bracey,
A. Carr, her husband, and Mary A. Bracey, respectfully
represent that in the above styled cause, depending in
the Circuit Court of Isle of Wight County, Virginia, that
W. S. Holland, special commissioner, pursuant to a
decree entered on the 16th day of January, 1906, sold
certain real estate described in the bill and proceedings
mentioned of which Diana E. Bracey died seized and possess
ed; that by decree entered on the 24th day of October,
1905, the action of the said W. S. Holland, special
commissioner, in paying the costs of the suit and sale and
distributing the shares of the adult parties and depositing in
bank the money belonging to the infant defendants,
was ratified and approved. So much of said decree as it
is material to be considered being in words and figures
as follows, to-wit:

"On consideration whereof, it appearing to the
court that the said special commissioner, W. S. Holland
has collected the purchase price of the land in the
bill and proceedings mentioned, has paid out all the
money in his hands by paying the cost of this suit and
said sale, by paying the adult parties their shares
in full and by depositing in the Farmers Bank of Nansemond
to the credit of "William S. Holland, special commission-
er, Bracey vs. Bracey" the full shares of the infant
defendants, Charles A. Bracey, Claudie A. Bracey, and
Mary A. Bracey and had also deposited the sum of
forty-four (44) dollars and forty-three (43) cents,
received by him from the acting administrators of
Diana E. Bracey, deceased, it being the shares of the

three infant defendants in the personal estate of the said deceased, and the said report appearing to be supported by proper vouchers and a certificate of deposit filed with the papers for the sum of six hundred and twenty-seven (627) dollars and fifty-seven (57) cents, the court doth adjudge, order, and decree that the said report of special commissioner, Wm. S. Holland, to which there is no exception be, and the same is, hereby approved, ratified and confirmed."

That said sum of six hundred and twenty-seven (\$627) dollars and fifty-seven (57) cents with interest now amounts to

\$ 660.57 ;

Your petitioners further represent that since the last decree was entered Mary A. Bracey has become of age, as shown by affidavit herewith filed and prayed to be read as a part of this petition; that Charles A. Bracey has died, leaving as his heirs at law (W. E. Bracey, his father, being deceased) W. E. Bracey, Martha S. Carr, Rosa Bracey, Mary A.

Bracey and Claudie A. Bracey, now an infant, and Alice A. Carr, who has since that time departed this life, leaving her husband, Joseph A. Carr, and three infant children:

Floyd Carr, age 8 years; Rochel Carr, age 6 years;

Anna Carr, age 3 years. Your petitioners, therefore,

pray that W. E. Bracey, Martha S. Carr, ~~and~~ Mary A. Bracey

and Rosa Bracey be authorized and empowered to draw from said bank the respective amounts to which they are entitled.

Your petitioners further pray that Joseph A. Carr, the husband of Alice A. Carr, deceased, and the father of her infant

children, be permitted to draw from said bank the share belonging to his said wife, Alice A. Carr, now deceased.

Your petitioners make this request on account of the fact that the amount due said infants is only a few dollars; they

are of tender years and entirely dependent upon their said father for support and that the said Joseph A. Carr ^{is a man of small means and} is providing for them all the comforts and advantages that his

means will permit. The said Claudie A. Bracey being

still an infant and no one having qualified as her guardian

it will be necessary that the amount now due her remain
in said bank.

And your petitioners will ever pray, etc.

W. E. Bracy
Martha S. Carr
James A. Carr
Joseph A. Carr
Rosah E. Bracy
Mary A. Bracy

STATE OF VIRGINIA,
To-wit:

Dumfries County
Willie E. Bracy and Mary A. Bracy,
the petitioners in the foregoing bill, being duly sworn say
the facts and statements therein contained are true,
except so far as they are made on information, and so far
as they are made on information they believe them to be
true.

Willie E. Bracy
Mary A. Bracy

Taken, sworn and subscribed to before me W. H. Newman
a Justice of the Peace in and for the County and State
aforesaid this 20th day of November, 1906.

W. H. Newman J. P.

STATE OF VIRGINIA,
To-wit:

Newman & Co.
Joseph A. Carr, Martha S. Carr, Jas. A.

Carr and Rosa Bracey

the petitioners in the foregoing bill, being duly sworn say the facts and statements therein contained are true, except so far as they are made on information, and so far as they are made on information they believe them to be true.

Martha D. Carr

Rosa B. Bracey

James A. Carr

Joseph A. Carr

Taken, sworn and subscribed to before me E. J. Carr
a Justice of the peace in and for the County and State
aforesaid this 21 day of November, 1906.

E. J. Carr J. P.

STATE OF VIRGINIA,

To-wit:

County of Dinwiddie

I, Worcester, a Justice of the Peace
in and for the City and County and State aforesaid, do
certify that Mary A. Bracey became before me in my
City and County and made oath in due form of law
that she is twenty-one years of age and having carefully
read this paper has signed the same before me in my
City and County aforesaid.

Given under my hand this 20th day of November, 1906

1906.

Mary A. Bracey

Worcester J.P.
My term expires Dec 31, 1908

STATE OF VIRGINIA,

To-wit:

County of Dinwiddie

I, W. W. W. W. W., a Justice of the Peace
in and for City and County aforesaid, in the State
of Virginia, do certify that W. E. Bracey came before me
in my City and County aforesaid, and made oath in due
form of law that his sister, Mary A. Bracey, is twenty-
one years of age and that he further believes that she
is competent to receive her share of the proceeds now
deposited in the Farmers Bank of Nansmond, of Suffolk
Virginia, to the credit of the suit of W. E. Bracey et
als. vs. Bracey et als. and that the said W. E. Bracey
has made his signature to this paper after having it
carefully read to him.

Given under my hand this 30th day of November, 1906

1906.

W. E. Bracey

W. W. W. W. W. J. P.
My term expires Dec 31 1908

Bracey
B. Petition
Bracey

J. U. BURGESS,
ATTORNEY-AT-LAW,
SUFFOLK, VA.

Petitioner of Cause No.
A. Gracy

Gracy
vs.
Gracy

JAMES U. BURGESS.
ATTORNEY AT LAW,
POST OFFICE BUILDING
SUFFOLK, VA.

SUFFOLK HERALD CORPORATION PRINT, SUFFOLK, VA.

Willie E. Bracey et als.....Complainants:

vs.

Bracey Infants.....Defendants.

To the Honorable B. D. White, Judge of the Circuit Court of
Isle of Wight, County, Virginia.

Your petitioner, Claudia A. Bracey, respectfully represents that there is now deposited in the Farmers Bank of Nansemond, Suffolk, Virginia, to the credit of the above styled cause the sum of two hundred and fifty-six and 44/100 dollars with interest at the rate of 3% per annum from the 20th day of December, 1906, until paid; that as shown by decrees heretofore entered in this cause said sum is the share of your petitioner from the proceeds of said suit; that your petitioner is now over the age of eighteen years and is engaged in farming; and that he is of sufficient age and discretion to use said funds judiciously as shown by exhibits filed herewith marked "A" and "B" and prayed to be read as a part of this petition.

Your petitioner further represents that the said bank only pays 3% interest on said deposit and that he can readily obtain a safe loan for said money which will pay him at the rate of 6% per annum; that the costs of this suit since the last decree now amount to \$ Two dollars, which includes the costs of this decree and an attested copy thereof; that the total taxes now due on said funds amount to \$_____. Your petitioner, therefore, prays that a proper order be entered allowing him to withdraw said funds from said bank and that said suit be dismissed from the docket.

And he will ever pray.

Claudia A. Bracey

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon Rosa Bracy, Charles A. Bracy, Frankie A. Bracy and Mary A. Bracy, the defendants are all infants under the age of 21 years

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 Third Monday in August 1904, to answer a bill in chancery, exhibited against them in our said court for by Willie E. Bracy, Alice A. Barr and Joseph A. Barr her husband, Martha S. Barr and James A. Barr her husband and Rosa Bracy.

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the 13th day of August 1904, and in the 129 year of the Commonwealth.

N. F. Young clerk

W. E. Bracy et al.

vs.

{

SUBPOENA
IN
CHANCERY.

Bracy's Infants

Wm. S. Holland

p. 9

To 2^d August

Rules,

breint

Court.

1904

B 3119

In the Circuit Court for the County of Ile of Wight
to-wit:

THE ANSWER OF Rosa Bracy, Charles A. Bracy, Lelandie
A. Bracy, and Mary A. Bracy

infants under the age of twenty-one years, by E. E. Hall and
guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against
themselves and others in the circuit Court for the county of
Ile of Wight, by Willie E. Bracy and others.

The respondents, reserving to themselves the benefit of all just exceptions to the said bill, for
answer thereto, answering by said guardian *ad litem*, say that they are infants of
tender years, and by reason of such disability one incapable of understanding, or of
taking care of their rights and interests, they therefore commend the same
to the protection of the court, and prays that no decree may be pronounced which will tend
to their prejudice.

And having answered, the respondent prays to be hence dismissed with their
reasonable costs, in this behalf expended; and they will ever pray, &c.

E. E. Hall and

Guardian *ad litem*.

W. J. Hall and

p. d.

or

ss.

This day, _____, whose name is signed to
the foregoing answer, personally appeared before me,
and made oath that the statements made therein, so far as they depend upon his own knowl-
edge, are true, and so far as they depend upon knowledge derived from others he believes them
to be true.

Given under my hand, this _____ day of _____ 19____

Bracy's Infants

adv. }

ANSWER
OF
INFANT DEFENDANT.

Willie B. Bracy et al.

Commissioner's Office,

Ile of Wight, County Dec. 16th. 1904.

To the Circuit Court of Isle of Wight County,

Pursuant to a decree of the Circuit Court of Isle of Wight County rendered on the 5th. day of Oct. 1904, in the Chancery suit therein depending, wherein Willie E. Bracy, Alice A. Carr and Joseph A. Carr, her husband, Martha S. Carr and James A. Carr her husband and Rosa Bracy are Plaintiffs and Rosa Bracy, Charles A. Bracy, Claudie A. Bracy and Mary A. Bracy the defendants are all infants under the age of twenty-one years, and are defendants, it was ordered that one of the Commissioners of this Court take state and report to Court the following inquiries and accounts. 1st. The annual and fee-simple value of the land in the Bill and proceedings mentioned, and whether there are any delinquent taxes due thereon. 2nd. Whether or not the land in the bill and proceedings mentioned can be partitioned in kind. 3rd. the names of the parties interested and their shares. 4th. Any matter specially stated, deemed pertinent by the Commissioner as required by any party in interest.

The papers in this cause having been referred to the undersigned one of the Commissioners of your Court, he begs to report, that on Dec. 8th. 1904, he issued notices directed to all the parties plaintiffs and defendants which said notices were duly executed and herewith filed and from which it appears that your Commissioner fixed upon the 16th. day of Dec. 1904 at his office to take and state the inquiries hereinbefore mentioned. Your Commissioner begs to report the from the evidence before him which said evidence is herewith file as a part of this report, he is of the opinion that \$50.00 would be a fair annual value and \$600.00 would be a fair fee-simple value of the land in the bill and proceedings mentioned. That there are no delinquent taxes due on the said land, and that he does not think it would be to the interest of the parties to partition the said land in kind.

Your Commissioner would report that the heirs of Dianna E. Bracy are as follows: Willie E. Bracy, Alice A. Carr, who was Bracy, Martha S. Carr who was Bracy, Rosa Bracy, Mary A Bracy, Charles A. Bracy, who ~~xxx~~ are a

each entitled to one seventh of the land in the Bill mentioned.

Respectfully Submitted,

A. D. Murray
Comm. in Chancery.

*Time and charges
Comm. fee 7.00*

The depositions of C. W. Bailey taken before me, N. F. Young, Commissione, this 16th. day of Dec. 1904 to be read as evidence in the suit of W. E. Bracy et als. vs. Bracy's infants.

C. W. Bailey a witness of lawful age being duly sworn deposes and says in answer to questions as follows:

Ques. 1 State your name, age, residence and if you are related by blood or marriage to the parties to the suit of W. E. Bracy et als vs. Bracey's Infants?

Ans. C. W. Bailey is my name, age 54, residence Windsor Isle of Wight County and I am not related by Blood or marriage to the parties in the suit mentioned.

Ques. 2 Please state how long you have known the land in the bill mentioned belonging to the estate of Dianna E. Bracy, and the annual or rental value and also the fee simple value and do you think the land could be divided among the seven parties mentioned in the bill without seriously impairing the value of the shares of each?

Ans. I have known the land about thirty years, I would say \$50.00 would be a fair annual rent for the land, land is selling very high now and I would say \$600.00 would be a fair valuation for the land in fee simple. I do not think it can be divided among the parties, if it was divided in three equal parts one of these parts would not sell for one-third as much as the whole would sell for in my opinion.

And further this deponent saith not.

C. W. Bailey

Subscribed and sworn to before me by C. W. Bailey this 16th. day of Dec. 1904.

N. F. Young

Comr.

W. E. Bracy et al

vs. } Report of
 } Comr. Young

Bracy's Infants

Filed December 16th 1904

W.E.Bracy et.als.

vs

Bracy et. Als.

The undersigned the Special Commissioner of sale of the Circuit Court of the county of Isle of Wight in this suit, begs to report to the court, that pursuant to a decree entered in the said cause on the 16th day of January 1905 he advertised the time, terms and place of the sale of the lands in the bill and proceedings mentioned as therein required, and on the 18th day of February 1905 exposed the said land to sale by public auction, at which sale Matthew B.Carr became the last and highest bidder at the price and sum of fifteen hundred dollars, as will appear by an endorsement of the crier at the said sale on the back of one of the posters advertising the said sale which is hereto attached as a part of this report.

Your Special Commissioner says that the sale is almost twice the sum which the Commissioner in Chancery reported as the value of the land, and is a very good sale. The adult parties to the suit were present at the sale in person or by some representative and so far as your commissioner could learn were fully satisfied with the last bid. Mr. Carr the last bidder said he had to borrow the money and expected to pay all in cash whenever a deed can be made to him.

Your commissioner recommends a confirmation of the said sale.

Respectfully Submitted,

Wm. J. Hall and

Special

Commissioner.

W.E. Bracy et. al.

rs {

Bracy et. al.

Rept of sale to M.B.
to or for \$1500 made
July 18th 1905.

Sale of Valuable Farm by PUBLIC AUCTION!

By virtue of a decree of the Circuit Court of Isle of Wight County in the cause of W. E. Bracey et. als. vs. Bracey et. als., entered on the 16th day of January, 1905, I shall offer for sale to the highest bidder at public auction, at Carrsville, in front of the depot building, on

SATURDAY, FEBRUARY 18, 1905,

..At 10 O'clock A. M., Sharp..

All that certain tract of land in the bill and proceedings mentioned of which Diana E. Bracey, died, seised and possesse, containing 60 acres, more or less, sale and conveyance in gross and not by the acre and which is bounded by the lands of Jos. H. Duck, estates of Camilla C. Barrett and Edwin C. Bradshaw, and others.

This is a very valuable farm and has some saw-mill timber on it.

TERMS: One-third cash and the rest in one and two years after date with interest from day of sale, with privilege to purchaser to pay all cash and take a deed. Title to be retained until the further order of the court.

Wm. S. HOLLAND, Special Commissioner.

Feb. 7th. 1905.

In the Clerk's Office of the Circuit Court of the County of Isle of Wight.

W. E. Bracey, et. als., ...Plaintiffs,
against

Bracey's infants,.....Defendants.

I, N. F. Young, Clerk of the said Court, do certify that the bond required of the Special Commissior by the decree rendered in said cause on the 16th day of January, 1905, has been duly given.

Given under my hand as Clerk of the said Court, this 6th day of February, 1905.

N. F. YOUNG, Clerk.

*Enclosed find 7 and not sold
but return for name of the family*

Bid by Matthew B Carr
at \$15.00

Jas A. Johnson over

Recd. July 18th 1905 of
Wm S. Haller the sum of five
dollars for services
as crew for filling
this lot
Jas A. Johnson over

Matthew B Carr
Cincinnati
Va.

I, E. Joyner, a Justice of the Peace in and for the County of Nansemond in the State of Virginia do certify that Rosa ~~E~~ Bracey came before me in my said county and made solemn affirmation in due form of law that she is twenty-one years old; and that Martha S. Carr also came before me in my said county and made solemn affirmation in due form of law that she is the sister of the said Rosa ~~E~~ Bracey and that she believes her said sister is twenty-one years old and believes that her said sister is competent to receive her share of the funds in the hands of Wm. S. Holland, Spedial Commissioner in the suit of W. E. Bracey et als vs Bracey et als; and that the said Rosa ~~E~~ Bracey and Martha S. Carr have made their signature to this paper after having it carefully read to them.

E. Joyner J.P.

Rosa ^{her} ~~E~~ Bracey
Martha ^{her} ~~S~~ Carr

WITNESS

J. R. Holland

W.B. Bracy et al

vs Σ

Bracy et al.

Report of collection
and disbursements and
deposits.

Filed by leave of court
March Term 1905.

W. E. Bracey et als #
vs #
Bracey et als #
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TO THE HONORABLE, ROBERT R. PRENTIS,
JUDGE OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

The undersigned, the Special Commissioner of this court in this cause begs to report that pursuant to a decree entered herein on the 21st day of February 1905, he executed and delivered to Matthew B. Carr a deed with special warranty for the land in the bill and proceedings mentioned after collecting from him the sum of fifteen hundred (1500) dollars, the purchase price of the said land as by the report of sale.

Your Commissioner begs further to report, that he has paid the cost of this suit and said sale and has paid the adult defendants their shares of the proceeds of the said sale, as will appear by vouchers herewith filed. The undersigned files herewith a statement showing the money received and the distribution made. There is left in the hands of the undersigned the sum of five hundred and eighty-three (583) dollars and fourteen (14) cents, which is the shares of the three infants, Charles A. Bracey, Claudie A. Bracey and Mary A. Bracey. At the time of the bringing of this suit Rosa Bracey was under the age of twenty-one years, but has recently arrived at her majority and her share has been paid to her.

The undersigned reports that he has deposited, in the Farmers Bank of Nansemond, the said sum of money belonging to the said infant defendants and files herewith a certificate of deposit. As will be shown by the copy of a receipt given to W. E. Bracey and J.A.Carr, acting administrators of Dianna E. Bracey, deceased, I have received from them forty-four (44) dollars and forty-three (43) cents, it being the shares of the said three infant defendants in the personal estate of their said mother, the said Dianna E. Bracey. I have taken the money and deposited it in

bank along with their shares of the proceeds of the sale of the land saying to them, I would do so without any charge and that the money could be disposed of under orders of court.

Respectfully submitted,

W. S. Hall and

Special Commissioner.

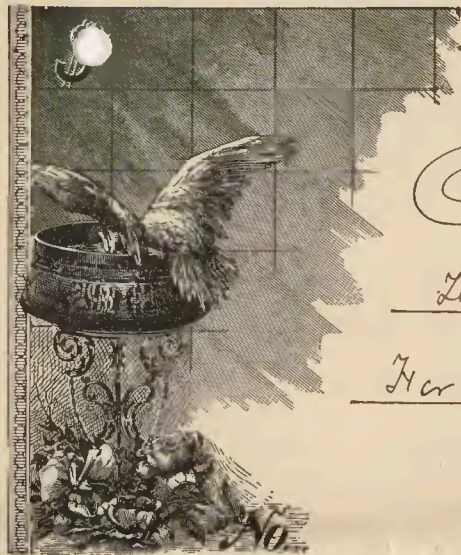
A STATEMENT OF AMOUNT COLLECTED AND DISBURSEMENT AND DEPOSITE
OF SAME IN THE SUIT OF W. E. Bracey et als vs Bracey et als.

By purchase price of land	\$1500.00	
To paid costs to N.F.Young, Clerk and Commissioner	<i>etc do</i>	\$ 12.84
" " writ tax	<i>3662</i>	1.50
" " crier as per receipt with report of sale		5.00
" " Wm. S. Holland, atto., fee allowed by decree		75.00
" " Wm. S. Holland, Commissioner of sale commissions		39.00
" " Wm. S. Holland for drawing deed to purchaser		5.00
" " Sheriff fee		1.00
" " W. E. Bracey heir at law	<i>rept</i>	194.38
" " A. A. Carr " " "	<i>11</i>	194.38
" " M. S. Carr " " "	<i>11</i>	194.38
" " Rosa Bracey " " "	<i>(24 check 3696)</i>	194.38
" Deposited in the Farmers Bank of Nansemond for		
Charles A., Claudie A., and Mary A. Bracey	<u>583.14</u>	
	\$1500.00	\$1500.00

*P.S.
I omitted a tax
acct paid by
me which
is filed herewith.
W.S. H
Spec. com.*

RECEIVED, February 25, 1905, from Wm. S. Holland, Special Commissioner in the suit of W. E. Bracey et als vs Bracey et als the sum of twelve (12) dollars and eighty-four (84) cents, paid by check in full of my fees as clerk and commissioner in said chancery suit.

W. S. Holland



February 25th

1905

Received from W. J. Hall and Spe. Carr.

Two &

$\frac{32}{100}$ Dollars

For taxes for 1904 on Emma E. Bray land

Mathew D. Carr

Recorder of land

RECEIVED of Wm. S. Holland, Special Commissioner in the suit of
W. E. Bracey et als vs Bracey et als the sum of five hundred and eighty-
three (583) dollars and fourteen (14) cents in cash which is one hun-
dred and ninety-four (194) dollars each, in full of our respective
shares of the funds in the hands of Wm. S. Holland, Special Commission-
er arising from sale of lands of Mrs. Dianna E. Bracey, deceased.

WITNESS

J. A. Carr

James A. Carr

W. E. Bracey

A. C. Carr

M. F. Carr

RECEIVED, February 25, 1905 of W. E. Bracey and J. A. Carr acting administrators of Dianna E. Bracey, deceased, the sum of forty-four (44) dollars and forty-three (43) cents, it being the shares of Charles A. Bracey, Claudie A. Bracey and Mary A. Bracey, infant children of said Dianna E. Bracey, deceased, in the personal estate of their mother which I am to deposit, invest or pay to the guardian of said infants under an order of court, along with their shares in the lands of the said Mrs. Dianna E. Bracey, deceased.

W. S. Halland Sec. Cur
W. E. Bracy et al. v. Bracy et al.

RECEIVED, February 25, 1905 of W. E. Bracey and J. A. Carr acting administrators of Dianna E. Bracey, deceased, the sum of forty-four (44) dollars and forty-three (43) cents, it being the shares of Charles A. Bracey, Claudie A. Bracey and Mary A. Bracey, infant children of said Dianna E. Bracey, deceased, in the personal estate of their mother which I am to deposit, invest or pay to the guardian of said infants under an order of court, along with their shares in the lands of the said Mrs. Dianna E. Bracey, deceased.

Wm. J. Haller

Spec. Com. in Buy W.E. v
Buy et al

VIRGINIA PASSENGER AND POWER COMPANY,
RICHMOND PASSENGER AND POWER COMPANY,
RICHMOND TRACTION COMPANY,
And Lines Owned, Operated or Controlled.
WM. NORTHROP AND H. T. WICKHAM, Receivers.

PETERSBURG, VA.,

Oct 20 1906

Mr J R Bragg

Dear Sir

Yours of the 20th
has and Reply well say as I have
Decided that it was best for me to
let Charles A. Bragg share Reiman in
the Bank just as it has been a
so you can provide as you see proper
to be done.

I remain

Yours Truly
W E Bragg

$$\begin{array}{r}
 76.00 \\
 50.95 \\
 \hline
 126.95 \\
 49.07 \\
 \hline
 77.88
 \end{array}$$

$$\begin{array}{r}
 16.02 \\
 29.71 \\
 8.34 \\
 \hline
 49.07 \text{ due by J a bar}
 \end{array}$$

due by W. E. Bray 12.40

.. Addie Bonell 13.40
49.07

74.89 ten cents in all.

$$\begin{array}{r}
 74.89 \\
 1.00 \\
 16.02 \\
 29.71 \\
 25.00 \\
 43.20 \\
 \hline
 189.82 \\
 8.60 \\
 \hline
 198.42
 \end{array}$$

$$\begin{array}{r}
 133.57 \\
 21.00 \\
 86 \\
 \hline
 230.57
 \end{array}$$

$$\begin{array}{r}
 50.95 \\
 76.00 \\
 13.20 \\
 \hline
 140.15 \\
 49.07 \\
 \hline
 91.08
 \end{array}$$

$$\begin{array}{r}
 91.08 \\
 12.40 \\
 25.00 \\
 76.02 \\
 29.71 \\
 1.00 \\
 43.20 \\
 8.60 \\
 \hline
 227.01
 \end{array}$$

$$\begin{array}{r}
 227.01 \\
 334 \\
 \hline
 230.35
 \end{array}$$

US.

No.

Windsor Station, Va.,

190

By	Cash for che. Recd		12.40
"	" " " Recd		6.50
"	7 Bonells of Am & ^{\$} 3.05		21.38
"	750 lbs. fodder		7.50
"	Rent from J.A. Carr		76.00
"	cash apt in house		<u>2.7</u>
To	for	3.34	144.75
"	" 2 R.H. Dargatz	29.71	
"	" R.B. White	16.02	
"	" W.E. Poracy	8.60	
"	" J.W. Dargatz Jr. sum	43.20	
"	" W.H. Hallaw Coffin	25.00	
"	" J.A. Carr apt	50.95	
"	" J.A. Johnson	1.00	
		<u>177.82</u>	

A STATEMENT OF THE PERSONAL ESTATE OF MRS.
 DIANA E. BRACEY AND ALSO ONE YEARS RENT AD-
 MINISTERED BY W. E. BRACEY AND J. A. CARR
 ACTING ADMINISTRATORS WITHOUT BEING APPOINT-
 ED AND QUALIFIED BY ANY COURT.

1905

Jan.

To amount of sales as shown by account of
 sales kept by S. A. Barrett

\$133 57

By cash found in house

21 00

1905

Jan. 1

" Rent of land for 1904

76 00

Feb. 23

To paid taxes

3.34

" " W. E. Bracey for labor

8.60

" " Holland for coffin

25.00

" " J. A. Johnson J. P.

1.00

" " R.B.White & Co. store account

16.02

" " E. R.H.Daughtry store account

29.71

" " G.W.Daughtry for guano

43.20

" Amount in hand W. E. Bracey

12.40

" " " " J. A. Carr

91.30

\$230 57 \$230.57

Rec'd Feb 25th 1905 of W.E. Bracey
 & J.A. Carr each the sum
 of fourteen (14) dollars & 01st one
 cent, it being our shares in full
 of the personal estate of Mrs
 Diana E. Pierce dec'd.
 W. E. Bracey
 J. A. Carr

October 24th, 1906.

Mr. W. E. Bracey,

Petersburg, Va.

My dear Sir:

Replying to yours of the 22nd inst.

I note that the children of Mrs. Alice Carr are named Floyd Carr, Rochell Carr and Anna Carr. From my examination of the papers it would appear that your mother left seven children, viz. W. E. Bracey, Alice A. Carr, Martha A. Carr, Rob't Bracey, Mary A. Bracey, Charles A. Bracey and Claudia A. Bracey. At the time the suit was instituted the last three were under the age of twenty-one years. The money derived from the sale of the real estate as well as the personal property, which you turned over to Mr. Holland, has been all distributed except the amount then due Charles A. Bracey, Claudia A. Bracey and Mary A. Bracey, which according to the certificate of deposit filed in the papers amounting to \$627.57 with interest at the rate of 3% from February 28th, 1905. You will, therefore, see that there is now due the three last mentioned heirs about \$660.00 or will be when I can get the decree in December. It is, therefore, evident that each one of these infants will be, in round numbers, entitled to \$220.00. Therefore, by the death of Charles A. Bracey the six remaining heirs are entitled to \$36.66 $\frac{2}{3}$ each from his share.

2/.....Mr. W. E. Bracey.

This would give Mary A. Bracey and Claudia A. Bracey each about \$256.662/3rds. The three children of Mrs. Alice Carr will receive about \$12.22 each.

Now the proper method of procedure is to have a petition signed by all the heirs setting forth the death of Charles A. Bracey and the fact that Mary A. Bracey has become of age and asking the Court to pay over the interest of Mary A. Bracey to her and to distribute the interest of Charles A. Bracey. You can then have paid over to you as guardian for Claudia A. Bracey her interest.

The bond required would be about \$500.00.

I have advised this because I thought you could probably put the money to better use than leaving it in bank at only 3% interest. Of course, if you prefer that it should remain there it will not be necessary for you to qualify.

can then obtain an order to pay over the money to you.

If you will write me whether or not you wish to qualify as guardian or to leave the money in the bank I will

draw the necessary papers and send them to you to be

signed so there will be no delay in securing the proper order at the December term of the Circuit Court of

Isle of Wight County.

Yours very truly,

B/E

And it appearing to the Court that there is nothing further to be done in this cause it is ordered that the same be stricken from the docket.

Gracy
d. Final Dece
Gracy

CORB # 6 8624

1909.
Ch. 4.
Custodian.
J. H. D.

JAMES U. BURGESS.
ATTORNEY AT LAW,
POST OFFICE BUILDING
SUFFOLK, VA.

SUFFOLK HERALD CORPORATION PRINT, SUFFOLK, VA.

DECREE FOR DISTRIBUTION.

IN THE CIRCUIT COURT OF EAST OF MICHIGAN COUNTY, VIRGINIA.

Willie E. Bracey et als, ...Complainants.
vs.

Bracey's Infants.....Defendants.

This cause came on this day to be farther heard on the papers formerly read and on the petition of Willie E. Bracey, Joseph A. Carr, husband of Alice A. Carr, deceased, Martha S. Carr and James A. Carr, her husband, Rosa Bracey and Mary A. Bracey and was argued by Counsel.

On consideration whereof, it appearing to the Court that on the 28th day of February, 1905, there was deposited in the Farmers Bank of Sandston, Suffolk, Virginia, to the credit of "Wm. S. Holland, special commissioner, Bracey vs. Bracey" the sum of six hundred and twenty-seven and 57/100 dollars (\$627.57) said sum being at that time the shares of Mary A. Bracey, Charles A. Bracey and Claudie A. Bracey, infants, in the proceeds of the sale of the real estate in the bill and proceedings mentioned as well as the sum of forty-four and 43/100 dollars (\$44.43), which was paid over to said Wm. S. Holland, special commissioner, for them by the ^{only} administrators of said Diana E. Bracey, deceased, as shown by decree entered herein on the 24th day of October, 1905, that said sum of money so deposited now amounts with interest to the sum of six hundred and **Sixty** and 50/100 dollars; that Charles A. Bracey has since said 28th day of February, 1905, departed this life intestate, leaving as his only heirs at law Willie E. Bracey, Martha S. Carr, Rosa Bracey, Mary A. Bracey and Alice A. Bracey, who is now deceased, leaving her husband, James A. Carr and three infant children, to-wit: Floyd Carr, Rachel Carr and Anna Carr; and it further appearing to the

Court that Mary A. Bracey is now above the age of twenty-one years, it is ordered that this cause henceforth proceed against her as an adult; the said W. S. Holland, the said special commissioner, by reason of his ill health desiring to endorse and deposit said certificate in said bank to the credit of this suit and be relieved from all further liability, it is adjudged, ordered and decreed that said W. S. Holland, special commissioner as aforesaid, shall be allowed to so endorse and deposit said certificate to the credit of this suit and thereupon be relieved from all further liability as such special commissioner. And the Court doth further adjudge, order and decree that Mary A. Bracey, Willie A. Bracey, Martha E. Carr and Rosa Bracey do check on an attested copy of this decree on the Farmers Bank of Saxecond, of Suffolk, Virginia, for the following amounts set opposite their respective names as follows, to-wit:

Mary A. Bracey
 Willie A. Bracey
 Martha E. Carr
 Rosa Bracey

256.50

36.64

36.64

36.64

And it further appearing to the Court that the infant children of Alice A. Carr are of tender years and are entirely dependant upon their father, Joseph A. Carr, for support; that said Joseph A. Carr is providing them with all the comforts and advantages that his means will allow, the Court doth further adjudge, order and decree that said Joseph A. Carr do likewise check on the said bank for the benefit of

~~himself and~~ said children for the sum of \$36.64
 Said sum of \$36.64 to be applied to the maintenance, education
 The said sum of money, which said petitioners are
 authorized to draw from said bank, being the amounts to
 which they are entitled after first paying the fees of the

*and support of
 the said children
 for their
 Carr's
 and support of*

Clerk of this Court for this decree and a copy thereof,
and the balance remaining being the amount to which Claudie
A. Bracey is entitled under the proceedings above mentioned.

The Court doth further adjudge, order and decree
that A. S. Johnson, the Clerk of this Court, do likewise check
on said bank for one dollar his fees in this
suit.

And this case is continued.

Gracy et al.
vs. ~~Thun for distraction~~
Gracy et al.

Dec 6 - 1906.
To be entered.
R. E. Boykin

Q. D. No. 406

J. U. BURGESS,
ATTORNEY-AT-LAW,
SUFFOLK, VA.

CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Willie E. Bracey et als.

vs) Chancery

Bracey's Infants.

This cause came on this day to be again heard on the papers formerly read and on the statement of counsel as to taxes due and unpaid, both to the County of Isle of Wight and the State of Virginia; on consideration, whereof, and it appearing to the court that the taxes on the funds deposited in the Farmer's Bank of Nansemond to the credit of this cause on the first day of February, 1906, have not been paid and now amounts to the sum of ~~\$8.68~~^{\$3.12}, the court doth adjudge, order and decree that B. L. Roberts, Treasurer of this county, do check on an attested copy of this decree on the funds now in the Farmers Bank of Nansemond, for the said amount of ~~\$8.68~~^{\$3.12} to pay the taxes aforesaid, and attach to his check the tax account for said year, marked paid.

Bracey et als.

vs)

Bracey et als.

To be entered Oct. 9th. 1907.

R. E. Boykin

C. O. D. No 6, page 520

W. E. Bracey et als #
vs #
Bracey et als #
#####

This cause came on this day to be again heard on the papers formerly read, on the report of Special Commissioner, Wm. S. Holland of collections, disbursements and deposit, this day filed by leave of court and was argued by counsel.

On consideration whereof, it appearing to the court that the said Special Commissioner, Wm. S. Holland has collected the purchase price of the land in the bill and proceedings mentioned, has paid out all the money in his hands by paying the cost of this suit and said sale, by paying to the adult parties their shares in full and by depositing in the Farmers Bank of Nansemond to the credit of "Wm. S. Holland, Special Commissioner, Bracey vs Bracey" the full shares of the infant defendants, Charles A. Bracey, Claudie A. Bracey, and Mary A. Bracey and has also deposited the sum of forty-four (44) dollars and forty-three (43) cents, received by him from the acting administrators of Dianna E. Bracey, deceased, it being the shares of the three infant defendants ^{said} in the personal estate of the said deceased, and the said report appearing to be supported by proper vouchers and a certificate of deposit filed with the papers for the sum of six hundred and twenty-seven (627) dollars and fifty-seven (57) cents, the court doth adjudge, order, and decree that the said report of Special Commissioner, Wm. S. Holland, to which there is no exception be, and the same is, hereby approved, ratified, and confirmed.

W. E. Bracey et als #
vs #
Bracey et als #
#####

D E C R E E .

To be entered.

Oct 24, 1905.

Robert C. Pantis

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY IN VACATION

THIS 21st DAY OF FEBRUARY 1905.

W. E. Bracey et als
vs
Bracey et als

#####

This cause came on this day to be again heard on the papers formerly read on the report of sale by Wm. S. Holland, Special Commissioner, filed this day by leave of court, and to which no exception has been filed, and on reasonable notice to the defendants ^{and the purchaser} when this decree would be applied for, and was argued by counsel.

On consideration whereof, the court doth adjudge, order and decree that the said report of Special Commissioner, Wm. S. Holland reporting the sale of the land in the bill and proceedings mentioned to Matthew B. Carr at the price and sum of fifteen hundred (1500) dollars, of which no part has been paid, but the purchaser offering to pay all in cash, be, and the same is hereby approved, ratified and confirmed.

And the court doth further adjudge, order and decree that Wm. S. Holland, who is hereby appointed a Special Commissioner for that purpose, make, execute and deliver to the said Mathew B. Carr, so soon as he shall pay the said fifteen hundred (1500) dollars for the said tract of land, a good and sufficient deed conveying with special warranty the tract of land sold as aforesaid unto him, the said purchaser.

And the court doth further adjudge, order and decree that out of the funds to come in hand from the sale of the said land, the said Special Commissioner shall pay, first; the cost of said suit and sale including a fee of \$75- to Wm. S. Holland, attorney for the parties interested and including any tax that may be due upon the said property; and the said Special Commissioner shall pay to the other parties their shares, the dividend of each party being less than three (300) dollars, the same shall be paid to the guardians of such infant defendants, the

court being first satisfied that such guardian has given bond with sufficient penalty and with surety sufficient for the security of the same, and the said Special Commissioner shall make report to court.

Robert R. Hunt
To the Clerk of the
Circuit Court of
Isle of Wight County:

In the Clerk's Office of the Circuit Court of Isle of Wight County, this 22nd. day of February, 1905, this vacation decree was received and entered of record.

TESTE: A. J. Young C.C.

W. E. Bracey et als #
vs #
Bracey et als #
#####

DECREE.

Order Book 6 page,
To be entered. 203,

February 2nd, 1905.

Robert H. Huntis

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY IN VACATION

THIS 16TH DAY OF JANUARY, 1905.

W. E. Bracey et als
vs
Bracey's Infants
#

This cause came on this day to be heard in vacation ^{by} consent of parties entered of record that ~~the papers in~~ ^{the adults by counsel and the infants by their Guardian ad litem here} this cause be submitted to the Judge of this court ^{in vacation} for such decisions and decrees as might be entered in term; on the papers formerly read; on the report of Commissioner N. F. Young filed herein on the 16th day of December, 1904, to which no exception has been filed, and was argued by counsel.

On consideration whereof the court doth adjudge, order, and decree that said report of Commissioner Young be, and the same is, hereby approved, ratified and confirmed; and the court doth further adjudge, order, and decree that Wm. S. Holland, who is hereby appointed a Special Commissioner for that purpose, sell the land in the bill and proceedings mentioned by public auction on the premises or at Carrsville, Va., for cash one-third, and the rest one and two years after date, title to be retained until the further order of court, purchaser to pay interest from day of sale on the deferred payments, sale to be made after advertising the terms, time, and place of sale for at least three weeks by printed handbills posted in the neighborhood of the land, but before the said Special Commissioner shall do anything under this decree, he shall execute a bond in the penalty of \$1000, before the Clerk of this court, with surety by said Clerk deemed sufficient, payable according to law, and conditioned for the faithful performance of his duties under this and all subsequent decrees entered in this cause.

And it is ordered that the said Special Commissioner make report to court. ^{All of which is hereby certified to the Clerk of this Court to be entered in the chancery order book.}

ROBERT R. PRINCE

TO THE CLERK OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

In the Clerk's Office of the Circuit Court of Isle of Wight County,
this 19th day of January, 1905 the foregoing vacation order was read and
entered of record in Chancery Order Book No. 6, page _____.

N. B. Lanning

W. E. Bracey et als
vs
Bracey's Infants
#####

D E C R E E .

To be entered.
January 16th, 1905.

Robert R. Hunt

We consent to this decree
W. S. Halloway Jr.

I consent to a vacation
decreed E. E. Halloway
God and Amen

Chancery Order Book page 395-

Willie E. Bracy et al (Enter names of all the plaintiffs)

vs

Bracy et al (Enter names of all the defendants)

This cause came on this day to be heard on the bill of complaint, on the answer of the infant defendants, ^{E. E. Holland Esq} by their ^{cognomen ad litem} duly assigned ^{to defend them in this suit} as rules, and was argued by counsel:

On consideration whereof, the Court doth adjudge, order and decree that one of the Commissioners of this Court, to whom the papers ~~may be~~ ^{are} referred, take, state and report to Court the following inquiries and accounts:

- (1) The annual and fee simple value of the land in the bill and proceedings mentioned, and whether there are any ^{defendant taxes due thereon.}
- (2) Whether or not the land in the bill and proceedings mentioned can be partitioned in kind
- (3) The names of the parties interested and their shares
- (4) Any matter ^{specially stated} deemed pertinent by the commissioners ^{required by} or any party in interest.

W.D. Bracy et al.

vs
2

Bracy's Infants

de cur

Oct 5th 1904

To be entered

Robert R. Hunt

Chancery order

Book No. 6. p. 390

J. U. BURGESS,
ATTORNEY AT LAW,
COMMONWEALTH'S ATTORNEY FOR NANSEMOND COUNTY
SUFFOLK, VA.

STATE OF VIRGINIA,
To-wit:
County of Nansemond.

Personally appeared before me, J. H. Burgess,
a Notary Public in and for the County and State afore-
said, E. G. Goyner, who being duly sworn
says that he knows Claudia A. Bracey and believes him to be
of sufficient age and discretion to properly use and invest
the money which he desires paid to him out of the proceeds in
the suit of Bracey vs. Bracey, which he is informed is less than
three hundred dollars.

E. G. Goyner
Subscribed and sworn to

before me a Notary Public
this 21st day of September, 1909.

J. H. Burgess

J. U. BURGESS,
ATTORNEY AT LAW,
COMMONWEALTH'S ATTORNEY FOR NANSEMOND COUNTY
SUFFOLK, VA.

September 15th, 1909.

Honorable B. D. White,

Judge of the Circuit Court of Isle of Wight County,
Virginia.

Dear Sir:

I am advised that my brother, Claudia A. Bracey,
desires to withdraw the money now deposited to his credit
in the Farmers Bank of Nansemond, Suffolk, Virginia, in the
suit of Bracey vs. Bracey.

He is eighteen years of age and I am sure that he
has sufficient judgment and discretion to properly expend
said money if paid to him and I ask that the same be done.

Yours very respectfully,

W. E. Bracey

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

Willie E. Bracey et als.....Complainants.

vs.

Bracey Infants.....Defendants.

This cause came on this day to be again heard on the papers formerly read and on the petition of Claudia A. Bracey with the exhibits filed therewith, and was argued by Counsel.

On consideration whereof, it appearing to the Court that there is now deposited in the Farmers Bank of Nansemond, Suffolk, Virginia, to the credit of this cause, the sum of two hundred and fifty-six and 44/100 dollars with interest at the rate of 3% per annum from the 20th day of December, 1906, until paid, which said sum is the amount due Claudia A. Bracey as shown by decrees heretofore entered in this cause; that the said Claudia A. Bracey is now over the age of eighteen years and is engaged in the business of farming; and that he is of sufficient age and discretion to use said funds judiciously, the Court doth adjudge, order and decree that Claudia A. Bracey be, and hereby is, authorized and empowered to check, ~~by checks drawn by James U. Burges, his attorney,~~ on an attested copy of this decree, on the Farmers Bank of Nansemond, Suffolk, Virginia, for the balance remaining after the payment of the costs of this decree and the taxes assessed against said funds.

The Court doth further adjudge, order and decree that A. S. Johnson, Clerk of this Court, do likewise check on said bank for \$2.00 his fees in this suit; and ~~that B. I. Roberts, Treasurer, do likewise check on said bank for the sum of \$ taxes due on said funds.~~

Commissioner's Office,

December 8th 1904

189

To Willie E. Boacy, Alice A. Boan and Joseph A. Boan her husband, Martha
L. Boan and James A. Boan her husband and Rosa Boacy, plaintiffs
Rosa Boacy, Charles A. Boacy, Blandie A. Boacy and Mary A. Boacy,
the defendants are all infants under the age of 21 years defendants and
Col. E. E. Hall and guardian ad litem for said infants

You are hereby notified that I have fixed upon the 16th day of December 1904 next,

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

of following inquisition and accounts. First, The annual and fee simple value of the land in the
bill and proceedings mentioned and whether there are any delinquent taxes due thereon. 2 Whether
or not the land in the bill and proceedings mentioned can be partitioned in kind. 3 The names
of the parties interested and their shares. 4 Any matter specially stated deemed pertinent
by the Commissioner or requested by any party in interest.

required to be taken by a decree of the Circuit Court of the County of Loudoun

rendered on the 8th day of October 1904 189 in a suit in chancery depending in said

Court between W. E. Boacy et al vs. Boacy's infants

at which time and place you are required to attend.

Given under my hand, as Commissioner in chancery of the said court, the day and year first aforesaid.

W. J. Young clerk

W. E. Bracy et al.

vs.

COMMISSIONER'S NOTICE.

Bracy Infants

We accept due and legal
service of the within
notice.

Dec 8th 1904

Plaintiffs by
Eug. Halland
their atts.

E. E. Halland
Guardian ad litem
for Rosa Bracy,
Chas. A. Bracy, (decd)
A. Bracy & Mary A.
Bracy infant etls.

TO COL. E. E. HOLLAND, GUARDIAN AD LITEM FOR THE INFANT DEFEND-
ENTS IN THE ABOVE STYLED SUIT:

W. E. Bracey et als

vs

Bracey et als

Please take notice that I shall apply to the Hon. Robert R. Pren-
tis, Judge of the Circuit Court of Isle of Wight County in vacation,
at his office in the town of Suffolk on the 21st day of February, 1905,
for a decree confirming sale of land and distribution of funds.

W. E. Bracey et als. by

W. S. Hallen

their attorney.

Due legal and sufficient service accepted

E. E. Holland

*Guard Ad Litem
Matthew B. Berry
by W. S. Hallen*