

1907-002
Nonsemond Co (Suffolk) Chancery Causes: R.A Edwards, gdn vs Gracie G. McClenny, infant et al

Gay

Ro. A Edward, Guardian of Gracie G.
McBlenny nee Gay
v.

Gracie G. McBlenny nee Gay and R.
McBlenny, her husband, vs. Annie L. Mc-
Blenny & George J. McBlenny her husband.
Sum in Chancery to 1st March Rule, C. Ct.

1907

Pay \$1.50

W. L. Moore & Corbitt Pys

To J. U. Burges, Guardian ad litem for Gracie G. McCluney, Gracie G. Mc-
Cluney nee Ray, an infant and Robert McCluney her husband, Annie L. McCluney and
George J. McCluney her husband

Take notice that I shall, on the 30th day of March 1907 189

at Suffolk Va. in the Office of J. H. Simon & Co. Attorneys,
between the hours of 10 A. M. and 6 P. M., on that day, proceed to take the depositions

of _____ and others, to be read in evidence in my behalf,

in a certain Chancery Cause depending in the Circuit court for the
County of Hammond wherein you are defendants

and _____; and if, from any cause, the taking of the said depositions
be not commenced on that day, or, if commenced, be not concluded on that day, the taking of the same will
be adjourned and continued from day to day, or from time to time, at the same place and between the same
hours, until the same shall be completed.

Respectfully yours,

March 29. 1907.

R. A. Edwards, Guardian
of Gracie G. McCluney Infant.

He acknowledges due legal and sufficient service of
the within notice and that the same is reasonable -
March 29. 1907

Gracie Gay McCreary.

R. J. McCreary

Nannie L. McCreary.

George J. McCreary

J. H. Rogers for ad
attest for Gracie G.
McCreary -

Form No. 404.

NOTICE TO TAKE
DEPOSITIONS.

Not a McCreary, Nannie L. McCreary, Adm'd -
McCreary

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Gracie G. McClenny, nee Gay, and R. J. McClenny his husband, and Annie L. McClenny and George J. McClenny her husband,

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the *first* Monday in *March* 1907, to answer

a Bill in Chancery, exhibited against *her and others* in the said Court by *Ro. A. Edwards, guardian of Gracie G. McClenny, nee Gay*

and have then and there this summons.

Witness, *Robert R. Smith* A. P. COMER, Clerk of our said Court, at his office, this *2nd* day of

March, 1907, in the 12th year of the Commonwealth.

A copy—Teste :

Teste :

CLERK. }

CLERK.

R. R. Smith
A. P. Comer D.C.

We acknowledge due, and legal and sufficient service of the
within summons, March 2, 1907.

sign R. J. M. Robert J. McHenry
sign R. J. M. Gracie E. McHenry
sign R. J. M. R. J. McHenry
sign R. J. M. R. J. McHenry

McHenry Horbitt p. q.

Re. A Edwards Gdr

vs.

In Chancery.

Gracie E McHenry
Infant and others

1907

March Rules.

First Monday.

Nansemond Circuit Court

Process Book No. 3

Page 28

Ro. A. Edwards, Guardian of Gracie G.
McClenny nee Gay-----Plaintiff.

v.

Gracie G. McClenny nee Gay and Robert J.
McClenny, her husband, and Nannie L. McClenny
and George T. McClenny, her husband-----Defendants.

This day this cause came on to be heard upon the bill and exhibits, filed at rules, and J. U. Burges is duly assigned guardian ad litem to defend the interests of the infant Gracie G. McClenny in this cause, and thereupon the said guardian ad litem filed the answer of the said infant and his own answer under oath to the bill of the complainant, and the said infant, Gracie G. McClenny, over fourteen (14) years of age, filed her answer under oath to the said bill, to all of which answers the plaintiff replied generally, and the bill was taken for confessed as to the adult defendants, and was argued by counsel;

On consideration whereof the Court doth adjudge, order and decree that the papers int his cause be referred to one of the commissioners of this Court who is directed to enquire and report to Court, as follows:

1. All of the estate, real and personal, ~~of~~ the infant defendant, Gracie G. McClenny, is possessed of, or entitled to, where ~~xxxx~~ such estate is situated and what is its fee simple and annual value.

2. Whether the interest of the said infant defendant will be promoted by sale of the real-estate in bill mentioned, or any part thereof, and the investment of the proceeds of the sale in other property.

3. Whether the rights of any person will be violated by such sale and investment.

4. Who would be the heirs at law or distributees of the

said infant defendant if she were dead, and whether or not such persons are properly before the Court in this cause.

5. Whether or not the offer made by W. G. Saunders to purchase the property for \$3,400.00 is a good price for same, and whether or not it would be advisable to have the Court approve this offer and direct a sale in accordance therewith upon payment of the said amount.

All of which enquiries the said commissioner will make and report to Court along with any other matter not especially stated but deemed pertinent by himself, or required by any party to be so stated.

Ro. A. Edwards, Genl &c
v. 1st Decree
Grace G. McQuinn oaks.

1907 April
Enter

Ro. A. Edwards, Guardian of Gracie G.
McClenny nee Gay,-----Plaintiff,

v.

Gracie G. McClenny nee Gay and Robert J.
McClenny, her husband, and Nannie L. McClenny
and George T. McClenny, her husband,-----Defendants.

This day this cause, which is regularly matured at rules, came on to be heard upon the sworn bill of complainant filed at rules, and J. U. Burges was assigned Guardian Ad Litem at rules to defend the interests of the infant, Gracie G. McClenny, who thereupon filed his sworn answer as Guardian Ad Litem for the said infant, and the said infant being over 14 years of age also filed her separate answer in proper person, which was duly sworn to, to all of which the plaintiff replied generally upon the depositions of Gracie G. McClenny, Robert J. McClenny, C. H. Edwards, T. D. Matthews and John J. Whitley, duly taken, subscribed and sworn to in the presence of the Guardian Ad Litem, in pursuance of reasonable notice to all parties in interest, and was argued by counsel.

On consideration whereof, and it appearing from the evidence filed with the papers of the cause in support of complainant's bill, that it would be to the interest of the infant, defendant, Gracie G. McClenny, to accept the offer made by W. G. Saunders of Thirty-four Hundred Dollars (\$3400.00) for her undivided interest in the tract of land in the bill and proceedings mentioned, containing 225 acres, more or less, and known as the George M. Gay Place, and also a 15-acre tract adjoining, more particularly described in said proceedings of the cause. And it further appearing from the evidence and papers in the cause that the interests of no party would be injured by the said sale, and that all parties in interest are before the Court, the Court doth adjudge, order and decree that

the said offer of \$3400.00 for the property aforesaid be approved and accepted, and Robert J. McClenny, who is hereby appointed a Special Commissioner for the purpose, is directed, upon receipt of the purchase money of \$3400.00, to execute to the purchaser, W. G. Saunders, or such person as he may designate, a good and valid deed, with Special Warranty, for the said 225 acre tract of land , and 15-acre tract adjoining, and report to Court.

But before the said Special Commissioner shall proceed to act herein, he shall proceed to enter into bond before the Clerk of this Court, with security to be approved by said Clerk, in the penalty of \$4500.00, conditioned for the faithful performance of this or any future decree that may be entered herein.

Edwards. R. A. Edn
v.

Gracie G. M. Gurney infant
and also

1907 April
Eutro

Given under our hands and seals this 30th day of March,
1907.

by J. L. McConore, his atty.

Consent to
Masonic
Orders

The answer of Gracie G. McCumy ne Gay
an infant defendant over the age of fourteen years, to a bill
in equity exhibited against her and others in the Cir-
cuit Court of Nausemond County by R. A.
Edwards her guardian &c.

For answer to the said bill the said Gracie G.
McCumy ne Gay answers and says that although under
full age she believes she knows what are her
interest in the matters referred to in the bill; she be-
lieves the statements in said bill are true and that it will
be to her advantage to sell the land as therein prayed
for and invest the proceeds of sale in other property. And
now having fully answered, he prays hence to be dismissed, &c.

W. Mc. sign. Gracie Gay McCumy

VIRGINIA, County of Nausemond, to-wit:

This day personally appeared before me, the undersigned,
a A. W. Balling N. P. for the said county, Gracie
G. McCumy ne Gay, and made oath that
she believes the several statements made in the foregoing
answer to be true.

Given under my hand this 19 day of March 1904
1904.

A. W. Balling Notary Public

Sign before Justice or Notary Public

Ro A Edwards, Gen

✓ 3 Bussors of
Infant. O

McCurry Infant oals

[Signature]

In the Circuit Court of Nausemon County, Virginia.

Ro. A. Edward, Guardian of
Grace G. McCumey, Infant
v.
Grace G. McCumey ne Gay, Rf.
McCumey her husband, James L. McCumey, Decd.
J. McCumey her husband

The answer of J. M. Burgess, guar-
dian ad litem to the infant defendants Grace G. Mc-
Cumey ne Gay
and the answer of the said infant defendants by ~~their~~ guar-
dian ad litem J. M. Burgess, to the bill
in equity exhibited against ~~them~~ and others in the Circuit
Court of Nausemon County, by Ro. A. Edward,
Guardian &c.

For answer to the said bill the said infant defendants
by ~~their~~ said guardian ad litem J. M. Burgess,
answers and says, that being of tender years ~~she~~ do not know
what ~~there~~ true interests are in relation to the subject mat-
ter of the said bill, nor do ~~she~~ know whether the statements
therein contained are true or not: ~~She~~ confides the protection
of ~~their~~ interests to the care of the court. And the said
guardian ad litem J. M. Burgess, to the
said infant defendants, for answer to the said bill, answers
and says, that he knows nothing as to the truth or falsity
of the statements in the bill contained. And now having ful-
ly answered the said bill, they pray that no order or decree
may be made in this cause inconsistent with their interests
and rights.

J. M. Burgess
Guardian ad litem to the infant defendants Grace G. Mc-
Cumey ne Gay, and the infant
defendants by J. M. Burgess, their guardian ad
litem.

VIRGINIA, Nansemond COUNTY, To-wit:

This day personally appeared before me, the undersigned,
a Notary Public for the State and County
aforesaid, W. Burgess, guardian ad li-
tem of Gracie G. McHenry nee Gay
_____, and made oath that he believes
the several statements made in the foregoing answer to be true.

Given under my hand this 18th day of March, 1905

J. W. Leays
Notary Public

Ro. A. Edwards Esq
v. 3 Answer of J. M. B.
Geo. Gordon & Co. Ltd.
McCurry & Co.

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

Humbly complaining sheweth unto your Honor your complainant, Ro. A. Edwards, Guardian of Gracie G. McClenny, formerly Gracie Gay, infant child of George Gay, deceased, that he is the duly appointed and qualified guardian of said infant; that the said infant, who has within the past few months intermarried with one Robert J. McClenny, is the owner in fee simple of a certain undivided one-half interest in a tract of land lying on the border line between the counties of Isle of Wight and Nansemond, and partially in each of said counties, said land being known as the George Gay Place, and bounded on the North by the lands of L. W. Brown, on the East by the County Road leading from Everetts to Exit, on the South by the lands of M. I. Saunders, on the West by the County Road leading from Isle of Wight Court House and Exit, containing two hundred and twenty-five (225) acres, more or less. She is also seized of a small parcel of land adjoining the property above herein described supposed to contain about 15 acres, known as the _____ Place.

That this is all the real property owned by the said infant, and that her personal property amounts to scarcely nothing, being not more in value than \$400-_____.

Your complainant has an offer made by W. G. Saunders for the entire interest of his ward in the real estate, same being one-half in the original farm, and all of the 15 acres at \$3,400.00, which he thinks is an exceptionably good price for the property, and believes that the interest of his ward will be accordingly promoted by a sale of the real estate above described at the price aforesaid, and the investment of

W. G. Saunders
James

the proceeds in other property, as provided by the statute of Virginia.

Your complainant is forced to these conclusions because of the fact that the property at this time providing a revenue, is owned jointly by his ward and W. G. Saunders, a condition which prevents the improvement of same, and the revenue being derived therefrom is quite small when the expenses have been taken off. The buildings are in bad repair, and your orator believes it would be difficult to sell for the price offered if this opportunity is allowed to escape. The land is so located as to render it difficult to partition same in kind, being doubtful that this could be done without material injury to the property.

Your ^{complainant} petitioner believes that the rights of no person will be injured by such sale and the re-investment of funds.

If the said infant were dead Nannie L. McClenny, the sister of said infant, would be her sole heir, for while she has half brothers and sisters on the mothers side the real-estate *is* derived by decent from her father, who left surviving him only two children, namely, Gracie G. and Nannie L. Gay, both of whom are married, one married Robert J. McClenny and the other George T. McClenny.

In tender consideration whereof for as much as your complainant is remediless in the premises save by the aid of a Court of Equity wherein such matters are cognizable and relievable, your complainant prays that the said Gracie G. McClenny, infant under the age of 21 years, and Robert J. McClenny, Nannie L. McClenny and George T. McClenny may be made parties defendats to this bill, and required to answer the same, ~~the infant by her guardian ad litem to be assigned her, and also in proper person and under oath, the adults in proper person, though not under oath, which is hereby waived;~~ that a guardian may be assigned the said infant to defend her

interest in said suit, and who may also be required to answer the said bill under oath; that the said land may be decreed to be sold to the said W. G. Saunders, if he shall pay therefor the sum of \$3,400.00, as set forth in your petitioners bills, and if not that it be sold in such manner as this Court may order, and the proceeds invested accordingly; and that all proper enquiries may be directed, accounts taken, allowance for counsel fees for complainant's counsel made and all proper accounts taken, enquiries directed and such other and further and general relief may be granted as to equity and good conscience may seem meet and proper.

And your complainant will ever pray, etc.

W. G. Saunders

Ro. A. Edwards

Guardian of Gracie G. McClenny.

STATE OF VIRGINIA,

To-wit:

COUNTY OF ISLE OF WIGHT.

I, *Est. Williams*, a Commissioner in Chancery for the *Isle of Wight* Court in and for the County aforesaid, in the State of Virginia, do certify that Ro. A. Edwards, complainant in the above suit, personally came before me in my County aforesaid, and made oath that he believes the several statements made in the foregoing bill to be true.

Given under my hand this 23rd day of March, 1907.

My commission expires _____.

Est. Williams
Commissioner in Chancery

Edwards R. A. G.
w $\frac{3}{3}$ Bill Ex
McGarry Infant vals.

McIsaac & Co. Att. p. p.

M Lemore Horbut p. 9
R A Edwards Gdr &c
J. J. Chancery
Gracie G M. Clemmy
Inst and others.

1907
March
Dismissed at
Rules