1893-012
Nansemond Co. (Suffolk) Chancery Causes: John P. Lee vs Charlotte A. Lee et al

Owens, Council, Howell, Bradshaw, Duke, Babb, Gardner

Folder 1 of 2

Real Estate at Auction!

By virtue of a decree of the Circuit court of Nansemond county, pronounced at the April term, 1886, in the case of Lee vs. Lee et als., I shall proceed,

ON MONDAY, MAY 10, 1886,

before the Courthouse door of said county, to sell at public auction, to the highest bidder, the following valuable real estate, to-wit:

First. The house and lot situated on the south side of Kilby street, in Suffolk, Va., belonging to the estate of Mrs. Elizabeth E. Gardner, deceased, and bounded on the north by said street, and on the south, east and west by the property of Mrs. S. C. Nurney. This is a fine piece of property. Call and see it.

Second. Two-fifteenths (2-15) interest in "LEE'S MILL," it being a grist mill with about thirty acres of land attached, situated on the Gates county line, about two miles from Reynoldson, N. C., and about the same distance from Somerton, Va.

TERMS—One-fourth cash, the remainder in two equal payments at one and two years from day of sale, with interest, to be evidenced by bonds with good security.

R. H. RAWLES,

SPECIAL COMMISSIONER.

LEE VS. LEE ET. ALS.—In the Circuit court of Nansemond County:

I, Peter B. Prentis, Clerk of said Court, certify that the bond required of the Special Commissioner by the decree in said cause of April 15, 1886, has been duly given.

Given under my hand this 17th day of April, 1886.

PETER B. PRENTIS, CLERK.

J.J.N. — 476

INVITATION

TO

DAY MONDAY MAY 10, 1880

AT 8 O'CLOCK

SPECIAL COMMISSIONER

Lee vs Lee et al } In Chancery

This cause came on this day to be heard upon the papers formerly read as well as upon the report of Special Commissioner C.H. Causey, Commissioner to report accounts ordered in the case of C.H. Rawls, and was argued by Counsel; On Consideration whereof, there being no exception to the said reports, the same are confirmed together with the sales of the two pieces of real estate therein mentioned respectively to Geo. W. Jenney and Brinkley Kelly which said sales are also confirmed, and the Court doth order adjudge and decree that the said Special Commissioner shall proceed to collect the remainder of the purchase money as the sales are, and when fully paid together with all interest thereon to make to the purchasers thereof the usual deeds for the said property, and to report his further proceedings under this order to this Court and this cause is ordered. Each showed the purchaser desire to pay all of the remainder in cash then he may be allowed to do so in which event the Special Commissioner may make a deed with the usual covenants of title. And this cause is continued.

And the Court doth further adjudge order & decree that W. O. P. Lee, administrator de bonis non of Esther E. Gardner Dec'd, after paying out of the funds shown to be in his hands as such administrator, by the report of Commissioner C.H. Causey, any unpaid debts reported in said account, do distribute the remainder of said fund

In the New in this cause

of $215.40 to the heirs of Esther E. Gaudnes, taking from them or their attorney or duly qualified guardian receipts for all such payments and filing such receipts with the papers in this Cause. And so Soon as Special Commissioner R.H. Rawls shall Collect the unpaid portion of the purchase money for the Real Estate Sold by him, he will after paying the unpaid Costs of this Suit distribute the remainder among the heirs of Esther E. Gaudnes Dec'd, according to their respective interests, taking from them or their attorney + duly qualified guardian receipts therefor and filing such receipts with the papers in the Cause, and make report to Court of his proceedings hereunder. And the Cause is continued. Guadians of any minors shall Execute good bonds before receiving any distribution for said wards.

Minor's Confirming Sale
6
14

Filed
Sept 12th 1887
S Mosher

J

Ex Accounts Allowed
Court Costs for Decree
R.H. Rawls
Clerk
Filed Sept 12th

Lee
vs
Lee et als

{ In Chancery

This cause came on this day to be again heard upon the papers formerly read and upon the report of C.H. Causey a commissioner of this court and was argued by counsel. There being no exception to this said report, the same is hereby confirmed. On consideration whereof the court doth order adjudge and decree first, that W.P. Lee the administrator de-bonis non shall first pay off and settle the debts incurred by the said John P. Lee as administrator of E.E. Gardner decd.
Second, that he shall pay off and discharge the indebtedness incurred by himself as administrator de-bonis-non of the estate of E.E. Gardner deceased.
3rd That he shall distribute any balance in his hands belonging to said estate among the parties entitled thereto; and that he shall make report to court of his proceedings under this decree.
The court doth also order adjudge and decree that R.H. Rawles who is hereby appointed a special commissioner, after having advertised the time place and terms thereof for twenty days by notices posted at the court house door of this County and at least ten conspicuous places in the neighborhoods where the two heirs

of real estate in the Bill and proceedings mentioned are situated, do proceed on some court day before the court house door of this County to sell at auction to the highest bidder the following real estate to wit:-
1st The House & lot in Suffolk in the Bill & proceedings mentioned.
2nd 2/15- interest, being the entire interest of the late Mrs E. E. Gardner, in the property known as Lee's Mill, in the proceedings mentioned:
on the following terms to wit: One ~~half~~ ~~cash~~ ~~the~~ ~~remainder~~ in ~~two~~ equal payments, at one ~~and two~~ ~~one fourth in six Months and one fourth in~~ years from day of sale, with interest to be evidenced by ~~twelve Months~~ bonds with good security with the option to the purchaser after sale to pay the whole in cash should he or she so desire, ~~in which event~~ ~~if the whole purchase money being paid the said Commissioner shall make to the said purchaser a deed with the usual Covenants of title for the said property. But the said property shall be sold for cash.~~
~~But the~~ And out of the proceedings arising from such sale the Commissioner shall distribute the same as follows:-
1st to pay the expenses of the sale and suit.
2nd to distribute the remainder to the parties entitled thereto in proportion to their interest therein.
And the said Commissioner shall ~~pay~~ report to court his proceedings under this decree.
But the said Commissioner shall not act under this decree until he shall have first executed a bond before the clerk of this court and approved by him in the sum of $2000 for the faithful

performance of his duties hereunder
or of any future Order herein.

For Sale of Cork plans No 4

11

Mem

To be entered

Apl 15 1886.

Geo: Blood

[illegible]

Entered Oct 9 p 7 f 84

Lee

vs

Lee et als:-

This cause came on this day to be heard in vacation upon the Bill and Exhibits filed and the answer of the infants by Peter B. Prentis their guardian ad litem: which said Bill was taken for confessed as to the adult defendants, they failing to plead answer or demur: on consideration whereof the court doth order adjudge and decree that Henry Woodward, John T. Cox, E. S. Riddick, M. Innes & Thos. H. Cross any three of whom may act, shall after having been duly sworn, proceed to lay off and divide the land in the Bill and proceedings mentioned between the parties entitled thereto having due regard to quality and to quantity. But after viewing the lot or land in question the said Commissioners shall deem a division of the same in kind among the several parties entitled thereto impracticable, or if they shall think that the interests of all parties would be promoted by a sale of the said land and a division of the proceeds then they are required to report such

facts to the court with their reason for the same. They shall also report to court the annual and fee simple value of the said land. And it is ordered that they make their report to court in vacation.

They shall also report any other matter deemed relevant, or required to be stated by any party in interest.

Report for Commissioners

In the Matter of the Petition of the Board of Supervisors of Kern County to Condemn Certain Lands

In Chancery

To be entered

Clerk

Entered. Chy. order Book No. 2, Page 21.

no 1 6

Lee vs Lee et als: In Chancery

This cause come on this day to be again heard upon the papers formerly read, the answer of the defendants J.D. Conrad & Antoinette his wife, R.R. Owen & Maria Frances his wife, the report of the commissions appointed to view the land mentioned in said bill and was argued by Counsl. On Consideration whereof the Court doth order adjudge and decree that ~~Oscar Lee~~ this cause be hereafter proceeded in, in the name of W. Oscar P. Lee plaintiff, it having been suggested to the Court that the plaintiff John P. Lee has departed this life* since the commencement of this suit* and that his son W. Oscar P. Lee has qualified as administrator de bonis non on the estate of Esther E. Gardner. The Court doth also confirm the report of the said commissioners appointed to view the said real estate as far as it goes, and doth further order adjudge and decree that* one of the Commissioners of this Court after having given due notice do proceed to take and state the following accounts:-

1st An account of all the real estate of which the said Esther E. Gardner died seized and possessed, stating whether the same was owned in fee simple, or whether it was an undivided interest, together with its annual and fee simple & value: also its present condition and whether it is deteriorating or enhancing in value.

2nd An account of the transactions of John P. Lee (now deceased) as administrator of Esther E. Gardner deceased

3rd An account of the transactions of W. Oscar P. Lee

* Being as his heirs at Law W.O.P. Lee & Frances Kelly the wife of Bunbury Kelly

* the said heirs of the said John P. Lee deceased to wit Frances Kelly and her husband Bunbury Kelly to be made parties defendants to this suit, except W.O.P. Lee who shall be made plaintiff as his request.

as administrator ~~of~~ de bonis non of Esther E. Gardner deceased.

4th Any other matters touching this cause, deemed pertinent by himself, or required to be stated by any of the parties in interest.

Service of notice of time of taking said accounts, on Counsel John H. Wright, shall be deemed sufficient notice in this matter.

And the said Commissioner shall report to Court.

No 3 Rawles C. D.

Lee
vs
Lea et als.

Decree for Accounts
To be entered
Oct 1885.

$425.00

On Demand with interest from date

I promise to pay

unto James A. Dunlap his heirs,

executors, administrators, or assigns, the just and full sum of Four Hundred

and twenty five Dollars and ——— Cents, for value

received; for the payment of which I bind myself my heirs,

executors and administrators, firmly by these presents; and I hereby

waive the benefit of my Homestead Exemption as to this debt and obligation.

As witness my hand and seal this 6th day of June

in the year of our Lord one thousand eight hundred and ~~seventy~~ Eighty one.

Witness,

R. N. Rawls.

Seal.

This Bond is secured by a Deed of Trust on real estate in Suffolk Va. Valued at $1400.

Mrs Dora C Howell's
Lot

This Deed, made the 8th day of June in the year eighteen hundred and ~~seventy~~ Eighty one between Ann O. Howell

of the County of Nansemond in the State of Virginia of the one part, and R. H. Rawles Chosen as trustee for the purpose herein named of the other part:

WITNESSETH, that the said Ann O. Howell do grant unto the said R. H. Rawles trustee as aforesaid the following property, to-wit: All that certain lot or parcel of land situated on the South side of Kirby Street in the town of Suffolk in Nansemond County Virginia fronting on said Kirby Street fifty two (52) feet more or less and running back Southward from said Street two Hundred and Twenty nine (229) feet more or less and being forty seven and a half feet (47½) wide across the rear from East to West and bounded on the North by said Kirby Street on the East by Wallace Kirby's Lot, on the South by Sarah C. Nurney's Lot and on the West by the Lot of Sarah C. Nurney being the same Lot a parcel of land which by deed dated the 16th day of January 1881 was conveyed to said Ann O. Howell by Sarah C. Nurney and John T. Nurney and wife

In Trust, To secure to James A. Duke of the State of Georgia the payment of Four Hundred and Twenty five dollars ($425) evidenced by a bond made by the said Ann O. Howell dated the 8th day of June 1881 and payable to the said James A. Duke on demand with interest from date

and upon the further trust that the said Ann O. Howell shall remain in quiet and peaceable possession of the above granted and described premises, and take the profits thereof to her own use, until default be made in the payment of the debt aforesaid, in whole or in part,

and upon such default being made, the said R. H. Rawles shall, so soon thereafter as he shall be requested by the said James A. Duke so to do, sell the above granted property at public auction, at such time and place, and upon such terms and conditions, as he may deem expedient, having first given notice of such time and place of sale for at least ten days, by advertisements in one or more newspapers published in the town of Suffolk, and out of the proceeds of such sale, after paying all the expenses attending the execution of this trust, including commissions of five per cent on said proceeds of sale to the said R. H. Rawles Trustee shall pay to the said James A. Duke or his assigns, the debt aforesaid with interest thereon, or so much thereof as may remain unpaid, and the balance, if any, to the said Ann O. Howell or her assigns.

C

The said Ann O. Howell covenants that she will warrant generally the property hereby conveyed, and will pay all taxes, levies and assessments upon said property so long as she, or her assigns shall hold the same. And the said grantor hereby waives the benefit of her homestead exemption as to the aforesaid debt and obligation, and as to this contract.

WITNESS the following signatures and seals:

Ann O. Howell [SEAL.]

[SEAL.]

[SEAL.]

State of Virginia
County of Nansemond, to wit }

I, C. Heaney a Notary Public for the County aforesaid, in the State of Virginia, do certify that Ann O. Howell whose name is signed to the writing above, bearing date on the 8th day of June in the year eighteen hundred and ~~seventy~~ Eighty one has acknowledged the same before me, in my County aforesaid.

Given under my hand, this 8th day of June in the year 1881.

C. H. Heaney
Notary Public

In the Clerk's Office of Nansemond County Court, the 25th day of June, 1881.

This Deed of Trust was received, and with the certificate annexed, admitted to record.

Teste:

Peter B. Prentis. Clerk

State of Virginia.

TO-WIT:

I, a for the

of in the state of Virginia, do

certify that the wife

of whose names

are signed to the writing above, bearing date on the day of

in the year eighteen hundred and seventy- personally appeared before

me, in the aforesaid, and being examined by me

privily and apart from her husband, and having the writing aforesaid fully explained to her, she, the said

acknowledged

the said writing to be her act, and declared that she had willingly executed the same and does not wish

to retract it.

Given under my hand this day of in the year 187

Ann O. Hodnett
To
R. H. Rawles, Jr. for
James A. Duke

June 28th 1881 Received in the Clerk's Office, certified, MAR

1884. Apl. 19th. Released
by Ann O. Hodnett
Wm. Clay. Dec'd, No. 13. Page

Recorded Deed Book
No 9 page 485

Jax Recdg. fee paid . . $2.25 Clerk

Lee vs Lee et als: In Chancery:-

This cause come on this day to be again heard upon the papers formerly read and upon the report of Special Commissioner R. H. Rawles, showing the sales of the real estate in the Bill and proceedings mentioned, the collection of the purchase money therefor, that the usual deeds had been made to the purchasers thereof, that all of the purchase money had been fully paid to those entitled thereto as heirs and distributees of E. E. Gardner decd, that all of the costs and expenses of this suit and sale had been fully paid, which said report was filed twenty days before the first day of this term of the Court, to which report no exception has been filed, and was argued by Counsel: On Consideration whereof the Court doth confirm the said sales, and the deeds made to the purchasers, and this said report. And it appearing to the Court from the vouchers exhibited to the Court, that the whole of the purchase money has been collected and properly distributed to those entitled to receive the same, that the costs and expenses of this suit have been paid * and, it appearing that nothing more remains to be done, the Court doth order adjudge and decree that this cause be removed from the docket.

* But inasmuch as a tax fee of $30. has been inadvertently taxed in the costs when only $15- should have been taxed, it is ordered that after paying the further clerks fee for entering this decree and the said special Commissioner shall pay the remainder of the said $15- to the parties in this cause who appear entitled to receive the same.

17

Lee vs Lee et als.

Final Decree

Oct. 11—1893.

To be entered.

CMH

Entered in Chancery
Order Book
No. 2. Page 514.

The answer of J. D. Councill & Antoinette his wife, R. R. Owens and Maria Frances his wife to a bill in Chancery Exhibited against themselves and others in the Circuit Court of Nansemond County by John P. Lee.

These respondents now and at times hereafter reserving unto themselves all benefit of Exception which can or may be had or taken to the many imperfections and inaccuracies of the Complainants said bill, for answer thereto or to so much or such parts thereof as these respondents are advised it is material for them to answer, answering say:

It is true as alleged in said bill that Esther E. Gardner died intestate and seized and possessed of certain Real Estate in Suffolk Va, and that the parties named in said bill are, so far as these respondents know, the proper heirs and distributees of Esther E. Gardner's Estate. But these respondents allege that the said Esther E. Gardner was also seized and possessed of other Real Estate in the County of Nansemond, and that before any decree for partition should be Executed, there should be an account showing all the Real Estate of which the said Esther E. Gardner died seized, so that the entire Estate might be sold, if necessary to all, or distributed at once, and

avoid the Expense of any future suits for partition.

These respondents further allege that in the present depressed condition of financial matters the house and lot in Suffolk can not be sold advantageously, the house is comparatively new and in good condition, and not depreciating in material condition beyond what is reasonable and natural, that it commands a good tenant at fair rent, and the annual income therefrom is more than sufficient to keep the property in good condition and avoid any deterioration in value.

These respondents further say that the said Esther E. Gardner died possessed of a considerable personal Estate, that the said Wm P. Lee at the term of the County Court of Nansemond County, was granted letters of administration upon the said Estate, and by virtue thereof possessed himself of all of said personal Estate, and some time thereafter died, that no account of said administration has been made, that after the death of said Wm P. Lee, his son D. [illegible] Lee, became administrator de bonis non of the personal Estate of said Esther E. Gardner, and has not rendered any account of his transactions as such, which these respondents desire, and believe it is proper should be done.

these respondents therefore believe and allege that the proceedings so far had in this cause have been premature, and ask this Honorable Court to direct an account by one of the Commissioners of this Court of all the Real Estate of which Esther E. Gardner died seized, before ordering a sale of the house and lot in Suffolk, and they also ask for an account before one of the Commissioners of this Court of the transactions of Jno P. Lee, Dec'd as Administrator of the Estate of Esther E. Gardner, Dec'd, and also an account of the transactions of Dr N.O.P. Lee, as administrator de bonis non. of the Estate of Esther E Gardner. Dec'd.

And having fully answered &c, these respondents pray to be hence dismissed with their reasonable Costs, &c

I. D. Councill
Antoinette Councill
R. R. Owens
Maria F. Owens —
By their Atty

Nansemond County, to wit:

I, Jno A. Wright a Notary Public for the said County in the State of Virginia do certify that I. D. Councill, one of the respondents whose answer is above written, personally appeared before me in my said County and made oath that the statements of

the said answer and true to the best of his knowledge information and belief -

Given under my hand this 2d day of May 1885-

Jno A. Wright N.P.

Jno. P. Lee &
vs
Chas. Lee & als

Answer of
L. D. Councill & als

John P Lee

Against } In Chancery

Charlotte A Lee &c.

The joint and several answer of Edwood Howell Lavinia S Lee, William T Lee and Dempsey Lee, infants under the age of twenty one years, by Peter B Prentis their Guardian ad litem to the Bill of the complainant exhibited against them in the Circuit Court of Hanover County by John P Lee.

These Respondents answer and say, that so far as they know, the Allegations and Statements contained in the said Bill of complaint may be true, but that, being infants and ignorant of their rights and interests in the premises they submit the same to the Keeping of the Court, and pray that no order or decree may be made therein inconsistent with their rights.

(Signed)

Peter B. Prentis,

Guardian ad Litem

5½

John P. Lee

vs In Chy:

Charlotte N. Lee & al

Answer of Infants

This Deed, Made the 1st: day

of August in the year of our Lord one thousand eight hundred

and eighty-one between Ann O. Howell

and

~~his wife~~, of the Town of Suffolk, County of Nansemond and State of Virginia, of the one part, and Esther E. Gardner

of the same place

of the other part, Witnesseth: That in

consideration of the sum of One Thousand (1000) dollars

the said Ann O. Howell ~~and his wife~~, do grant with general warranty, unto the said Esther E. Gardner

and to ~~his~~ her heirs and assigns, forever, the

following real estate, to wit: All that tract, piece or parcel of land, situate, lying and being in the County of Nansemond, and Town of Suffolk aforesaid in the State of Virginia, and bounded and described as follows: All that certain lot or parcel of land, situated on the South side of Kilby Street, and fronting on said Street fifty-two (52) feet, more or less, and running back Southward from said Street, two hundred and twenty-nine (229) feet, more or less, and being forty-seven and a half (47½) feet wide across the rear, from East to West and bounded on the North by said Kilby Street; on the East by Wallace Kilby's lot, on the South by ~~land~~ Sarah C. Nunnery's lot, and on the West by ~~the~~ Sarah C. Nunnery's lot (lately that of Solomon Saunders) being the same formerly which the said Ann O. Howell purchased of said Sarah C. Nunnery and John T. Nunnery & wife, by Deed, dated the 15th: day of January, 1881, & of record in the Clerk's Office of Nansemond County Court, the 22nd: day of January, 1881, in Deed Book, No: 9. page 67 —

This deed is, however, subject to the provisions of a deed of Trust made by said Ann O. Howell, on said property to R. H. Rawles's Trustee for James A. Duke, on the 8th: day of June, 1881, & duly recorded the 25th: day of June 1881, to secure the sum of $420.00 with interest from the 8th: day of June, 1881

together with all and singular the appurtenances belonging to the same.

And the said Ann O. Howell *covenants that she has the right to convey the said land to the said grantee; that the said grantee shall have quiet possession of the said land; that she has done no act to encumber the said land; and that she will execute such further assurances of the said land as may be requisite.*

Witness the following signatures and seals:

Ann O. Howell (SEAL.)

Witnesses:

C. W. Bruce

Agnes P. Bruce

(SEAL.)

State of Virginia, } To wit:

County of

in and for the county aforesaid, in the State of Virginia, do certify that the wife of whose names are signed to the writing above, bearing date the day of 18 , personally appeared before in the county aforesaid, and being duly examined by privily and apart from her husband, and having the writing aforesaid fully explained to her, she the said acknowledged the said writing to be her act, and declared that she had willingly executed the same, and does not wish to retract it.

Given under hand this day of eighteen hundred and seventy

VIRGINIA: } To wit:

County of Nansemond

I, Peter B. Prentis, Clerk of the County Court in and for the said county, in the State of Virginia, do certify that Ann O. Howell whose name is signed to the writing above, bearing date the 15th — day of August 1881, has acknowledged the same before me in the county aforesaid.

Given under my hand this 15th — day of August — 1881.

Peter B. Prentis, Clerk.

In the Clerk's Office of Nansemond County Court, the 18th day of August, 1881.

This Deed was received, and with the certificate annexed, admitted to record.

Teste: Peter B. Prentis. Clerk

Deed of Bargain and Sale.

Ann O. Howell

To

Esther E. Gardner

1881
August 18th: Received in the Clerk's Office, certified, & R.

Recorded Deed Book No 9 Page 503

Furnished by the SUFFOLK HERALD, Suffolk, Va.

Whereas, on the 8th: day of June, in the year of our Lord 1881, Ann C. Howell by her Deed of Trust bearing date as of that day and duly recorded on the 25th: day of June in the year of our Lord 1881, in the Clerk's office of the County Court of Nansemond County, Virginia, to secure to James A. Duke, of the State of Georgia, the payment of the sum of Four hundred and twenty-five dollars ($425), evidenced by a bond, made by the said Ann C. Howell, dated the 8th: day of June, 1881, and payable to the said James A. Duke, on demand with interest from date as specified in said deed of trust, did convey in trust unto R. H. Rawles, the Trustee therein named. the following property, to wit: All that certain lot or parcel of land situated on the South side of Kilby Sheet, in the Town of Suffolk, in Nansemond County, Virginia, fronting on said Kilby Sheet, fifty-two (52) feet, more or less, and running back, Southward, from said Sheet, two hundred and twenty-nine (229) feet, more or less, and being forty-seven and a half feet (47½) wide, across the rear, from East to West, and bounded on the North by said Kilby Sheet: on the East by Wallace Kilby's Lot: on the South, by Sarah C. Nunney's Lot, and on the West by the Lot of Sarah C. Nunney: being the same lot or parcel of land, which, by Deed, dated the 15th: day day of January, 1881, was conveyed to said Ann C. Howell, by Sarah C. Nunney and John T. Nunney and wife —

And whereas, the said Ann C. Howell, by her Deed, dated the 1st: day of August, 1881, and duly recorded in said Clerk's Office, the 18th: day of August, 1881, in Deed Book No: 9. page 503, sold and conveyed the property hereinbefore described to Esther E. Gardner, for the sum of One thousand (1000) dollars, subject however, to the provisions of the Deed of Trust, made by said Ann C. Howell, as aforesaid, property, to R. H. Rawles, Trustee for James A. Duke, as aforesaid, to secure the said sum of $425.00 with interest as aforesaid

together with all and singular the appurtenances belonging to the same:

And whereas, the said sum of money has been paid in full to said James A. Duke, by the said Esther E. Gardner with all interest due thereon, and said Esther E. Gardner desires to have and

having paid said money as aforesaid, is entitled to a Release Deed releasing said property from the lien of said deed of trust, and conveying the same to her:

This Deed, therefore, made this 19th day of April in the year of our Lord 1884, between the said R. H. Rawles as Trustee aforesaid of the one part, and the said Esther E. Gardner, of the other part, **Witnesseth:** That in consideration of the premises, and by and with the consent of said James A. Duke, (in testimony of which consent the signature and seal of said James A. Duke are hereunto annexed,) the said R. H. Rawles, as Trustee aforesaid, doth hereby release, grant and convey with special warranty and free from the lien of said deed of trust, unto the said Esther E. Gardner and her heirs and assigns forever, the said property above described, together with all and singular the appurtenances belonging to the same.

Witness the following signatures and seals:

R H Rawles Trustee L.S.

J A Duke L.S.

In the Clerk's Office of Nansemond County Court, the 19th day of April, 1884.

This Deed of Release was acknowledged by R. H. Rawles, Trustee, and James A. Duke, and thereupon admitted to record.

Teste: Peter B. Prentis. Clerk.

R. H. Rawles, Trustee

to

Esther E. Gardner

1884 April 19th Presented and admitted to record in the Clerk's Office by R. H. Rawles, Trustee & James A. Duke Esqr

Recorded D B 3 pp 123 to 125 1884

Sayre Cary: Ferguson

To the Honorable Geo. Blow, Judge of the Circuit Court of Nansemond County:-

Humbly Complaining Sheweth unto your Honor, your orator John P. Lee that your orator's Sister Esther E. Gardner was in her life time seized and possessed of certain real estate, consisting of a House & Lot in Kirby Street in Suffolk Virginia, bounded on the North by said Street, on the East by the Lot of Sarah C. Nunney and on the South and West also by the Lots of the said Sarah C. Nunney, and being thereof so seized and possessed some time in the early part of the year 1884 departed this life intestate, leaving your orator (a brother), Charlotte A. Lee, a sister, Maria Frances Owens a niece, Antoinette Council, a niece, W. L. Howell a nephew, Sarah Bradshaw, a niece, Edward Howell a nephew, George Lee a nephew, Lavinia S. Lee a niece, Wm T Lee a nephew, Dempsey Lee a nephew, A. J. Duke, J. A. Duke and H F Duke nephews by the half blood, and M. E. A. Babb a niece by the half blood as her only heirs at Law; the said Edward Howell Lavinia S. Lee, Wm T. Lee and Dempsey

Lee being infants under the age of 21 years. The said Esther E. Gardner purchased the said house and lot from Ann O. Howell by deed dated the 1st of August 1887 and duly recorded which deed is herewith filed and made a part of this bill, marked "Ex A". The purchase price for the said property was $1000 but it was sold subject to a lien thereon amounting to $425 in favor of Jas. A. Duke one of the defendants to this suit, but the said lien has been fully paid and discharged as appears by a copy of the deed of release from Jas. A. Duke and R.H. Rawls the Trustee in the deed of Trust creating the lien ~~as aforesaid~~ herewith filed marked "Ex B" and prayed to be taken as a part of this bill.

And your orator states that the said real estate as he believes is not susceptible of partition among the parties entitled thereto and therefore your orator desires the same to be sold and the proceeds distributed among the parties in proportion to their respective interests therein. In tender consideration whereof and

Inasmuch as your orator is remediless in the premises save by the aid of a Court of equity where matters of this kind are alone and properly cognizable your orator prays that the said Charlotte A. Lee, R.R. Owens and Maria Frances Owens his wife, J.D. Connail and Antoinette Connail his wife. W.L. Howell, W.H. Bradshaw and Sarah Bradshaw his wife, Edward Howell, Geo. Lee, Wm. T. Lee and Lavinia S. Lee. A.J. Duke. J.A. Duke H.F. Duke and T.A. Babb and M.E.V. Babb his wife be made parties defendants to this bill and required in their corporal oaths to answer the same according to the best of their knowledge and belief fully and particularly as if the statements of this bill were here again repeated and the said defendants were specially interrogated; that a proper guardian ad litem be assigned the infant defendants to defend their interests in this suit; that the said real estate may be divided between the parties entitled thereto, if practicable and in case the said real estate be indivisible that the

deem may be expedient to sale and the proceeds thereof be distributed among the parties entitled thereto and that process may issue and that such other further and general relief may be afforded in the premises as the nature of his case may require & to equity shall seem meet. And your orator will ever pray &c

R H Rawls P.Q.

Virginia
Nansemond County to wit:-
This day John P. Lee personally appeared before me in my said County and made oath that the allegations in the foregoing bill are true to the best of his knowledge and belief

Given under my hand this ___ day of 1884

R H Rawls
N.P.

Lee
vs
Lee et als

Bill

5 Rawls, P.Q.

John P. Lee

vs

Chy: Notes

Charlotte A. Lee & al:

1884 Aug: 25th: Summons in Chy: issued to Defts: Rules, 1884

" " " Affidavit as to non-residence, of the defts: A. J. Dake, H. F. Dake & Thos. N. Babb and M. E. N. his wife, made & filed. & OR: Pub: awarded vs them

" Septr: 1st: Bill &c filed — Decree nisi vs defts: R. R. Owens & wife, J. D. Connell & wife and Wm L. Howell.

" " " Peter B. Pruitt is appointed guardian ad litem to infants, who files their answer, to which there was a general replication:

" " 24th: Alias Summons in Chy: issued to Octo: Rules, 1884. vs defts Charlotte A. Lee, W. H. Bradshaw & wife, and H. F. Dake

" Octo: 7th: Decree nisi vs defts, R. R. Owens & wife, J. D. Connell & wife & Wm L. Howell confirmed — Our Decree nisi vs defts. Charlotte A. Lee, W. H. Bradshaw & wife, and H. F. Dake, [redacted]

" " Certificate of Pub: filed

" Nov: 3rd: Decree Nisi: vs defts: Charlotte A. Lee, W. H. Bradshaw & wife & H. F. Dake, confirmed

" " " Or: of Pub: having been published & costs according to law & no appearance Counsel for complainant & no appearance of Counsel

1885 Feby: 28th. Decree for partition

Statement.

Chy: Noad

7 5
1 66
44

$ 11.72
6426
33,40
$109,38

Paid S.H. Simms $6,00
Dr. E.V. Phillips 18.00
J.D Connell 55.00
$79 00
6
$73,00

R.R. Owens 2.00 J.P. Lee .85 J.W. Connell Watch & chain $41,70
" 14.00 " Specks .25

41,70
25
1400
7900
49 5

15)258(16 2/3
15
100
90
10 = 2/3
15 = 3

33 1/3

6 2/3
2
13 1/3
3 1/3
16

15)30
2×2=4

STATEMENT.

THOS. G. ELAM, PROP'R. J. E. BOOKER, MANAGER.

Suffolk, Va., Nov 188 4

Mr R H Rawles

To SUFFOLK HERALD, Dr.

FINE * BOOK * AND * JOB * PRINTING

188 4

aug 27 To Pub Notice
J P Lee vs Charlotte Lee et als
4 in 4 J 6 00

Suffolk, Va., May 14 1886

Mr R H Rawles Attorney

To Suffolk Herald, Dr.

TERMS:
Transient Advertisements and Subscriptions, Payable in Advance.
Annual Advertisers are Required to Settle Quarterly.
Job Work Cash on Delivery.

Fine Job Work a Specialty

1887			
Aug 20	To Pub'g Chancery Notice		
	Lee Vs Lee Owens Ex'ors		$ 6.00

Rec'd Payment of
R H Rawles Sh'f Com'r
J E Booker

NEW ADVERTISEMENTS.

REAL ESTATE AT AUCTION.—

By virtue of a decree of the Circuit court of Nansemond county, pronounced at the April term, 1886, in the case of Lee vs. Lee et als., I shall proceed,

ON MONDAY, MAY 10, 1886,

before the Courthouse door of said county, to sell at public auction, to the highest bidder, the following valuable real estate, to wit:

First. The house and lot situated on the south side of Kilby street, in Suffolk, Va., belonging to the estate of Mrs. Elizabeth E. Gardner, deceased, and bounded on the north by said street, and on the south, east and west by the property of Mrs. S. C. Nurney. This is a fine piece of property. Call and see it.

Second. Two-fifteenths (2-15) interest in "LEE'S MILL," it being a grist mill with about thirty acres of land attached, situated on the Gates county line, about two miles from Reynoldson, N. C., and about the same distance from Somerton, Va.

TERMS.—One-fourth cash, the remainder in two equal payments at one and two years from day of sale, with interest, to be evidenced by bonds with good security.

R. H. RAWLES,
Special Commissioner.

LEE VS. LEE ET ALS.—In the Circuit court of Nansemond county:

I, Peter B. Prentis, Clerk of said court, certify that the bond required of the Special Commissioner by the decree in said cause of April 15, 1886, has been duly given.

Given under my hand this 17th day of April, 1886. PETER B. PRENTIS, Clerk.

Suffolk, Va., May 14 1886

Mr R A Rawls Special Com'r

To Suffolk Herald, Dr.

TERMS:
Int Advertisements and
scriptions, Payable in
ance.
Advertisers are Re-
d to Settle Quar-
y.
ork, Cash on Delivery.

Fine Job Work a Specialty

Apl 27	To Printing 100 8th Bills Sale of house & lot Mrs E Gardner	1 50
May 7	To Adv'g House & lot " " in Herald 1 Week (4 inch) @ 3.00	2 50
		4.00

Rec't Payment R A Rawls Spl Com'r
J E Booker

All Available Text Successfully Captured

Recd of R. H. Rawls Special
Commissioner Eleven Dollars for
selling two tracts of land in
the chancery cause of Lee vs
$11— Lee et als in Hancock Circuit County
Court May 10th 1886.

J. T. Cox Clerk

Recd of R H. Rawley three dollars in full in the
case of Lee vs Lee et al.

Geo. L. Fulgham
for R

Rec'd of R. H. Reaves Special Comm'r
in Chancery Cause of Lee vs Lee & als
in Nansemond Circuit Court
Clerk's fee amt'g to 15 00
with Tax 1 50
$16 50

Paid

Peter B. Prentis Clerk
by C. A. Causey Jr. D.C.

1887 July

R H Rawley Minches ~~Ice Exploration~~
Corts suit + Sale.

1375
300
1075
21.5.0
15-
36

1575
300
1291.5-
64.5.5-
1291
25.82
15-

$24.37½

Recd of R. H. Rawles special Commissioner in the suit of Lee & Lee et als in the Circuit Court of Nansemond County and as agent in same in full of all demands against him whatever in said capacities in said matter. I declining to pay any fee whatever for what was done on my behalf, the sum of Twenty four dollars and thirty seven cents and one half of one cent: but should the claim of Henry Ashburn be allowed I hereby agree to refund my prorata share of the same.

Oct. 14th 1887.

James A. Davis

$25-00/100 Recd of R A Rawles Special Commissioner in the cause of Lee vs Lee et als Twenty five dollars in full payment of amount due me from the Estate of E. E. Gardner dec'd Dec 5th 1887.

A. M. & E. Babb Exrs
Thos. W. Babb

Suffolk Va. Nov. 19th 1886

Recd of R H Rawles Special Commissioner and Agent Twenty Five Dollars in full payment of all my claims and interest in and to the Estate of E.E. Gardner decd.

W. J. Davis

Recd of R. H. Rawles special Commission
in the cause of Lee vs Lee shals Twenty
four dollars and forty six cents
in full of my share Aug. 18th 1887.

A L Duke

Suffolk, Va., Sept 6 1886

Mr Rev Jno. P. Lee

Bought of Estate **James R. Baker,**

DEALER IN DRY GOODS, NOTIONS, CLOTHING, SHOES, HATS,

Carpets, Mattings, Oil Cloths, &c.

1884

June	27	1	suit Clothes	(self)	15	00
"	"	1	Pr shoes	"	3	00
"	28	1	Hat	"	2	00
		1	Rubber Coat	"	2	00
July	14	2	Pr Shoes	"	3	00
"	15	1	Hand Satchel	"		50
Oct	1	1	Pr Shoes		2	00
	"	1	Hdkf			05
	"	2	"	10		20
	"	1	Doz Buttons			20
	"	3	yds Calico	8		24
	"	2½	" Lining	12½		31
	"	15	" Worsted	25	3	75
	"	3	" Baskt flannel	50	1	50
	"	1	Spool Silk			13
	"	1	Trunk		2	75
						36 63

I guarantee this account to be correct.

Jas R Baker

For value received I hereby
assign the within account
to F. & H. Rawles

James B. Baker

chattel mtge -

Total Amount		1591.08
Deduct- Cost of Suit & Sale	139.40	
" " Taxes &c	114.49	
" D & K & R.N.R	65.00	318.89
For distribution		$1272.19

1/2 Shaw	97.86
Charlotte Lee	195.72
R R Downs	97.86
J D Connell	97.86
W H Bradshaw	65.24
	$ 554.68

Reid & R H. Rawles Special Commissioner
and as agent for the Administrator
the following sums of money in full
of all demands and claims of every
kind whatsoever due or to become due
to the parties herein named, from the
estate of E. E. Gardner deceased in
the Chancery suit now pending in
the Circuit Court of Nansemond
County in the case of Lee Vs Lee etals
including money collected for rent
outside of said suit and in fact
including all claims of all natures
hereby fully acquitting and relieving the
said R H. Rawles from all further
demands as special commissioner or agent,
and he having a part of the same under
protest that according to his calculation
so large sums are not due, but in order
to divest himself from a troublesome
suit; the amounts received are as follows:-

$195.72 One hundred and Ninety five + 72/100 dollars for Miss Charlotte Lee
97.86 Ninety-Seven + 86/100 Dollars for R.R. Owen's wife
97.86 Ninety Seven + 86/100 " " J.D. Council's wife
65.24 Sixty five + 24/100 " " W.H. Bradshaw's wife
$456.68

Jno H. Wright atty for
Charlotte Lee, R.R. Owens & wife, J.D. Council & wife
& W.H. Bradshaw & wife.

1

$65.$\frac{24}{11}$

Recd of R H. Rawles Sixty five $\frac{24}{100}$ dollars
dollars in full payment of my in
terest in the estate of E. E. Gardner decd
including the proceeds of the sale of the
House and Lot in Suffolk — the rent
collected from the same, as well as
the sale of Miss E. E. Gardner's interest
in the Lee Mill near the North Carolina
line — in short all her interest in Virginia
which has been managed by the said R H. Rawles,
either as Special Commissioner or as
agent of the Administrator. But this
does not include land situated in
North Carolina. Aug. 23rd 1884
W. L. Harrell

W. L. Howell:

Receipt.

Recd of R. F. Rawles special Commission
~~Fifty~~ Sixty Five & 24/100 Dollars in
full Payment of all monies due to, or
coming to me from the estate of
Estlla E. Gordon decd.
May 15th 1886.

Edst Powell

Apl 21st
1881.

$65-\frac{24}{100}$

Rec'd of R. H. Rawles Special Commissioner and agent of Admin dbn. sixty five dollars & $\frac{24}{100}$ in full payment of all claims of the Est of E. E. Gardner decd in Virginia.

Lavinia G. Lee.

Apl 20. 1887

$65.\frac{24}{100}$

Recd of R. H. Rawles special Commissioner Sixty five dollars & 24 cents and agent of Admr d.b.n. in full payment of all accts due me by the Estate of E. E. Gardner decd in Virginia.

O. C. Lee

Recd of R. H. Rawles Special Commissioner and agent the sum of 65 24/100 dollars (in advance) dollars in full for my whole and entire share and interest and and to the Estate of E. E. Gardner decd.

Suffolk Va. Nov. 19th 1886. Wm F. Lee

$17.42

Recd of R. H. Rawles Seventeen dollars and forty two cents in full payment of all demands against him as special Commissioner in the estate of Mrs E. E. Gardner in Virginia and against said estate in Virginia May 7th 1887.

Bettie Lee Piland

1

$17.42

Rec'd of R H Rawles special Commr
in the Cause of Lee vs Lee et als Seventeen
dollars and forty two cents in full
payment of all demands on my part
against the said R H Rawles special Commr
and agent. May 9th 1887,
in Va.

Vince S Billey
By Birkely Billey her husband

1

$17 42/100

Recd of R. H. Rawles Seventeen dollars and forty two cents in full of all demands in the matter of Lee's Lee estate and as agent in Va. Wfl 30th " 1887.

Rosa E. Lee

1

$17.42/11

Recd of R. H. Rawls Special Commissioner and Agent of the Estate of E. E. Gardner Deed Seventeen dollars and forty two cents in full of all demands. Apl 30 1887.

Myrtle M. Lee

$17.42 Recd of R. H. Rawles Special Commissioner in the case of Lee vs Lee et als in the circuit court of Nansemond County Seventeen dollars and forty two cents in full of all demands on my part- Nov 16th 1887 Myrtle M. Lee for Annie C. Lee

I hold myself bound and responsible for the above, and covenant that no other demand shall ever be made for it.

Myrtle M. Lee

$17.42. Recd of R. H. Rawles Special Commissioner and agent in the case of Lee vs Lee &als, Seventeen dollars and forty two cents in full of all demands on my part May 10th 1887.

Robt. E. Lee

I hold myself bound and responsible for the above, and covenant that no other demand will ever be made for it.

Isaac L. Carter

Rec'd of Judge R. H. Rawles
Five $5.00 on balance of my
interest in the estate of
E. E. Gordner Dec'd.

H. O. P. Lee Admr De bonis non
" " of E. E. Gordner—

April 12th 1886.

Cash. $1.60 May 10th 1886,

Recd of R H Rawles Ten
Dollars ($10) on account of the
E. E. Gardner Estate matter.
March 22 1886.

W. O. P. Lee
Admr de bonis non
of the Estate of E. E. Gardner
dcd and &c.

R. W. BAKER & CO.
Furniture Dealers and Undertakers,
SUFFOLK, VA.

Furniture on the Instalment Plan a Specialty.

Suffolk, Va. Jan 11th 1888

R. A. Rawls for W. O. P. Lee

Seventy-two 100 Dollars

$ 10 00

R. W. Baker & Co.

Per J

Judge - I am out of funds and if you will send me a dozen of voice ordinances at once sigh.

Yours truly
W. O. Reed

All Available Text Successfully Captured

Judge Rawlins,

Parent

R. R. SMITH,
Clerk of Nansemond County Court,
SUFFOLK, VA.

Lee vs Lee et als
Voucher for Heirs receipts.

R. H. Rawles Esq.
Atty. at Law
Washington Dgr. City.

a b c d e f g
h i j k l m n
o p q r s t u v w x y z

No. 406

Mr. Castis or Gardner Lee

1884. To TOWN OF SUFFOLK, Dr.

To Tax on $ 1100	Real and Personal Estate, at 40c. per $100, for General Purposes	$ 4	40
" Capitation Tax, at 50c. each, for General Purposes			X
Total for General Purposes		4	40
" Tax on $	Real and Personal Estate, at 10c. per $100, for the Poor	1	10
" " " $	Real and Personal Estate, at 10c. per $100, for Schools	1	10
Total for all purposes		6	60
" 5 per cent. added after December 1st			33
" 6 per cent. interest added after January 1st			3 96
Rec'd of R. H. Rapley Sheriff's Com		7	89

Received payment 28 *day of* May, 1886 R R Small *Sergeant.*

No.....

Mr. Earlie A or Gardner Lee ✓

1885. **To TOWN OF SUFFOLK, Dr.**

To Tax on $ 1100 .....Real and Personal Estate, at 55c. per $100, for General Purposes....	$ 6	65
" Capitation Tax, at 50c. each, for General Purposes.....		
TOTAL FOR GENERAL PURPOSES.....	6	05
" Tax on $.....Real and Personal Estate, at 6c. per $100, for the Poor.....		66
" " " $.....Real and Personal Estate, at 6c. per $100, for Schools.....		66
TOTAL FOR ALL PURPOSES.....	7	37
" 5 per cent. added after December 1st.....		18
" 6 per cent. interest added after January 1st.....		1
Rec'd of R H Rivers Executor	7	56

Received payment 28 *day of* May , 188 6 R R Smith *Sergeant.*

990
749
153

No. 272

Mrs. Esther Gardner

1886. **To TOWN OF SUFFOLK, Dr.**

To Tax on $ 1100.00 Real and Personal Estate, at 55c. per $100, for General Purposes	$	6 05
" Capitation Tax, at 50c. each, for General Purposes		
TOTAL FOR GENERAL PURPOSES		6 05
" Tax on $ Real and Personal Estate, at 6c. per $100, for the Poor		66
" " " $ Real and Personal Estate, at 6c. per $100, for Schools		66
TOTAL FOR ALL PURPOSES		7 37
" 5 per cent. added after December 1st		37
" 6 per cent. interest added after January 1st		
		7 74

Received payment 20 *day of* Apl , 1887 Cowright *Sergeant.*

Mrs Esther Gardner Dr.

1886. To H. E. SMITH, Treasurer of Nansemond County, Va.

No. 252 No. of Acres,	State Tax, 30 cents on the $100.	State School Tax, 10c. on the $100.	County Levy 25c. on the $100.	Parish Levy, 12½c. on the $100.	Co. School Tax, 5c on the $100.	Dis. School Tax, 5c. on the $100.	Co. Road Tax, 10c. on the $100.	Total Amount of Taxes.
To Real Estate, value $ 1100 00	3 30	1 10	2 75				1 10	8 25
" Personal Prop'y, value $								
" Income, &c., value $								
" Poll Taxes								
Total								8 25
Five per cent. additional								42
Total								8 67

Received Payment.

H E Smith

Treasurer.

Mrs Elizabeth Gardner's Estate

To

The Town of Suffolk Dr.

1884		
Octo. 17	To 28 1/3 yds. of paving at 15c per yard	$ 4 15
	" 10 loads of sand for same @ 25c	2 50
	" 1073 Bricks @ $10 per Mt.	10 73
		$ 17 38
	By 1/3 remitted	5 79
		$ 11 59

Recd of R. H. Rawls.
The above amount.
J. M. Smith Treas. of Suffolk

Mrs E. E. Gaudin

To Leach & Spandau Dr

1884. To putting down patent
Feb. 1st } driven pump $51.00
To int- to Dec 7th 1886 8.00
$59.00

1886. Dec. 29th

Rec'd of R. H. Rawles atty for Dr. W. O. T. Lee, administrator of the Estate of Mrs. E. E. Gaudin dec'd, and also Special Comm'r of Sale in the Chancery cause of Lee vs Lee et al - now depending in the Circuit Ct of Hammd Co. the above sum of $59.00

C. H. Heaney atty
for Midland Pinner assignee of
Leach & Spandau.

All Goods Shipped at Purchaser's Risk.

No Deduction Made for Loss or Spoilage.

Suffolk, Va., May 17. 1881

ALL GOODS SHIPPED C. O. D. UNLESS SATISFACTORY REFERENCE IS GIVEN.

Mrs E Fordues's Estate

Bought of

JOHN T. NURNEY & CO.,

WHOLESALE AND RETAIL

GROCERS AND OYSTER PACKERS,

P. O. BOX 5. CORNER OF KILBY AND PINE STREETS

To Moving Fence	For Pavement	2	00
" Nails	for "		10
			2 10

Rec'd Payment
L. T. Nurney Co

Aug 2. 1884.

Mrs. E.E. Gardner's Estate Dr,

to S. H. Simons for moving and looking care of furniture.

Three loads from Suffolk in February $1.50 per load " " $4.50

Running one to Suffolk in August $1.50 per load, " $4.50

For running, airing, washing, putting quicksilver on steads and trouble generally " " $4.00

Total $13.00

S. H. Simons.

Paid by Cash
Sept 15th 1884.
S. H. Simons

Mr S. H. Simons

Personally appeared
before me Town Councilman
and made oath to the within
account as being correct to
the best of his belief
This 9th Day of Sept. 1884
Wm. Munnerlyn
Town Councilman

Paid Mr Simons (Six) Sixty dollars
on the above acct.

#3

Recd of

Wm. H. Bradshaw

Three dollars for making one

black Dress for Mrs. Bandeier

June 27th 1844 3^{00} W. A. Green

Recd payment for R. H. Rawles

Oct 12 1886. Wm H. Bradshaw

The Estate of Mrs E. E. Gardner, dec'd.

1884 To Dr Jno. A. Kilby Dr

June 10 To Vis: consultation &c, with Dr Jno. E. Phillips $15. 00

1886

May 15 Rec'd Payment in full of the above account of R. H. Rawles Special Commissioner

Jno. A. Kilby.

Vouchers

~~Fees costs & disbursements.~~

&

~~Distributions~~, 2

For. Bills paid out of
Chattel property

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF ~~NANSEMOND~~ Southampton COUNTY - GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Charlotte A Lee, R R Owens and Maria Frances, his wife, J D Council and Antoinette, his wife, W L Howell, W H Babb's heirs, and Sarah his wife, Edward Howell, George Lee, Lavinia S Lee, William J Lee, Dempsey Lee, A J Duke, J A Duke, N F Duke, and Thomas W Babb, and M E H his wife - The said Edward Howell, Lavinia S. Lee, William J. Lee and Dempsey Lee, being infants, under the age of twenty-one years

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 Monday in September next to answer a Bill in Chancery, exhibited against them in the said Court by John P Lee.

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 25th day of August 1884, in the 109th year of the Commonwealth.

Teste: Peter B. Prentis Clerk.

Copy for
Sarah Bradshaw
wife of W.H. Bradshaw

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON H. F. Duke

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 Monday in October *next to answer a Bill in Chancery, exhibited against* him and others *in the said Court by* John P. Lee,

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 24th *day of* September *1884, in the* 109th *year of the Commonwealth.*

Teste: Peter B. Prentis *Clerk.*

Received Sept 26 ts 1884 and a copy
here of delivered to N. F. Duke
J. T. Cox Sept for
J. L. Fulgham Sheriff

Rawlins Wy

John P. Lee

vs

Sam'l Swain et al

To N. F. Duke

To Orts: Rules, 1884

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF ~~NANSEMOND~~ Southampton COUNTY - GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Charlotte A. Lee and W. H. Bradshaw and Sarah, his wife,

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 Monday in October *next to answer a Bill in Chancery, exhibited against them and others in the said Court by* John P. Lee

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 24th *day of* September *1884, in the* 109th *year of the Commonwealth.*

Teste: Peter B. Prentis *Clerk.*

Rawles P.Q.

John P. Lee

vs Exhs. Summ. in Chy.

Charlotte N. Lee Exhs.

To Octo. Rules, 1884

Executed on Charlotte
N. Lee, W. H. Bradshaw
& wife by delivering
a copy & the within
Oct. 1st 1884
N. F. Cobb
Dep. Sheff.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF ~~NANSEMOND~~ Isle of Wight COUNTY · GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Charlotte A Lee, R R Owens, and Maria Frances his wife J D Councill and Antoinette his wife, W L Howell W H Brantley and Sarah his wife Edward Howell, George Lee, Lavinia S Lee, William T Lee, Dempsey Lee, A J Duke J A Duke A F Duke and Thomas W Babb and M E R his wife - The said Edward Howell, Lavinia S. Lee, William T. Lee and Dempsey Lee, being infants under the age of twenty-one years.

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 Monday in September *next to answer a Bill in Chancery, exhibited against them in the said Court by* John R Lee.

and have then and there this Summons. Witness, PETER B. PRENTIS, *Clerk of our said Court, at his office, this* 25th *day of* August 1884, *in the* 108th *year of the Commonwealth.*

Teste: Peter B. Prentis *Clerk.*

R. N. Rawls, P.Q.

John P. Lee

vs Summons in Chy.

Charlotte N. Lee &al

To Septr. Rules, 1884

Executed by delivering to the within named Antionette Council a true Copy of the within Summons Augt. 30th 1884

R. A. Edwards Shff.

Pro: B. No. 1. Jan Cir: Co:

Not desiring the within named Defendant to answer the Bill of Complaint filed in this cause, please enter a Decree pro confesso against her, and Certificate when the same is entered, that a copy of the Bill may be served upon her Solicitor.

R. N. Rawls, P.Q.

Executed the foregoing Subpoena by delivering a true copy thereof to the within named Defendant Antionette Council this 30th day of August 1884.

R. A. Edwards Shff.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF ~~NANSEMOND~~ Southampton COUNTY - GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Charlotte A Lee R R Owens and Marian Frances his wife, J D Council and Antoinette his wife, W L ~~Howell~~ Howell, W H Braithwaite and Sarah his wife Edward Howell, George Lee, Lavinia S Lee, William T Lee Dempsey Lee, A J Duke J A Duke, H F Duke and Thomas W Bobbitt and M E H his wife: the said Edward Howell Lavinia S. Lee, William T. Lee and Dempsey Lee, being infants under the age of Twenty-one years;

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 Monday in September next to answer a Bill in Chancery, exhibited against them in the said Court by John P Lee.

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 25th day of August 1884, in the 109th year of the Commonwealth.

Teste: Peter B. Prentis Clerk.

City Gov
W. H. Bradshaw

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF ~~NANSEMOND~~ Southampton COUNTY - GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Charlotte A Lee, R R Owens and Maria Frances his wife, J D Councill and Antoinette his wife, W L Howell, W H Brad shaw and Sarah his wife Edward Howell, A J Duke, J A Duke H F Duke, and Thomas W Babb and M E A his wife; the said Edward Howell, Lavinia S. Lee, William J. Lee and Dempsey Lee, being infants, under the age of twenty-one years

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 Monday in September next to answer a Bill in Chancery, exhibited against them in the said Court by John P Lee.

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 25th day of August 1884, in the 109th year of the Commonwealth.

Teste: Peter B. Prentis Clerk.

Copy for
Charlotte A. Lee

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF ~~NANSEMOND~~ Southampton COUNTY GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Charlotte A. Lee R. R. Owens and Marion Frances his wife, J. D. Councill and Antoinette his wife, W. L. Howell, W. H. Bradshaw and Sarah his wife, Edward Howell, George A. Lawrence S. Lee, William T. Lee, Dempsey Lee, A. J. Duke, J. A. Duke, W. F. Duke, and Thomas W. Babb and M. E. H. his wife: the said Edward Howell, Lawrence S. Lee, William T. Lee and Dempsey Lee, being infants, under the age of twenty-one years,

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 Monday in September next to answer a Bill in Chancery, exhibited against them in the said Court by John P. Lee.

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 25th day of August 1884, in the 109. year of the Commonwealth.

Teste: Peter B. Prentis Clerk.

Copy for
W. L. Howell

Hickoford

I hereby acknowledge legal and sufficient service of the within notice.

Wm L. Howell

NEW ADVERTISEMENTS.

VIRGINIA, TO WIT.—IN THE Clerk's Office of the Circuit court of Nansemond county on Wednesday, the 27th day of August, A. D. 1884—in vacation:

John P. Lee.....Complainant,

AGAINST

Charlotte A. Lee, R. R. Owens and Maria Frances, his wife; J. D. Councill and Antoinette, his wife; W. L. Howell, W. H. Bradshaw and Sarah, his wife; Edward Howell, George Lee, Lavinia S. Lee, William T. Lee, Dempscy Lee, A. J. Duke, J. A. Duke, H. F. Duke, Thomas W. Babb and M. E. N., his wife.....Defendants.

IN CHANCERY.

The object of this suit is for a sale or division of the real estate of which Esther E. Gardner died seized and possessed, consisting of a house and lot on Kilby street in Suffolk, Virginia, and bounded on the north by said street, on the east by the lot of Sarah C. Nurney (formerly Wallace Kilby's), and on the south and west by the lots of said Nurney.

And affidavit having been made and filed that the defendants George Lee, Lavinia S. Lee, William T. Lee, Dempscy Lee, A. J. Duke, Thomas W. Babb and M. E. N. Babb, his wife, are not residents of this State, it is ordered that they appear here within one month after due publication of this order, and do what is necessary to protect their interests in this suit; and that a copy of this order be forthwith published in the SUFFOLK HERALD, a newspaper published in the town of Suffolk, for four successive weeks, and posted at the front door of the Courthouse of this county on the first day of the next term of the court of the county aforesaid.

A copy—Teste:

PETER B. PRENTIS, Clerk.

R. H. RAWLES, p. q. au27-4t

VIRGINIA, TO WIT.—IN THE Clerk's Office of the Circuit court

John P. Lee . . . . . Complainant.

In Chy: Cause pending in the Circuit Court of Nans Co. Va

Charlotte A. Lee & al: . . . . . Defendants

This day R. H. Rawles, made oath before me, that he has understood and verily believes, that N. J. Duke, H. F. Duke and Thos. W. Babb and M. E. N. his wife, who are some of the parties defendant to the above Chy: Cause, are not residents of the State of Virginia.

Sworn to before me in the Clk's Office of Nans Cir: Ct. this 25th: day of August 1884. Peter B. Parents. Clerk

(Signed) R. H. Rawles

2

John P. Lee

to affidavit as to name
residence & name of the
heirs at law.

Charlotte A. Lee Dal.

1884

Aug: 25th: Mails Heirs

for Pat: awarded.

Virginia

At Rules, in the Clerk's Office of the Circuit Court of Nansemond County, on Monday, the 1st day of September 1884.

John P. Lee — Complainant

Against

Charlotte A. Lee, R. R. Owens and Maria Frances his wife, J. D. Councill and Antoinette his wife, W. L. Howell, W. H. Bradshaw and Sarah his wife, Edward Howell, George Lee, Lavinia T. Lee, William T. Lee, Dempsey Lee, A. J. Duke, J. A. Duke, H. F. Duke and Thomas W. Babb and M. E. N. his wife. The said Edward Howell, Lavinia T. Lee, William T. Lee and Dempsey Lee being infants under the age of twenty one years. — Defendants.

On Motion of the Complainant by Counsel, Peter B. Prentis is appointed Guardian ad litem of the infant defendants in this suit; and it is ordered that the said Guardian be notified of his appointment, by serving upon him a copy of this order.

Test

Peter B. Prentis, Clerk

1882. September 16th: I hereby acknowledge service of the foregoing order, and that I have received a copy thereof.

Peter B. Prentis,

Guardian ad litem

4

John P. Lee

vs In Chy

Charlotte A. Lee & al

Order to Appear Enough

by

Gen: al Letters

Know All Men by These Presents, That we, Richard H. Rawles and Julius T. Rawles,

are held and firmly ~~bound~~ unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Two Thousand DOLLARS, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our, and each of our heirs, exeeutors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 17th day of April in the year one thousand eight hundred and eighty-six, and in the 110th year of the Commonwealth. The obligors herein hereby waive all benefit of the homestead exemption as to the obligation of this bond, and also waive any elaim, right or privilege to diseharge any liability arising under said bond in any eurrency, funds, eounter elaims or offsets other than legal tender curreney of the United States.

THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above bound

Richard H. Rawles.

who has, by ~~this day qualified before the~~ a Decree of the Circuit Court of Nansemond County, pronounced on the 15th day of April, 1886 in the Chancery Cause of John P. Lee, Plaintiff, against Charlotte A. Lee &c. Defendants been appointed a Special Commissioner to sell certain Real Estate, in said Cause described, shall faithfully perform his duties under said Decree or of any future order in said Cause

~~shall faithfully discharge the duties of his said trust~~, then the above obligation to be void, or else to remain in full foree and virtue.

Executed in presence of the Court.

Richard H. Rawles SEAL

J. T. Rawles SEAL

SEAL

SEAL

SEAL

12

Richard H. Rawles

Sheriff Conard

to

J. Boyd

Commonwealth

1886

April 17th. Executed Filed

Lee vs Lee et als.

To the Hon. C.W. Hill, Judge of the Circuit Court of Jasper County:-

The undersigned Special Commissioner in the above cause, appointed to sell the real estate in the bill and proceedings mentioned collect the purchase money and distribute the same, having heretofore reported sales of said real estate, which said report and sales were confirmed by decree of the 12th day of April 1887 respectfully submits the following report of his collections and distribution:-

Amount recd of G.W. Murney for Gardner Lot		$1310.00
Interest recd on same		55.68
Amount recd of Binkley Kelly for 2/15 interest in Mill property		10.00
Total		$1375.68

Paid out for expenses as follows:-

Suffolk Herald Printing, 2 Bills	$10.00	✓
John T. Cox, Crier	11.00	✓
P.B. Prentiss Clerk	16.50	✓
C.H. Causey, Commr,	20.00	✓
Jno L. Fulghum, Sheriff	3.00	✓
J.H. Cross, M. Jones & S.S. Riddick Commissioners to view $1.00 each	3.00	
Atty's tax fee	30.00	✓
Commissions on sales.	36.00	✓
2 Deeds to purchasers @ $5.00	10.00	$139.50
Balance		$1236.18

Amount recd from W.O.P. Lee Admr
de bonis non, being balance in his
hands from rents, sales of chattel &c as
shown by the report of C.H. Causey
Commissioner of accounts filed with
these papers $215.40

Out of which, by his request I paid
the following liens and bills:-

R.R. Smith Suffolk Town Taxes	1884.	$7.49
" " " " " "	1885	7.50
" " " " " "	1886	7.74
H.E. Smith, State & Co Taxes	1886	8.67
J.M. Canek. Freeman Suffolk for Paving Bill		115.9
Leach & Spandrew for Criterion Pamph		59.00
Jno. T. Nurney for fence		2.10
S.H. Simms moving furniture		7.00
W.H. Bradshaw for dress		3.00
Dr. J.T. Kelly for Medical Bill		15.00
R.H. Rawles atty for legal services rendered Jno. P. Lee admr and W.O.P. Lee admr de bonis non, & for renting out property, collecting rents		50.00 $179.49
Balance		35.91
Amt from sales of real Estate brot forid		$1236.18
For Distribution		$1272.09

This amount your Commissioner found
was to be divided into ~~seven~~ six whole shares and
one share of the half-blood, and he has
divided it and paid to distributees as
follows:- each whole share being $195.72;

Charlotte A. Lee, sister whole blood,	✓	$195.72
Maria Frances, wife of R. R. Owens	$97.86 ✓	
Antoinette, wife of J. S. Cornell	97.86 ✓	195.72
There two children of a decd sister of the whole blood, of E. E. Gardner decd,		
Sarah Bradshaw wife of W. H. Bradshaw	$65.24 ✓	
W. L. Howell	65.24 ✓	
Ed. Howell	65.24 ✓	195.72
There three are children of ~~William Howell~~ Ann O. Howell a decd ~~brother~~ sister of E. E. Gardner decd		
Lavinia G. Lee	$65.24 ✓	
D. C. Lee	65.24 ✓	
W. T. Lee	65.24 ✓	195.72
There three are the children of Isaac Lee a decd brother of E. E. Gardner decd		
George Lee, only son of Joshua Lee a decd brother of E. E. Gardner	✓	195.72
The share of Rev. Jno. P. Lee, a decd brother was divided among his children as follows:-		
Bettie Piland	$17.42 ✓	
Lucy S. Kelly	17.42 ✓	
Rosa E. Carter	17.42 ✓	
Myrtle M. Lee	17.42 ✓	
Annie C. Lee	17.42 ✓	
W. O. P. Lee	17.42 ✓	
R. E. Lee	17.42 ✓	
	$121.94	
Bill ~~Bill~~ J. R. Baker paid	36.63 ✓	
Bill R. H. Rawles paid	37.15 ✓	195.72
Cornell Forward		$1174.32

Amt brot forward $ 1174.32

The half share (one half share) belonged to
the children of Francis Duke a
decd half brother of E. E Gardner
decd, as was distributed as follows:-

James A. Duke	$24.46 ✓	
A.M.E.N. Babb	24.46 ✓	
H. F. Duke	24.46 ✓	
A. J. Duke	24.46 ✓	97.86
Whole amt distributed		$ 1272.18
Total amt for distribution		1272.18

I have made the usual deeds to the purchasers of the said lots.
I herewith file vouchers for all the above
claims paid by me. All of which is
respectfully submitted

R. H. Rawles
Special Commissioner.

1893 September 18th Filed
A. D. Gormley Clerk

Ex 17 Lunsford.

Final report
showing distribution

15

To the Hon. Geo. Blow, Judge of the Circuit Court of Jefferson County:-

We the undersigned Commissioners appointed by a decree of this Court in vacation, after having been first duly sworn to faithfully perform the duties assigned us in said decree proceeded to view the premises in the bill and proceedings mentioned. The property consists of a house and lot on Kirby Street in Suffolk, and ~~is not~~ indivisible in kind under any circumstances, but could never be divided in kind among so many parties as appear to us to be entitled in this cause. To be brief, we can only recommend to your Honor, a sale of the property and a division of the proceeds among the heirs, which interests we think would certainly be promoted thereby. The house on the lot is being rented out and is going to decay. The fee simple value of the property is about $1200 and the annual value about $115. Respectfully submitted.

Fee $1.00 Paid Thomas W. Cross.

" " " W. L. Cross

" " " E. S. Riddick

Lee vs Lee No 2

7

Rept of Commissioners

To the Circuit Court of Nansemond County.

Pursuant to the decree of this Court pronounced at the October Term, 1885, a copy of said decree being hereto annexed, in a certain Chancery Cause in said Court depending between John P. Lee, plaintiff and Charlotte A. Lee and others defendants, the undersigned, one of the Commissioners of this Court, pursuant to notice, proceeded to take, at his Office, in the town of Suffolk in the presence of R. H. Fowlkes Esq. attorney for the plaintiff and John H. Wright Esq. attorney for the defendants, the several accounts required by the decree above referred to, to be stated for the information of the Court and herewith respectively submits the result as follows

Account No. 1

An account of all the Real Estate of which Esther E. Gardner died seized and possessed in Nansemond County, Virginia, together with the fee simple and annual values of the same.

First: a lot or parcel of land in the Town of Suffolk on which the deceased resided with the appurtenances of the same, on Kirby Street in the

the ~~fee simple~~ value thereof estimated at $ 1200 00

Said property being now in fair condition but is not enhancing in value

Second: Two-fifteenths (2/15) of an undivided interest in what is known as Lee's Mill - a grist-mill with about thirty (30) acres of land attached; the fee simple value thereof - i.e. the whole property being estimated at $250 of which 2/15 would be - - - - - - - - - 33 33 1/3

$ 1233 33 1/3

The annual value of the lot in Suffolk is estimated at $ 125 00

And the annual value of decedents in-
terest in the Mill property is estimated at $ 4 00
This property is depreciating in value.

Account No. 2.

Dr. An Account of the transactions of John
P. Lee (now deceased) as administrator of
Esther E. Gardner deceased. Cr.

1884
August. 9th By amount of proceeds of sale of
the Chattel property of Esther E. Gard-
ner with which said John P. Lee is
chargable as shown by exhibit "A"
filed herewith by consent of Counsel. $ 108 58

" " To paid John T. Cox. Crier at the
Sale per receipt. $ 7 00

" " To paid S. H. Simons on account
of his bill for hauling &c
per receipt 6 00

" " R. R. Owens for keeping
account at Sale 1 00

" 5 % Commission on $108.58 less
one dollar for articles bought
at Sale 4 43

" Balance due the estate 90 15

$ 108 58 $ 108 58

By Balance due the Estate $ 90 15

Account No. 3.

An Account of the Transactions of W. Oscar
P. Lee as administrator de bonis non of
Esther E. Gardner deceased.

1885.
The administrator qualifies
By Amount received from the
estate of John P. Lee dec'd. $ 90 15

March 10 To paid Dr. E. D. Phillips for medi-
cal attendance per bill rendered $ 18 00

Balance $ 18 00 $ 90 15

1885 Mar 10		Brought on		$	18	00	$ 90 15
" July 10	Do	paid burial expenses of deceased per bill and rect			5	00	
"	"	"	State and County taxes for 1884 - per rect.		7	51	
" Jany 6	"	"	Washington Knight for plastering + Whitewashing per rect		7	75	
	"	"	Sheriff of Southampton Co.		2	00	
	"	"	Sheriff of Isle of Wight Co		1	00	
	"	"	D.D. Flowers for repairs per rect		2	90	
" Nov. 14	"	"	Smith + Holland for repairs do		8	98	
" " "	"	"	S.R. Dunn insurance "		7	75	
" " "	"	"	State + Co. Taxes for 1885 "		7	51	
" " "	"	"	John H. Wright - insurance .		1	15	P.D. J.H. Wright
	By	rent received from Mrs. R.S. Elam for 1884 per R.H. Rawles atty					93 75
	Do	Do. Do. Do for 1885 do.					150 00
	"	" " from Mrs. J.H. Turner for January + February 1886 do.					25 00
	"	5 per cent Commission on $35.98			1	95	
	"	Amount due the Estate			215	40	
					358	90	358 90
1886 April 1st	By	Amount in the hands of the Admrs. made.					$ 215 40

All of which is respectfully submitted

Estate a Comment

Annual fee $20.00 Paid.

C.H. Causey

Lee
Lee en Cámara
Lee Fol
Comun Reglas

Lee vs Lee etals } In Chancery.

To the Hon Geo. Blow. Judge of the Circuit Court of Nansemond County

The undersigned Special Commissioner begs leave to submit the following report in the above cause:

That pursuant to a decree of the said Court in the above cause rendered on the 15th of April 886 after having given bond, the Commissioner proceeded under the directions of the said decree to sell the two pieces of real estate in the Bill and proceedings mentioned, that in making the sale all the terms and conditions of said decree were first fully complied with and the sale resulted as follows: On Monday May 10th (Court day) before the Court House door the property was put up at public auction and sold as follows:- The Goodwin Tract in Suffolk to Geo. W. Storey for $1310. This was an excellent sale and the property was cry reported & the Commissioner who took the accounts as valued at $1200. Mr Storey has paid in French cash and has given his two bonds respectively at one & two years for the remainder with J M Cuthrell as surety, and the ~~title~~ Title is withheld until full payment. The 2/5 Mill interest was sold for $10- and was purchased by Brinkley Kelly who owned one of the heirs in this cause. This Mill property having a nominal worth and this was the best sale that could be made

of it. None seemed to want it at scarcely
any price. This property is appraised by the
Commissioners at best depreciating in value
and as only a 2/15 undivided interest was
sold no great bargain could be expected. The
whole property is only valued by the Commissioners at $250 and the whole annual value
at $16 2/3. So that this sale does not really a
good one. The Commission is now waiting for
the payments of the deferred bonds. All of which
is respectfully submitted

R H Rawles
Special Commissioner

Report of Sale of Special Commissioner Rawles

13