1896-008
Nansemond Co (Suffolk) Chancery Causes: Margaret A. Miltier et al vs Thomas Gomer et al

Fanny, Milteer

To A.P.Gomer,Clerk of the Circuit Court of Nansemond County:

Margaret A.Miltier and John T.Miltier,her husband,Lizzie V.Fanny and J. G.Fanny,her husband,W.B.Gomer,R.E.Gomer and J.J.Gomer)Complainants-

vs

Thomas Gomer and A.T.Gomer-Defendants.

Issue summons in chancery to Rules on the 3rd Monday in September,1895.

Sayth 1.50

E. E. Haccaut

p.q.

Memorandum:

Gomer vs Gomer

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Thomas Gomer and A P Gomer

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 Third Monday in September 1895, to answer a Bill in Chancery, exhibited against them in the said Court by Margaret A Miller and John D Miller her husband Lizzie V Fanny and J G Fanny her husband W B Gomer R E Gomer and J J Gomer

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 11th day of September, 1895, in the 120th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste: A P Gomer, CLERK.

Executed this the 12th day of Sept 1895 by delivering a true Copy of the within process and Copy of Declaration to Thomas Gomer in person and leaving a Copy with Mrs A J Gomer the wife of A J Gomer a female over the age of 16 years she being found at his usual place of abode

P E Hogshire D.C.
for Wm J Lowe & Bro

E E Holland p. q.

Margaret A Miller &
John Miller & others

vs. } In Chancery.

Thomas Gomer &
A J. Gomer

1895

September Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 2

Page 122.

In the Circuit Court of Hardin County:

Margaret A. Hutchison & others
vs
Thomas Jones & others

With the consent of the parties it is ordered that the papers in this cause be submitted to the judge of this Court for decision or decree in vacation.

Nunc pro tunc

Dec. 15th 1895

Order Entered

~~Entered~~ ~~Robert C. Ellis~~

Leave consent

E. E. Means

for Pltfs

Rawlins & Bridges

Lee Bradley

for Defendants

Entered in Chancery
Order Book No. 2
Page 663.

Mr. Thomas Gomer ..... Dr.

1891. To H. E. SMITH, Treasurer of Nansemond County, Va.

No. 252 / No. of Acres 50	State Tax, 30 cents on the $100.	State School Tax, 10c. on the $100.	County Levy, 25c. on the $100.	Parish Levy, 5c. 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 $ 400	1 20	40	1 00	20	20	20	40	5 20
" Personal Prop'y, value $ 78	24	8	20	4	4	4	8	72
" Income, &c., value $								
" Poll Taxes								50
Total								5 72
Five per cent. additional								26
Total								6 06

P. B. Pr cap. off. 228

3 78

Received Payment. H. E. Smith, Treasurer.

W. Knight

378

Mr. Thomas Gowen Dr.

1894. To H. E. SMITH, Treasurer of Nansemond County, Va.

No. 257 No. of Acres 50	State Tax, 30c. on $100.	State School Tax, 10c. on $100.	County Levy, 20c. on $100.	Parish Levy 5c. on $100	County School Tax, 5c. on $100.	District School Tax, 5c. on $100.	County Road Tax, 10c. on $100.	TOTAL AMOUNT OF TAXES.
To Real Estate, value $400	1 20	40	80	20	20	00	40	3 40
" Personal Property, value $					1			
" Income, &c., value $								
" Poll Taxes								
Total								11
5 per cent. additional								57
Total								

Received Payment. H. E. Smith, Treasurer.

Mar 9 95 R

Eq S.

Mr. Thomas. Gomer ..... Dr.

1893. To H. E. SMITH, Treasurer of Nansemond County, Va.

No. 283 / No. of Acres 50	State Tax, 30 cents on the $100.	State School Tax, 10c. on the $100.	County Levy, 20c. on the $100.	Parish Levy, 5c. 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 $400	1 20	40	80	20	20	20	40	3 40
" Personal Prop'y, value $								
" Income, &c., value $								
" Poll Taxes		—						
Total								
Five per cent. additional								17
Total								3.57

Received Payment. H. E. Smith, *Treasurer.*

Ex R.

Mr. Thomas Gomer Dr.

1892. To H. E. SMITH, Treasurer of Nansemond County, Va.

No. / No. of Acres 50	State Tax, 30 cents on the $100.	State School Tax, 10c. on the $100.	County Levy, 25c. on the $100.	Parish Levy, 5c. 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 $400	1 20	40	1 00	20	20	20	40	3 60
" Personal Prop'y, value $								
" Income, &c., value $				1				
" Poll Taxes		Ex						
Total								
Five per cent. additional								
Total								

Received Payment. H. E. Smith, *Treasurer.*

Eq Q.

5-1/2
3 6
8 2
1.128
10.00

Mr. Thomas Turner Dr.

1890. To H. E. SMITH, Treasurer of Nansemond County, Va.

No. 506 / No. of Acres 57	State Tax, 30 cents on the $100.	State School Tax, 10c. on the $100.	County Levy 25c. on the $100.	Parish Levy, 5c. 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 $ 400	1 20	40	1 00	20	20	20	40	3 60
" Personal Prop'y, value $ 100	30	10	25	05	05	05	10	90
" Income, &c., value $								
" Poll Taxes.		6X						
Total								4 50
Five per cent. additional								23
Total								4 73

Received Payment, ____, *Treasurer.*

Mr. Thos. Gomer Dr.

1889. To H. E. SMITH, Treasurer of Nansemond County, Va.

No. 518 / No. of Acres 50	State Tax, 30 cents on the $100.	State School Tax, 10c. on the $100.	County Levy 25c. on the $100.	Parish Levy, 5c. 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 $400	1 20	40	1 00	20	20	40	40	3 80
" Personal Prop'y, value $126	38	13	32	07	07	13	13	1 23
" Income, &c., value $								
" Poll Taxes		50	50					1 50
Total								6.53
Five per cent. additional								1 50
Total								5.03

Capitation tax 1 dollar each

Received Payment, H. E. Smith by King, *Treasurer.*

Mr. Thomas Gomer Dr.

1888. To. H. E. SMITH, Treasurer of Nansemond County, Va.

No. 506 / No. of Acres, 50	State Tax, 30 cents on the $100.	State School Tax, 10c. on the $100.	County Levy, 25c. on the $100.	Parish Levy, 8c. on the $100.	Co. School Tax, 5c. on the $100.	Dis. School Tax, 10c. on the $100.	Co. Road Tax, 10c. on the $100.	TOTAL AMOUNT OF TAXES.
To Real Estate, value $ 400	1 20	40	1 00	32	20	40	40	3 92
" Personal Prop'y, value $488.50	1 47	49	1 22	39	25	49	49	4 80
" Income, &c., value $								
" Poll Taxes	1 00		50					1 50
Total								$8 72
Five per cent. additional								
Total								

Received Payment, H. E. Smith Treasurer.

Mr. Thomas Somers Dr.

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

No. 493 / No. of Acres, 50	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 $ 400	1 20	40	1 00	50	20	20	40	3 90
" Personal Prop'y, value $ 516	1 55	52	1 29	64½	26	26	52	5 05
" Income, &c., value $								
" Poll Taxes		1 00	50					1 50
Total								10 45
Five per cent. additional								52
Total								10 97

Received Payment.

H E Smith Treasurer.

Thomas, Gomer

Ex Mc

Mr. Thomas Bowser Dr.

1885. To H. E. SMITH, Treasurer of Nansemond County, Va.

No. 504 No. of Acres, 50	State Tax, 30 cents on the $100.	State School Tax, 10c. on the $100.	County Levy 25c. on the $100.	Parish Levy, 15c. on the $100.	Co. School Tax, 5c. on the $100.	Dis. School Tax, 5c. on the $100.	TOTAL AMOUNT OF TAXES.
To Real Estate, value $400	1 20	40	1 00	60	20	20	3 60
" Personal Property, value $445	1 34	45	1 12	68	23	22	4 04
" Income, &c., value $							
" Poll Taxes		1 00	50				1 50
Total							9 14
Five per cent. additional							
Total							

RECEIVED PAYMENT.

H. E. Smith, TREASURER.
W. Wright

Mr. Thomas Goodwin Dr.

1884. **To H. E. SMITH, Treasurer of Nansemond County, Virginia.**

No. 473 No. of Acres 50	State Tax, 30 cents on the $100.	State School Tax, 10c. on the $100.	County Levy 25c. on the $100.	Parish Levy, 15c. on the $100.	Co. School Tax, 5c. on the $100.	Dis. School Tax, 5c. on the $100.	Total Amount of Taxes.
To Real Estate, value $ 400	1 20	40	1 00	60	20	20	3 60
" Personal Property, value $ 483	1 45	1 48	1 21	73	24	21	4 35
" Income, &c., value $							
" Poll Taxes	1 00		50				1 50
Total							9 45
Five per cent. additional							
Total							

Received Payment. H. E. Smith, *Treasurer.*

E41 K

Mr. Thomas Goomer Dr.

1883. **To H. E. SMITH, Treasurer of Nansemond County, Virginia.**

No. 450 50 acres	State Tax, 40 cents on the $100.	County Levy 20c. on the $100.	Parish Levy, 12½c. on the $100.	Co. School Tax, ⅜c. on the $100.	Dis. School Tax, 3⅛c on the $100.	Total Amount of Taxes.
To Real Estate, value $ 400	1 60	80	50	13	12	3 15
" Personal Property, value $ 290	1 16	58	36	09	09	2 28
" Income, &c., value $						
" Poll Taxes	1 08	50				1 50
Total						6 93
Five per cent. additional						
Total						

Received Payment.

H. E. Smith, *Treasurer.*

D.

Mr. Thomas Goomer. Dr.

1882. **To H. E. SMITH, Treasurer of Nansemond County, Virginia.**

No. 407 50 acs	State Tax, 40 cents on the $100.	County Levy 20c. on the $100.	Parish Levy, 12½c. on the $100.	Co. School Tax, 3⅛c. on the $100.	Dis. School Tax, 3⅛c. on the $100.	Total Amount of Taxes.
To Real Estate, value $ 400	1 60	80	50	02	13	3 15
" Personal Property, value $ 328	1 31	66	41	10	11	2 59
" Income, &c., value $						
" Poll Taxes	1 00	50				1 50
Total						7 24
Five per cent. additional						
Total						

Received Payment. H E Smith, Treasurer.

1000
724
276

Mr. Thomas Goodwin Dr.

1881. **To H. E. SMITH, Treasurer of Nansemond County, Virginia.**

No. 313
50 acres

	State Tax, 50 cents on the $100.	County Levy 25c. on the $100.	Parish Levy, 12½c. on the $100.	Co. School Tax, 3⅛c. on the $100.	Dis. School Tax, 3⅛c. on the $100.	Total Amount of Taxes.
To Real Estate, value $ 400 00	2 00	1 00	50	13	13	$3 76
" Personal Property, value $ 287 00	1 44	72	36	09	09	2 70
" Income, &c., value $						
" Poll Taxes	1 00	50				1 50
Total						$7 96
Five per cent. additional						
Total						

Received Payment. H. E. Smith, *Treasurer.*
D.

Ex H.

Mr. Thomas Jones Dr.

1880. **To H. E. SMITH, Treasurer of Nansemond County, Virginia.**

No. 362	State Tax, 50 cents on the $100.		County Levy 37½c. on the $100.		Parish Levy, 12½c. on the $100.		Co. School Tax, 3⅛c. on the $100.		Dis. School Tax, 3⅛c. on the $100.		Total Amount of Taxes.	
To Real Estate, value $ 300 (50 acs)	1	50	1	12		38		10		10	$ 3	20
" Personal Property, value $ 248	1	24		93		31		8		8		64
" Income, &c., value $												
" Poll Taxes	1	00		50							1	50
Total											$ 5	34
Five per cent. additional												
Total												

Received Payment. H E Smith, *Treasurer.*

1000
730

270

Eq. 9

Mr Thomas Jones H. Jr. District No. 1.

1878. To WM. ELEY, Treasurer of Nansemond County.

	Dols	Cts.
To State Tax on 50 acres Land, value $ 300 at 50c on $100....	1	50
To State Tax on Personal Property, valued $ 274 at 50c on $100.....	1	37
Total State Tax on Land and Property.....	2	87
To County Levy, 50 per cent, on State Tax.....	1	44
To Parish Levy, 25 per cent on State Tax.....		72
To County and District School Tax on Property 6¼ cts. on $100.....		36
State Capitation $1, County Capitation 50 cents.....	1	50
Total Tax on all subjects.....	6	89
December 1st, five per cent. added.....		13
Dis	—	

6 76

RECEIVED PAYMENT,

....., Treasurer.

F. W. HUNTER, *Assessor.*

W. R. Eley, Deputy.

Thomas Gomer H.N.D.

#6,89

Ex 7.

Mr. Thomas Goomer, District No. 1,

1877. To WM. ELEY, Treasurer of Nansemond County.

	Dols	Cts.
To State Tax on 50 acres Land, value $ 300 at 50c. on $100	1	50
To State Tax on Personal Property, value $ 253 at 50c. on $100	1	27
Total State Tax on Land and Property	2	77
To County Levy, 50 per cent. on State Tax.	1	39
To Parish Levy, 20 per cent. on State Tax		70
To County and District School Tax on Property 6¼ cts. on $100		35
State Capitation $1, County Capitation 50 cts	1	50
Total Tax on all subjects	6	71
December 1st. five per cent. added		34
		7 05

RECEIVED PAYMENT, ..., Treasurer.

THOMAS A. HOWELL, Assessor, L. D. W. Eley, Deputy.

Thomas Goomer

#6,71

3½

7,03-

Ex E,

Mr Thomas Gomer, District No. 1.

1876. *To WM. ELEY, Treasurer of Nansemond County.*

	Dols.	Cts.
To State Tax on 50 acres Land, value $ 300, at 50 cts. on $100...	1	50
To State Tax on Personal Property, value $ 274, at 50 cts. on $100...	1	37
Total State Tax on Land and Property	2	87
To County Levy, 50 per cent. on State Tax	1	44
To Parish Levy, 20 per cent. on State Tax		58
To County and District School Tax on Property, 6¼ cts. on $100		36
State Capitation $1, County Capitation 50 cts	1	50
Total Tax on all subjects	6,	73
December 1st, five per cent. added		

RECEIVED PAYMENT.

THOMAS A. HOWELL, *Assessor.*

Wm B. Eley, *Treasurer.*

Deputy.

Thomas Gonner

$6.75

Ed D.

Mr. Thos Goodrich Holy Neck Township,

1875. To WM. ELEY, Treasurer of Nansemond County.

	Dols.	Cts.
To State Tax on 23 acres land, value $ 2123.30 at 50 cts. on $100...	1	06
To State Tax on Personal Property, value $ 324 at 50 cts. on $100...	1	62
Total State Tax on Land and Property	2	68
To County Levy, 50 per cent. on State Tax	1	34
To Parish Levy, 25 per cent. on State Tax		67
To County and District School Tax on Property, 6 cts. on $100... 3.3.8.1.70..		18
State Capitation $1, County Capitation 50 cts	1	50
Clerk's Fees		
Commissioner's Fees		
Total Tax on all subjects	4	41
December 1st, five per cent. added		

RECEIVED PAYMENT

4 41
4 99

Wm Eley Treasurer.

Deputy.

E4 C

Mr. Thomas Sumner

1870. To A. S. ELEY, Sheriff of Nansemond Co., Dr.

To	State and School Tax, $1.00. County Levy, 50 cts.	1	50
"	50 Acres Land, value $ 225 at 50 cts. on $100 value,	1	13
"	Ditto for county, 50 per cent. on revenue tax		56
"	Ditto for Parish, 12½ " " " " "		14
"	Revenue on Personal Property, Bonds, &c., at 50 cts. on $100 value,	1	70
"	Ditto for county, 50 per cent. on revenue tax		85
"	Ditto for Parish, 12½ " " " " "		21
"	Clerk's Fees		
"	Commissioner's Fees		
"	Sheriff's Fees		
		$ 6	10

RECEIVED PAYMENT,

Jno Eley

For A. S. ELEY, Sheriff.

Thomas Goomer

£6, 10

Ey B

Mr. Thos Goomer

1861. *To* WM. ELEY, *Sheriff of Nansemond Co.* *Dr.*

To	/	Capitation Tax, 80 cts.		80
"	/	County Levies at $1,00, Parish do 45 cts.	2	90
"		Rev. on personal property, bonds, &c., 322	1	29
" 30		Acres of Land, val. $ 230	1	00
"	/	Slaves at $1 20,	1	20
"		Clerk's Fees,		
"		Commissioner's Fees,		
"		Militia Fines at 75 cts.		
			7	19

Received payment,

H Langston. D.C.

Eq a

Thos. Goomes

7.19

In the Circuit Court of Nansemond County:

Margaret A.Miltier and others

vs

A.T.Gomer and others.T

The questions in dispute in this cause having been settled by and between the parties in interest,and the costs of this suit having been paid,on motion of the plaintiffs it is ordered that the same be removed from the docket.

Miller & others

to

Glover & others

April 23, 1896

To be entered.

Robert P. Lewis

Entered in
Chancery
O B 3 Page 28
Rec'd
E. Estrem, p.q.
Rockbridge C.H.

The answer of R. E. Gomer to a Bill of Complaint filed in the Circuit Court of Nansemond County by Margaret A. Miller et als vs Thomas Gomer et al.

This party to the said cause says that he has been made a plaintiff but that it was done without his authority or consent. He has not authorized any one to sue in his name.
That he knows but little about the cause in question except that his father Thomas Gomer has occupied it for a great many years perhaps 25 or 30 years. and has been assessed & paid all the taxes on it; that his father greatly improved it and brought it up to its present worth.
He recognizes the fact that his brother A. J. Gomer the defendant has taken good care of his father for several years and is now doing so and he charges is perfectly willing that the deed from his father Thomas Gomer to his brother A. J. Gomer

should be allowed to plead as made. He therefore prays that the Bill be dismissed.

R. E. Gomer

North Carolina Washington
County Court:-
I A C Wentz
a Justice of the Peace
In the County aforesaid do hereby certify that R. E. Gomer whose name is signed to the answer above has this day made oath before me in my said County that the facts stated in said answer are True. Given under my hand this 17 day of Dec 1895-

A C Wentz J.P.

Answer of

R. C. Gomer.

The joint and Separate answers of Thomas Gomer and A. T. Gomer to a Bill of Complaint filed against them and others in the Circuit Court of Nansemond County by Margaret A. Miller and others.

These defendants now and at all times hereafter reserving unto themselves all benefit and advantage of exception which can or may be had or taken to the many errors uncertainties and other imperfections in the said Complainants said Bill of Complaint Contained; for Answer thereto, answer and say:

that it is true that on the 11th day of July 1895 the said Thomas Gomer executed the deed of Bargain and Sale to the said A. T. Gomer for the real estate named in the bill and for the good and valuable Consideration

stated in said deed. But the said Thomas Gomer utterly denies that his wife Mary J. Gomer owned the said track of land or was ever seized and possessed in fee simple of said track of land, or that she ever had any interest what-ever in said land except perhaps a contingent right of dower during her life time. But the said Thomas Gomer says that the said track of land mentioned in the Bill and conveyed in said deed containing fifty acres more or less was his land, that he owned and was seized and possessed of the same in fee simple absolute at the time he made the said conveyance to his son A. J. Gomer; that he has been so seized and possessed for more than forty years during which time he has had open, notorious and undisturbed possession of the

same; that he has during that time paid taxes on the said land, which during all the whole of that time has been assessed to him in fee simple on the land books of this county and he herewith files said tax receipts (or a part of them, the remainder having been mislaid or lost by him) or a part of this answer and marks them exhibits "A" "B" "C" "D" "E" "F" "G" "H" "I" "J" "K" "L" "M" "N" "O" "R.S." &c for defendants. And the said Thomas Gomer says that his wife Mary J. Gomer never claimed the said land, or set up any claim whatever to the same, but on the contrary always admitted that it belonged in fee simple to him the said Thomas Gomer.

And the said defendants Thomas Gomer and A. J. Gomer both say that when the said deed of July 11th 1895 was made, it ~~for~~ was for the good and valuable considerations named

in the said deed, which said deed is adopted as a part of this answer; but they the said Thomas Ermer and A. J. Ermer utterly deny that the said Thomas Ermer was unduly influenced in making the said deed or that he was in any manner influenced at all; they say it was his own voluntary act and deed, made after mature and deliberate consideration, and that he had long had the matter of making the same in his mind before he executed it, the said Thomas Ermer says that his said son A. J. Ermer had long been kind and indulgent to him in his old age, and had cared for and sustained both him and his wife before her death when all his other children had left him to look out for themselves in the world, and that on

a partial reward for this
filial affection on the part
of his said son A. T. Sumner
he made the said deed.
But he says there was a further
consideration for said deed
and that was that his said
son should take care of and
support him during ~~~~ the
balance of his natural life
which he says his said son
is now doing; and the said
Thomas Sumner utterly denies
ever having admitted that the
said land was the property
of his wife.
These defendants therefore say that
the land in controversy was
the land of the said Thomas
Sumner at the time he made
the said deed: that he had
a right to convey the same
in fee simple to any person
he pleased; that he did
convey it by the deed of July
10th 1895 to A. T. Sumner; that
he was not unfairly influenced
to do so, and that the said
deed is valid and binding

and in full force and virtue and they pray that the Court will direct accordingly and having fully answered they pray to be hence dismissed with their reasonable costs in this behalf expended and they will ever pray &c.

Arthur Merritt B. H. 99

his
Thomas X Gomer
mark

A. J. Gomer

Virginia:-
Nansemond County to wit:-

I R. H. Rawles a Notary Public for the County aforesaid in the State of Virginia do certify that Thomas Gomer and A. J. Gomer whose names are signed to the foregoing answer this day personally appeared before me in my said County and made oath that the facts stated in said answer are true to being of their own knowledge are true and

that are other facts derived from knowledge or information obtained from others that he believes to be true.

Given under my hand this 13th day of November 1895.

R. H. Rawles
N. P.

Answer
of
Thomas Gomer
&
A. J. Gomer.

The answer of W. B. Gomer to a Bill of Complaint exhibited in the Circuit Court of Rawsummut County by Morgan A. Miller ~~& Wife~~ and others vs Thomas Gomer and others.

This party to the said cause says that he has been made a plaintiff with the other plaintiffs in the said cause but he does not know by what authority this was done as he has never authorized any one to use his name in such a manner.

He further says that so far as he knows or is informed the tract of fifty acres of land mentioned in the Bill belonged to his father Thomas Gomer in fee simple and that his said father had a perfect right to do as he pleased with it; that he does not think the deed dated July 11th 1895 made by

his said father Thomas Gomer to the defendant A. T. Gomer is null and void; on the contrary he believes that it was made upon a good and sufficient consideration and that it ought to be allowed to stand and have effect as made. That his said father had a right to make it and did make it in good faith and for a wise purpose; nor does he believe that he was unduly influenced in making it; he believes that it was his own voluntary act.

He further says his father Thomas Gomer is old and infirm though in the full possession of his mental faculties and that he needs some one to take care of him during the remainder of his life and that his brother the said A. T. Gomer is now

doing this in a very satisfactory manner and will no doubt continue to do so, as long as his father lives. He therefore does not join in the prayer of the bill but prays that the Court may pronounce the said deed valid and binding. And having fully answered the prayer of the bill hence dismissed with his reasonable costs in this behalf expended and he will ever pray &c.

Sign here

W. B. Gomer

Virginia:-

~~City of Portsmouth~~ to wit:-

I John Niemeyer a Justice of the ~~Peace for said City~~ in the City of Portsmouth and State of Virginia do certify that W. B. Gomer whose name is signed to the foregoing answer has this day personally appeared before me in my City aforesaid and made oath that the

facts stated in said answer
be true of his own knowledge
or true and that all the
other facts stated or coming
to the knowledge of the
he believes to be true.
Given under my hand
this 10th day of ~~December~~ December 1895

Edgar C Kenney

~~Notary Public~~

Justice of the Peace
City of Portsmouth

Answer of
W.B. Gower.

This Deed Made this 11th day of July in the year one thousand Eight hundred and ninety-five between Thomas Gomer of Nansemond County Virginia of the first part and A.T. Gomer of the said County and State of the second part Witnesseth: That in consideration of the natural love and affection which the said Thomas Gomer has and bears unto his son the said A.T. Gomer as well as for the consideration named below the said Thomas Gomer does hereby give, grant sell and convey with general warranty unto the said A.T. Gomer the following property to wit: First the tract of land on which the said Thomas Gomer now resides situated in Holy Neck District in Nansemond County Virginia or a small part may be in Cypress District containing 50 acres more or less and bounded as follows: On the West by Ben K. Rawles: on the North by the Reed farm: on the

East by the Butler farm and on the South by John A. Peel and others:

Secondly: All the personal and chattel and mixed property of every kind and description now owned or possessed by the said Thomas Gomer: but it is expressly understood and agreed that the said Thomas Gomer sells and conveys the said property both real and personal, subject to his life right therein, that is to say that he the said Thomas Gomer hereby reserves a life estate for the period of his own natural life in and to the said tract of land and also a life estate in and to the said personal property but the said A.S. Gomer is to have possession of the said property both real and personal during the life time of the said Thomas Gomer rent free: that is to say, he the said A.S. Gomer is to pay nothing for the use and occupation of the said property during his said fathers life

time. The consideration for this deed in addition to natural love and affection is that the said A.T. Gomer shall take good care of his said father and provide him with all the necessaries of life during the life time of the said Thomas Gomer and provide for his decent burial at his death: but the said A.T. Gomer is not to be responsible for any bills or debts contracted by the said Thomas Gomer or by any one for him except while with his said son and not while he may be residing elsewhere: a further consideration is the fact that the said A.T. Gomer has already for several years taken care of and provided for the said Thomas Gomer: and a further consideration is that the said A.T. Gomer shall pay to Lizzie V. Fanny and Margaret A. Milter his sisters the sum of $25.00 each.

The said Thomas Gomer covenants that he has the right to convey the said land to the

grantee; that he has done no act to encumber the said land; that the grantee shall have quiet possession of the said land, free from all encumbrances, and that he, the said party of the first part, will execute such further assurances of the said land as may be requisite.

Witness the following signature and seal.

Thomas his x mark Gomer (SEAL)

Witness:
W. B. Ferguson
R. H. Rawles

State of Virginia }
County of Nansemond } To wit:

I R. H. Rawles a Notary Public for the county aforesaid, in the State of Virginia, do certify that Thomas Gomer whose name is signed to the writing hereto annexed, bearing date the 11th day of July, 1895, has acknowledged the same before me in my county aforesaid.

Given under my hand this
11th day of July 1895.
R. N. Rawles N.P.

County of Nansemond, To wit:
In the office of the Clerk of
the County Court for the
County of Nansemond the 11th
day of July 1895, this deed
was presented, and, with
the certificate annexed, ad-
mitted to record.
Teste: R R Smith Clerk
By A. P. Gomer D.C.

A Copy
Teste:
A P Gomey D.C.

Thomas Gomer
To Deed
A T. Gomer

$125

To the Hon:R.R.Prentis,Judge of the Circuit Court of Nansemond County:

Your Complainants, Margaret A.Miltier and John T.Miltier,her husband,Lizzie V.Fanny and J.G.Fanny,her husband,W.B.Gomer,R.E.Gomer and J.J Gomer,repectfully show the following case:That some time in the year I895 Mary J.Gomer departed this life, intestate,leaving a husband,Thomas Gomer, and the following children and heirs at law:Margaret A.Miltier,Lizzie V. Fanny,W.B.Gomer,R.E.Gomer and J.J.Gomer,your complainants and A.T.Gomer, one of the defendants.That at the time of her death she was seized and possessed in fee simple absolute of a certain tract of land in Nansemond County,Virginia,containing fifty acres,more or less, and adjoining the lands of B.K Rawles,John Peel,Jerry Reid,Nathan Reid and others.That her husband,Thomas Gomer, was entitled to his right of curtesy in said land,and, still living,is also now entitled to said curtesy.Your complainants are perfectly satisfied for him to remain in possession of said estate,by virtue of said right,and would not deprive him thereof,even if they could do so. Your complainants allege,however,that by a certain deed dated the IIth day of July,I895,and duly recorded in the Clerks Office of Nansemond County in Deed-Book NO.36,on page 2I7,a copy of which is herewith filed and asked to be read as a part of this bill,being unduly influenced,the said Thomas Gomer,undertook to convey to A.T.Gomer,the defendant,by an absolute deed of bargain and sale,with general warranty,the said tract of land above described,together with certain personal estate,for certain considerations therein named.Your complainants charge,that except so far as said deed may convey to said A.T.Gomer the curtesy right of said Thomas Gomer in said land,the said deed is absolutely null and void.The said Thomas Gomer, both before and since said deed was made, has admitted that said land belonged to his wife,and according to said admission,he could convey only his right of curtesy in said land.The said A.T.Gomer,by virtue of said deed,claims the fee simple ownership of said land,and denies that your complainants have any interest whatever in said land.The said A.T.Gomer is now in possession of said land claiming absolute title thereto.By virtue of said deed your complainants are being greatly damaged,in so much so,that they are unable to dispose of their interest in

said land,or to secure money upon it as a security,and thereby its market value is entirely destroyed so far as the interests of your complainants therein are concerned.And even if your complainants did not wish to dispose of their said interests in said land,said deed,although null and void,may in the future be vexatiously used against them when evidence to impeach it may be lost or destroyed.Your complainants charge that,as heirs at law of said Mary J.Gomer,who died intestate,that they have vested interests in said land ,subject only to the right of curtesy of said Thomas Gomer therein,and that said deed,except so far as intended to convey such curtesy interest,is null and void;that,by virtue of such right of curtesy, they have not a right to the possession of the premises at this time,cannot sustain an action of ejectment,at this time,against said defendant A. T.Gomer,and are therefore absolutely without remedy at law;and that,by virtue of the undertaking of said Thomas Gomer to make an absolute convey ance of said property to said ~~Xxxxx~~ A.T.Gomer,and the recordation thereof, a cloud has been cast upon their vested interests in said land,which they are entitled to have removed in a court of equity.Your complainants are advised and so charge that said deed was made ~~either~~ without authority, that the claim of said A.T.Gomer to the fee-simple ownership of said land is founded either in fraud or mistake,and that,being without remedy at law,a court of equity will take jurisdiction and extend relief by causing the cancellation of said deed,except so far as it conveys the right of curtesy of the said Thomas Gomer therein.

For as much therefore as your complainants are remediless,save in a court of equity where matters of this k ind are alone and properly cognizable your complainnats pray that the said Thomas Gomer and A.T.Gomer may be made parties defendant to this bill and required to answer the same(answers under oath being waived-);that proper process issue;That the said deed from Thomas Gomer to A.T.Gomer,except so far as it conveys a right of curtesy,may be declared null and void, set aside,annulled and canceled and your complainants restored to their rights in said land,with the cloud upon their title,caused by said deed,removed;that all proper or-

ders and decrees may be made,and proper enquiries be directed;and that all such other,further and general relief may be afforded your complainants as the nature of their case may require or to equity shall seem meet. And your complainants will ever pray,&c.

E. Estreams
p. q.

Margaret A. Miller
Jno. T. Miller
Lizzie V. Fann
J. L. Fann and
Others
By E. Estreams
their Attorney

Virginia,Nansemond County,towit:

I, William T. Holland a Notary Public,in and for said County in said State do certify that Margaret A. Miller this day personally appeared before me in my County aforesaid,and made affidavit that the statements made in the foregoing ~~xxxxx~~ bill,so far as made of her own knowledge are true,and so far as made upon information, derived from others she believes to be true.Given under my hand this the 18th day of Sept.1895 . Wm. T. Holland
Notary Public.

Miller & others
vs
Jn Chauvey
A T Gomer & c

Bill

Margaret A Miller & others
against } In Chancery
Thomas Gower & others

Chancery Notes.

1895 Sept 11th. Process issued returnable to Sept Rules Third Monday

" " 16. Process returned executed on defendants
Bill filed and decree nisi against them.

" Oct. 7. Decree nisi confirmed and cause set for hearing.

Chauncey

Notes.

Costs
Clerk $6.02 hd
Shff 1.00 hd
Atty 15.00
Say 1.50 hd
$23.52

15.00

8.52
10.00
18.52
2.50
$16.02

E E Holland p.q.

Margaret A Miller v others

In Chancery

Thomas Gomer v others

1896 April 23rd

Final Decree