1905-004
Nansemond Co(Suffolk) Chancery Causes: John E. Vincent, gdn et al vs Alice E. Vann et al

Parker

Plat

The clerk of the Circuit Court for the County of Transemond will issue process as follows:

John E. Vincent, executorial guardian of Inna M. Vincent, suing for the benefit of himself and all other creditors of Timothy A. Vann deceased. Complainant

Against } In Chancery

Alice E. Vann, widow, in her own right and as administratrix of the estate of Timothy A. Vann, deceased. William Leonard Vann, Mildred Ann Vann, Robert Lawler Vann, Lucy Chorfleet Vann, and Alice Parker Vann, the three last-named being infants under the age of twenty-one years. Defendants.

Summons in Chancery.

To Rules on the third Monday in September 1904

Wilbur J. Kelby, p. q.

17 September 1904

Vincent etc.

vs. } In Chy.

Vann & als.

Memorandum
for Suit

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Alice E Vann, widow, in her own right and as Administratrix of the estate of Timothy A. Vann deceased, William Leonard Vann, Mildred Ann Vann Robert Lawler Vann Lucy Norfleet Vann and Alice Parker Vann, the three last-named 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 Third Monday in September 1904 to answer a Bill in Chancery exhibited against them in the said Court by John E Vincent Executorial Guardian of Irma M Vincent suing for the benefit of himself and all other Creditors of Timothy A. Vann, deceased.

and have then and there this summons.

Witness, ~~A. P. GOMER~~ R R Smith, Clerk of our said Court, at his office, this 17th day of September, 1904, in the 129th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste:

A P Gomer D. C., CLERK.

W J Kilby p. q.

John E Vincent &c

vs. | In Chancery.

Alice E Vann

Widow &c &c

1904

September Rules.

Third Monday.

Nansemond Circuit Court

Process Book No. 2

Page 258

Sufficient and legal service of
this process is hereby accepted and
returnable by noon this 17th. day of
September 1904.

Alice E. Vann

Alice E. Vann, Administratrix
of the estate of Simcoe T.
Vann deceased

William Leonard Vann
Children and Heirs at Law.

Virginia

At Rules held in the Clerk's office of the Circuit Court for the County of Nansemond on the 19th. day of September 1904.

John E. Vincent, executorial Guardian of Irma M. Vincent etc. Complainant

Against } In Chancery

Alice E. Vann & als. Defendants

On the motion of the Complainant by counsel, Robert W. Withers, a discreet and competent attorney at law, is appointed guardian to the defendants, Robert Lawler Vann, Lucy Nafleet Vann and Alice Parker Vann, who are infants under the age of twenty-one years, to defend them in this Suit.

A. P. Gomez Deputy
for R. R. Smith clerk

Vincent etc

v. } In Chy.

Vann & als.

Order appointing guardian ad litem

Know All Men by These Presents, That we, Wilbur J. Kilby and the Fidelity and Deposit Company of Maryland

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Six Hundred DOLLARS,

to the payment whereof, well and truly to be made to the Commonwealth of Virginia, we bind ourselves, 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 Commonwealth arising under this bond, or by virtue of the office, post or trust herein mentioned, with coupons detached from bonds of said State.

~~Sealed with our seals, and dated this ..... day of ..... in the year of our Lord one thousand nine hundred and ....., and in the ..... year of the Commonwealth.~~

In Testimony Whereof, the said Wilbur J. Kilby has hereto set his hand and seal, and the said ~~the~~ Fidelity and Deposit Company of Maryland has caused its corporate name to be hereto signed, and its corporate seal to be hereto affixed, by Edward E. Holland its duly authorized attorney in fact and countersigned by Junius E. West this 2nd day of December in the year of our Lord, one thousand nine hundred and four, and in the 129th year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That ~~if the above bound~~ whereas by a decree pronounced in Vacation on the first day of December 1904 by Hon. Robert R. Prentis Judge of the Circuit Court for the County of Nansemond in the Chancery cause pending in said Court between John E. Vincent Executorial Guardian of Irma M. Vincent Complainant and Alice E. Vann widow and Administratrix of Timothy A. Vann deceased and others defendants, it was decreed that a certain parcel of sixty acres of land of which said Timothy A. Vann died seized and possessed as specified in said decree, be sold to William J. Parker for the sum of four hundred dollars, in cash and that said Wilbur J. Kilby as Special Commissioner execute a good and sufficient deed with special warranty in the usual form conveying said land to said William J. Parker upon his payment of said sum of four hundred dollars therefor. Now therefore if the said Wilbur J. Kilby shall faithfully discharge the duties of his office, post or trust as Special Commissioner aforesaid and his duties under said decree and any other decree that he may be required to execute in said cause, then the above obligation is to be void; otherwise to remain in full force and virtue

Attest
Junius E. West

Wilbur J. Kilby SEAL

Fidelity & Deposit Company of Maryland
by Edward E. Holland
its Attorney in fact SEAL

VIRGINIA:

In the Clerk's Office of the Circuit Court of Nansemond County, on the 2nd day of December, 1904:

The above bond was executed and acknowledged before me by the obligors to the same (~~the securit~~ ~~justifying~~), and ordered to be recorded.

Teste:

A. P. Gomey D.C.

A Copy Teste:

A. P. Gomey D.C.

Wilbur J Kilby

To { Special Commns
Bond

The Commonwealth.

1904

Decr 2nd

Recorded in
Official Bond
Book No 1 Page 394
Circuit Court

A Copy.

RECEIVED of Wilbur J. Kilby, Special Commissioner, the sum of fourteen dollars and thirty cents which he was directed to pay to me by the decree entered on the first day of July, 1905, in the Chancery suit pending in the Circuit Court of Nansemond County between John E. Vincent, Executorial Guardian, etc. Complainant, and Alice E. Vann and others, Defendants ; said sum of money being my share of the surplus proceeds of the sale of land under proceedings in said suit.

-- Alice E. Vann

8th. July 1905

We, the undersigned, hereby acknowledge that we have each received the sum of nine dollars and ninty-eight cents from Wilbur J. Kilby, Special Commissioner in the Chancery Suit pending in the Circuit Court of Nansemond County between John E. Vincent, Executorial Guardian, etc. Complainant, and Alice E. Vann and others, Defendants; said sums of money being the same which said Special Commissioner was directed by the decree entered in said suit on the first day of July, 1905, to pay to us as our respectives shares of the surplus proceeds of the sale of land under proceedings in said suit.

(Mildred A. Vann) = William Leonard Vann

Minnie L. Vann

Robert Lawler Vann

Lucie Norfleet Vann

(Alice P. Vann) = Callie Parker Vann

8th. July 1905

Virginia.

Circuit Court for the County of Nansemond, to-wit:

Vincent, Executorial Guardian, etc. Complainant.

vs. } In Chancery.

Vann, and others. Defendants.

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

In pursuance of the decree pronounced by you Honor in vacation on the first day of July, 1905, in the Chancery cause pending in the Circuit Court for the County of Nansemond between John E. Vincent, Executorial Guardian, etc. Complainant, and Alice E. Vann and others, Defendants, the undersigned, Wilbur J. Kilby, Special Commissioner, respectfully reports as follows:

That, as directed by said decree, he has paid to said Alice E. Vann, widow of Timothy E. Vann, deceased, the sum of fourteen dollars and thirty cents and to each of the nine children of said Timothy E. Vann, to-wit: William L. Vann, Mildred A. Vann, (sometimes called Minnie A. Vann), Robert L. Vann, Lucy N. Vann, and Alice P. Vann, (sometimes called Allie Parker Vann), the sum of nine dollars and ninty-eight cents, vouchers for such disbursements being herewith filed.

All the money under the control of the court in said cause has now been disbursed and nothing further remains to be done.

Respectfully submitted,

Wilbur J. Kilby

Special Commissioner.

Vincent etc.

vs. } In Chy.

Vann Fals.

Report of Wilbur J. Kilby. Special Comr. under decree of first of July 1905

Confirmed
10 July 1905

Wilbur J. Kilby, Comr. in suit of Vincent etc. vs. Fawn & als.

To Beverley P. Baker, Co. Surveyor, Dr.

1904			
Dec. 21st	To Surveying and platting 60 acres of the land of which Timothy A. Fawn died seised and possessed - Such 60 acres having been sold to Wm. J. Parker.	$400	
	Paid 7th. April 1905 by Wilbur J. Kilby, Comr.		
	Beverley P. Baker County Surveyor		

John E Vincent-Guard. &c

1904 — To R. R. SMITH, County Clerk of Nansemond County, Dr.

Tax ~~and Recording Fee~~ in Chancery suit of $

Sept 17th. John E Vincent-Guard. &others against Alice E Vann Widow &others $1.50

Sept-22nd 1904 Paid by W J Kelly atty A P Sumner D.C.

Folio

TERMS--CASH.

Suffolk, Va., Dec 2, 1904

M Wilbur J. Kirby Sp Comr in
John E. Vincent Essential Guardian of Irma Vincent
vs. ac

To HARPER & WEST, Dr.

LIFE, FIRE AND ACCIDENT INSURANCE AND SURETY BONDS

P. O Box 394. OFFICE: No. 29 WASHINGTON SQUARE. Both Phones.

Date	Policy No.	Company	Property Insured	Amount	Premium
Dec 2 1904	8051/	F H & D Co-	Bond for Sch	$600	$5.00

Paid
April 14th 1905-
Harper & West
B.

Principal of this bond ——————— $204.87
Interest from 10 April 1899 to 8 April 1905 73.68
Total = $278.55

1905 April 8th. Received of Wilbur J. Kilby, Special Comr. Two hundred and seventy-eight and $\frac{55}{100}$ dollars in full of the principal of this bond and the interest thereon to this date as per above statement.

John E Vincent Exutorial
Guardian of Irma M.
Vincent

F. A. Jarvis note

Somerton N.
Apr 24 1905-

Mr Gilby
Dear Sir

I received your letter last night and will answer it today you asked me my age. I was born January 5-9 that makes me 44 years old last Jan.. I have been looking for a letter from you sometime I would like to know how much was over after paying all expenses. I need some money very bad hoping to hear from you real soon

Yours Truly A. E. Van

Virginia,

Circuit Court for the County of Nansemond, to-wit:-

Vincent, Executorial Guardian etc. Complainant.

vs. } In Chancery.

Vann and others. Defendants.

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

In pursuance of the decree pronounced by your Honor in vacation on the first day of December, 1904, in the Chancery Cause pending in the Circuit Court for the County of Nansemond, between John E. Vincent, Executorial Guardian etc. Complainant, and Alice E. Vann and others, Defendants, the undersigned, Wilbur J. Kilby, appointed Special Commissioner for the purposes named in said decree, respectfully reports as follows:

That he has sold to William J. Parker for the sum of four hundred dollars the parcel of sixty acres of land mentioned in said decree and has executed a deed with special warranty in the usual form conveying said land to him.

That said William J. Parker has paid said sum of money together with interest thereon for four months to your commissioner.

That, out of said sum of four hundred dollars and interest your commissioner has paid the costs of said cause and the expenses of said sale, and, to said Complainant, the sum of two hundred and seventy-eight dollars and fifty-five cents in full of the principal sum of his claim for two hundred and four dollars and eighty-seven cents and the interest thereon amounting to the sum of seventy-three dollars and sixty-eight cents from the tenth day of April 1899 to the eighth day of April 1905, as will appear by the following statement and the vouchers hereto attached.

STATEMENT.

By cash of said William J. Parker as stated above,	400	00
" interest on the same for four months,	6	00

To 5 per cent commissions on $300.		$15.		
" 2 " " " on $106.		2.12 =	17.	12
" paid Beverley P. Baker for surveying said land			4.	00
" " Sydney T. Ellis,Treasurer,State and County taxes for 1905 on the net proceeds of said sale,			3.	25
" " Wilbur J. Kilby for writing said deed,			5.	00
" " A.P. Gomer, Deputy Clerk, State tax on said cause, or suit.			1.	50
" " Wilbur J. Kilby,Attorney for the Complainant, fee allowed by law,			15.	00
" " Robert R. Smith,Clerk of Court,his fees,			5.	88
" " John B. Pinner,Commissioner in Chancery, his fee for report filed in said cause,			6.	00
" " Harper and West,Agents for furnishing security on Special Commissioner's bond,			5.	00
" " Robert R. Smith,Clerk of Court,for attesting on margin of deed-book the release of the deed of trust which secured said debt to said John E. Vincent,Executorial Guardian,such deed of trust being a lien on the land sold as aforesaid,				50
" " said John E. Vincent,Executorial Guardian,his said claim as follows:				
Principal	204.87			
Interest	73.68	=	278	55
" amount to balance			64	20
			406.	00
			406.	00

The parcel of land sold as aforesaid to said William J. Parker contains sixty acres by survey and is situated at the village of Somerton in Cypress Magisterial District in Nansemond County and is bounded on the North by the County Road leading from said village Westward to Maney's Ferry;on the East by the land of which Timothy A. Vann died seised and possessed; on the South by the lands of Albert Hunter and Parthenia G. Parker; and on the West by the land of

said Parthenia G. Parker,- the courses and distances around the land sold as aforesaid being as follows: Beginning at the North-east corner of the land of said Parthenia G. Parker,formerly the land of Borland R. Parker,on said County Road and running from said corner along the land of said Parthenia G. Parker and the lane on her said land leading to her dwelling,South sixteen and one-half degrees,West thirty-eight poles to a corner on said lane, thence from said lane along the land of said Parthenia G. Parker South thirty-seven degrees,East fifty poles to a pine tree,thence South along the same land forty-eight and one-fourth degrees,East sixty-eight poles to a gum tree, thence along the same land thirty-one degrees,East ten and one-half poles to a pine tree,thence South forty-two degrees,East ten poles to a small white oak tree,thence along the land of said Albert Hunter South eighty-three and one-fourth degrees,East nine and one-third poles,thence North one degree West one hundred and fifty-four and one-half poles to said County Road,and thence along the South side of said County Road South eighty-four degrees,West ninety-three and one-third poles to the beginning on said road.

A plat of the land sold as aforesaid made by Beverley P. Baker, County Surveyor for said County,is hereto attached.

Before proceeding to make said sale said Special Commisioner executed before the Clerk of said Court in his office the bond required of him by said decree,a copy of which bond is filed with the papers in said cause.

The said sum of $64.20, surplus proceeds of said sale,should be distributed as follows:

To Alice E. Vann,widow of said Timothy A. Vann, in lieu of her dower,	$14.30
" William L. Vann,son of Timothy A. Vann,	9.98
" Mildred A. Vann,Daughter of Timothy A. Vann,	9.98
" Robert L. Vann,son of " " " "	9.98
" Lucy N. Vann ,daughter of " " "	9.98
" Alice P. Vann,daughter of " " "	9.98
Total	64.20

The said Alice E. Vann was forty-six years of age in January 1905,

as appears by her letter hereto attached, and her interest at that age in said sum of $64.20 has been ascertained by use of the annuity table contained in section 2281 of the Code of Virginia.

The said children of said Timothy A. Vann are the only distributees who survived him and are all of age, except Lucy N. and Alice P., the former of whom was seventeen years of age in June 1905 and the latter fifteen years of age in April of the same year.

In-as-much as said Lucy N. and Alice P. Vann, tho' infants, are of sufficient age and discretion to use their shares of said money judiciously, and inasmuch as their shares are each less than $100, they ask that such shares be paid directly to them in pursuance of Acts of the General Assembly, Session 1901-02, page 812 Chapter 680.

Respectfully submitted.

Wilbur J. Kilby

Special Commissioner.

Received of Wilbur J. Kilby, Special Commissioner, the respective sums of money charged in the foregoing report as paid to us and set opposite our names as follows:

S. M. Lawrence Dep. for R. R. Smith Clerk, $5.88.
S. M. Lawrence Dep. for R. R. Smith Clerk (for attesting marginal release), .50
W. A. King Dep. Sr. for S. T. Ellis C. C. $3.25
John B. Pinkerton Comr in Chy $6.00

Vincent etc.

vs. } In Chy.

Vann & als.

Report of Wilbur J. Kilby, Special Comr. under decree of 1st. Dec. 1904

Filed and Confirmed July 1st. 1905

Virginia,

Circuit Court of Nansemond County,to-wit:-

John E.Vincent,Executorial Guardian etc. Complainant.

Vs. In Chancery.

Alice E.Vann,widow etc. and others Defendants.

Commissioner's Office,

Suffolk,Va. Nov. 10th.,1904.

To Honorable Robert R.Prentis,

Judge of the Circuit Court of Nansemond County,Va.

Pursuant to the decree of said Court,entered on the 12th. day of October,1904 in the Chancery suit pending in said Court between John E.Vincent,Executorial Guardian of Irma M.Vincent etc. Complainant and Alice E.Vann widow in her own right and Administratrix of Timothy A.Vann,deceased,etc and others Defendants,the undersigned,John B.Pinner,one of the Commissioners in Chancery of said Court respectfully reports as follows,

That on the 20th. day of October,1904 he at the request of the Complainant gave notice to the parties to said suit that he would proceed on the 10th. day of November 1904 at his office in Suffolk,Va. to take,state and settle the several accounts required by said decree to be taken,stated,settled and reported to Court.

That service of said notice was duly accept-ed by the parties to said suit as appears by the endorsations on the notice herewith returned.

That having completed the duties required by said decree he reports as follows,

1. An Account of the transactions of the defendant,Alice E.Vann,Administratrix of the Estate of Timothy A.Vann,decd.

It appears from the records in the Clerk's Office

of Nansemond County that an account of the transactions of said Administratrix was audited by the Commissioner of Accounts of the County Court of said County on the 24th. day of December,1903 and approved by said County Court on the 29th. day of January,1904.This account shows that the Administratrix received from the sales of the chattel estate of said Timothy A.Vann,deceased the sum of $219.48

and that such money was disbursed by her as follows=Cost of settlement of Estate including commissions,costs of advertisements,Clerk's fees,Counsel's fees,appraisers etc. $50.54

Taxes 16.16

Burial expenses 25.00

Debts 127.78

219.48 219.48

leaving no balance in hand.

2. An account of the debts of the said Timothy A. Vann,deceased,or his estate still due and unpaid according to their dignities and priorities and whether there are any delinquent taxes due on the decedent's real estate.

The only debt of the said Timothy A.Vann outstanding and unpaid is the debt due to John E.Vincent,Executorial Guardian of Irma M.Vincent,Complainant in said suit.

The prinicipal of this debt is $204.87 bearing interest from the 10th. day of April 1899 till paid and the evidence of this debt is a bond made by said Timothy A.Vann on the 10th. day of April 1899 and payable on demand to said Complainant with interest from date.

There are no delinquent taxes due on the real estate of which Timothy A.Vann died seised and possessed.

3. An account of the personal estate of which the said Timothy A.Vann was possessed at the time of his death.

The said Timothy A.Vann did not own and was not possessed of any personal estate except a small chattel estate which has been fully accounted for by his Administratrix as shown by Account No. 1 above.Such estate was appraised at $224.75 and was sold in the usual way for $219.48.

4.An account of the real estate of which said Timothy A.Vann died seised and possessed together with its fee simple value and its annual value.

The said Timothy A.Vann died seised and possessed of a tract of land situated at and in the village of Somerton in Cypress Magisterial District in Nansemond County,Va. containing one hundred and ninety and one-third (190 1/3)acres more or less and bounded on the North by the County Road leading from said village to Maney's Ferry on Chowan River on the East by the County Road leading from said village to Gatesville,on the South by the land of James E.Parker (formerly George T.Parker of E.) and the lands of others and on the West by the land of which Borland R.Parker died seised and possessed (formerly Mary Parker)

The fee simple value of this land is about $1800.00

The annual value is about $125.00

It is assessed for taxation including buildings at $1146.00

5. An account of any matters specially stated deemed pertinent by the Commissioner or which any of the parties may require to be stated and reported to Court.

It appears from the foregoing part of this Report that at least some part of the said land must be sold for the satisfaction of the debt mentioned and indeed it is the desire of the defendants that a part of it be sold for that purpose, as there appears to be no other way by which said debt can be settled by them and to their best advantage. They have obtained from one, William J. Parker an offer in writing of Four Hundred Dollars for Sixty acres of said land to be taken from the West side thereof as will fully appear from said offer which is returned as a part of this report. After enquiry your Commissioner finds that this offer is a good one and that it would be most desirable and advisable to accept it.
The sale of the Sixty acres mentioned would still leave a good sized farm with all the buildings on it for the use and benefit of the widow and children of the said Timothy A. Vann, while the parcel of Sixty acres having no building thereon would be the least valuable part of the place. The said Sixty acres are of more value to the said William J. Parker than to any other person because it adjoins land already owned by him and it is apparently for this reason that he offers a good price for it more than could be probably gotten for it otherwise. In this opinion your Commissioner is supported by the testimony of George T. Parker of E who is the half brother of the widow, Mrs. Alice E. Vann and who was once the owner of the place as will appear by his deposition herewith returned.

Your Commisioner for the reasons stated would recommend the acceptance of the said offer which would be not greatly in excess of the debt with interest added and the costs of this suit.

Respectfully submitted

John P. Pinner

Commissionery in Chancery.

Comr's fee $6.

Comr's fee $

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 400

Commissioner's Office, Suffolk, Va.

To John E. Vincent, Executorial Guardian of Irma M. Vincent, suing for the benefit of himself and all other creditors of Timothy A. Vann, deceased. Complainant.

And

Alice E. Vann, widow, in her own right, and as Administratrix of the estate of Timothy A. Vann, deceased, William Lecnard Vann, Mildred Ann Vann, Robert Lawler Vann, Lucy Norfleet Vann, and Alice Parker Vann, the three last-named being infants under the age of twenty-one years, and Robert W. Withers, Guardian ad Litem for said infants. Defendants.

You are hereby notified that on the 10th. day of November 1904, 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 October, 1904, in the suit in chancery pending in said Court to which you are parties, plaintiff and defendants, to-wit:

I. An account of the transactions of the defendant, Alice E. Vann, Administratrix of the estate of Timothy A. Vann, deceased.

2. An account of the debts of the said Timothy A. Vann, deceased, or his estate, still due and unpaid, according to their dignities and priorities, and whether there are any delinquent taxes due on the decedent's real estate.

3. An account of the personal estate of which the said Timothy A. Vann was possessed at the time of his death.

4. An account of the real estate of which the said Timothy A. Vann died seised and possessed, to-gether with its fee-simple and annual values.

5. An account of any matters specially stated deemed pertinent by myself, or which any of the parties may require to be stated, and reported to court.

Given under my hand, as Commissioner in Chancery of said Court, the 20th day of October, 1904

John R. Pinner

Commissioner in Chancery.

We hereby accept service of this notice this 24th. day of October 1904.

Alice E. Vann in her own right and as administratrix of Timothy A. Vann, deceased.

William Leonard Vann.

Mildred Anne Vann.

Robt. H. Wilkes, Guard. ad litem of infant defendants.

Wilbur J. Kilby. Atty. for John E. Vincent executorial guardian of Irma M. Vincent, etc. Complainant.

Form No. 400.

vs.

COMMISSIONER'S NOTICE.

I hereby offer to purchase sixty acres of the farm of which Timothy A. Vann died seised and possessed at Somerton in Chowanoke County and to pay four hundred dollars cash for the same upon the execution and delivery to me of a good and sufficient deed conveying said sixty acres to me. The parcel of land which I hereby offer to purchase is to be cut off of the west side of said farm and the line dividing it from the rest of the farm is to be a perpendicular one running Southward from the County road which leads Westward from the Village of Somerton to Maney's Ferry on Chowan River.

Witness my hand and seal this 10th. day of November 1904.

William J. Barber (Seal)

Circuit Court of Nansemond County, in vacation, on the 1st day of July 1905.

Vincent, Executorial Guardian, etc. Complainant.

vs. } In Chancery.

Vann, and others, Defendants.

This cause came on this day, in vacation, (with the consent of parties heretofore entered of record), to be again heard on the papers formerly read and on the report of Wilbur J. Kilby, Special Commissioner, this day filed by leave of the Court, (the same being a report of the sale of a parcel of sixty acres of land of which Timothy A. Vann died seised and possessed and of the disbursement of the proceeds of the sale and of the execution of a deed conveying said land to Willian J. Parker, the purchaser, in pursuance of the decree entered in said cause on the first day of December, 1904), and was argued by counsel.

On consideration whereof, and it appearing from said report that said parcel of land is situated at the village of Somerton in Cypress Magisterial District in Nansemond County and is bounded on the North by the County Road leading from said village Westward to Maney's Ferry; on the East by the land of which Timothy A. Vann died seised and possessed; on the South by the land of Albert Hunter and Parthenis G. Parker; and on the West by the land of said Parthenis G. Parker, (a plat of the land so sold being filed with, and the courses and distances around said land being fully set ~~fo~~ forth in, said report); and it further appearing from said report that the said Special Commissioner has received for said land the sum of four hundred dollars for which it was directed to be sold and has disbursed the same as heretofore directed, leaving the sum of Sixty-four dollars and twenty cents in his hands subject to the order of court; and it further appearing from said Report ~~to said court~~ that the said Special Commissioner has made a deed as heretofore directed conveying said land to said William J. Parker, the purchaser thereof; the ~~Court doth approve and confirm~~ said report and sale, to which no

said deed are hereby
exception has been taken, and ~~doth~~ approved and confirmed ~~said deed~~.

And it further appearing from said report that the interest of Alice E. Vann, widow of said Timothy E. Vann, deceased, in said sum of sixty-four dollars and twenty cents, which is the surplus proceeds of said sale, is fourteen dollars and thirty cents in lieu of her dower as ascertained by use of the annuity table contained in section 2281 of the Code of Virginia, it is adjudged, ordered and decreed that said Special Commissioner pay to said Alice E. Vann said sum of fourteen dollars and thirty cents in lieu of her said dower.

And it further appearing from said report that the remainder of said sum of sixty-four dollars and twenty cents, to-wit the sum of forty-nine dollars and ninety cents, is payable in equal sums of nine dollars and ninety-eight cents to the five children of said Timothy E. Vann, to-wit: William L. Vann, Mildred A. Vann, Robert L. Vann, Lucy N. Vann and Alice P. Vann; and it further appearing that said Lucy N. Vann and Alice P. Vann, though infants, are of sufficient age and discretion to use their shares of said money judiciously, and that in such case it is lawful to pay such shares directly to them; it is further adjudged, ordered and decreed that said Special Commissioner pay to each of said children the sum of nine dollars and ninety-eight cents to which they are entitled as aforesaid, the shares of said infants to be paid directly to them in person ~~or to their attorney~~.

And the said Special Commissioner will make report to court of his transactions under this decree and file with such report vouchers for the disbursement which he is hereby directed to make.

Robert R. Butts

To the Clerk of the Circuit
Court for the County of Nansemond.
To be entered.

Vincent etc.

v. } In Chancery

Vann & als.

In the Circuit Court for the County of Kanawha.

In Vacation.

July 1st 1905.

Decree.

To be entered.

Robert C. Prentis

Entered in Chancery Order Book No 2 Page 663.

Circuit Court of Nansemond County, in vacation on the 1st day of December 1904.

Vincent, Executorial Guardian, etc. — Complainant.

vs. } In Chancery.

Vann, and others, — Defendants.

This cause came on this day in vacation, (with the consent of parties heretofore entered of record), to be again heard on the papers formerly read and on the report of John B. Pinner, Commissioner in Chancery, filed on the 14th. day of November 1904, (the same being a report of the transactions of the defendant, Alice E. Vann, Administratrix of Timothy A. Vann, deceased, of the debts due by him or his estate, of his personal and real estate, and of other matters specially stated by said commissioner), and was argued by counsel.

On consideration whereof the court doth approve and confirm said report to which no exception has been taken.

And it appearing from said report that the said Timothy A. Vann died indebted to the complainant in the sum of two hundred and four dollars and eighty-seven cents, bearing interest from the 10th. day of April 1899; that such sum of money is still due and unpaid; that the personal estate of said Timothy A. Vann has been fully administered by his said Administratrix, leaving no debt of the said Timothy A. Vann unpaid, except the debt, above-mentioned, due to the complainant, and leaving no estate for the settlement of such debt, except the real estate, mentioned in said report, of which said Timothy A. Vann died seised and possessed; that the sale of a part of such real estate will be sufficient to satisfy said unpaid debt; that William J. Parker has offered to pay four hundred dollars for sixty acres, part of said real estate, to be taken from said real estate, as specified in said offer, which is in writing and attached to said report; and that said sum of four

hundred dollars is a fair and adequate price for said sixty acres and will be sufficient for the payment of said unpaid debt, the expenses of sale and the costs of suit; it is adjudged, ordered and decreed that the said offer of said William J. Parker be accepted, and that said parcel of sixty acres, to be taken from the West side of said real estate in accordance with the specifications contained in said offer, be sold to said William J. Parker for said sum of four hundred dollars to be paid by him in cash, and that Wilbur J. Kilby, who is hereby appointed special commissioner for the purpose, do execute a good and sufficient deed, with special warranty in the usual form, to said William J. Parker, conveying to him and his heirs and assigns, the said parcel of sixty acres of land, upon the payment by him of said sum of four hundred dollars.

And it is further adjudged, ordered and decreed that the said Wilbur J. Kilby, special commissioner, pay, out of said sum of four hundred dollars, to the complainant, the said sum of two hundred and four dollars and eighty-seven cents, due him as aforesaid, with interest thereon from the 10th. day of April 1899, till paid, and also pay the expenses of the sale and the costs of this cause, and make report to court of his transactions hereunder.

But before the said Wilbur J. Kilby shall proceed to act under this decree, he shall execute before the clerk of the Circuit Court of the County of Nansemomd, in his office, a bond in the penalty of six hundred dollars with good security, payable to the Commonwealth of Virginia, with condition according to law and for the faithful discharge of his duties under this decree and any other decree that he may be required to execute hereafter in this cause.

Robert C. Davis

To the Clerk of the Circuit
Court of the County of
Nansemond,
To be entered.

Vincent etc.

vs. } In Chancery

Vann and others.

In the Circuit Court of the
County of Nansemond.

In vacation.

December 1, 1904

Decree

To be entered

Robt. E. Davis

Entered in Chancery
Order Book No 3
Page 619.

Vincent, Executorial Guardian, etc.

vs. } In Chy.

Vann, et als.

With the consent of parties, (the complainant, by counsel, the adult defendants, in person, and the infant defendants, by their guardian ad litem), entered of record, it is ordered, on motion of the complainant, by counsel, that this cause may be submitted to the judge of this court for such decision and decree, judgment, or order, therein in vacation## as might be made in term, to have the same force and effect as if made and entered in term.

Vincent, Executorial Gdn. etc.

vs. } In Chy.

Vann et als.

In The Circuit Court for the County of Nansemond, October 13, 1904.

Order.

To be entered.

Robt. R. Rawlis

We consent to this order.

John E. Vincent executorial guardian. By Wilbur J. Kilby, his counsel.

Alice E. Vann in her own right and as

Admx of W. A. Vann

William Leonard Vann

Mildred Ann Vann.

Robt. N. Withers Guard. ad litem for Robt. L. Vann, Lucy N. Vann, Alice P. Vann infant defendants.

Entered in Chy. Order Book No. 3. Page 608.

John E. Vincent, executorial guardian of Inna M. Vincent, suing for the benefit of himself and all other Creditors of Timothy A. Vann, deceased, Complainant.

Against } In Chancery

Alice E. Vann, widow, in her own right and as administratrix of the estate of Timothy A. Vann, deceased, William Leonard Vann, Mildred Ann Vann, Robert Lawler Vann, Lucy Moffett Vann and Alice Parker Vann, the three last-named being infants under the age of twenty-one years. Defendants.

This cause, regularly matured and set for hearing at Rules, came on this day to be heard on the Complainants' Bill taken for confessed as to the adult defendants, Alice E. Vann, widow, in her own right and as administratrix of the estate of Timothy A. Vann, deceased, William Leonard Vann and Mildred Ann Vann on whom process has been duly served, they still failing to appear and plead answer or demur to said Bill; and on the joint and several answers of the infant defendants, Robert Lawler Vann, Lucy Moffett Vann,

and Alice Parker Vann by Robert W. Withers, a discreet and competent attorney-at-law, their guardian ad litem, appointed at Rules to defend them in this suit, with general replications to said answers; and was argued by counsel.

An consideration whereof, the court doth adjudge, order and decree that the papers in this cause be refered to one of the Commissioners in Chancery of this Court who is hereby directed to take, State and report to court the following accounts, to wit:

1. An Account of the transactions of the defendant, Alice E. Vann, administratrix of the estate of Timothy A. Vann, deceased.

2 An Account of the debts of said Timothy A. Vann, deceased, or his estate still due and unpaid, according to their dignities and priorities, and whether they are by specialty or simple contract or otherwise, and of the property to which

3. An Account of the personal estate of which the said Timothy A. Vann was possessed at the time of his death.

4 An Account of the real estate of which the said Timothy A. Vann died seised and possessed together with its fee-simple and annual values.

5. An Account of any matters

specially stated deemed pertinent by himself, or which any of the parties may require to be stated and reported to court.

Vincent etc.

v. } In Chy.

Vann Eals.

In the Circuit Court for the County of Hausemond.

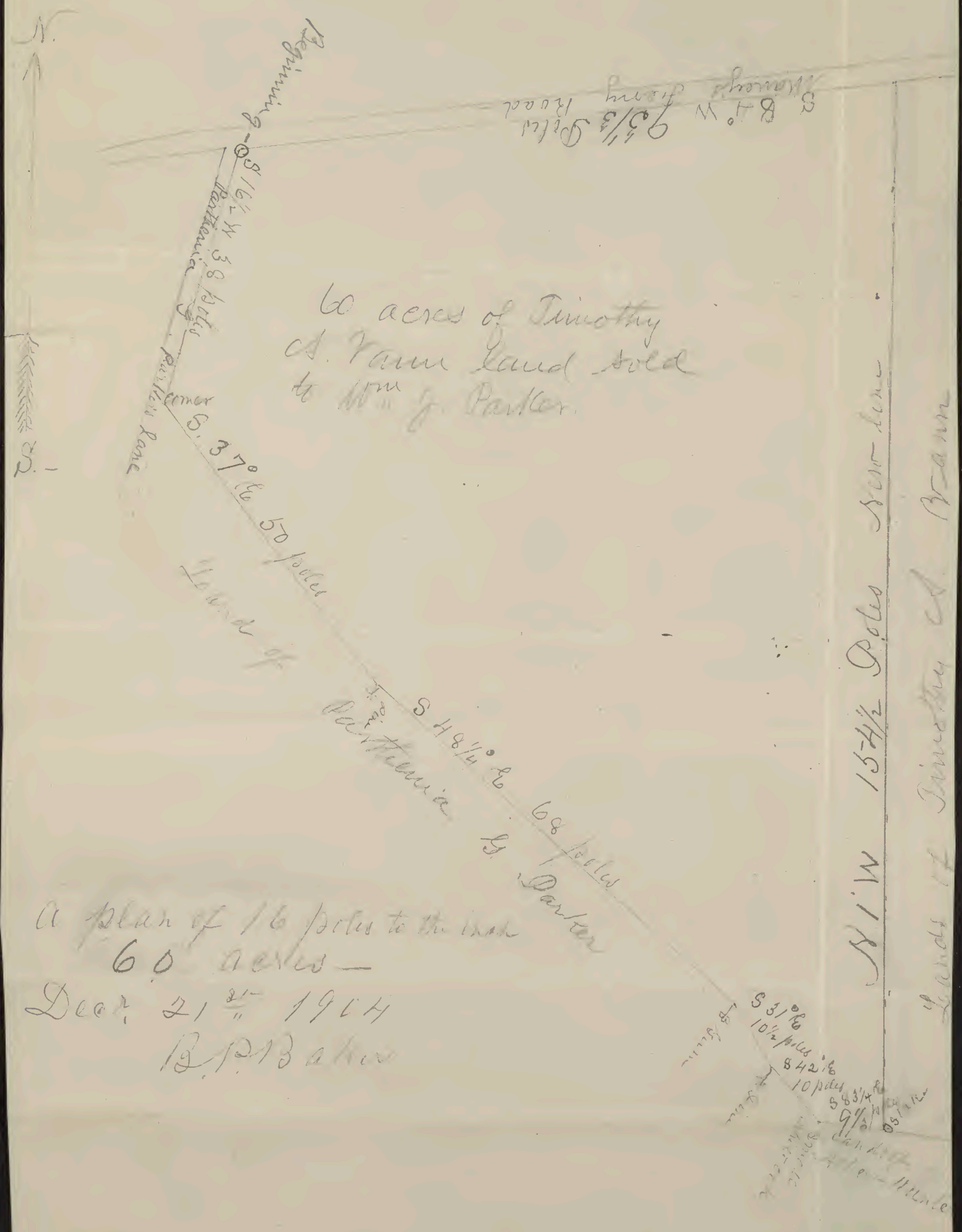
October 12, 1904.

Decree.

To be entered.

Robert Francis

Entered in Chancery Order Book No. 3. Page 666.



60 acres of Timothy
A. Farm Land Sold
to Wm. J. Parker.

A plan of 16 poles to the inch
60 acres —
Dec. 21st 1914
B. P. Baker

The deposition of George T.Parker of E. taken before John B.Pinner,Commissioner in Chancery of the Circuit Court of Nansemond County,at his office in Suffolk,Va. on the 10th. day of November,1904 to be read as evidence in the Chancery suit pending in said Court,between John E.Vincent,Executorial Guardian of Irma M.Vincent,Complainant and Timothy A.Vann's Administratrix and others Defendants.

The witness George T.Parker of E being duly sworn deposes as follows.

Q. State your name,age,occupation and state if you know the parties to this suit.

A.George T.Parker of E.,54 years,merchant, I know all the parties to the suit.

Q. 2. State your former and present residence.

A. I formerly lived in Somerton and now live in Suffolk,Va.

Q. 3. Are you a brother of Mrs. Alice E.Vann,widow of Timothy A.Vann.

A. Yes, I am her half brother.

Q.4. Are you familiar with the parcel of land that Mr. Vann died seised and possessed of?

A.Yes I know it .I once owned it and sold it to Vann.

Q.5. How long have you been familiar with it?

A. Since 1882.

Q 6. What would you say is now its fee simple and annual values?

A. About $125 per annum is what it would rent for as lands are renting in that section.I would suppose that the whole tract is worth $1800.

Q. 7. It is alleged that said farm or some part of it must be sold to pay a debt of $204.87 due to Mr. John E.Vincent as Guardian of his daughter and bearing interest from the

10th of July 1899, can you say that a sale of a part of the land will be sufficient to pay said debt and of so what part and how much.

A. I think if about sixty acres be sold off the West side it will be sufficient and it would not hurt the farm to so sell sixty acres and would leave it in good shape and the buildings are all on the balance of the farm.

Q. 8. I hand you the offer of William J. Parker stated in writing of $400.00 for 60 acres off the West side of the farm, please read said offer and state whether it is a fair and adequate price for the 60 acres stated in said offer.

A. I think so.

Q. 9. Would it or would it not be for the best interest of Mrs. Vann and her children to accept said offer for the purpose of raising the money to pay the debt mention-ed?

A. Yes sir I feel sure it would be best for them. They have no other way of securing the money. I have heard the parties defendant say that it would be agreeable to them to sell the land to pay the debt in the way named.

I think the party who has made the offer can afford to give more for the land than any others as it is next to his land and I do not believe anyone else would give as much as he would.

And further this deponent saith not.

Geo T. Parker of E

Virginia, County of Nansemond, to wit:-

I, John B. Pinner, Commissioner in Chancery for the Circuit Court of Nansemond County, Virginia do hereby certify that the foregoing deposition of George T. Parker of E. was duly taken, sworn to, and subscribed before me at the time and place, and for the purpose therein mentioned.

Given under my hand this 10th. day of November, 1904.

John B Pinner
Commissioner in Chancery

John F.Vincent &c.

Vs. In Chancery.

Alice E.Vann &c.

Commisioner's Report.

J.B.P. Comr.

Confirmed 1st.
Dec. 1904

1904 Novr 14th Filed
A.P.Gomez D.C.

Vincent, Executorial Guardian, etc. Complainant.

vs. } In Chancery.

Vann, and others, Defendants.

This cause came on this day to be again heard on the papers formerly read and on the report of Wilbur J. Kilby, Special Commissioner, this day filed by leave of the Court, (the same being a report of the payment to Alice E. Vann, widow of Timothy E. Vann, deceased, of the sum of fourteen dollars and thirty cents and of the payment of the sum of nine dollars and ninety-eight cents to each of the five children of said Timothy E. Vann, to-wit: William L. Vann, Mildred A. Vann, sometimes called Minnie A. Vann, Robert L. Vann, Lucy N. Vann, and Alice P. Vann, somtimes called Allie Parker Vann, in pursuance of the decree entered herein on the first day of July, 1905),and was argued by counsel.

On consideration whereof the Court doth approve and confirm said report and said payments of money as aforesaid, no exception having been taken to said report and said payments being supported by proper vouchers.

And the Court doth adjudge, order and decree that the proceedings had in this cause be final and binding between the parties; and nothing further remaining to be done in this cause, it is ordered that the same be removed from the docket.

Vincent etc.

vs. } In Chy.

Vann Vals.

In the Circuit Court
for the County of
Chauncund.
July 10th 1905
Decree
To be entered
Robert R. Reules

Entered in Chy-Order
Book No. 3- Page 670.

Virginia.

Circuit Court for the County of Nansemond, to wit:

John E. Vincent executorial guardian of Irma M. Vincent, etc. Complainant.

Against } In Chancery

Alice E. Vann & als. Defendants.

The joint and several answers of Robert Lawler Vann, Lucy Norfleet Vann and Alice Parker Vann by Robert W. Withers, attorney-at-law, their guardian ad litem, appointed to defend them in this suit, to the Bill of Complaint, exhibited against them and others in the Circuit Court for the County of Nansemond, by John E. Vincent, executorial guardian of Irma M. Vincent, suing for the benefit of himself and all other Creditors of Timothy A. Vann, deceased. Complainant.

These Respondents, reserving to themselves the benefit of all just exceptions to said Bill, for answer thereto, by their said guardian ad litem, answer and say;

That so far as they are informed, or have any reason to believe, the facts stated in said Bill are true, but being infants of tender years and by reason of their infancy incapable of understanding or taking care of their rights and interests, they, by their said guardian,

Vincent etc.

vs. } In Chy.

Vann & als.

Answers of infant defendants by their guardian ad litem.

Commit themselves and their rights and interests to the protection of the Court and pray that no decree may be pronounced, whereby while [illegible] to their prejudice, or be against their interests in this suit.

And now fully answered, these Respondents pray to be dismissed with their reasonable costs in this behalf expended.

And they will ever pray etc.

Solicitor for Defendants
Robert Lawton Vann
Lucy Norfleet Vann
Alice Parker Vann
By (Sgd) W. Winston, their guardian ad litem.

Virginia.

Circuit Court for the County of Nansemond, to wit:

John E. Vincent, executorial guardian of Irma M. Vincent, suing for the benefit of himself and all other creditors of Timothy A. Vann, deceased. Complainant,

Against } In Chancery.

Alice E. Vann, widow, in her own right and as administratrix of the estate of Timothy A. Vann, deceased, William Leonard Vann, Mildred Ann Vann, Robert Lawler Vann, Lucy Corbett Vann, and Alice Parker Vann, the three last-named being infants under the age of twenty-one years. Defendants.

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

Humbly complaining respectfully represents and shows unto Your Honor, your complainant John E. Vincent, executorial guardian of Irma M. Vincent, suing for the benefit of himself and all other creditors of Timothy A. Vann, deceased, the following case;

That, on the 31st, day of March

1901, the said Timothy A. Vann, then a citizen of the county of Drausemond, departed this life, intestate, leaving surviving him, a widow, whose name is Alice E. Vann, and five children whose names are William Leonard Vann, Mildred Ann Vann, Robert Lawler Vann, Lucy Chorfleet Vann and Alice Parker Vann, the three last-named being infants under the age of twenty-one years, and that said widow and children are now living.

That said Timothy A. Vann died owning, and possessed of, no personal estate, except a small chattel estate of the appraised value of two hundred and twenty-four dollars and seventy-five cents.

That the said Alice E. Vann was, on the 16th day of May 1901, appointed, by the County Court for the County of Drausemond, administratrix of the estate of said Timothy A. Vann, and, on the 26th. day of September 1901 sold his said chattel estate, at public auction, in accordance with law, for the aggregate sum of $219.48.

That said sum of $219.48 has all been disbursed by said administratrix and was sufficient to pay all the costs and expenses of the administration of said estate and all the debts due by said Timothy A. Vann, except the debt, here-

1

in mentioned, due by him to your Complainant.

That the said Timothy A. Vann was, at the time of his death, indebted to Your Complainant in the sum of two hundred and four dollars and eighty-seven cents, as evidenced by his bond for that sum of money dated the 10th. day of April 1899 and bearing interest from that date.

That said sum of two hundred and four dollars and eighty-seven cents is still due and unpaid.

That said Timothy A. Vann died, seised and possessed of a tract of land situated at, and in, the Village of Somerton in Cypress Magisterial District in said County, containing one hundred and ninety and one-third, (190⅓), acres, more or less, and bounded on the North by the county road leading from said Village to Maney's Ferry on Chowan River; on the East by the county road leading from said Village to Gatesville; on the South by the land of James E. Parker (formerly George T. Parker of E.), and the lands of others; and on the West by the land of which Borland R. Parker died seised and possessed (formerly Mary Parker).

That there is now no other

property of the said Timothy A. Vann but said land, and that so much of said land as may be necessary should be sold and the proceeds of the sale applied to the satisfaction and payment of said sum of money due to Your Complainant as aforesaid.

And Your Complainant gives notice that he will apply for such decree, or order, as may be proper, for the allowance to his counsel of a reasonable fee, or compensation, to be paid out of such money, or property, as may be under the control of the court in this suit.

In consideration whereof Your Complainant, being without remedy save in a Court of Equity where such matters are properly cognizable, prays that said Alice E. Vann, widow, in her own right and as administratrix of the estate of said Timothy A. Vann, deceased, William Leonard Vann, Mildred Ann Vann, Robert Lawler Vann, Lucy Chorfleet Vann and Alice Parker Vann, the three last-named being infants under the age of twenty-one years, may be made parties defendant to this Bill, and be required to answer the same, the adults in their own

proper persons and the infants by their guardian ad litem to be appointed to defend them in this suit, but answers under oath are hereby waived; that an account of the transactions of said administratrix as well as an account of the debts of said Timothy A. Vann, or his estate, according to their dignities and priorities, may be taken, stated and reported to Court; that an account of the real estate of which said Timothy A. Vann died seised and possessed, showing its fee-simple and annual value, and of his personal estate, may also be taken and reported to Court; that such personal estate of the said Timothy A. Vann, or the proceeds of the sale thereof, as may be in existence, may be applied to the satisfaction of said debts including the said debt due to your Complainant; that, in the event that there should be no such personal estate and no proceeds of the sale of any the said real estate, or so much thereof as may be necessary, may be sold and the proceeds thereof applied to the satisfaction of said debts, including the debt due to your Complainant as aforesaid; that such fee, or compensation, as may be reasonable, may be allowed and paid to your Complainant's Counsel

out of such money, or property, as may come under the control of the court in this suit: that proper process may issue and all proper orders and decrees may be made and inquiries directed: and that all such other and general relief may be granted your complainant as the nature of his case may require, or to equity shall seem proper.

And, as in duty bound, your complainant will ever pray etc.

John E. Vincent, executor and guardian of Irma M. Vincent, suing for the benefit of himself and all other creditors of Timothy A. Vann, deceased.
By Wilbur J. Kilby, his Counsel.

17 September 1904

Vincent etc.

vs. } In Chy.

Vann & als.

Complainant's
Bill

John E Vincent Executorial Gdr &c
vs } In Chancery
Alice E Vann & others

1904 Sept 17th Process issued returnable to September Rules Third Monday.

" " 19th Proces returned service by defendants.
Guardian ad litem appointed for infant defendants.
Bill filed and decree nisi

" Oct 3rd. Decree nisi confirmed and cause set for hearing

Chancery Notes

W J Kirby Esq

John E Vincent Votkins

Vs In Chancery

Alice E Vann &c

1905

July 10th

Final Decree.

Costs

Clerk	$5.88
Jay	1.50
Atty	15.00
Comr.	6.00
	18.38