1903-001
Nansemond Co (Suffolk) Chancery Causes: J. Walter Magee et al vs John P Magee et al

Holland, Davidson, King

J. Walter McGee

31 3/4 Acres 1897 taxes 88

Advertising —

This to be paid at Sheriff's office

1898 Tax 59

Expenses 38 127

1900 Tax not due 95

Taxes for 1890 $1.28
Int .80
Clerks fee .50
2.58
Pd & WS Holcomb
Mar 8. 1898

1891 Taxes 97
Int 31
Fee 50
1.78
above paid & WS Holcomb 8 Mar 1898

Sold 12 Jan 1891 to C C King for 1888 1887 taxes $3.16
12 Dec 1892
Sold to D R B Hurell for 1891 Taxes $1.25

1894 no nothing
1896 "
1898
1899 not sold Has offered for sale taxes 88
Clerks .50
Int for 15 Dec 1899 88c
(over)

1892 nothing
1893 =

Sold to Wm Jones 15 Dec 1899 for taxes

J. Walter McGee land 31 3/4
lacks no houses adjoins
Howell & Lairdson
Assessed at $95.00

Mrs. A. Magee 25 [illegible] 31 [illegible] 1900
Minnie M. Holland 28 in [illegible]
Jno B 19 in Aug 1900
Ida V. 15 in Apl. 1900

I, AZRA P. GOMER, Clerk of the Circuit Court of Nansemond County, Virginia, do certify that the bond required of William S Holland as Special Commissioner under the decree of said Court made on the 19th day of October 1900, ~~&c~~, in the Chancery cause pending in said court between J Walter Magee and others, complainants, and John P Magee and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 28th day of March 1902 ~~&c~~.

A P Gomer, Clerk.

Virginia:

At a circuit court continued
and held for the County of Nansemond
at the Court house in the Town of Suffolk
on Friday the 19th day of October 1900.

J Waller Magee Annie M Holland
who was Magee and W A Magee } Complainats
against } In Chancery
Jno P Magee and Ida V Magee Defendants.

This cause came on this day to be again heard on the papers formerly read and on the report of Commissioner Wilbur J Kelby filed herein on the 26th day of September 1900 to which there is no exception and was argued by counsel.

On consideration whereof the Court doth adjudge order and decree that said report of Commissioner Kelby be, and the same is hereby confirmed; and that Wm S Holland who is hereby appointed a Special Commissioner for that purpose proceed to sell the land in the bill ~~mention-~~ ~~ed~~ and proceedings mentioned at public auction at the front door of the court house of Nansemond County on some court day, after first having advertised the time terms & place of sale for at least ten days by printed posters, on the following terms: for cash one third, and the rest one year after date of sale with interest from day of sale, purchaser shall give bond and good personal security for the deferred payment, or at his election may pay all in cash, but before the said Special Commissioner shall proceed to execute this decree he shall enter

into bond before the Clerk of this court payable according to law in the penalty of $250. and conditioned that said Special Commissioner shall faithfully perform his duties under this and all subsequent decrees herein.

And the said Special Commissioner shall report to court.

A Copy

Teste:

A. L. Gomez Clerk

1902 July 8th. Received of
Wm. S. Holland, Special Comr.
Fifteen dollars in full of
fee for Report filed in the suit
of Magee against Magee & als. in
Jasper County Circuit Court.
$15.00

Wilbur J. Kilby,
Comr. in Chancery.

Received of Wm. S. Holland Special Commissioner in the suit of McGhee J. Walter et als Vs McGhee et als, the sum of $44.11, it being in full of my share in the proceeds of the sale of the land in that suit.

Franklin, Va., July 10th. 1902. Annie H. Holland.

W. S. HOLLAND,
ATTORNEY AT LAW.

No. 2609 Windsor, Va. July 24 1902

THE FARMERS BANK OF NANSEMOND
SUFFOLK, VA.

PAY TO THE ORDER OF W. a. Magee

Forty four + 11/100 DOLLARS

In full for my share in proceeds of sale of lands in suit of Magee vs Magee (Circuit Nansemond Co)

$44 11/100

Wm S. Holland

PAID
FARMERS BANK OF NANSEMOND
JUL 30 1902

KENTUCKY LITHO CO LOUISVILLE

S. A. Magee

PAY TO THE ORDER OF
ANY BANK OR BANKER
VAUGHAN & CO., BANKERS,
FRANKLIN, VA.
C. C. VAUGHAN, Jr., Cashier.

W. S. HOLLAND,
ATTORNEY AT LAW.

No. 2483 Windsor, Va. July 3rd 1907

THE FARMERS BANK OF NANSEMOND
SUFFOLK, VA.

PAY TO THE ORDER OF J. Walter Hosier Trier

Two & 50/100 DOLLARS

Selling bid in suit & Magee v Magee

$2 50/100 Wm S. Holland

PAID JUL 3 1907 FARMERS BANK OF NANSEMOND

KENTUCKY LITHO CO LOUISVILLE

J. Walter Holden

Pay to Any Bank or Banker,
OR ORDER.
BANK OF SUFFOLK,
SUFFOLK, VA.
A. WOOLFORD, Cashier.

Mr. J. Walter McGee Dr.

1901. To S. T. ELLIS, Treasurer of Nansemond County, Va.

No. 669

No. of Acres 31 3/4

	State Tax, 30c. on $100.	State School Tax, 10c. on $100.	County Levy, 20c. on $100.	Parish Levy, 8c. on $100.	County School Tax, 5c. on $100.	District School Tax, 5c. on $100.	County Road Tax, 15c. on $100.	TOTAL TAX.
To Real Estate, value $ 95	29	10	20	8	5	5	14	91
" Personal Property, value $								
" value $								
" Poll Taxes		1 00					50	
Total								91
5 per cent. additional								5
Total								96

Received payment "B" day of July 190 1 W. A. Young Treasurer.

Per

Rd by: Dr. S. Holland atty

W. S. HOLLAND,
ATTORNEY AT LAW.

No. 2570

Windsor, Va. July 24th 1902

THE FARMERS BANK OF NANSEMOND
SUFFOLK, VA.

PAY TO THE ORDER OF John P. Magee

Forty four & 11/100 DOLLARS

In full for my share in sale of land in suit of Magee vs Magee & Cir. Court Isle of Wight Co. Wm S. Holland

$44 11/100 44 11

PAID 31 JUL 1902 FARMERS BANK OF NANSEMOND SUFFOLK VA.

KENTUCKY LITHO CO LOUISVILLE

J. P. Mayer

W. S. HOLLAND,
ATTORNEY AT LAW.

No. 2507

Windsor, Va. July 24th 1902

THE FARMERS BANK OF NANSEMOND

SUFFOLK, VA.

PAY TO THE ORDER OF J. J. J. Waller Magee

Forty four and 11/100 DOLLARS

In full of Share in proceeds of Sale of land in Rent Magee v Magee Heir Cl. Nansemond

$44 11/100

Wm S. Holland Jr

FARMERS BANK OF NANSEMOND
PAID
31 JUL 1902
SUFFOLK, VA.

KENTUCKY LITHO CO LOUISVILLE

J. Walter Maggard

H. J. & Harland

PAY TO THE ORDER OF
ANY BANK OR BANKER
VAUGHAN & CO., BANKERS,
FRANKLIN, VA.
C. C. VAUGHAN, Jr,. Cashier.

W. S. HOLLAND,
ATTORNEY AT LAW.

No. 2502 Windsor, Va. July 23 1902

THE FARMERS BANK OF NANSEMOND
SUFFOLK, VA.

PAY TO THE ORDER OF A. P. Rowe

Six & 74/100 DOLLARS

Taxes & Fees on Jud Dec'l & Inj as to Ltr. Corp.
$6 74/100 To Camp Mfg. Co. in Magee vs Magee et als

W. S. Holland

PAID
AUG 5 1902
FARMERS BANK OF NANSEMOND

KENTUCKY LITHO CO LOUISVILLE

A P Gomer
R R Smith Clerk
By A P Gomer DC

ATTORNEY AT LAW.

No. 2480 Windsor, Va. July 5 1902

THE FARMERS BANK OF NANSEMOND

SUFFOLK, VA.

PAY TO THE ORDER OF A. P. Gomer clerk

Seven & 78/100 DOLLARS

In full for clerk and fifty cents per sheriff in Mayle vs Mayle et als Wm S. Holland

$7 78/100

KENTUCKY LITHO CO LOUISVILLE

W. S. HOLLAND,
ATTORNEY AT LAW.

No. 2481

Windsor, Va. July 5 1902

THE FARMERS BANK OF NANSEMOND

SUFFOLK, VA.

PAY TO THE ORDER OF W. J. Kilby Comr.

Fifteen & no/100 DOLLARS

Fee in suit of Magee vs Magee et. al.
as comr.

$15.00
166

W. S. Holland

FARMERS BANK OF NANSEMOND
JUL 8 1902

PAID

KENTUCKY LITHO CO LOUISVILLE

W. J. Kilby, Comr.

Wilbur J. Kilby

Bradford Kilby

LAW OFFICE
OF
WM. S. HOLLAND.

COURTS---ISLE OF WIGHT, NANSEMOND AND SOUTHAMPTON.

WINDSOR STATION, VA.,

Received March 21, 1903, of Wm. S. Holland Special Commissioner in the suit of McGhee Vs McGhee et als, pending in the Circuit Court of Nansemond County, the sum of $44.11, it being the share of Ida V. McGhee in the proceeds of the sale of land in the said suit. The said Ida V. McGhee being over the age of sixteen years but under the age of twenty-one years, the parties who sign this receipt, sign it with the understanding that they are to save harmless, the said Wm. S. Holland Speical Commissioner in case the said Ida V. McGhee shall ever in the future attempt to compel the said Special Commissioner to pay the said sum of money. Therefore in consideration of the premises, the undersigned hereby promises and bind themselves to save the said Special Commissioner harmless by reason of the payment of the said sum of money in case the said Ida V. McGhee should at any time hereafter attempt to collect the said sum of money.

Ida V. Magee.

J. W. Magee

J. P. Magee

W. A. Magee

Annie H. Holland.

Magee et als. vs. Magee et, als.

Statement.

By sale of bond		$300.00
Int. on sale paid		3.80
To coms. on $303.80	$15.07	
" Atty. Fee allowed by Court	25.00	
" Deed	5.00	
" Crier	2.50	
" Clerk Court	7.28	
" Sheriff	.50	
" Writ tax on suit	1.50	
" taxes paid on land	11.41	
" W. J. Killy coms	15.00	
	83.26	303.80
Balance for distribution	226.54	
	303.80	303.80

Shares.

J. W. Magee	$44.10
A. M. Holland	44.11
W. A. Magee	44.11
Jno. P. Magee	44.11
Ida V. Magee	44.11

Each of the undersigned acknowledge the receipt of [illegible] in full, as shown by the above Statement and as their division between father and children. The same is satisfied and evidenced by solicitors as aforesaid.

CHANCERY SUMMONS. 2

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Jno P Magee & Ida V Magee are both infants

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 March 1898, to answer a Bill in Chancery, exhibited against them in the said Court by J Walter Magee, Annie M Hollande nee Magee and Wm A Magee

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 8th day of March, 1898, in the 122nd year of the Commonwealth.

A copy—Teste: _____, CLERK.

Teste: A P Gomer, CLERK.

Executed this 19th day of March 1898 by delivering a true copy of the within process to R. H. Rawls Guardian Ad Litem for Jno. P. McGee and Ida V. McGee infants

W. H. Williams Sheriff

W. S. Holland p. q.

J. Waller Magee & others

vs. } In Chancery.

Jno. P. Magee & others

1898

March Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No.------

Page--------

Know All Men by These Presents, That we, William S Holland and Edwd E Holland

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Two hundred and fifty 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, executors and administrators, jointly and severally, firmly by these presents.

And we waive the benefit of our exemption as to this obligation, and also waive any claim or right to discharge any liability to the said Commonwealth arising under this bond, or by virtue of the office, post or trust herein mentioned, with coupons detached from bonds of said Commonwealth.

Sealed with our seals, and dated this 26th day of March in the year of our Lord one thousand ~~eight~~ nine hundred and two, and in the 126th year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a decree of the Circuit Court of Nansemond County pronounced on the 19th day of October 1900 in the Chancery cause pending in the said Court between J Walter Mayes complainant and John P Mayes and others defendant the above bound William S Holland was appointed Special Commissioner for the purposes specified in said decree.

Now therefore if the said William S Holland shall faithfully discharge his duties under said decree and all other decrees he may be required to execute in said cause then the above obligation is to be void, otherwise to remain in full force and effect

Wm S Holland SEAL

Edwd E Holland SEAL

SEAL

SEAL

SEAL

In the office of the Clerk of the Circuit Court of Nansemond County, on the 26th day of March 1902 ~~1902~~

The above bond was executed and acknowledged by the obligors (the surety justifying on oath as to his sufficiency) and recorded.

Teste: A L Gomey CLERK.

A Copy Teste: A L Gomey Clerk

Wm S Holland

To Spec Comr. Bond

The Commonwealth.

1902

March 26th

A Copy.

Recorded in Official
Bond Book No 1 Page 264
Circuit Court.

At rules held in the ~~clerks~~ Office of the Clerk of the Circuit Court for the County of Nansemond on the 28th day of March 1898

J Waller Magee Annie M Holland Nee Magee and Wm H Magee against } Complainants

In Chancery

Jno P Magee & Ida V Magee are both infants } Defendants

On the Motion of the Complainants by Counsel Richard H Rawles a discreet and Competent attorney at Law is assigned guardian to the defendants Jno P Magee and Ida V Magee who are infants under the age of twenty one years to defend them in this suit-

A P Gorney Clerk

Order appointing
R A Rawles Gdr
aa Lilem

MAGEE ET. ALS. VS MAGEE ET. ALS.

The undersign, your Special Commissioner, begs to report, that after executing a bond as by a decree of this Court, entered on the _____day of _____, 1902 and after advertising as required by said decree,he sold the tract of land in the bill and proceedings mentioned, by public auction, in front of the Court House door in Suffolk, on the 14th day of April , 1902, at which sale the Camp Manufacturing Company, of Franklin, became the last and highest bidder, at the price and sum of three hundred (300) dollars. Your Commissioner recommends the confirmation of the said sale, the property having sold for a fair price. Your Commissioner understood that the purchaser would elect to pay all cash, and take a deed for the property.

Respectfully Submitted,

Wm S. Holland Spl Comm.

MAGEE

VS

MAGEE ET. ALS.

Report of Sale by Commissioner, Holland.

Filed this 16th day of April. 1902.

Vanders.

FOLIO

McGhee et als Vs McGhee et als.

Statement.

By sale of land		$300.00
Interest on sale paid		3.80
To commissions on $303.80	$ 15.07	
To Atto. ~~coms. on $303.80~~	$ 25.00	
To deed	$ 5.00	
To crier	$ 2.50	
To Clerk Court	$ 7.28	
To Sheriff	$ .50	
To writ tax on suit	$ 1.50	
To taxes paid	$ 11.41	
To W. J. Kilbey Comr.	$ 15.00	
	$ 83.26	303.80
Balance for distribution	$220.54	
	$303.80	303.80

Shares of those entitled.

J. W. McGhee	44.11
A. M. Holland	44.11
W. A. McGhee	44.11
Jno. P. McGhee	44.11
Ida V. McGhee	44.11

220.55

TO THE HONORABLE ROBERT R. PRENTIS, JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY.

McGhee et als

Vs

McGhee et als

The undersigned, your commissioner of sales in this suit, begs to report that pursuant to a decree entered in this cause on the 16th day of April, 1902, your commissioner has collected the purchase price, namely, three hundred (300) dollars, for the land sold and has distributed the money and herewith files his vouchers for the same.

Your commissioner begs to report that one of the parties, Ida V. McGhee is about nineteen years old and is a grown young lady, that she is the sister of the wife of J. Peter Holland, the brother of the undersigned, and he knows that she is a person of sufficient age and discretion to use said fund judiciously as provided by chapter 680 page 812 Acts of Assembly, 1901-1902, but having no order of Court directing such payment your commissioner has taken the liberty to pay this young lady her share of the said fund, taking a receipt, which receipt indemnifies your commissioner and which is signed by the father, sister and two brothers of the said Ida V. McGhee.

Herewith filed is a statement of the receipts and disbursements.

Very respectfully,
Wm S. Holland

Magee et. al.

25

Magee et. al.

Report of Collections
and disbursements

Filed by Sheriff
Court April 1903

J. Waller Magee, Annie M. Halland
who was Magee, and W. A. Magee.
v-s
Jno. T. Magee and Ida V. Magee

This cause come on this day to be heard on the bill of complaint and on the answer of the defendants by R. H. Rowles, a competent and discreet attorney-at-law, their guardian ad litem, duly appointed at Rules, with general replication thereto, and was argued by Counsel:

On Consideration whereof the Court doth adjudge, order and decree that one of the Commissioners of this Court, make, take, state and report to Court the following enquiries and accounts:

(1) The annual and fee simple value of the land in the bill mentioned.

(2) Whether there are any delinquent taxes & levies, rates due and unpaid assessed against land, and if so, the amount of the same and to whom due: and if there are any other liens on any share or interest in said land.

(3) Whether said land is susceptible of partition in kind among the parties entitled thereto.

(4) Any matter deemed pertinent by the Commissioner or any party in interest.

J. Walter Magee
and others
vs.
Magee et. als.

Decree

April 12th 1898

To be entered.

Robert C. Davis

Entered in
Chancery order
Book No 3
Page 135

Magee et. als.

vs

Magee et. als.

This cause come on this day to be again heard on the papers formerly read, and on the report of Commissioner Wilbur J. Killby filed herein on the 26th day of September 1900, to which there is no exception, and was argued by Counsel:

On consideration whereof the Court doth adjudge, order, and decree that said report of Commissioner Killby be, and the same is, hereby confirmed; and, that Wm S. Holland, who is hereby appointed a Special Commissioner for that purpose, proceed to sell the land in the bill and proceedings mentioned at public auction at the front door of the Court House of Nansemond County, on some Court day, after first having advertised the time, terms & place of sale for at least ten days by printed posters, on the following terms; for cash one third, and the residue one year after date of sale, with interest from day of sale, purchaser shall

give bond and good personal surety for the deferred payment, or, at his election, may pay all in cash, but before the said special commissioner shall proceed to execute this decree he shall enter into bond before the Clerk of this Court payable according to law, in the penalty of $1250.-; and conditioned that said special commissioner shall faithfully perform his duties under this, and all subsequent decrees herein.

And the said Special commissioner shall report to Court.

Mayer et. als.

vs

Mayer et. als.

Rough Decree

To be entered
Oct. 19th 1900.

Robert C. Ellis

Entered in Chancery
Order Book No 3
Page 327.

MAGEE
VS
MAGEE ET. ALS.

This cause came on this day to be again heard on the papers formerly read, and on the report of sale of the land in the bill and prooceedings mentioned, to the Camp Manufacturing Company, at the price of three hundred (300) dollars, by Wm. S. Holland, Special Commissioner, filed this day by leave of court, and to which there is no exception, and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree, that the said report of sale, be, and the same is, hereby confirmed, and the court doth further adjudge, order and decree, that if the said purchaser shall make the cash payment, and give his note for the deferred payment, then the said Special Commissioner, shall pay the cost of this suit, and sale, and deposit the rest of the payment in the Farmers' Bank of Nansemond to his credit as such; that if the said purchaser elects to pay all the said purchase price, then the said Special Commissioner is hereby ordered to pay, first, the costs of suit and sale, including a fee of $25.— dollars, to Wm. S. Holland, counsel conducting this suit, and pay the rest to parties thereto entitled, or to the duly qualified guardian of the infant defendant, and shall make report to Court. As soon as this court shall be satisfied that such guardian shall have given bond in penalty and with surety sufficient for the security of the funds,

MAGEE

VS

MAGEE ET. ALS.

DECREE.

April 16th, 1902.

To Be Entered.

Robert R. Rhodes

Entered in Chancery
Order Book No 3
Page 472

COURTS:
Isle of Wight, Nansemond
and Southampton.

LAW OFFICE
—OF—
W. S. MOLLAND.

Windsor Station, Va., Sept. 26th 1898

Judge W. J. Kilby,
My Dear Sir:-

Your letter came and I have sent the notice off to be signed. My brother Peter is in Baltimore, and I am afraid I will have trouble in getting any witness. I know J. Peter Holland my brother who is the husband of Annie M. Holland has paid all the delinquent taxes, but can't give you the exact amounts.

I know the land can't be divided it is a tract of wood land low & wet and is only valuable for the small lot of timber on it. It is not worth more than $100 to $150. The parties would not pay the taxes and Peter paid it could be sold for a little more than enough to pay all taxes & costs of suit. Will try to get the witness.

Yours very Truly
Wm S. Holland.

Wm. S. Holland

1898

J. Walter Magee, Annie M. Hall and nee Magee and Wm A. Magee vs Jno T. Magee & Ida V. Magee - defendants are both infants - Summon to be cond March Rules 1898

Wm S. Hallam p.q.

Jay R. Rawles Adam's

Jay $1.50 paid

John D. Magee
in Antrim 17
& 18 years of
age
Ida V.
abt 15 in
Franklin

J. Walter
Magee mus=
band of
Sallie M.
mus in Frank
Magee Land
behind Sallie
& Walter Shee
living in Frank
lin

Wm A. in
the army
Miss Magee left
no wife.

189---

To A. P. GOMER, Clerk Circuit Court of Nansemond County, Dr.

Tax and Clerk Fees in suit----------

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----------, *Clerk.*

Virginia:
In the Circuit Court for the County of Nansemond:

J. Walter Magee &al.

Against } In Chancery

John P. Magee &al.

To Honorable Robert R. Prentis, Judge of the Circuit Court for the County of Nansemond:

In pursuance of the decree of the Circuit Court for the County of Nansemond, pronounced on the 12th. day of April 1898 in the cause in Chancery in said Court depending between J. Walter Magee Annie M. Holland and others, Complainants, and John P. Magee and others, Defendants, the undersigned, Wilbur J. Kilby, one of the Commissioners in Chancery of said Court, respectfully reports to Court as follows;

That on the 21st. day of September 1898, after the papers in said cause had been referred to him, your Com-

missioner gave notice to the parties to said cause that he would proceed on the first day of October 1898 at his office in the Town of Suffolk in said County to take, state, settle and report to Court the several accounts required by said decree to be taken, stated settled and reported to Court by one of the Commissioners in Chancery of said Court.

That sufficient and legal service of said notice was duly accepted by the parties to said cause as will appear by the endorsations on said notice which is herewith returned.

That the proceedings in pursuance of said notice were not completed on said first day of October 1898 and have been adjourned from day to day until this 25th. day of September 1900.

That said proceedings have at length been completed and the result thereof is

now reported as follows:

First Account

An Account of the fee-simple and annual value of the land in the Bill in said cause mentioned

Under this head Your Commissioner reports that said land consists of a small parcel situated in Holy Creek Magisterial District in said County, containing 31 3/4 acres, more or less, and bounded by the lands of Sette E. Howell Elisha Davidson's estate and others. Such land is all woodland without buildings of any kind on it. It is assessed for taxation at $95, but is worth and would, perhaps, sell for $150 or $200. It has no annual value at all.

Second Account

An Account of any delinquent taxes and levies due and unpaid, assessed against said land, the amount of the same and to whom due

Under this head Your Commissioner reports that said land was sold on 17 Jan. 1891 to Columbus C. King for delinquent taxes for the years 1888 and 1889, the amount paid by him being $3.16. But J. Walter Magee, one of the parties interested in said land says he redeemed the land by paying to said King said sum of $3.16 and all charges in connection therewith.

That said land was sold on 12 December 1892 to Samuel R. B. Howell for delinquent taxes for the year 1891, the amount paid by him being $1.29, but Your Commissioner is informed that J. Peter Holland, husband of Annie M. Holland, one of the parties interested in said land redeemed said land by paying to said Saml. R. B. Howell said sum of $1.29 and all charges.

Whether the money paid by said J. Walter Magee and J. Peter Holland as aforesaid

has been returned to them, Your Commissioner is not informed.

The delinquent taxes on said land for 1890 amounted with interest and charges to $2.58 and for 1895 to $1.78. These sums were paid by William S. Holland, Counsel for Complainants in said cause, on 8th March 1898. but whether the same have been refunded to him Your Commissioner is not informed.

Taxes still due and unpaid on said land are as follows;

1. For 1897 the sum of	.88
Costs and expenses	.35
Clerk's fee	.50
Total	$1.73

to which is to be added interest on 88 cents from 15th December 1897 till paid, the whole amount being payable to the clerk of the County Court for said County.

2. For the year 1899 the sum of	.89
Costs and expenses	.38
Total	$1.27

payable at any time before 10 Dec. 1900 to the Treasurer of said County, and after that

date to the said clerk with interest at 89 cents from 15th. Dec. 1899, and if paid to said clerk with his fee of 50 cents to be added.

3. For the year 1900 .98c payable to said Treasurer with five per cent penalty to be added after first Dec. 1900.

4. There are no other unpaid taxes on said land.

Third Account

An Account of any liens on any share, or interest in said land.

Under this head Your Commissioner reports that there is no lien by deed of trust, judgment or otherwise on said land, or the share of any one of the parties having an interest therein, except the liens for taxes mentioned above.

Fourth Account

An Account showing whether said land is susceptible of partition in kind, among the parties entitled thereto.

Under this head Your Commissioner, in order to enable him to reach a correct conclusion, has taken the depositions of J. Walter Magee and Woodville A. King touching the inquiry to be answered. These depositions are herewith returned as part of this Report.

From the evidence thus adduced Your Commissioner reports:

1. That said land cannot be conveniently or advantageously divided in kind between the several parties interested therein.

2. That none of the parties interested is willing to take the entire parcel of land and pay to the other parties such sums of money as their interests therein may entitle them to receive.

3. That the interests of all parties would be promoted by a sale of the entire parcel and the distribution of the proceeds of the sale among them.

according to their respectives rights.

Fifth Account

An Account of any matter deemed pertinent by the undersigned, or any party in interest.

Under this head Your Commissioner reports that he has no knowledge of any matter, other than has already been stated, deemed pertinent by himself or any party in interest, nor has any party required any matter to be specially stated.

Respectfully submitted this 25th. day of September 1900.

Wilbur J. Kilby,
Special Commissioner.

Court's fee $15.00.

To. J. Walter Magee, Annie M. Holland, nee Magee and Wm. A. Magee Complainants

and

John P. Magee and Ida V. Magee who are infants under the age of twenty-one years, and Richard H. Rawles, their guardian ad litem, Defendants,

You are hereby notified that on the first day of October 1898 at my office, in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to Court in pursuance of the decree of the Circuit Court of Nansemond County, Va., rendered the 12th, day of April 1898 in the suit in chancery pending in said Court to which you are parties plaintiff S and defendant S, to wit:

1. An Account of the fee-simple and annual value of the land in the Bill in said suit mentioned.

2. An Account of any delinquent taxes and levies due and unpaid, assessed against said land, the amount of the same and to whom due.

3. An Account of any liens on any share, or interest in said land

4. An Account showing whether said land is susceptible of partition in kind among the parties entitled thereto.

5. An Account of any matter deemed pertinent by myself, or any party in interest.

Given under my hand, as Commissioner in Chancery of said Court, this 21st, day of September 1898

WILBUR J. KILBY,
Commissioner in Chancery.

Sufficient and legal service of this notice is hereby accepted by us severally this 22nd. day of September 1898

Richard H. Rawles
Guardian ad Litem.
J. Walter Magee
Willie A. Magee
Annie H. Holland.

The depositions of J Walter Magee and Woodzill A. King and others, taken before Wilbur J. Kilby, a Commissioner in Chancery of the Circuit Court for the County of Nansemond in the State of Virginia at his office in Suffolk in said County, to be read as evidence in the Chancery suit of J. Walter Magee and others, Complainants against John P. Magee and others, Defendants, pending in said Court:

The witness, J. Walter Magee, being first duly sworn, in answer to questions deposes and says as follows:

Q. 1. State your age, residence, and occupation and whether you know the parties to said suit?
Ans. I am 52 years of age, reside in Franklin, Southampton County, Virginia, am a constable and collector, and I know all the parties to said suit, being one of the Plaintiffs myself.

Q. 2 It appears that your first wife, the late Sallie M. Magee,

departed this life about ten years ago seised and possessed in fee-simple of a certain tract of land in Holy Creek Magisterial District in Chauserrund County, Virginia, containing 31 3/4 acres more or less and bounded by the lands of Seth & Howell, Elisha Davidson's estate and others. Please state what you may know of said land and give the names of the present owners.

Ans. I have known the land for 30 years or more. It was my first wife's share of the land of which her father the late Wm. H. Davidson, died seised and possessed. She inherited it from him, and when she died it descended to her children of whom I am the father. These children were Annie M. Magee, now the wife of J. Peter Holland, William H. Magee, John P. Magee Ida V. Magee and Walter W. Magee. The last-named, Walter W. Magee, died at the age of 15 years about 8 years ago unmarried and without

issue leaving his interest in the land to pass in fee-simple to his sister and brothers named above. He died after his mother. The other heirs are living.

Q. 3. State whether the land mentioned can be conveniently divided in kind between the parties entitled thereto and if it can not be so divided, whether any party will take the entire parcel and pay to the other parties for their interests such sums of money as their interests may entitle them to; And if the land cannot be conveniently divided in kind and no party will take the entire parcel and pay the others for their shares, whether the interests of those entitled to the land, or its proceeds, will be promoted by a sale of it, or by allotment of part and sale of the remainder, and distribution of the proceeds among the parties according to their interests.

Ans. The land contains only 31 3/4 acres, and has no buildings on it. It is all woodland with but little timber on it. The owners have never

been able to make any use of it and have never received any income from it. It could not be conveniently divided in kind and it would be unwise to attempt to divide it. Each party would get by a division less than 8 acres which would be of no use or benefit them. None of the parties is willing to take the entire parcel and pay the other parties for their interests. Their interests would not be promoted by an allotment of part of it to any of the parties and the sale of the remainder and distribution of the proceeds of sale of such remainder among the parties entitled thereto; but the interests of all parties would be promoted by sale of the entire parcel and distribution of the proceeds among all the parties in interest according to their respective rights. The land has been sold several times for delinquent taxes, and has been an expense to the parties who have had

such taxes to pay. It is assessed for taxation at $95.00, but is worth about $150, and has no annual value.

And further this deponent says not.

J. W. Magee

The witness Woodville A. King, being first duly sworn, in answer to questions, deposes and says as follows:

Q. 1. State your age, residence and occupation and whether you know the parties to said Suit?

Ans. I am 47 years of age, reside in Suffolk in Nansemond County, Virginia, am Deputy Treasurer for said County, and I know the Complainant, J. Walter Magee, personally and the other parties by reputation.

Q. 2. It appears that the first wife of said J. Walter Magee, the late Sallie M. Magee departed this life about ten years ago, seised and pos-

sessed in fee-simple of a cer-
tain tract of land in Holy
Creek Magisterial District in
Chauncemond County, containing
3 1/3/4 acres, more or less, and
bounded by the lands of Seth
E. Howell, Elisha Davidson's es-
tate and others. Please state
what you know of said lands.

Ans. I know where the
land is located, - have pass-
ed it often while riding
about collecting taxes. So
far as my knowledge goes
it is a small parcel of
woodland without build-
ings of any kind, no
part of it being arable,
or under cultivation. It
is not very valuable and
is assessed at only $95 for
taxation. I am of opinion
that there is not much
timber, if any, on it.

Q. 3. State whether the land
mentioned can be conve-
niently divided in kind
between the parties entitled
thereto, and, if it can not

be so divided, whether any party will take the entire parcel and pay to the other parties for their interests such sums of money as their interests may entitle them to; and if the land can not be conveniently divided in kind and no party will take the entire parcel and pay the others for their shares, whether the interests of those entitled to the land, or its proceeds, will be promoted by a sale of the whole tract, or by allotment of part and sale of the remainder and distribution of the proceeds among the parties according to their interests,

Ans, I cannot see how the land can be conveniently divided in kind. If, as I understand, there are four persons to share in it, it would render the land worthless to divide it into four shares, for each party would get such a small parcel it would be of no benefit to them. As a whole it is hardly worth paying taxes on, and

produces no income. In small parcels of seven or eight acres it would be still more worthless. So I say it could not be conveniently nor advantageously divided in kind. I know of none of the parties willing to take the entire parcel and pay the other parties for their interests therein. The parties are so situated as to make it against their interest for any one of them to take it. I can't see what use any one of them could make of it and feel sure no one of them would want to take it. From my knowledge of the land and the situation of the parties I think the interests of all of them would be promoted by a sale of the entire parcel and distribution of the proceeds of the sale among them. They now get no income from it, while their shares of the money would produce some income though little. In fact, the land

being non-productive is a dead expense to the owners, for they have to pay taxes on it, and it has been sold a number of times for delinquent taxes. For reasons already stated I also think it would be against the interests of the parties to sell part of the land and allot the remainder among them.

And further this deponent says not

Woodville A. King

Virginia:

County of Chasemond, to wit:

I, Wilbur J. Kilby, a commissioner in Chancery of the Circuit Court for the County aforesaid, in the State of Virginia, do certify that the foregoing depositions of J. Walter Magee and Woodville A. King were duly taken, sworn to, and subscribed before me in my county aforesaid, for the purposes therein mentioned.

Given under my hand this 25th. day of September 1900.

Wilbur J. Kilby,
Commissioner in Chancery.

Magee Tals.

vs. } In Chy.

Magee Tals.

Report under
decree of 12th.
April 1898

1900 Sept 26th Filed.
A. P. Gomez Clk

McGhee et als

Vs

McGhee et als.

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

On consideration whereof. the Court doth adjudge, order and decree that the said report of disbursements, which appears to be supported by proper vouchers, be, and the same is, hereby ratified, approved and confirmed, and it appearing to the Court that Ida V. McGhee, one of the parties entitled, although under the age of twenty-one years, is a person of sufficient age and discretion to use the said fund judiciously, it being the sum of $44.11; and it also appearing to the Court that the said Special Commissioner has filed a receipt from her with surety in the nature of an indemnifying bond, the payment to her under the circumstances reported is hereby confirmed.

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

McGhee et als

Vs

McGhee et als.

# #

D E C R E E .

April 14th, 1903.

To be entered.

Norman Harris

Entered in Chancery
Order Book No 3 Page 500,

Everett Waddey Co., Stationers and Printers, Richmond, Va. Form No. 35.

In the Circuit Court for the County of Isle of Wight,

to wit:

THE ANSWER OF Jno. P. Magee and Ida V. Magee

infant under the age of twenty-one years, by R. H. Rawles, a competent & discreet attorney at law guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against them ~~and others~~ in the Circuit Court for the County of Isle of Wight, Va., by J. Walter Magee & others and others.

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

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

R. H. Rawles Guardian *ad litem*.

p. d.

OF } *ss.*

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

Given under my hand, this day of 189

Form No. 35.

J. Walter Magee et als.

adv.

ANSWER
OF
INFANT DEFENDANT.

Magee et als by
R.H. Rowles Guardian ad
Litem.

In the Circuit Court of Nansemond County, Virginia:

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

Your complainants J.Walter Magee, Annie M. Holland nee Magee, and W.A.Magee humly complaining show to the Court:

That about ten years ago Sallie M.Magee the first wife of said J.Walter Magee and a daughter of Wm.Davidson deceased departed this life intestate leaving her said husband J.Walter Magee, and the said Annie M.Magee, Wm.A. Magee, Jno.P.Magee and Ida V.Magee her children and only heirs at law; and died seized and possessed in fee simple of a certain tract of land in Holy Neck District in the County of Nansemond and in the state of Virginia containing 3I 3/4 acres, more or less, adjoining the lands of Howell and Davidson and others, assessed the sum of ninety five dollars and twenty five cents, and charged on the land book to "J.Walter Magee"and" Walter Magee," The said land has been twice or three times sold for taxes and baught by the Commonwealth of Virginia but redeemed by J.Peter Holland the husband of said Annie M.Holland.

Your complainants say said land cannot be divided in kind among the parties entitled, that it is mainly valuable for the timber on it.

In tender consideration whereof and for as much as your complainants are remediless save in this honerable court where matters of this sort are alone and properly cognizable they pray that said Jno.P.Magee and Ida V.Magee both of whom are infants under the age of twenty-one years, be made parties defendants to this bill, and required to answer the same by their proper guardian ad litem duly appointed to defend them, that the proceeds of sale be applied to the payment of costs of suit and sale including a reasonable fee to consel conducting this suit, and the residue thereof be paid to the parties entitled thereto , that all such other, general and farther relief may be afforded you complainants as the nature of their case may require or to equity and good conscience may seem meet.

And they will ever pray &c.

Wm A. Magee

J.W.Magee

Annie M. Holland.

W. S. Hallaud

Magee
vs. Chancery
Magee

J Walter Magee & others
VS In Chancery
Jno O Magee & others

1898 March 8. Process issued returnable to March rules third Monday. R & Rawles appointed guardian ad litem.

" " 21st Process returned executed on said R & Rawles guardian ad litem and decree Nisi vs him

" " " answer ~~filed~~ & Order ad litem filed

" Apl 4th. Decree Nisi Confirmed and Cause set for hearing

Magee & others
vs
In Chancery
Magee & others
Chancery Notes

J. Waller Magee &c

Vs } In Chancery

Jno P. Magee & oth

1903

April 14th

Final Decree.

J W Magee &c Vs J P Magee & others

Costs
Clerk $ 6.98
Shff .50
Jay 1.50
atty 15.00
$ 23.98

Comr.