1890-014
Nansemond Co. (Suffolk) Chancery Causes: Amelia S Woods vs Exr of Jacob S. Shriver et al

Russell, Epes, Pillard, Tuggle, Epes, Tuggle & Co]

Note: Exhibit C, referred to in Bill, not found when processed 2/02 mmc

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON David Shriver (in his own right and as Executor of Jacob S. Shriver deceased) Annie Shriver his wife and Effie Russell

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the ~~first~~ third Monday in September 1888, to answer

a Bill in Chancery, exhibited against them

in the said Court by Amelia S. Woods

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 8th day of September 1888, in the 113th year of the Commonwealth.

Teste:

Peter B. Prentis Clerk.

I accept legal Service of the within =

Wm. Cosby, Jr,

for Mrs. Effie Russell & for

Wm H. Russell her Husband.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON David Shriver (in his own right and as Executor of Jacob S. Shriver, deceased) Annie Shriver, his wife and Effie Rufell

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the ~~first~~ this *Monday in* September 1888 ~~next,~~ *to answer a Bill in Chancery, exhibited against* them *in the said Court by* Amelia S. Woods.

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 8th *day of* September *18*88*, in the* 113*th year of the Commonwealth.*

Teste:

Peter B. Prentis *Clerk.*

I have Served a Copy of this procep in writing upon the within named David Shuren, and Amarie Shuren his wife September 12th 1888

Wm H Howell
Shff

Oneida S. Woods

Smith & Cby:

David Shuren et ux

vs

To Sept: Term 1888

E. E. Hollister
S. O. Morris
Atty's for Pltff

Fee: $1.00 Aug 6
Civil Co

To the Circuit Court of Nansemond County, Va.,

In pursuance of the decree of the Circuit Court of Nansemond County, Va. pronounced on the 10th. day of April 1889 in the Chancery cause depending in said Court between Amelia S. Woods, Complainant, and David Shriver, Annie Shriver and others, Defendants, the undersigned, Wilbur J. Kilby, one of the Commissioners in Chancery of said Court, respectfully reports to Court, that after he had been requested by the Counsel for the Complainant to take the papers in said Cause and proceed to execute said decree, he gave notice to the parties to said Cause that on the 28th. day of August 1889 at his office in Suffolk in said County, he would proceed to take, State and settle the several accounts required by said decree to be taken, stated and settled and that the parties to said Cause were required to

attend at the time and place named in said notice: that said notice was duly served upon said parties, as will appear by the endorsations upon the copies of said notice herewith returned: and that the proceedings before Your Commissioner, in the premises, were begun on said 28th. day of August 1889 and have been regularly adjourned and continued, since that time, from day to day, until this 13th. day of August 1890 when the same are completed, - the result of the proceedings being as follows, to wit:

Account No. 1

An Account of the debts due by David Shriver in his own right and as Executor of Jacob D. Shriver deceased, and especially of all debts due by him in his own right, or as Executor as aforesaid to the Plaintiff in this cause, the dates and proofs of same and their priorities:

The claim of Amelia S. Woods as lienor as stated, has been settled by a compromise between the said Amelia S. Woods and the said Executor of the last will and testament of said Jacob S. Shriver deceased.

1. Under this head, the Commissioner reports that the said David Shriver as Executor of the last will and testament of said Jacob S. Shriver deceased, was indebted, on the 15th. day of November 1886, to the Complainant, Amelia S. Woods, in the sum of $1472.87, with interest on $1057.89 part thereof from the 15th. day of November 1882, and on $415. the residue thereof, from the 1st. day of November 1886 till paid, as alleged in the Bill in said cause and sustained by Exhibit A filed with said Bill; the said exhibit having never been surcharged or falsified.

If the deed from said David Shriver to his wife, Annie (a copy of which is filed with the said Bill and marked exhibit B.) should be declared to be voluntary upon consideration not deemed valuable in law, or made with intent to hinder, delay and defraud his creditors. Then the said Amelia S. Woods would be entitled to the benefit of a

lien for the above-mentioned claim in her favor, upon all the estate, real and personal, conveyed by said deed from the time said cause or suit was brought, to wit, the 8th. day of September 1888,- such lien being prior to all other liens.

2. Under this same head, the Commissioner also reports a judgment against said David Shriver in favor of Epes, Driggs Bro. for the sum of $250. with interest thereon from the first day of July 1889 and $7.70 costs. This debt was contracted on the 9th. day of February 1889 and the judgment, obtained on the 18th. day of October 1889 in the Circuit Court of said County, was docketed in the office of the Clerk of the County Court of said County on the 28th. day of October 1889.

If the said deed should be adjudged fraudulent, made with fraudulent intent and tainted with actual fraud and therefore,

This judgment in favor of Epes, Driggs Bro. was duly filed by Robt. R. Pettit, as atto. for said Epes, Driggs Bro. this 26th. day of Nov. 1890.
Wilbur J. Miller Clk.

void as to the debt represented by said judgment though subsequently contracted, then the said Epes. Puggle Bro. would be entitled to the benefit of a lien for the amount of said judgment in their favor upon the estate conveyed by said deed and such lien would be the second lien upon said estate. This claim of Epes. Puggle Bro. is an individual debt of said David Shriver.

The Commissioner has no knowledge of any debts other than those stated above, due by said David Shriver in his own right or as Executor of said Jacob S. Shriver deceased either to said Complainant or any other person.

Account No. 2

An Account of all real estate owned by said David Shriver with its fee-simple and annual value and especially of the real estate conveyed by said David Shriver to Annie Shriver by deed dated the 8th day of February 1887 and duly recorded in the Clerk's office of Hardy County and referred to in the proceedings in this cause with its fee-simple and annual value together with any matter specially stated deemed pertinent by the Commissioner, or required by any party to be so stated.

Under this head the Commissioner reports that prior to the 8th. day of February 1887 said David Shriver was seised and possessed of an undivided two-thirds (2/3) interest ~~in and~~ fee-simple in all that certain parcel of land situated in Lower Parish in Sleepy Hole Magisterial District in said County, known as "Mintonsville, including "Dumplin Island"

containing nine hundred (900) acres more or less and bounded on the West by Chesemond River, on the South by the lands of the late Franklin Frisbee, and on the North and ~~South~~ east by the lands of Dr. Richard H. Beamon and a Creek known as Joses Creek together with all and singular the appurtenances belonging to the same, but on said 8th. day of February 1887. by the deed mentioned above of that date, he conveyed the same together with his personal estate, to his wife, Annie Shriver, in consideration of ~~the~~ his natural love and affection for his said wife for the purpose of making provision for her as far as he could and to place such provision beyond the power of ordinary casualties to destroy. Exhibit B aforesaid is a copy of said deed. The said land is ~~assessed for taxes at~~ about $10,000.00 ~~and that is about its present fee-simple value~~ while its rental value in its present condition which is not good, is about $400. The two-

thirds interest of said David Shriver in it, constitutes all of his real estate of which the Commissioner has any knowledge.

The Commissioner is not aware of any matter to be specially stated deemed pertinent by himself or required by any party to be so stated.

Respectfully submitted this 13th. day of August 1890.

Wilbur J. Kilby.
Comr. in Chancery.

Fee $25.00

To Amelia S. Woods. Complainant

and David Shriver (in his own right and as Executor of Jacob S. Shriver deceased) Annie Shriver his wife and Effie Russell and W. H. Russell her husband. Defendants

You are hereby notified that on the 28th. day of August 1889 at my office. in Suffolk. Va.. (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to Court in pursuance of the decree of the Circuit Court of Nansemond County, Va., rendered the 10th. day of April 1889 in the suit in chancery pending in said Court to which you are parties plaintiff and defendants, to wit:

1. An Account of the debts due by David Shriver in his own right and as Executor of Jacob S. Shriver deceased and especially of all debts due by him in his own right or as Executor as aforesaid to the Plaintiff in this cause, the dates and proofs of same and their priorities.

2. An Account of all real estate owned by said David Shriver with its fee-simple and annual value and especially of the real estate conveyed by said David Shriver to Annie Shriver by deed dated the 8th. day of February 1887 and duly recorded in the Clerk's office of Nansemond County and referred to in the proceedings in this cause with its fee-simple and annual value together with any matter specially stated deemed pertinent by myself or required by any party to be so stated.

Given under my hand, as Commissioner in Chancery of said Court, this 2nd day of August 1889

WILBUR S. KILBY,
Commissioner in Chancery.

Sufficient and legal service of this notice is hereby acknowledged and accepted by me this 7th day of August 1889

Davis & Herod
Attys for Amelia S. Woods

I have served this notice by delivering a copy thereof in writing to the within named David Shriver and a copy to the within named Annie Shriver this 12th. day of August 1889.

Wm H Howell
Sheriff
Sheriff of Hansemond
County

Amelia S. Woods

To Amelia S. Woods, Complainant

and David Shriver (in his own right and as Executor of Jacob S. Shriver deceased) Annie Shriver his wife and Effie Russell and W. H. Russell her husband, Defendant

You are hereby notified that on the 28th, day of August 1889 at my office, in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to Court in pursuance of the decree of the Circuit Court of Nansemond County, Va., rendered the 10th day of April 1889 in the suit in chancery pending in said Court to which you are parties plaintiff and defendant S, to wit:

1. An Account of the debts due by David Shriver in his own right and as Executor of Jacob S. Shriver deceased and especially of all debts due by him in his own right or as Executor as aforesaid to the Plaintiff in this cause, the dates and proofs of same and their priorities.

2. An account of all real estate owned by said David Shriver with its fee-simple and annual value and especially of the real estate conveyed by said David Shriver to Annie Shriver by deed dated the 8th, day of February 1887 and duly recorded in the Clerk's office of Nansemond County and referred to in the proceedings in this cause with its fee-simple and annual value together with any matter specially stated deemed pertinent by myself or required by any party to be so stated

Given under my hand, as Commissioner in Chancery of said Court, this 2nd, day of August 1889

WILBUR J. KILBY, JK,
Commissioner in Chancery.

Sufficient and legal service of this notice is hereby acknowledged and accepted by us this 7th. day of August 1889.

W.W. Corbin Jr, atty
for W.H. Russell & Effie his wife.

Woods

vs. } In Chy.

Shriver et al

Report of Comr.
under decree of
10 April 1889

Filed 13th August 1890.

C. J. D. Gaertt

Woods ads

vs In Chancery.

Shriver ads

With Consent of all parties it is ordered that the papers in this Cause may be submitted to the Judge of this Court for decision in Vacation

Woods ads
Vs Dr Chauncy
Shivier ads

Oct 16th 1889
To be Entered.
C W Hess

Entered Chauncey
Order Book No 2
P. 297

Amelia S. Woods
vs In Chancery
Shrivers Exrs

This cause came on this day to be heard upon the bill taken for confessed as to all the defendants, upon whom process has been served, and they still failing to appear, plead, answer or demur, and the Exhibits filed, and was argued by Counsel:
On Consideration whereof, the Court doth adjudge, order and decree that the papers in this Cause be referred to one of the Commissioners of this Court, who is directed to enquire into and report to Court.
1st An account of the debts due by Daid Shriver, in his own right, and as Executor of Jacob S. Shriver, deceased, and especially of all debts due by him, in his own right or as Executor as aforesaid, to the plaintiff in this Cause, the dates and proofs of same, and their priorities and
2nd An account of all real estate owned by said Daid Shriver with its fee simple and annual value, and especially of the real estate conveyed by said Daid Shriver to Annie Shriver by deed dated the 8th day of February 1887, and duly recorded in the Clerks Office of Hanson County, and referred to in the proceedings in this Cause, with its fee simple and annual value,
Which several reports the said Commissioner shall take, and report to Court, taking as prima facie each any account heretofore settled by said Executor except so far as the same may be surcharged and falsified together with any matter specially stated deemed pertinent by himself or required by any party to be so stated.

And on motion of the defendants' leave is given them to file their answer in this cause, within sixty days from the date hereof, which said answer is to have the same force and effect as if filed before this decree was entered.

Note
15 Exhibits
Sheets Each

Decree Filed 2nd June
A.D. 1889.
C. H. Dake
Clerk

Entered Chancery Order
Book No. 2 Page 258

CIRCUIT COURT OF NANSEMOND COUNTY.

Amelia S. Woods

vs.

David Shriver (in his own right and as Executor of Jacob S. Shriver deceased), Annie Shriver, his wife, and Effie Russell and W. H. Russell, her husband.

This cause came on this day to be further heard upon the papers formerly read and upon the report of Wilbur J. Kilby Commissioner in Chancery, dated and filed on the 13th. day of August 1890, to which report no exceptions have been taken, and was argued by counsel.

On consideration whereof, and it appearing to the Court that all the matters in controversy, in this cause, have been compromised and settled to the mutual satisfaction of all the parties to the suit, it is by consent, adjudged, ordered and decreed that this cause be dismissed and stricken from the docket.

Amelia S. Woods

vs. Decree

David Shriver and others.

Entered in Chancery Order book No 2. Page 338

Enter

C M C

Dec 11. 1890

We consent to this Decree.

Wilbur J. Kilby atty. for Epes. Tuggle & Co.

E. E. Holland Atty for Amelia S. Woods

Robert R. Prentis, Counsel for David Shriver & Annie Shriver.

Do Relts in the Clerk's Office of Nansemond County Court the 28th day of October 1889.
Teste: A. P. Gomey Clerk. D. C.

A judgment obtained in the Clerk's Office of the Circuit Court of Nansemond County and Confirmed at the Court held and Closed for the said County on Fridays the 18th. day of October 1889.

Freeman Epes, T. M. Dillard, R. W. Tuggle and J. F. Epes partners in trade and Manufacturers of Guano under the name and style of Epes, Tuggle & Co. Plaintiffs

Against } In Assumpsit

David Shriver

The judgment obtained at Rules not having been set aside, and the Plaintiffs being now entitled to a final judgment, it is therefore considered that the Plaintiffs recover against the defendant. Two hundred and fifty dollars the sum in the declaration mentioned, with interest at the rate of six per centum per annum from the 1st day of July 1889, till paid and their costs by them about their suit in this behalf expended.

And the said defendant in mercy &c.

Costs.

Clerk 3.70

Jas Atty 3.50

Shff .50

$7.70

A Copy,
Teste:
A. P. Gomey Clerk.

Woods

vs. } In Chy.

Shriver & al.

Exhibit W.
filed with
the Petition
of Epes. Suggle
Hes.

To the Honorable Chandler W. Hill, Circuit Court Judge for the County of Nansemond in the State of Virginia;

Humbly complaining, respectfully represent and show unto Your Honor, Your Petitioners Freeman Eppes, T. M. Dillard, R. W. Puggle and J. F. Eppes, partners in trade and manufacturers of Guano under the name and style of Eppes, Puggle & Co.

That on the 18th. day of October 1889 they recovered a judgment in the Circuit Court of Nansemond County against David Shriver for the sum of $750. with interest thereon from the first day of July 1889 till paid and $7.70 costs and that said judgment was docketed in the office of the Clerk of the County Court of said County on the 28th. day of October 1889, as will appear by a copy of said judgment herewith filed as part of this Petition and marked exhibit W.

That on the 8th. day of September 1888 a suit in Chancery was instituted in the Circuit Court of said County by Amelia S. Woods against said David Shriver in his own right and as Executor of Jacob S. Shriver deceased, and Annie Shriver, wife of said David Shriver and William H. Russell and Effie Russell his wife.

That the Bill in said suit charges that a certain deed or conveyance (a copy of which is filed as exhibit B. with said Bill) from said David Shriver to his wife, said Annie Shriver, dated the 8th. day of February 1887, was made with intent to delay, hinder and defraud the creditors of said David Shriver, that by its terms it is wholly voluntary and without consideration, that it is, therefore, null and void as to said Amelia S. Woods and her claim asserted in said Bill against said David Shriver and should be so adjudged in order that the

property thereby conveyed might be made available for the payment of said David Shriver's debts.

That the said Bill, therefore, prays that said deed may be annulled and set aside, that the property thereby conveyed may be sold, and the proceeds applied to the payment of the said claim of said Amelia S. Woods and that all proper and necessary accounts may be ordered etc.

Your Petitioners also charge that said deed or conveyance was made to effect a post-nuptial settlement of the property mentioned therein upon the wife of said David Shriver without valuable consideration; that it was a purely voluntary conveyance without consideration deemed valuable in law; that it was made with intent to delay, hinder and defraud the creditors of said David Shriver ~~and especially Your Petitioners~~ of and from what they are lawfully entitled to; and that it was made with fraudulent intent, is tainted with actual

fraud, and is, therefore, void not only as to the Creditors of said David Shriver whose claims were contracted prior to its date and recordation, but also as to the claim aforesaid of Your Petitioners though subsequently contracted.

Your Petitioners, therefore, pray that they may be made parties plaintiff in said suit along with said Amelia S. Woods as they are without remedy save in a Court of Equity: that the defendants in said Bill may also be made defendants to this Petition: that this Petition may be filed in said suit and considered therewith: that an account of all claims against said David Shriver including said claim of Your Petitioners may be taken and reported to Court: that an account of ~~said~~ the property conveyed by said deed and of the fee simple and annual values of the real estate portion thereof, may also be

taken and reported to Court; that said deed may be adjudged and declared to be voluntary and fraudulent, made with fraudulent intent and tainted with actual fraud and therefore, void as to Your Petitioners and their said claim: that said deed may be cancelled and annulled and the property thereby conveyed sold and the proceeds of the sale applied to the satisfaction and payment of the claim of Your Petitioners; and that all other further and general relief, which to Equity may seem proper and the nature of their case may require, may be granted. Your Petitioners, and as in duty bound, they will ever pray etc.

Epes Tuggle & Co.
by Wilbur J. Kilby
their Counsel.

10 Mar. 1890

Woods

vs. } In Chy.

Shriver & al.

Petition of Epes,
Tuggle &c.

Filed 12th March 1890
A P G Clerk

This Deed made this 8th. day of February A.D. 1887 between David Shriver of the one part, and Annie Shriver, wife of the said David Shriver, of the other part, both parties of Nansemond County, in the State of Virginia, Witnesseth That the said David Shriver, desiring to make provision for his wife, as far as he can, and to place such provision beyond the power of ordinary casualties to destroy, does, for that purpose, and in consideration of the natural love and affection, which he has and bears for his said wife, grant, bargain, sell, assign, transfer and set over with general warranty, unto the said Annie Shriver as and for her sole and separate estate and to her heirs and assigns forever, The following Real and Personal property, to wit: First an undivided two thirds (2/3) interest, on that certain tract or parcel of land, lying and being in the Lower Parish of Nansemond County, Virginia, known as "Mintonsville," including Dumplin

Island" containing Nine hundred (900) acres, more or less, bounded as follows, viz: on the West by Nansemond River: South by the lands of the late Franklin Disbee, and North and East by the lands of Dr. Richard H. Beamon and a creek known as Joses Creek, together with all and singular the appurtenances belonging to the same; being the same land which was conveyed to David Shriver and Samuel Shriver by Jacob S. Shriver and wife, by deed duly recorded in the Clerk's Office of Nansemond County Court, in Deed Book. No 3 on pages 176-177-178 since which conveyance, the said David Shriver has acquired title to an undivided Sixth (1/6) of said land by the Last Will and Testament of the said Samuel S. Shriver together with all and singular the appurtenances belonging to the same.

Second all the personal and Chattel property of every sort, kind and description on said land consisting of household and kitchen furniture, farming implements of every kind, riding vehicles,

provender of all sorts, stock of all kinds, including horses, cattle, hogs and the future increase thereof.

To Have and to Hold the said Real and Personal property unto the said Annie Shriver as and for her sole and separate use, benefit and behoof, as if she were a feme sole and unmarried and with power and authority to her, the said Annie Shriver, to sell, grant and give any of the said property, real or personal, or to dispose of the same by will, made as if she were a single woman, to whomsoever she may think proper and to borrow money thereon and secure the payment thereof by Mortgage or Deed of Trust.

In witness whereof the said David Shriver has hereunto set his hand and affixed his seal, the day, month and year first herein written.

David Shriver [Seal]

In the clerk's office of Nansemond

County Court, the 4th day of April 1887.
This Deed of Settlement was presented and acknowledged by David Shriver and thereupon admitted to record.

Teste:
Peter B. Prentis Clerk

A copy
Teste:
Peter B. Prentis. Clerk.

Amelia S. Edwards
Complainant
vs.
Filed with Bill.
Shriver's Exrs &c

Commissioner's Office, Richmond, Va
March 31st 1888.

To the Chancery Court of Richmond City.

I respectfully report that in the month of November 1886 David Shriver, Exr., J. S. Shriver, decd., laid before Your Commissioner a Statement of all the moneys he had received or become Chargeable with from the date of his qualification on Nov. 15th. 1881 to Nov. 15th 1886, together with his Vouchers for disbursements. I included the said Executor in the list of fiduciaries, whose accounts were before me for settlement, which I posted at the front door of the Hustings Court of Richmond City on the 6th of December 1886, the first day of the December term of said Court. I was also requested to settle account between the estate of Jacob S. Shriver, decd., and his legatees. After examining the papers placed before me and the records of this Court, I found that the Will of J. S. Shriver decd., was admitted to probate in this Court on the 9th October 1876 (having been previously admitted to probate in Ohio County West Va.) and that the will appointed the testator two sons S. S. Shriver & David Shriver as his Executors without requiring security of them. On Oct. 9th 1876. S. S. Shriver qualified in this Court, giving bond without security, as Executor, liberty being reserved to the other Executor to join in the probate at a future day. S. S. Shriver died in 1881, but had settled no account of his transactions so far as I could ascertain from the records of this Court, or elsewhere. As before stated David Shriver qualified as Executor on Nov. 15th 1881, giving bond in proper form and penalty but without security. The Will left a Special legacy of $5000.00 to the testators daughter, Effie McRupell, and Special legacies of $2500.00, to each of the Executors his two sons. He devised and bequeathed the residue of his estate to his said three Children and a fourth Mrs Amelia S. Woods, to be divided equally between them. The former Executor had administered the greater part of the estate, by making his disbursements through Parker Campbell of this City, now deceased, and the assets Consisted Chiefly of moneys and notes in the hands of Mr. Campbell as agent of the testator at the time of his death. In order to properly settle the legatee accounts it became necessary to settle an account of S. S. Shriver as Exr of Jacob S. Shriver. David Shriver had qualified in Nansemond Court as his personal representative and at his request, I posted notice on the first Monday in April 1887, at the front door of the Hustings Court of the City of Richmond that the accounts of said S. S. Shriver, late Executor of Jacob S. Shriver were before me for settlement. In order to settle this account I had to resort to such material as I could find in shape of Statements rendered by Parker Campbell to the said S. S. Shriver and to David Shriver and to the books of Parker Campbell. In these books and statements I found some discrepancies, but from all the material I could get, I have made up and return to the Court the Statements herewith returned and marked accounts Nos. 1. 2d Supplement to 2. 3. 4. 5. 6. 7. A. 7. B. 8. 9. 10. & 11 XXXX

Account No. 3. is an account between S. S. Shriver, the said Executor and Mrs. A. S. Woods, in which the latter is credited with her share of the estate distributed from No. 1, and is Charged with the payments made to her by Parker Campbell for the Executor. The items of payment so made to her are set out in Statement No. 6, and these payments are sustained by Vouchers down to year 1880 and by satisfactory statements after that time, taken from papers furnished by Mrs. Woods by her Counsel L. C. Davies, Esq., and by D. Shriver. From this account it will appear that on Oct. 10th 1881, there was due from Mrs. Woods the sum of $96.69 of Principal. This amount is paid by

Mrs. Woods as hereinafter explained. XXXX.

Account No: 8. is an account of the transactions of David Shriver Ex'or (d. b. n) of J. S. Shriver, dec'd. from the date of his qualification on Nov. 15th 1881. to Nov. 15th 1886. This account is balanced by distribu-ting the amounts shown to be in the hands of the Executor, among the four legatees. D. Shriver being given Credit for his one fourth. The one fourth belong to Effie McRussell is carried to her Credit in No: 9 Account. The one fourth belonging to the estate of S. S. Shriver is carried to his Credit in Account No: 10. Of the one fourth belonging to Amelia S. Woods, a suffi-cient sum ($103.01 as of Nov. 15th 1882) is carried to her Credit in account No: 3, to pay off her indebtedness to S. S. Shriver, deceased, and then the same amount is carried to the Credit of S. S. Shriver's Estate in Account No: 10. The remainder of Mrs. Woods fourth of moneys distributed from No: 8 is carried to her Credit in Account No: 11.

Account No: 11. is an account between Mrs. Amelia S. Woods and D. Shriver, Executor of J. S. Shriver in which Mrs. Woods is credited with her share of the fund distributed in Account No: 8, and is debited with a sum (as of Nov. 15. 1882) to discharge amount due by her on No: 3. to S. S. Shriver (that is with $96.69, Principal & $6.32 Interest $103.01 as of said date) The result is that there is due to Mrs. Amelia S. Woods from David Shriver Executor of J. S. Shriver, the sum of $1462.87 as of Nov. 15th 1886.

City of Richmond, to wit:

In the Clerk's Office of the Chancery Court for the said City the 7th day of June. 1888.

This account was filed, and at a Court of Chancery held for the said City at the Court house the 23rd day of July. 1888, said account was produced to the Court, and no exceptions being filed thereto, the same was confirmed and ordered to be recorded.

Teste:

Chas. W. Goddin, Clerk.

I hereby certify that the foregoing is a Copy of so much of the account of David Shriver Ex'r. of J. S. Shriver deceased confirmed by the foregoing Order of this Court, as has been directed by Counsel.

Teste:

Chas. W. Goddin, Clerk.

Clk's fee $1.60 Chg'd to Mrs. Amelia S. Woods.

No: 8.

Dr. The Estate of Jacob S. Shriver In Account with David Shriver, Exor Cr.

1882					1882				
Nov. 1882	15	To Cash paid B. H. Berry fee bill		$ 1 50	Jany	12	By amount from Parker Campbell $250+500+625		1375 00
		" Expenses to Richmond 5 trips per affidavit		62 50	May	18	" Amount from P. Campbell		400 00
Nov:	15	" bal due Estate of this date		$4643 50	Aug.	20	" Net proceeds sale of 10th Street house		2878 50
				$4707 50	Oct	1	" rent received from said house before sale		54 00
									$ 4707 50
					1882				
					Nov:	15	By balance due the Estate $4643.50		$ 4643 50
1882									
Nov:	15	To David Shriver's Share of balance of $4643.50 1/4 retained		1160 87					
		" Effie M. Rupell 1/4 of said balance Carried to her Cr. in No: 9		1160 88					
		" S. S. Shriver 1/4 Carried to his Credit on a/c of his indebtedness to Exor No: 10		1160 88					
		" Mrs Amelia S. Woods 1/4 Carried to her Credit in a/c No: 11		1160 88					
				$ 4643 50					$ 4643 50

N°. 11.

Amelia S. Woods.
In Account with H. Shriver, Ex of J. S. Shriver

			Dr		Cr		
1881 Nov.	15	By Amount brought to your Cr from N°. 8. Ante			1160	88	
1881. Nov:	15	To Amount of your indebtedness to J. S. Shriver Estate as per N°. 3. on Oct 10th 81	96	69			
		" Int. on same to date	6	32			
		" bal due Mrs. Woods	1057	87			
			1160	88	1160	88	
1882 Nov.	15	By bal. due by H. Shriver to Mrs A. S. Woods			1057	87	
1886 Nov:	15	" Amount to your Credit from N°. 8.			415	00	
		" To bal. due Mrs Woods by H. Shriver	1462	87			
			1462	87	1462	87	
1886 Nov:	15	By bal. due by H. Shriver to Mrs Woods (with interest on $1057.89, from Nov. 15/82 and on $415 from Nov. 1/86 till paid)			1462	87	

J. S. Shriver

Executor.

Account.

A Copy

Amelia S. Woods

vs. } Exhibit A
Filed with Bill

Shriver's Exhibits

Fee $1.60

To the Hon. C. W. Hill, Judge of the Circuit Court of Nansemond County.

Your complainant, Amelia S. Woods, respectfully represents to your Honor that she is one of the heirs and devisees of Jacob S. Shriver who departed this life some time since in the state of West Virginia and whose will was admitted to probat, on an authenticated copy thereof, in the chancery court of the city of Richmond on the 9th day of October 1876.

By the said will Saml. S. Shriver and David Shriver were appointed executors, the former of whom qualified as such in West Virginia and died after partially administering the estate, whereupon the said David Shriver qualified as executor under the said will in the chancery court aforesaid, on the 15th day of November 1881.

The said D. Shriver, as executor as aforesaid, forthwith assumed the control and administration of the unadministered estate of said testator

and the result of his transactions as such, so far as they affect your complainant, is shown by the account of said executor with your complainant, as stated and reported by commissioner W. J. Leake, acting as assistant commissioner of accounts for the city of Richmond, a certified copy of which is herewith filed as a part of this bill marked Exhibit A.

Your complainant has not exhibited herewith copies of the said will, or of the order of qualification of said D. Shriver as executor, or of the whole evidential account as stated by said commissioner as to the other parties, being advised that her own rights in the premises and the liability to her of D. Shriver are sufficiently shown by the account exhibited, but such copies will be filed if required by the court.

It appears from said account, which was confirmed and directed to be recorded by an order of the chancery court aforesaid, entered

July 23rd 1888, that the said executor is indebted to your complainant in the sum of $1462 89/100 (it should be when properly added up $1472 89/100) with interest on $1057 89/100 from the 15th November 15th 1882, and on $415 the residue thereof from November 1st 1886, which indebtedness has never been discharged, but is still due and owing.

Your complainant is advised and charges that the estate of said testator has been so misapplied and wasted by the said David Shriver, that there is now no part thereof remaining in his hands and that he is liable out of his own estate for her said debt.

Your complainant further shows that while the said David Shriver was indebted to her as aforesaid, to wit, on the 8th day of February 1887, he executed a deed conveying to his wife, Mrs Annie Shriver, his undivided two thirds (2/3) interest in a certain tract of land lying in the Lower Parish of Nansemond county, known as Mintonville including

Dumplin Island, containing 900 acres and otherwise more fully described in said deed, together with certain personal property therein mentioned, and that he now has no estate whatever out of which her said debt can be made. A certified copy of said deed is herewith filed as a part of this bill marked Exhibit B.

Your complainant therefore charges that the said conveyance was made with intent to delay, hinder and defraud the creditors of the said D. Shriver, that by its terms it is wholly voluntary and without consideration, that it is as to your complainant, therefore null and void, and should be so adjudged and treated by this honorable court, in order that the property thereby conveyed may be made available for the payment of his debts.

Your complainant further shows that her sister, Mrs. Effie Russell, The wife of W. H. Russell, and herself are each entitled to a one sixth (1/6) undivided interest in the tract of land afore-

said, under the will of their deceased brother, Saml. S. Shriver, a certified copy of which is herewith filed as a part of this bill marked Exhibit C, and that the said Effie Russell, David Shriver and your complainant are the sole surviving heirs, legatees and distributees of the said Jacob S. Shriver and of the said Saml. S. Shriver.

In consideration of all which, your complainant, ~~waiving~~ the answers of said defendants under oath, prays that the said David Shriver (in his own right and as executor of Jacob S. Shriver deceased,) Annie Shriver, his wife, and Effie Russell, and W. H. Russell, her husband, may be made parties defendant to this bill, that the deed aforesaid executed by the said David Shriver on the 8th day of February 1887, may be annulled and set aside, that the property thereby conveyed may be sold and the proceeds, or a sufficient portion thereof, applied to the payment of your complainant's debt, that all proper and necessary accounts may be

ordered, that process may issue and that such other and further and general relief ~~may~~ be afforded your complainant, as the nature of her case may require or to equity may seem meet; and the court will be asked to allow a fee for the services of counsel in this cause.

E E. Holland,
S. D. Davies
for Plaintiff

E. E. Holland }
S. D Davies }
f.c.

Amelia S. Woods

vs. } Bill & Exhibits

Shriner's Exr vals

Nansemond Cir. Ct.

Amelia S. Woods

vs } Chy: Notes

David Shriver (in his own right and as Executor of Jacob S. Shriver deceased) Annie Shriver his wife and Effie Russell

1888. Septr: 8th Summons in Chy: issued to Septr: Rules (3rd Monday) 1888

" " 17th: Bill & filed & Decree Ni Si vs defts

" Octo: 1st Decree Ni Si Confd & Cause Set for hearing on Mot: of Plffs Counsel

Chg: Noland

Chancery Papers

Amelia S. Woods

against

Shiver's Exr: & als

E E. Holland & S. D. Davies
Sc

1890

December 11th "

Final Decree

Nansemond Cir: Co